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RFK NATIONAL
RESOURCE CENTER
FOR JUVENILE JUSTICE

DIVERSION AND ALTERNATIVES REFORM TEAM GUIDEBOOK

A Guide for Youth Justice System Stakeholders
to Review and Reform Diversionary and
Alternative Accountability Policies and Practices

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INTRODUCTION

The Robert F. Kennedy National Resource Center for Juvenile Justice (RFK National Resource Center) is excited to present this new and updated version of the **Diversion and Alternatives Reform Team (DART) Guidebook** (formerly known as the Alternative Response Initiative (ARI) Workbook). This new version retains the successful five step approach captured in our original ARI publication and builds upon jurisdictional experiences that have informed our site-based partnerships since 2019. We have added multiple new examples and testimonials from your committed youth justice professional colleagues across the United States to highlight the opportunities and successes your jurisdiction can realize when developing collaborative diversion practices that include a comprehensive set of alternative responses to formal prosecution. As always with our youth justice transformation approach, the DART Guidebook balances accountability, victim rights, positive behavior change, and community safety. We believe the guidance, research and evidence, examples, and testimonials presented in the DART Guidebook will enhance your opportunities to realize success on behalf of the youth, families, and community you serve.

BACKGROUND

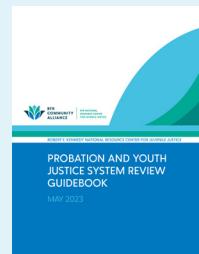
The goals, practices, policies, outcomes, and operations of the youth justice system and its affiliated youth-serving partners should be appropriately informed by the growing body of research and knowledge about adolescent development. The research that was effectively synthesized by the National Research Council publication¹ recognized that adolescents differ from adults in three important ways:

- Adolescents are less able to regulate their own behavior in emotionally charged contexts.
- Adolescents are more sensitive to external influences such as the presence of peers and the immediacy of rewards.
- Adolescents are less able to make informed decisions that require consideration of the long term.

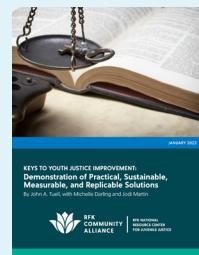
These adolescent characteristics provide the foundation for the adoption and implementation of developmentally informed practices, policies, and procedures that have proven effective in achieving the primary responsibilities of the youth

¹ National Research Council. (2013). *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685>

OTHER USEFUL RESOURCES BY THE ROBERT F. KENNEDY NATIONAL RESOURCE CENTER FOR JUVENILE JUSTICE



Probation and Youth Justice System Review Guidebook



Keys to Youth Justice System Improvement: Demonstration of Practical, Sustainable, Measurable, and Replicable Solutions



Developmental Reform in Juvenile Justice: Translating the Science of Adolescent Development to Sustainable Best Practice



Dual Status Youth - Technical Assistance Workbook

Our publications and tools are made available on our website to support jurisdictions undertaking reform, with or without technical assistance. Our Online Resource Library is designed to provide a user friendly experience for accessing our practical and informative resources, as well as presentations and materials from our event

To access all of the RFK National Resource Center's publications and tools, please visit: www.rfknrcjj.org/resources

justice system, which include accountability, prevention of reoffending, and fair and equitable treatment.²

It is important to acknowledge that at one time or another, almost all adolescents engage in risky behaviors, act without thinking, and make bad decisions more often than they will as adults; thus, many may engage in what would be judged as illegal behavior.³ Most youth are not apprehended every time they do so, but arrest is a common experience among adolescents, especially for youth of color in urban areas. Yet only a small percent of those youth will ever be arrested for a second delinquent act, or will become repeat offenders in adulthood.⁴ In other words, for the majority of youth who are arrested, their first delinquency is not a sign of a future delinquency problem and for most youth the period of risky experimentation does not extend beyond adolescence, ceasing as identity settles with maturity.

In fact, research confirms that aggression and delinquent behavior is near normative behavior as evidenced by the fact that 8 in 10 males will have police contact in their life while only 1 in 10 will have an arrest for a violent offense. Further, self-reports by juvenile males in the general population reflect that 1 in 4 boys between the ages of 15–16 report they have committed a serious violent act in the previous year.⁵ Although committing delinquent acts is a fairly normal behavior for adolescent males, it becomes important to separate the low risk of reoffending youth from those who will become chronic/life offenders — particularly in view of the research that reflects formal involvement may actually increase the likelihood to reoffend. Fortunately, with the maturation of research over the past twenty years that has validated the ability of risk-screening instruments to predict the risk to reoffend, effective application of these instruments provides a systematic opportunity to identify youth that are appropriate for diversion and alternatives to formal prosecution. This approach within our youth justice system and communities is a critical strategy for the effective allocation of service and workforce resources.

The concept and practice of diversion from formal involvement in the youth justice system is certainly not new. The birth of the youth justice system as conceived in the late

19th century provided for a rehabilitation-based response to youths' illegal behaviors. While the initial "diversion" was actually from criminal processing within the adult criminal justice system, the original juvenile courts involved special rehabilitation programs, clinical services, and educational guidance — familiar focus areas to this current day.

The United States Supreme Court decisions⁶ in the 1960's brought attention to the failures of the youth justice system since its birth; and also brought considerable new attention to the opportunities for diversion from that same failed youth justice system going forward.⁷ As a direct result, the 1967 President's Commission on Law Enforcement and Administration of Justice marked the beginning of a wave of diversion reform.⁸ The crux of the Commission's recommendations encouraged that diversion responses to formal involvement within the youth justice system be developed, restricting juvenile court jurisdiction "to those cases of manifest danger."⁹ A review of the considerable body of literature on alternatives for formal processing of juvenile referrals over the past 40 years finds five primary themes identified by communities explaining why such approaches were developed. These include:

- 1) reducing recidivism
- 2) providing treatment and intervention services
- 3) avoiding labeling effects
- 4) reducing system costs and
- 5) reducing unnecessary social control¹⁰

Once again, it is arguable these themes remain current and operational in the philosophies and practices in many state and local jurisdictions. In the past decade, there has also been resurgence in the research on diversionary programs and approaches. The most current research (examining seven studies on the impact of diversion from formal prosecution) reflects that youth who were formally adjudicated had higher recidivism rates than youth who were assigned to diversion programs, even when various differences in the groups in case characteristics were controlled. In addition, youth who were diverted to services in the community had a lower reoffending rate than adjudicated youth, whereas youth who were diverted without services (e.g., simply reprimanded and

6 In re Gault, 387 U.S. 1, 1967; Kent vs United States, 383 U.S. 541, 1966.

7 Bullington, B., Sprowls, J., Katkin, D., & Phillips, M. (1978). A Critique of Diversionary Juvenile Justice. *Crime and Delinquency*, 24, 59–71.

8 President's Commission on Law Enforcement and Administration of Justice. (1967). *Task force report: Juvenile delinquency and youth crime*. Washington, DC: Government Printing Office.

9 Blomberg, T. (1983). Diversion's Disparate Results and Unresolved Questions: An Integrative Evaluation Perspective. *Journal of Research in Crime and Delinquency*, 20, 24–38.

10 Models for Change Juvenile Diversion Workgroup. (2011). *Juvenile Diversion Guidebook*. Chicago: John D. and Catherine T. MacArthur Foundation.

dismissed) were not much different from non-diverted youth in reoffending rates¹¹

The *Models for Change Juvenile Diversion Working Group*¹² considered it important to include a statutory review from all fifty states in their *Juvenile Diversion Guidebook*. The compilation, found in the *Juvenile Diversion Guidebook* as Appendix A, reflects that the majority of states have statutes governing or referring to an alternative to formal court processing that acknowledge legal support for diversion practices in the youth justice system. The codified laws also provide a framework for diversion and alternatives to formal processing by articulating consistent guidelines for purpose, eligibility criteria, duration, conditions, services, confidentiality provisions, or any other element that would benefit from support and consistent implementation.¹³

As the RFK National Resource Center has learned from our technical assistance partnerships across the country, there are myriad terms applied to the alternatives to formal court processing. These include:

- ❖ diversion
- ❖ informal processing
- ❖ informal adjustment
- ❖ informal supervision
- ❖ informal hearing
- ❖ probation adjustment
- ❖ probation before adjudication
- ❖ deferred prosecution
- ❖ deferral of delinquency proceeding
- ❖ civil citation
- ❖ consent decree
- ❖ formal accountability agreement

The following factors should be carefully considered as they provide compelling support for alternatives to formal prosecution and/or involvement in the youth justice system:

- ❖ historical commitment to the principle and philosophy of diversionary practices
- ❖ science of adolescent development
- ❖ codified framework
- ❖ evidence reflecting overrepresentation of minority youth in the formal youth justice system
- ❖ emergence of validated instruments that are predictive of risk to reoffend
- ❖ formal involvement for low-risk youth often heightens the likelihood for reoffending
- ❖ research confirming effective diversion and alternatives to formal prosecution (human and fiscal)
- ❖ improved allocation of workforce and treatment resources for higher risk youth

Despite the fact that these practices and outcomes create a strong case for considering the use of diversion and a range of evidence supported alternatives, far too many state and local jurisdictions fall short of developing and implementing a comprehensive approach to diversionary practices that includes a full range of effective and cost-efficient service interventions and programs. It is our frequent experience that diversion is a single program or two that focuses too heavily on a random number of community services hours unrelated to the offense or connected to principles of restorative justice that adequately considers the victim(s). It is also our experience that diversion is frequently contingent on payment of restitution costs that are implausible for the socioeconomically challenged youth and family, resulting in the inevitable formal prosecution for the offending youth. Further, it is too often the practice that prosecutorial and defense counsel agreements are assigning these conditions based solely on the offense type and without sufficient relevant background information about the youth and his/her family's circumstances that can inform a successful intervention and outcome for the youth, victim, and community.

From another perspective, overuse of formal prosecution increases risks for reoffending, too often creating obstacles to future success for youth, and wastes valuable workforce and treatment resources. These practices result in missed opportunities to create specialized systems of graduated responses outside of the juvenile court that focus on behavior change and cognitive skill building that have proven to more

11 Petrosino, A., Turpin-Petrosino, C., & Guckenburg, S. (2010). Formal System Processing of Juveniles: Effects on Delinquency. *Campbell Systematic Review*, 1, 1-88; **Note:** More of the studies used random assignment to diversion or non-diversion, limited themselves to non-adjudicated youth, and included better descriptions of specific conditions of diversion.

12 The *Juvenile Diversion Workgroup* was established through the *Models for Change* initiative, funded by the John D. and Catherine T. MacArthur Foundation, to support the implementation and operation of successful diversion programs. The *Juvenile Diversion Workgroup* included experts from the Center for Juvenile Justice Reform, National Center for Mental Health and Juvenile Justice, National Juvenile Defender Center, National Youth Screening Assessment Project, and Robert F. Kennedy Children's Action Corps and led to the publication of the *Juvenile Diversion Guidebook* in 2011. To learn more, visit: <http://www.modelsforchange.net/publications/301>. Frequent reliance on the content within the *Juvenile Diversion Guidebook*, as well as the experiences of the RFK National Resource Center has supported the construction of the technical assistance framework contained within this Diversion and Alternatives Reform Initiative Guidebook.

13 Ibid.

effectively ameliorate future risks for reoffending. Specifically, law enforcement, schools (school resource officers), child welfare/child protection agencies, and community resource centers are significant referral sources that could benefit from intentional partnerships with juvenile courts to explore the development of policies and procedures that routinize intervention and accountability programs for low risk youth outside of formal prosecution. The quantitative data also frequently reflect these sources of referrals often exacerbate the over-representation of youth of color in the youth justice system.

Yet another aspect of the focus on diversion policies, programs, and alternatives to formal prosecution that are often insufficiently emphasized in practice involves commitment to the concepts related to positive youth development (PYD). This approach "erodes the deficit based approach that dominates many of our youth justice and probation system paradigms for case management and acknowledges that youth are capable of stabilizing

maladaptive behaviors if they can be attached to a variety of social resources that facilitate healthy development."¹⁴ In the past decade, concentrating on PYD goals has provided the youth justice system with a compelling framework for service delivery, especially in cases involving younger juveniles and those charged with less serious crimes. The PYD essentially asserts that reducing offending means not simply restricting opportunities to offend but expanding opportunities to grow. The practices associated with an effective PYD approach support development of more mature patterns of thinking, reasoning, and decision-making.¹⁵ During this period of adolescence, youth are highly susceptible to the acquisition of the kinds of skills and relationships they will draw on to meet the demands of adult life and these approaches can

¹⁴ Tuell, J.A., Martin, J. and Lewis, S. (2023). *Probation and Youth Justice System Review Guidebook*. Robert F. Kennedy National Resource Center for Juvenile Justice.

¹⁵ Schubert, C.A., & Mulvey, E.P. (2014). *Issue Brief: Programs that Promote Positive Development Can Help Young Offenders Grow Up and Out of Crime*. Chicago: John D. and Catherine T. MacArthur Foundation.
<http://www.modelsforchange.net/publications/695>

THE SENTENCING PROJECT AND RFK NATIONAL RESOURCE CENTER CORE PRINCIPLES

"Diverting youth from juvenile court involvement should be a central focus in efforts to reduce racial and ethnic disparities and improve outcomes in our nation's youth justice systems.

Clear evidence shows that getting arrested in adolescence or having a delinquency case filed in juvenile court damages young people's futures and increases their subsequent involvement in the justice system. Compared with youth who are diverted, youth who are arrested and formally petitioned in court have far higher likelihood of subsequent arrests and school failure. Pre-arrest and pre-court diversion can avert these bad outcomes.

Research shows that Black youth are far more likely to be arrested than their white peers and far less likely to be diverted from court following arrest. Other youth of color – including Latinx youth, Tribal youth, and Asian/Pacific Islander youth – are also less likely than their white peers to be diverted. The lack of diversion opportunities for youth of color is pivotal, because greater likelihood of formal processing in court means that youth of color accumulate longer court histories, leading to harsher consequences for any subsequent arrest.

Expanding diversion opportunities for youth of color therefore represents a crucial, untapped opportunity to address continuing disproportionality in juvenile justice."

Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice.

Richard A Mendel, Senior Research Fellow,
Youth Justice at The Sentencing Project

August 2022

The RFK National Resource Center supports this critical research-driven and data informed commitment to diversion and alternatives to formal prosecution and recognizes among its five core principles the opportunities these practices provide for "right-sizing" the youth justice system and a fair and just impact on youth of color:

- 1) Use ***validated risk and needs assessments*** to guide diversion, supervision, service, and resource allocation decisions, to include routine screening for active trauma symptoms
- 2) Implement ***evidence-based and promising programs and services*** that are proven to reduce recidivism and improve a variety of other youth outcomes, and evaluate the results of these services through effective data collection and analysis
- 3) Embrace a ***cross-system and collaborative approach*** to address the youth's needs
- 4) Examine data on race/ethnicity, paying special attention to the arrest and detention stages at the front end of the system, and take steps to use data to develop consistent policies and practices that seek to ***reduce racial and ethnic disparities***, and
- 5) Use operational tenets of ***implementation science and change management*** to develop an organizational infrastructure with capacity to drive, train, coach and mentor system change to ensure sustainability

easily be applied within the portfolio of diversionary programs and alternative accountability mechanisms that rely on effective community-based interventions.

It is important to note that these perspectives do not serve as an indictment of your juvenile court and youth justice system. Rather, it is a perspective that encourages each individual state and local jurisdiction to re-examine whether one is fully utilizing the diversionary practices as a complement to the formal interventions and case management practices within its youth justice system. The question is whether there is a **comprehensive system of diversion and effective alternative responses** that are collaboratively designed by all relevant youth justice and community stakeholders that is accountable to established collective goals, objectives and outcomes in accordance with the research and evidence-based approaches. Further, there is not a scintilla of evidence that suggests these approaches diminish assignment of accountability for youth behavior. Rather, the encouragement is for a re-examination as to whether each individualized diversion policy and practice effectively addresses accountability, victim rights and concerns, and includes direction to or involvement with an appropriate service that may ameliorate the risk for future reoffending.

A CALL FOR INNOVATIVE ACTION

These research findings and historical legal perspective create a solid foundation for building and implementing a comprehensive and multi-disciplinary set of policies and practices for diversion and alternatives to formal processing of delinquent referrals within our state and local youth justice systems nationwide. These approaches and responses must be built while remaining committed to effectively holding youth accountable, ensuring that scarce resources within the formal youth justice system are used efficiently, reducing the development of future delinquent behavior by targeting effective community interventions, and diverting low risk youth from the consequences of negative system involvement.

You will note throughout the DART Guidebook that we emphasize the “system” aspect of the assessment and its methodologies. It has been our experience that reforms and improvements in alternatives to formal prosecution and diversion programming cannot be realized without the examination of relationships and coordination with key youth justice system partners (e.g., prosecuting attorneys, law enforcement, school administrators, public defenders, judges and community partners). Therefore, our articulated approach

requires jurisdictional partners to assemble the multi-disciplinary team of stakeholders that can direct, lead, inform, and support the assessment process and methodologies.

As we present the framework for innovation and action within the Guidebook for your use — either independently or in partnership with external technical assistance — it is our belief that you will realize positive opportunities for enhanced practice within your youth justice system and among your youth-serving partners that result in improved opportunities for the development of effective, evidence-based alternatives to formal processing of youth. Most importantly, it is with firm conviction that we believe you will realize improved outcomes for the youth; improved use of restorative justice principles that attend to victim interests, and enhanced protection of the citizens in the communities you serve through your comprehensive array of effective diversion programming. The belief is well-founded due to the extraordinary number of positive examples of alternative accountability programs

Jefferson Parish, Louisiana PRETRIAL JUVENILE DIVERSION PROGRAM

In 2013, the Jefferson Parish District Attorney's Pretrial Juvenile Diversion Program began to collaborate with the Department of Juvenile Services to expand the use of pretrial diversion to reduce matriculation into the formal post-adjudication system. Several key elements positively impacted this enhanced approach to alternative responses to formal prosecution and included the use of previously unavailable evidence-based practices and a commitment to restorative practices. In 2014, eligibility for evidence-based treatment services was also expanded to include higher-risk youths involved with informal programming, such as pre-trial diversion and the status offender program. Restorative practice efforts have included direct advocacy and partnership with the local school system; membership in several committees with the Children and Youth Planning Board; collaboration with the National Center for Youth Opportunity and Justice (NCYOJ, formerly NCMJJ) and revisions to client admission policies to allow for greater access to diversion for youth that have had prior system contact. The impact of this transformative process has expanded the Pretrial Juvenile Diversion Program, which currently receives a wider variety of youth with charges ranging from misdemeanors to low-level felonies. Referrals to the Diversion Program are coordinated through the District Attorney's Office following an arrest; in the most recent three year period the District Attorney's Office diverted 47% of school arrests. For more history, background and positive outcome results, please see Appendix B.

within law enforcement agencies, school-court partnerships, dual status youth (child welfare-juvenile court) initiatives, and restorative justice practices that dot the map across the United States. These approaches, highlighted throughout this DART Guidebook, contribute to successful outcomes and improvement of public safety where they are implemented consistently and effectively. Given the existence of credible research, evidence-based successful practices and approaches, and the number of positive public safety and youth outcomes our youth justice systems and courts “leave on the table,” it is our belief that we can and must do more to develop a comprehensive system of diversionary practices to formal youth justice system involvement.

USING THE DIVERSION AND ALTERNATIVES REFORM TEAM GUIDEBOOK

It is this premise that led the RFK National Resource Center to develop the DART Guidebook. Throughout our extensive history in the field, we have developed seminal planning resources and implementation frameworks to support probation system reform and dual status youth initiatives throughout the country and abroad. The guidance detailed in the DART Guidebook is designed to support state and local jurisdictions' efforts to create, enhance and/or expand their system of diversion programs and alternatives.

It is important to emphasize that the longstanding technical assistance and consultation approach of the RFK National Resource Center is carefully designed to avoid prescriptive and inflexible measures assigned to state and local jurisdictions. No rigid course or model for change is endorsed. Rather, the technical assistance approach provides ideas, resources, tools, guidance, and provocation for innovation that can add value to efforts that bring about long-term, sustainable enhancements and improvements to diversionary practices within a comprehensive system of alternative responses to youth offending. The guidance is based on research, evidence-based practices and programs, and the invaluable experiences of multiple jurisdictions of all sizes, regions, and demographics. Our unending commitment and goal is to support your state and local jurisdiction in determining how you might institutionalize policies, practices and approaches that lead to improved youth outcomes and enhanced public safety. The ultimate expectation is that a state or local jurisdiction will use the process described in the Guidebook to discover what is most useful and effective given its particular contextual and environmental factors.

The DART Guidebook presents a detailed set of tasks, activities, and timelines that adhere to the principles of effective technical assistance previously noted. It emphasizes the critical importance of developing a set of multi-disciplinary stakeholders with the shared vision and authority to lead, direct, and implement policy and practice reforms. Some jurisdictions may choose to independently use the frame of tasks and actions presented in the Guidebook. Any and all positive efforts to undertake collaborative work to improve the array of effective diversion practices and alternatives to formal prosecution are applauded, and the RFK National Resource Center stands ready to support those efforts in whatever manner may be desired by that jurisdiction. However, the complexity of this work frequently requires an intense dosage of technical assistance, involving both on-site and off-site activities. By providing a neutral convener and skilled facilitator, the RFK National Resource Center technical assistance approach has improved the likelihood that challenging cross-system issues and obstacles will be overcome and positive youth outcomes realized. It has also permitted readily available access to peer connections in other jurisdictions that have successfully navigated through barriers to a positive solution.

The DART technical assistance approach detailed in this guidebook embraces:

- ❖ a pre-work period of preparation and formation of a leadership team
- ❖ completion of an assessment and analytic process
- ❖ formation of a detailed action strategy, and
- ❖ an implementation infrastructure and timeline that supports long term sustainability and consistent measurement of progress and impact

This work through the steps of activity is forecast to span a 6-8 month period of time. To carry out this approach, four on-site visits are conducted using a team of two expert consultants to facilitate activities and methodologies. Technical assistance is also provided off-site in the form of conference calls, distance learning, individual issue examination and instruction, connection to professional peer mentors, exchange of research and program information, and other analytical methodologies as needed. Numerous tools, resources, and examples developed by the RFK National Resource Center are provided along with the matched experiences of other jurisdictions to support and augment the efforts of participant jurisdictions. The recommended site visit schedule has been intentionally designed to use stakeholder time as efficiently as possible while also providing meaningful time between visits for contemplation of the issues and

Hampden County, Massachusetts

DUALLY-INVOLVED YOUTH CASE CONFERENCE INTERVENTION

In 2011, there was a total of 822 dually-involved youth (DIY is defined as a youth involved with Department of Children and Youth [DCF] for any open matter and who is arraigned on a new offense or violation of probation) in Hampden County, Massachusetts. In 2012, the Massachusetts Department of Youth Services (DYS) partnered with the Robert F. Kennedy Children's Action Corps to create enhanced systemic practices and outcomes for dually-involved youth in Hampden County.

Hampden County formed a collaboration of multi-discipline agency representatives (including the Presiding Judge, Regional and Placement Manager for DCF, Regional and Operations Manager for DYS, Chief Probation Officer, Chief Juvenile Prosecutor, Public Defender, Public Defender Child Welfare, Clinical Director of the Court Clinic, and Clerk Magistrate) and created a multidisciplinary team process called the Case Conference Intervention (CCI). The goals of the Case Conference intervention include routine early identification of the DIY population, utilization of diversionary practices for DIY youth, development of positive supports for the youth, engagement of the family, involvement of a dedicated team of trauma trained professionals to provide for improved screening, assessment and treatment. In 2012, prior to the start of the CCI, data collection began on the comparison group. In 2013, the CCI was initiated in the Springfield and Holyoke juvenile court sessions. Within the first year of the CCI, Hampden County also introduced a special judicial session, and a designated prosecutor, case manager and professional family advocate for each DIY youth. The full scope of the Case Conference intervention began on April 1, 2014.

In May of 2018, program evaluators from American International College's Graduate Psychology Department in Springfield, MA conducted an evaluation of this early intervention, pre-adjudication alternative response to formal prosecution initiative. The evaluation compared 409 youth who had participated in the CCI to 400 youth (comparison group) who did not participate in the Case Conference intervention. The evaluation indicated:

- ❖ More than 85% of DIY were diverted from formal prosecution
- ❖ Non-CCI youth were twice as likely to be detained at 6 months and 1 year
- ❖ Non-CCI youth were twice as likely to have a new violation of probation within 1 year
- ❖ Non-CCI youth were more than twice as likely to be arraigned for a new crime within 6 months and 1 ½ times as likely to be arraigned for a new crime at 1 year
- ❖ Over the four year period, commitments to the secure DYS correctional placement had been reduced by more than 80%
- ❖ DIY youth had lower rates of out of home placements (for those who did not participate in the CCI, their likelihood of placement was 2 ½ times greater than CCI youth)
- ❖ Increases were made in school attendance for CCI youth

potential next steps. A two day time period is recommended for the tasks and activities covered during each of the on-site technical assistance visits.

The DART technical assistance process is divided into five steps, which are briefly outlined below, and includes the primary activities that take place in each step. These activities are described in significant detail in the next section of the Guidebook and offer clarity for roles and expectations of the leadership and subject matter experts that will inform the technical assistance process:

Step 1: Preparation and Mobilization

Step 2: Introduction and Analysis

Step 3: Ongoing Analysis and Findings

Step 4: Action Planning

Step 5: Implementation

In the event a jurisdiction is working with the RFK National Resource Center consultants, the Guidebook identifies the

specific consultative activities that will occur during each step of the process. This brings into clear focus the workforce expectations and the exact nature of the working relationship between the jurisdiction and the technical assistance consultants.

UNDERSTANDING METHODOLOGIES AND CHALLENGES

Methodologies

A critical part of the DART technical assistance process is deciding which methodologies will be most effective at identifying critical diversionary policies and practices that are in need of improvement or those which solidly align with current best practice. The identification of which methodologies to use should be accomplished by the individuals charged with organizing and carrying out the review in tandem with the leadership of the DART.

Careful consideration of the chosen activities by these persons not only assures access to the people or documents needed for the particular activities, but also encourages ideas about the best way to conduct each selected analytical methodology. The DART recommends six primary methodologies, all of which have been used in multiple jurisdictions within our other successful technical assistance partnerships. These methodologies support the phases of activity for the DART technical assistance process detailed in this guidebook and have been integral to developing innovative approaches and successful action strategies for system enhancement and improved youth outcomes.

1. Development of a Diversion and Alternatives Reform Team

The creation of a DART is the immediate first step in the process. The team is integral to the successful administration and completion of the analysis and the importance of its role cannot be overstated. The collective function of the DART is to provide oversight and guidance on the scope of issues examined in the assessment, identify desired outcomes and goals, discuss and refine areas requiring deeper analysis, and collaboratively respond to the findings.

The DART will convene at every site visit and will typically participate in routine conference calls and ongoing electronic communications with the outside consultants between on-site technical assistance visits. The DART should meet to discuss and collaboratively plan the agenda for the scheduled on-site visits. The DART should also plan specific review activities, analyze data on diversionary services and programs, receive and discuss findings and action steps from the analysis performed within each phase of the DART technical assistance process, and discuss and consider ideas for improvements based on those findings. In order for the review and implementation of the recommendations to be most successful, the following parties are strongly encouraged to be members of the DART:

- ❖ Administrator for Court Services
- ❖ Director of Intake
- ❖ Director / Chief Probation Officer
- ❖ Presiding Juvenile Court Judge
- ❖ Prosecutor
- ❖ Defense Counsel
- ❖ Law Enforcement
- ❖ Diversion Program Coordinator
- ❖ School Administrator(s)

These entities represent the ideal minimum members of the DART. However, each jurisdiction should thoughtfully consider who else should be on the team and identify all of the major partner affiliates that influence the key

Fairfax County, Virginia

ALTERNATIVE ACCOUNTABILITY PROGRAM

Fairfax County, Virginia, a suburban jurisdiction outside of the Washington, D.C. metropolitan area, has the nation's 10th largest public school district, educating nearly 200,000 ethnically and culturally diverse students. In recent years, Fairfax County agencies have partnered with the non-profit Northern Virginia Mediation Service (NVMS) to create a cutting-edge model for restorative justice, the Alternative Accountability Program (AAP). The AAP integrates the County's police department, juvenile court, public schools and community service agencies and draws on a restorative justice model developed by NVMS in 2007. Referrals to the AAP are generated by police officers from first-time misdemeanor and select felony charges among youth ages 10 to 17 and prior to a referral to the Fairfax County Juvenile and Domestic Relations Court. AAP uses a two-phase restorative justice process, comprised of individual pre-conferences for the main participants and a joint conference in the round for all participants, typically lasting about 90 minutes. Collaborative agreements reached by the participants vary widely and could include any myriad terms, alone or in combination: restitution, community service, apology letters to affected parties, and promises by the youth to abstain from offending behavior or undertake positive behavior (<https://nvms.us/restorative-justice/>).

What makes the AAP unique is its overall organizing framework, a carefully assembled public-private partnership: four county agencies coupled with the nonprofit NVMS serving as its organizational hub. The program has produced impressive results: increased interagency cooperation and collaboration, positive service outcomes, low recidivism rates, and high levels of satisfaction by youth participants, parents, affected community members, and stakeholders. The most recent recidivism rate reflected that only 13% of youth who completed the AAP had re-offended within one year.

In 2017, AAP expanded from its pilot stage which included 200 schools and three police districts to all eight of the Fairfax County police districts and the Fairfax City police. The AAP works because it is a truly integrative model with a premium on collaboration. The partnering agencies fully support the Program's mission; and they commit time and resources to ensure its success in helping youth correct their course while repairing harm in affected communities.

decision points in a youth's referral and processing through the initial decision points in the delinquency system.

2. Document Review

An important methodology used to review the mission, vision, strategies, policies, and procedures of the court service unit, intake department, and prosecutor's office is a document review. It is particularly useful to direct significant attention to an analysis of the operating procedures manual and to any memorialized compilation of policies since these core documents should be guiding the referral and case processing work on a day-to-day basis.

Specific attention will also be given to whether the documents reflect a focus on youth and their unique developmental needs as supported by current research. It is not uncommon to find that these procedural manuals have not been updated to reflect an understanding of the key tenets of adolescent development and the corresponding policies that translate the science and research into practice. In addition, other written materials such as the following will be reviewed as needed:

- ❖ Annual report
- ❖ Statistical reports detailing prevalence, case characteristics, and outcomes
- ❖ Diversionary Forms and Orders
- ❖ Information sharing agreements
- ❖ Authorization/Consent for release of information
- ❖ Memoranda of understanding with stakeholder agencies (schools, behavioral health providers, etc.)
- ❖ Service contracts
- ❖ Strategic plans

The examination of these documents will help determine how well they support and reflect best practices for diversion and alternative practices and whether there are opportunities to improve upon or add to the guiding documents.

3. Key Stakeholder Interviews

It is important to meet with internal and external stakeholders and agencies to determine what their experience has been working with to implement effective diversionary practices. Interviews with key stakeholders can take place in a group setting or with individuals and should be held early in the review process to ensure comprehensive examination of the issues. This method is also designed to solicit input on additional concerns

or strengths (e.g. operational, philosophy, practices, etc.) from stakeholders external to the youth justice system and prosecutor's office. These key external stakeholders should be identified in concert with the DART. Key stakeholders may include:

- ❖ Judges
- ❖ Police
- ❖ Prosecutor
- ❖ Court Service Unit / Intake
- ❖ Court Administration
- ❖ Defense Counsel
- ❖ Child Welfare Services
- ❖ Schools
- ❖ Private Providers
- ❖ School Resource Officers
- ❖ Others as identified

4. Process Mapping

Using a well-defined protocol (see Appendix C), the Consultant Team will walk the DART through a process mapping exercise designed to identify when and how diversion decisions are made and by whom. This exercise becomes the anchor for the analytical process and simultaneously serves to educate all the key youth justice stakeholders on how the process is currently working. (See Appendix D for an example process map.) The key decision points will be identified with the goal of collectively clarifying responsible agencies and/or personnel, criteria used in making key decisions, professional staff responsibilities, mandates, and expected products and outcomes. Against an established consensus for diversionary system goals and in support of the DART's collective goal to understand the current process and identify methods to enhance and improve diversion and alternatives for youth referred to the youth justice system, this mapping process provides an opportunity to understand the most appropriate decision points and practices around which improvements or reforms may be developed.

5. Probation Officer / Court Officer Group Interviews

If the review is conducted by outside consultants, an important additional method to gain information from the probation/court practitioners is to provide an open invitation for their input without any management personnel present. The purpose of the meeting can be organized around the preliminary results from the process mapping and can secure perspectives on

how daily practices align or deviate from the written flowchart. This method permits a critique of operations and practice from the practitioners while encouraging recommendations for improvements and reform.

6. Youth Outcomes and System Performance Capacity Development

The identification of relevant and useful data and data systems to support the youth justice system's ability to report on achievement of desired outcomes and system performance is critical to the DART process. There is frequently an obvious need for an intensified focus on core data that will improve the long-term capacity of states and local sites to collect, manage, and track outcome and

system performance measures for alternatives to formal prosecution and diversionary practices. Therefore, this methodology focuses on two aspects of data collection: management and reporting.

Using guidance published in a data planning article published by the RFK National Resource Center,¹⁶ which organizes suggested data questions and data elements into eight general categories, a working group or subcommittee of the DART (supported by additional expert personnel, e.g. information technology, data analyst, etc.) will populate a working grid (see Appendix E) to identify the most relevant data elements and questions

¹⁶ Siegel, G. (2014). *Data Planning in the Dual Status Youth Initiatives: Initial Suggestions*. Robert F. Kennedy National Resource Center for Juvenile Justice

Douglas County, Nebraska (Omaha)

DOUGLAS COUNTY JUVENILE ASSESSMENT CENTER (JAC)

The Douglas County Juvenile Assessment Center (JAC) began operations in Omaha, Nebraska in 2003. Juvenile Justice stakeholders developed the JAC to address first-time and low risk charges for juveniles coming to the attention of the Douglas County Attorney's Office (DCAO). The intent of assessment and diversion is to offer the family supports which help to divert young people who do not need Court supervision from entering the formal juvenile justice system.

Over the course of 20 years, the JAC and DCAO have pushed the envelope in assessing and diverting youth from the formal justice system (Court intervention), by consistently seeking out the latest research and evidence-based guidance. The JAC has increased its service from first time and low-level offenses to service to all youth (with all charges) who are not otherwise already involved in a Court process for delinquency matters. Additionally, for the past 10 years, the JAC has been the hub for work with dual-status youth, enhancing the focus of youth service for all youth at the diversionary level.

Youth may experience law violating behaviors numerous times over their adolescent years. The JAC functions to meet them where they are at each time, addressing needs accordingly. Youth who have formerly experienced more serious matters and had a need for formal supervision (through Court and Probation) may present to the JAC and be diverted from the formal system as their risks and needs have changed over time.

Assessment processes and diversion opportunities not only serve as accountability for delinquent or harmful behavior, but more importantly serve to identify and address the underlying issues which are impacting the youth and their family. Assessment processes ensure that all recommendations are based on risks and needs of each, individual youth. These processes utilize research-based tools, and are a discussion and collaboration with youth and families as partners.

Using the Risk Needs Responsivity Model for matching services to underlying needs, youth are served by community-based service providers throughout the metro area. The neutrality of the assessment process; the separation of assessment from programming, ensures services matching is based purely on the youth needs. The JAC collaborates with service providers who provide high quality, best-fit services for each individual youth.

The JAC strives to improve impact and service to youth with evidence-based focus, relying upon the latest research and national experts to guide all operations. Staff training includes adolescent development, behavioral health and trauma, unconscious bias, and numerous topic trainings directly impacting youth and families. Routine analysis of data, processes and practices, as well as formal evaluations steer improvements. These efforts have led to immediate, informal diversion for 30% of all youth assessed, and an overall diversion success rate of 90%.

The JAC has assisted in generating millions of dollars for youth services through state, federal and private funds by conveying critical information to stakeholders about youth and family needs. When the JAC recognizes its 20-year anniversary in October 2023, 28,000 youth will have been served, yielding a system cost savings of \$41,300,000.



that will inform everyday practice, population trends and characteristics for routine managerial oversight, and outcome (youth and system) reports related to diversionary practices and programs. With guidance from the DART and input from the working group members, a scan of current indicators used to measure and evaluate system performance and program outcomes is developed.

To support this critical scan of relevant and necessary data compilation, the RFK National Resource Center often partners with the National Center for Juvenile Justice (NCJJ) to benefit from their seminal Three-Dimensional Data Capacity Assessment (DCA) methodology. The DCA process maximizes opportunities to incorporate routine data reporting among probation, juvenile court, attorneys, and judicial personnel that informs capacity to measure sought outcomes (system performance and youth impact), continuous quality improvement, and quality assurance within the youth justice system. Additionally, the NCJJ created the Fundamental Measures for Juvenile Justice (FMJJ)¹⁷ that amplifies the ability for jurisdictions to collect, manage, and report critical system performance and youth outcome data, including those data specific to diversion practices. The FMJJ measures were developed with input from organizations representing all sectors of juvenile justice – from law enforcement through the court process and juvenile corrections – with the intention of improving national juvenile justice data through uniform and systematic improvement of local data collection, use, and analysis.

The next step includes a facilitated group meeting with the DART and relevant stakeholders to determine:

- ❖ What are the desired outcomes for youth diverted from formal prosecution?
- ❖ What factors affect the achievement of those outcomes?
- ❖ What is used to measure the achievement of those outcomes?

After these exercises are completed, a subsequent review and analysis is conducted to identify how and if the performance indicators relate to the achievement of desired client and system outcomes. The analysis is designed to ensure that case management and/or treatment interventions are effective, efficient, and aligned with practices that positively impact youth outcomes and system performance.

Challenges

The RFK National Resource Center acknowledges there are numerous circumstances that can challenge opportunities to re-assess and enhance an existing system of diversion approaches and alternatives in the youth justice system. Often at the top of the list of issues that contribute to inertia for change is reluctant departmental or court leadership. This frequently results from the absence of time and/or interest in evaluating the efficacy and operational efficiency of longstanding practices or policies. This may be particularly true if that practice, policy, or program is providing an important option for a high number of youth.

Effective diversionary practices also recognize that the court service unit/department cannot operate in a vacuum. Successful policy and practice is equally reliant on other agencies and individuals to align their own practices in ways consistent with current research and positive outcomes. Frequently, court leadership and service units (e.g., intake divisions) are at philosophical odds with prosecutorial decision-makers about which matters may be handled informally or through an alternative to formal processing of a complaint. The absence of a clear set of collaboratively developed objectives, goals, corresponding policies, and criteria for youth eligibility undermine a fair, equitable and consistent assignment of matters for resolution of the case outside of the formal court process.

The probation/intake department and court service units may also not be working in effective partnership with school administration (and school resource officers), child welfare agencies, and community service centers to establish policies that articulate an expected range of intervention efforts demonstrating best efforts to address the presenting complaint prior to referring the matter for court action. Additionally, prosecutors and court service intake units may not be working closely with law enforcement to build opportunities for police diversion and alternative accountability programs administered in the community and outside of the formal youth justice system.

Many of these examples may be undermined further by beliefs about different missions and mandates, competing philosophies, failure to share information, and fractured multi-agency collaborations that have drifted from previous shared policies and goals.

Finally, a state and/or local jurisdiction may be facing a combination of these challenges which makes the task of improving their diversionary practices and appropriate, effective set of alternatives that result in measurable positive

¹⁷ Retrievable at: <https://www.ncjj.org/fmjj/>

Clark County, Nevada (Las Vegas) HARBOR JUVENILE ASSESSMENT CENTER

The Harbor Juvenile Assessment Center provides a safe place to connect youth and their families to services. The goal of The Harbor is to prevent youth from entering the local juvenile justice system by helping families cope with problematic behavior before issues can potentially escalate into more serious troubles.

Historically, services provided by public and private funded organizations for at-risk youth in Clark County have traditionally lacked coordination. There are many public agencies and private service providers committed to addressing challenges such as: runaways, homelessness, sexual exploitation, low-level non-violent misdemeanor offenses and delinquency. However, there has never been a coordinated, collaborative system of care in place to ensure quality service delivery and a “no wrong door” approach to prevent youth from falling through the cracks or escalating into other systems.



The Harbor was formed in 2016 to streamline service provisions, increase operational efficiencies and ensure that youth and families in crisis receive needed services. The Harbor, in partnership with local law enforcement, the City of Las Vegas, the Clark County School District and other local organizations and agencies has helped over 30,000 youth and families with an 86% success rate.

The Harbor connects youth to evidence-based interventions quickly, thus reducing the number of youth that escalate within a multitude of systems such as juvenile justice, social service, child welfare and adult justice systems. The Harbor provides services including but not limited to mentoring, anger management, drug education, conflict resolution, individual counseling, and family therapy. The Harbor is also able to assist the families by providing and connecting them to food assistance, employment assistance, SNAP and welfare benefits, housing assistance and more.

Following an assessment and initial service linkage, The Harbor provides case management services to monitor and support progress towards goals. Through case management, previously identified concerns as well as new issues are continuously addressed, thus increasing successful outcomes.

The Harbor enlists feedback from youth and families to identify any gaps in services and develops new programs to meet the changing needs of the community. The Harbor has five locations throughout the Las Vegas valley as well as mobile services to ensure that all youth and families needing assistance can receive support.

outcomes even more daunting. Given that our probation, court and youth justice systems are frequently straining to provide adequate workforce resources and available treatment services for youth that present a risk to public safety, it is imperative that we overcome these systematic challenges to achieve an appropriate balance of effective diversionary policies, practices, approaches and programs.

The DART Guidebook presents an organized framework to build a cross-agency leadership team capable of developing shared goals and objectives; assessing current challenges, strengths and opportunities; developing an action strategy to build and implement a comprehensive system of diversionary approaches and practices; and effectively enhancing quality assurance methods and measures.

Our Technical Assistance Approach

The Robert F. Kennedy National Resource Center for Juvenile Justice (RFK National Resource Center), a program of the RFK Community Alliance, was launched in December 2013. The work of staff at RFK Children's Action Corps—initially in support of the MacArthur Foundation's Models for Change initiative—has been ongoing since 2001. The RFK National Resource Center assists local, state, and national leaders, practitioners and youth-serving agencies in improving system performance and outcomes for youth involved with, or at risk of becoming involved with, the juvenile justice system. Our experienced staff and expert consultants are dedicated to partnering with jurisdictions to deliver training and technical assistance tailored to each community's needs and goals.

This Diversion and Alternatives Reform Team Initiative Workbook builds upon our proven frameworks and site-based experiences, lessons learned, and new opportunities resulting from our invaluable historical partnerships with state and local jurisdictions. Specifically, over the past eighteen years the RFK National Resource Center and its staff has conducted site-based consultation and technical assistance in multiple state and local jurisdictions that guides leadership and stakeholders through a systematic analysis and examination of current policy and practice in two primary focus areas, probation and youth justice system reform and multi-system collaboration and coordination on behalf of dual status youth. Using seminal publication resources that detail proven frameworks, these efforts have designed innovative practice and policy reforms; supported effective implementation practices, and informed methods to ensure sustainability of the approaches that *improve youth outcomes and system performance*.

Our **technical assistance** approach — usually conducted over a 6-12 month time frame depending on the unique needs and objectives of each jurisdiction — is intensive and individualized. The RFK National Resource Center seeks to meet the unique goals of each jurisdiction through an expert consultant team that partners with your jurisdiction to conduct a vital assessment of how systems are performing and whether desired youth, families, and community outcomes are being realized. With specific findings and recommendations emerging from this analysis that is tailored to your jurisdiction, our team relies on current knowledge of implementation science to support strategies for sustainable policy and practice enhancements and reform. Through a focus on stakeholder engagement, data-driven and research-based practice, collaboration, and an understanding of adolescent development, our **field-based partnership with state and local jurisdictions** has produced positive system performance and youth outcome achievements across the United States.

In keeping with the commitment to research informed assistance, the most current scholarship and literature makes it possible to define critical elements of effective technical assistance. The RFK National Resource Center therefore views our technical assistance partnership as a process for developing innovative, cost-effective ways to provide targeted support to a collaborative group of agencies, organizations, systems, and/or individuals to:

- ❖ assess gaps, barriers, and needs and identify potential responses to address relevant policy and practice issues;
- ❖ create innovative approaches and implementation plans to address emerging complex issues; and
- ❖ develop a strategic plan for long-term, measurable, and sustainable change.

DIVERSION AND ALTERNATIVES REFORM TEAM ACTION STEPS

FIVE STEPS TO SUCCESS

The following steps and detailed set of activities are presented within a framework that contemplates a field-based technical assistance partnership between the RFK National Resource Center and the key leaders and stakeholders within a participant jurisdiction. As such, the steps are organized around four on-site technical assistance and consultation visits by the RFK National Resource Center Consultant Team (Consultant Team). The partnership would also involve ongoing analysis, communication (e.g., conference calls, electronic exchange of materials, problem solving, etc.) in between site visits and throughout all steps of the DART technical assistance. As indicated earlier, this guidebook also provides systematic, detailed guidance that jurisdictional leadership may rely on to enhance their comprehensive set of diversion and alternative accountability policies and practices independent of an external technical assistance partnership.

STEP 1: PREPARATION AND MOBILIZATION

Identify Key Leaders and Necessary Participants

A jurisdiction undertaking new approaches to serving youth at the front door of the youth justice system will benefit from establishing a strong foundation of leadership and support in the early stages of the DART technical assistance process. The DART requires dedicated input and involvement of several key youth justice system stakeholders in order to be successful. No single agency or department can or should attempt to develop diversion and alternatives to formal prosecution by themselves. Therefore, the first step of the framework focuses on the mobilization and advocacy steps that must be taken prior to delving into the work.

System integration and coordination require the involvement of those in leadership positions, those who possess expertise in particular areas, those who make alternative and/or filing decisions on a daily basis, and those who display a passion for embracing the most targeted, effective, and efficient use of human and fiscal resources to serving youth at the front end of the system. To build this essential body of participants, the following steps should be taken:

- Identify individuals who can serve on the DART as key leaders throughout the process. At a minimum, leaders from the prosecutorial office, the clerk's office, intake,

the judiciary, and probation must participate. Additional individuals who can effectively guide, motivate, and manage the process should also be identified, e.g. the Administrator of the Court, Education, and Law Enforcement representatives.

- Identify the most relevant individuals to participate in individual or group interviews. Participants should be those who have a vested interest in serving pre-file and pre-adjudication youth and will actively work to explore opportunities for improvement (e.g., parents, community providers, School Resource Officer).
- Set a date for a two-day launch of the project. The launch will include a kickoff event for all identified stakeholders, an initial DART meeting, and individual meetings/focus groups with key youth justice stakeholders (more below).

Identify Existing Relevant Structures

Certain existing structures or processes may be relevant and can potentially serve as foundational elements upon which to build. Jurisdictions should make note of existing agreements, teams, or projects already addressing topics such as pre-court diversion, pre-adjudication diversion, information sharing, infrastructure development, and evaluation.

- Describe any collaboration or coordination efforts that currently exist to address pre-filing or pre-adjudication youth. (e.g., partnerships between schools and law enforcement, special groups or task forces, etc.)
- Acknowledge past or ongoing efforts, if any that may potentially conflict with the DART technical assistance process.
- Determine whether there is a current memorandum of understanding (MOU) establishing a commitment to collaboration and/or information sharing parameters between relevant agencies.
 - If an MOU exists, which agencies are signatories to the agreement?
 - If an MOU exists, what is the scope of the agreement?
- Make note of any other relevant interagency agreements that memorialize joint efforts or policies.
- List current projects and related workgroups relevant to either diverting youth from the system or providing pre-adjudicatory options that do not result in a disposition.

- Identify how any identified current projects may be aligned with the DART technical assistance process in order to avoid duplication of efforts?

Review Information Systems and Preliminary Data

A crucial part of readiness also requires an understanding what data current information systems are able to capture related to prevalence, characteristics, case processing and youth outcomes, and providing that data compilation early in the process to inform the initial analysis. If possible, identify who could provide the indicators listed below and provide those to all stakeholders at the initial leadership meetings. Additional relevant data may be requested and discussed in the Analysis Step.

- Assess the current ability to identify the following indicators. Use the FMJJ as a reference point for data elements. Provide as many as possible and/or identify who houses that information.
 - o # of juvenile referrals made annually
 - o # and type of charges
 - o # or % of status offenses
 - o % of cases formally filed
 - o % of cases dismissed
 - o % of cases referred to a diversion program pre-filing
 - o % of informal adjustments / deferred adjudications post-filing
 - o % of cases adjudicated
 - o Recidivism percentages for diverted youth

Review Foundational Materials

In order to prepare for meaningful discussions within your jurisdiction, all stakeholders are strongly encouraged to read the following documents. These resources will provide a foundational knowledge of the research supporting diversion and alternatives to formal prosecution as well as provide a common language for discussing what opportunities will best meet the needs of your youth and community. Additionally, these publications provide valuable examples and outcomes within jurisdictions that have implemented specific diversion programs. It is important at this point to reiterate that the DART process includes much more than establishing 'diversion programs'. Too often, placement of a youth into a specific diversion program is the most common and only option people think of when considering options to formal prosecution. This Guidebook and the process of analyzing alternatives seeks to expand the conversation to include all viable research-based and proven effective options and

approaches your community has, or may develop to achieve the best outcomes for your community.

- Diversion and Alternatives Reform Team Guidebook*
- Developmental Reform in Youth justice: Translating the Science of Adolescent Development to Sustainable Best Practices* (Robert F. Kennedy National Resource Center for Youth justice, 2018)
<https://rfknrcjj.org/resources/special-topics-developmental-approach-to-reform/>
- Probation and Youth Justice System Review Guidebook* (Robert F. Kennedy National Resource Center for Juvenile Justice, 2023)
<https://rfknrcjj.org/resources/probation-system-reform/>
- Juvenile Diversion Guidebook* (Models for Change, John D. and Catherine T. MacArthur Foundation, 2011)
<http://www.modelsforchange.net/publications/301>
- Literature Review: Diversion from Formal Juvenile Court Processing* (Office of Youth Justice and Delinquency Prevention, 2017)
https://www.ojjjp.gov/mpg/litreviews/Diversion_Programs.pdf

✓ CHECKLIST Step 1: Preparation and Mobilization

- Identify Key Leaders and Necessary Participants
- Identify Existing Relevant Structures
- Review Information Systems and Preliminary Data
- Review Foundational Materials

STEP 2: INTRODUCTION AND ANALYSIS

Technical Assistance Site Visit #1

The first on-site visit by the Consultant Team will focus heavily on the DART methodologies previously detailed to conduct an analysis of the current relationships, structures, criteria, decision-making practices, policies and procedures, and alternatives provided to youth in your jurisdiction. Below are the meetings that will take place during the first site visit and the issues of importance that will begin to be addressed.

Introductory Meetings

The launch of the process begins with two important meetings:

Community Stakeholder Meeting:

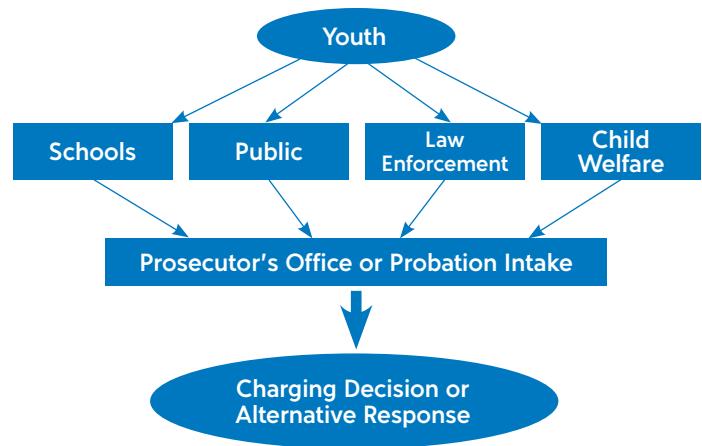
Invite youth justice and community stakeholders to a presentation provided by the Consultant Team and/or the DART. This launch event provides an overview of the initiative (framework, timelines, and expectations),

presents the research and data that make a compelling case for the need for an enhanced set of diversion opportunities and alternatives, seeks to create enthusiasm for agency leadership, practitioner and community support to carry out the necessary tasks and activities of the initiative, and provide a forum for questions and answers. This type of public meeting allows the court to communicate its intention and commitment to develop expanded diversion efforts and alternatives, ensures all stakeholders have been exposed to and understands the philosophy behind this initiative, and allows direct access to the Consultant Team.

 **Diversion and Alternatives Reform Team Meeting:**

The DART convenes with the Consultant Team the morning of Day 1. The goals of this meeting include those listed above and involve securing agency and representative commitments to the project, reviewing preliminary data, articulating goals, objectives and desired outcomes, and identifying necessary working groups and subject matter expertise that will support specific areas of analysis. The initial tasks of the meeting with the DART involve:

- Ensure representatives from the following list have been invited to the DART: juvenile court (judges, prosecuting attorney, and public defender), probation, education, law enforcement, data technology, court administration, child welfare, and behavioral health.
- Identify access to other key leadership and practitioner personnel who will enhance the expertise and knowledge of the committee (e.g., diversion program leadership, treatment and intervention service providers, community representatives, family voice, etc.).
- Clarify their role in providing oversight and guidance on the scope of issues examined in the initial analysis, identify desired outcomes and goals, discuss and refine areas requiring deeper analysis.
- Conduct a preliminary process map of how youth enter the juvenile court system, specifically identifying the key partners and pathways that result in a referral. A typical example may look like the following diagram.
- Discuss purpose and goals for the DART.
- Review available preliminary data and national data to identify useful additional data elements for collection, management and reporting.
- Examine the capability and limitations of current systems to provide further information as requested within the DART process.



- Inventory and examine current partnerships between youth justice partners and stakeholders.
- Review tools and resources provided by the Consultant Team to support comprehensive analysis of key issues (e.g., statutory compilation, assessment and resource inventory grid, process mapping facilitation questions) by DART leadership or working groups.

Conduct Analysis of Pre-Filing Alternatives to Formal Prosecution

Following the launch meeting with stakeholders and the administrative meeting with the DART, the remainder of the first site visit will be spent speaking with individual stakeholders to further understand the pathways through which youth are referred to the system. Below is a list of partners and questions that will be discussed during the series of 60–90 minutes meetings.

Convene Individual Meetings with Law Enforcement, Education/Schools, Child Welfare, and Other Key Referral Sources

Each of these individual meetings will delve deeper into understanding the following questions and include the Prosecutor's Office and/or Probation Intake depending on the statutory and organizational structure for processing referrals within the jurisdiction:

-  What policies and procedures guide your decision to refer youth to court?
-  If no formal policies or procedures exist, how are decisions made? Based on what criteria or process?
-  Who has the authority to refer a youth to the court?
-  What, if any, statutory requirements and/or allowances impact these policies and practices?
-  How many youth do you refer annually?

- What, if any, alternatives do you have at your disposal other than referring youth to the court?
- What, if any, information is shared with the court about the youth other than their offense type?
- What procedures, if any, are in place to address the needs and/or restoration of the alleged victim?
- What communication, if any, do you have with the prosecutor, court, or probation after the youth is referred?
- Are you privy to information on what happens to the youth once they are referred?
- What is working well?
- What could be improved?

Convene Joint Meeting with Prosecutor's Office, Intake, and Court Clerk/Administration

- What policies and procedures guide your decision to file the charge with the court?
- If no formal policies or procedures exist, how are decisions made? Based on what criteria or process?
- What, if any, statutory requirements and/or allowances impact these policies and practices?
- What, if any, alternatives do you have at your disposal other than referring youth to the court?
- What procedures, if any, are in place to address the needs and/or restoration of the alleged victim?
- What communication, if any, is given to the referral source on the outcome of this decision making process?
- How many referrals do you receive a year?
- How many youth does this represent?
- Can you disaggregate this data to trace the source of the referral?
- Can you identify the aggregated charge type?
- What is working well?
- What could be improved?

Convene Joint Meeting with Diversion Programs and Service Providers

- How many youth are referred to your program annually?
- Who are the sources of those referrals?
- What programs or services do you offer?
- What is the length of the programs or services?
- What are the goals of the programs or services?
- How do you measure and evaluate success?
- What information, if any, is shared with the referring party during or after the youth's completion of the program or service?

- What data do you collect on a regular basis?
- What is working well?
- What could be improved?

Conduct Analysis of Post-Filing Alternatives

Convene Joint Meeting with Prosecutor's Office, Intake, and Court Clerk/Administration

- What policies and procedures guide your decision to consider or offer an alternative to an adjudication of the charge before the court?
- If no formal policies or procedures exist, how are decisions made? Based on what criteria or process?
- What, if any, statutory requirements and/or allowances impact these policies and practices?
- What, if any, alternatives do you have at your disposal other than referring youth to the court?
- What procedures, if any, are in place to address the needs and/or restoration of the alleged victim?
- What communication, if any, is given to the referral source on the outcome of this decision making process?
- How many instances are these diversionary opportunities used throughout a calendar year?
- How many youth does this represent?
- Can you disaggregate this data to trace the source of the referral?
- Can you identify the aggregated charge type?
- What is working well?
- What could be improved?

Convene Meeting with Pre-Adjudication/Pre-Disposition Probation Staff

- What types of supervision and/or programs are offered pre-adjudication?
- Who determines whether a youth receives a pre-adjudication alternative to formal prosecution?
- What policies, practices, or criteria influence this decision?
- What are the lengths, terms, and goals of these pre-adjudication opportunities?
- How do these opportunities differ from post-disposition supervision?
- How many youth receive these diversion and/or alternative responses annually (broken out by supervision type or specific alternative, e.g. informal adjustment or consent decree).

- ❖ What are the demographics, offense type, and/or risk levels of youth who receive alternatives versus formal processing?
- ❖ What procedures, if any, are in place to address the needs and/or restoration of the alleged victim?
- ❖ What are the successful completion rates for these diversion and/or alternative responses?
- ❖ What is working well?
- ❖ What could be improved?

Convene Meeting with Judges

- ❖ What do you know about the prosecutor's decision making process for filing a youth's case?
- ❖ What types of diversion and/or alternative responses do you have at your disposal prior to adjudication?
- ❖ What factors into your decision to order or choose those diversion and/or alternative responses?
- ❖ What information do you receive to support your diversion or adjudication decision?
- ❖ What information would you like to have to inform that decision?
- ❖ What is the goal of these various alternatives?
- ❖ Are you satisfied with the purpose and quality of these diversion and/or alternative responses?
- ❖ How do you know if a youth has been successful?
- ❖ How are juvenile records protected, made public, or expunged in your jurisdiction?
- ❖ Who can provide data on how many youth receive these various responses annually, including their charges, demographics, and completion rates?
- ❖ What is working well?
- ❖ What could be improved?

During these individual meetings, it may become evident that more information is needed, e.g., further data or a better understanding of the statutory allowances and limitations, or perhaps a review of the policies and procedures themselves. If this is the case, the Consultant Team will work with the entity being interviewed and will conduct follow up analysis of relevant information before findings are shared during the second site visit.

It may be a challenge to convene all of these stakeholder meetings during the first site visit given the schedules of participants and the comprehensive body of information and issues to identify and discuss. As such, the Consultant Team will prioritize meetings with partners involved in the

pre-filing diversion and assignment of alternatives process. Interviews specific to post-filing decisions and processes may be convened in the time frame between the 1st and 2nd site visit and continue during site visit #2. What is most important is that the Consultant Team can return during site visit #2 and share with the DART an updated, comprehensive process map populated with the information gathered during these initial meetings, follow-up conference calls, and examination of documents. This information will be used to facilitate informed discussions about initial opportunities for enhancements, improvements, and reforms with the DART.

✓ CHECKLIST **Step 2: Introduction and Analysis**

- Identify Key Leaders and Necessary Participants
- Identify Existing Relevant Structures
- Review Information Systems and Preliminary Data
- Review Foundational Materials
- Establish Initial On-site Technical Assistance Date

STEP 3: ONGOING ANALYSIS AND FINDINGS

Technical Assistance Site Visit #2

Continue Stakeholder Group Interviews

Site visit #2 will include follow up fact-finding and discussions with stakeholders involved in pre-filing decision-making to ensure that the Consultant Team has effectively gathered the information that will permit the development of findings and recommendations for consideration by the DART.

Additionally, stakeholders (e.g., judges, court service, prosecutors, public defenders, victim restoration) responsible for post-filing and pre-adjudication opportunities for alternatives to formal prosecution will participate in discussions using the protocol of questions identified in Step 1.

Convene Diversion and Alternatives Reform Team

The second site visit will include a meeting with the DART to share observations and preliminary findings. Using the process map, the Consultant Team will provide a comprehensive update on the current pre-filing pathways, policies, practices, and programs as well as available data and outcomes from these programs. In addition to a detailed conversation about the updated process map, other topics that may be discussed during this meeting include:

- ✓ An inventory of resources and programs available in the schools, through community services, and external and internal court diversion programs.
- ✓ Review of national data to identify useful additional data elements for collection.
- ✓ An overview of the screening and assessment tools used by the various systems.
- ✓ Identify cross-system collaboration challenges and opportunities.
- ✓ Identify information sharing and confidentiality laws and policies that guide the use of any risk screening results or other criteria used to inform a charging or diversion decision.
- ✓ Identify what information can and cannot be shared that may impact coordinated case assessment, planning, and management.
- ✓ Examine whether agency mandates are clear, communicated to cross-system staff, and met by the agencies, including whether it is understood which system is responsible for tracking or “case managing” a youth receiving a diversion opportunity.
- ✓ Determine whether/how court administration and youth justice system processes and practices impact the ability of agencies to effectively serve clients, and whether the court is supporting or can support interagency strategies to providing diversion or other alternative from formal prosecution.
- ✓ Discuss preliminary recommendations for improved practice.

Development of Draft Findings and Recommendations

At the conclusion of Step 3, the Consultant Team will have completed the on-site fact-finding and information gathering for pre-filing and post-filing diversion and alternatives to formal prosecution within the jurisdiction. Between site visits #2 and #3, the Consultant Team will compile, assess and analyze the qualitative and quantitative information provided to this point in the DART technical assistance process. Where gaps still exist in the information necessary to develop findings, the Consultant Team will conduct conference calls and/or exchanges of materials with the DART or key personnel to clarify the analysis. The Consultant Team will develop a succinct and concise report of draft findings and recommendations based upon the comprehensive examination. This report will be shared with the jurisdiction in advance of site visit #3.

✓ CHECKLIST Step 3: Ongoing Analysis and Findings

- Continue Stakeholder Interviews
- Conclude On-site Examination of Pre- and Post-Filing Diversion and Alternatives to Formal Prosecution
- Convene DART – Present Updated Process Map, Discuss Preliminary Findings and Potential Recommendations
- Discuss activities between Step #2 and #3 (conference calls, exchange of materials, etc.)
- Establish Next On-site Technical Assistance Date
- Consultant Team will compile, assess and analyze the qualitative and quantitative information provided thus far and will develop a report of draft findings and recommendations prior to site visit #3.

STEP 4: ACTION PLANNING

Technical Assistance Site Visit #3

Convene Diversion and Alternatives Reform Team

The majority of site visit #3 will focus on working with the DART to discuss the findings and recommendations. The Consultant Team will facilitate these discussions with the goal of ensuring all members of the DART have a chance to ask questions, challenge, and endorse the recommendations. The discussions will also focus heavily on assisting the DART in prioritizing issues and opportunities for improvement as laid out in the recommendations. These discussions will culminate in the development of a preliminary action plan that includes the formation of implementation teams and specific implementation steps and strategies. Some common issues that may be raised during these discussions include:

- ✓ Identify best practices nationally in conjunction with the Consultant Team in response to recommendations provided.
- ✓ Identifying what procedural or organizational obstacles need to be remedied or removed in order to implement recommendations.
- ✓ Confirm system performance and youth goals and outcomes for the initiative and for each of the prioritized recommendations, followed by a determination of how best to collect, manage and report data that informs continuous quality improvement methods and fidelity of practice.

- Identifying needed resources (workforce and programmatic).
- Identifying which funding sources legally allow a blending of funds with other agencies and which restrict funding to only one agency that will ensure access to necessary programs and services.

Convene Impacted Agency Leadership, Groups, or Individuals

The Consultant Team may also meet with individuals or agency leadership groups to provide in-depth consultation on recommendations specific to them. This could include discussions about key components of practices or approaches that are connected with successful outcomes; instituting sustainable intra- or interagency communication and collaborative practices; navigating the change management process; leadership roles and responsibilities; addressing necessary organizational culture that will enable adoption of practices; ongoing training and coaching necessary to sustain the positive achievement; or recent/upcoming legislative issues affecting the endorsed diversion programs, approaches and alternatives. The Consultant Team will remain flexible and responsive to the needs of the jurisdiction to provide whatever support is needed to advance their individualized recommendations.

Convene Quality Assurance / Performance Measurement Team

With the establishment of prioritized and sequenced set of recommendations endorsed by the DART, the long term, sustainable success of the DART process must be built upon fidelity to practice — and the measurement of performance and youth outcomes. While this has been emphasized throughout this Guidebook, this step includes a convening of practitioners, information technology staff, research and development/quality assurance personnel and leadership. The Consultant Team will facilitate a refined discussion of necessary data to collect, manage and report in light of the adopted and sequenced recommendations. The goal of this meeting and ongoing activities of this personnel team is to identify specific action strategies for the development of a data collection protocol and plan for the routine reporting of system performance and youth outcome to inform the DART and its key stakeholders.

✓ CHECKLIST Step 4: Action Planning

- Convene DART – Review, Amend, Endorse, Prioritize Recommendations
- Meet with Impacted Stakeholders
- Convene Quality Assurance / Performance Measurement Team
- Develop Action Plan – Form Implementation Teams; Include Specific Next Steps and Strategies
- Establish Next On-site Technical Assistance Date

STEP 5: IMPLEMENTATION

Technical Assistance Site Visit #4

Convene Diversion and Alternatives Reform Team

The final meeting with the DART will take place during the fourth site visit. While the analysis is complete, the work is just beginning. Therefore, all members of the DART are asked to be present at this planning meeting which will provide a strong foundation for translating the recommendations into prioritized action steps. The following tasks will be accomplished during the meeting:

- Establish Understanding of Implementation Science – Tenets, Principles, Research
- Adopt Implementation Science Infrastructure
- Develop Specific Strategies, Timelines, Tasks, Accountability
- Develop Quality Assurance/CQI Implementation Team
- Endorse Action Plan
- Identify Next Steps

Implementation Science / Change Management

It is challenging to implement a cooperative and comprehensive plan for enhancing diversion approaches and alternatives to formal prosecution while protecting public safety even in the most sophisticated youth justice agencies. These efforts may require an intensive system-wide realignment and new partnerships to address gaps in programs and services. Such realignment requires improved attention to growing the capacities of local organizations and collaborative systems to knowledgeably adopt, implement and scale evidence-based innovations (EBIs). The youth justice system stakeholders and community

partners attempting to implement the DART's innovations without sufficient readiness and exploration efforts, or scaling up contextually relevant implementation supports, are likely to create long adoption curves and unsuccessful pathways to the desired change and results. In many documented instances, these failures lead to partial or poor implementation, and subsequent abandonment of the innovation.¹ When implemented with fidelity, EBIs (and evidence-informed practices) provide the greatest potential for desired system enhancements and end user individual skill development. It is therefore critical that any site adopting DART system reforms and depending on the use of well implemented EBIs related to diversion and alternatives to formal prosecution create the infrastructures needed for successful implementation supports. Well-facilitated, tailored supports also improve interagency collaboration, cross-team functioning, and implementation outcomes at the agency level² which is critical to cross-system efforts like the DART process.

The RFK National Resource Center has made a strong commitment to Implementation Science as part of its technical assistance frameworks and technical assistance support for youth justice system improvement and transformation. This commitment has proven vital to the success of our partner jurisdictions in planning, implementation, sustainability and measurement of their adopted reforms. Therefore, Step #4 involves active consideration of Implementation Science (IS) concepts, infrastructure, and strategies. The DART and relevant partners will examine and identify the array of translation strategies for agencies and communities when attempting to decide which innovations to adopt. Further, IS methods help build capacity and an increased likelihood for sustained performance for agencies and collaborative entities adopting a prioritized set of alternatives and diversionary practice innovations.

The fourth technical assistance visit will therefore focus on the three drivers of effective implementation science as they relate to the prioritized recommendations and burgeoning action plan. These three drivers are:

- ❖ Competency Drivers
- ❖ Organization Drivers
- ❖ Leadership Drivers

1 Fixsen, D. L., Blase, K. A., Timbers, G. D., & Wolf, M. M. (2001). In Search of Program Implementation: 792 Replications of the Teaching-Family Model. In G. A. Bernfeld, D. P. Farrington, & A. W. Leschied (Eds.), *Offender Rehabilitation in Practice: Implementing and Evaluating Effective Programs* (pp. 149-166). London: Wiley.

2 Aldridge, W. A. I., Boothroyd, R. I., Fleming, W. O., Loftis Jarboe, K., Morrow, J., Ritchie, G. F., & Sebian, J. (2016). *Transforming Community Prevention Systems for Sustained Impact: Embedding Active Implementation and Scaling Functions*. *Translational Behavioral Medicine*, 6(1), 135-144.

THE RFK NATIONAL RESOURCE CENTER TRAINING INSTITUTE

Through our **Training Institute**, the RFK National Resource Center also offers a variety of on-site training opportunities addressing critical topics in youth justice. These training events are usually conducted in 1-2 day time frames, depending on the unique needs and objectives of each jurisdiction. We bring experts and experienced facilitators to you, ensuring that all vital leaders, staff, and stakeholders have the opportunity to benefit from the training. Each curriculum is based on well-established frameworks for reform that have been applied in state and local jurisdictions throughout the nation, while also incorporating current research and emerging best practices. Our trainers work with you to identify your jurisdiction's unique goals and the training is then tailored to meet those goals. Participants conclude the training well-informed and poised to begin taking action immediately. The five current training curricula focus on:

- ❖ Advancing Best Practices in Youth Justice Seminar (featuring Adolescent Development research-to-practice)
- ❖ Probation and Youth Justice System Review Training
- ❖ Dual Status Youth: Improving Outcomes for Youth Involved in Child Welfare and Juvenile Justice
- ❖ Dual Status Youth: Implementing and Sustaining Reforms
- ❖ Multi-System Information & Data Sharing

Concurrent with the development of the Diversion and Alternatives Reform Team Initiative Workbook, the RFK National Resource Center has developed a 1.5 day curriculum to focus on the history of diversion in the youth justice system; research on effective approaches and programs; establishment of criteria (including the use of risk screening instruments) and policies; development of clear goals, objectives and outcomes; performance measurement and quality assurance; and use of the ARI technical assistance process. With the release of the Diversion and Alternatives Reform Team Initiative Workbook, this **new training** opportunity is available for all state and local jurisdictions (for more information please visit: <https://rfknrcjj.org/training-institute/>).

In partnership with the DART and the specific agencies driving the prioritized recommendations, the Consultant Team will guide the development of a clear action plan that includes action steps, responsible parties, timelines, and deliverables. It is also of utmost importance that an implementation

infrastructure be put in place that supports progress and accountability. The DART may remain the driving leadership group for the implementation phase, meeting on a very regular basis. Alternatively, workgroups may be created to meet on a semi-regular basis and report to an DART that meets on a semi-regular basis. Various options will be discussed and the most effective and realistic structure will be adopted with the Consultant Team strongly emphasizing that a commitment by all involved agencies is imperative. This commitment may best be memorialized through a time-limited MOU detailing the goals, commitment, and expectations of all interested agencies and leaders.

In addition to furthering the action plan and discussing the key tenets, principles and strategies of implementation science, the Consultant Team will also focus on action strategies related to performance management, continuous quality improvement (CQI), and quality assurance during this site visit.

✓ **CHECKLIST** **Step 5: Implementation**

- Convene DART
- Establish Understanding of Implementation Science – Tenets, Principles, Research
- Adopt Implementation Science Infrastructure
- Develop Specific Strategies, Timelines, Tasks, Accountability
- Develop Quality Assurance/CQI Implementation Team
- Endorse Action Plan
- Identify Next Steps

CONCLUSION

It is our belief that by implementing the action steps in this DART Guidebook you will realize positive opportunities for enhanced practice within your youth justice system and among your youth-serving partners that result in improved development and implementation of effective, evidence-based alternatives to formal processing of youth. The research and evidence that supports the approach and practices presented in this guidebook substantially increases the likelihood that you will realize improved outcomes for your youth, improves the use of restorative justice principles that attend to victim interests, and enhances the protection of the citizens within the communities you serve through your enriched and comprehensive range of effective diversion practices and alternatives.

The RFK National Resource Center believes there is much positive progress upon which to build transformational enhancements to state and local diversionary practices on behalf of the youth and families within your jurisdictions. We look forward to supporting your action toward these important system and practice improvements and ultimately highlighting your achievements and positive impact on youth, families, and communities across the United States and abroad.

APPENDIX A

DIVERSION AND ALTERNATIVES REFORM TEAM (DART) AND JUVENILE DIVERSION: STATUTORY INVENTORY

The ***Juvenile Diversion Guidebook*** continues to serve as an important publication resource for jurisdictions exploring opportunities to improve its comprehensive approach to alternatives to formal prosecution through effective diversionary practices. It provides an overview of diversion, summarizing its history in youth justice, as well as its values and limitations. The research summary contained therein also identifies the range of diversion processes used across the country, clarifies the points within the youth justice system at which diversion may occur, and reviews the key components and characteristics of diversion programs, their benefits, consequences, and challenges.

The Guidebook also provides a comprehensive review of diversion statutes that remains currently relevant and reports that "the majority of states have statutes governing or referring to an alternative to formal court processing. Such laws acknowledge a state's support for diverting youth from formal court processing in the youth justice system. They also create a framework for diversion programs by establishing consistent guidelines for diverting youth from juvenile court. Through legislation, states may codify a diversion program's purpose, eligibility criteria, duration, conditions, services, confidentiality provisions, or any other element that would benefit from support and consistent implementation. The ways in which statutes classify or label the process of diverting youth from juvenile court vary by state. Some states have more than one process through which juveniles may be diverted from court, and accordingly have more than one statute and classification for the process. Regardless of how a state law labels the process, however, the intended outcome of these statutes is the same: to provide youth with a less formal alternative to court processing than adjudication (Juvenile Diversion Guidebook, 2011)" while still maintaining public safety, accountability, and consideration of the victim. The Juvenile Diversion Guidebook includes an introductory overview regarding the use of diversionary practices (pp. 13-15) and includes a full inventory of statutory language (pp. 89-136) for your review and consideration.

Additionally, the Juvenile Justice GPS (Geography, Policy Practice & Statistics) is an online repository providing visitors with a sweeping view of the youth justice landscape across states and a place to make comparisons and chart change. Specifically, an area of focus for the JJGPS includes alternative processing of delinquency filings and diversionary practices and methods in states across the country (accessible at: <http://www.jjgps.org/juvenile-court#intake-diversion>). The information available within this online resource includes an inventory of "pre-petition" and "post-petition" methods and practices among court intake personnel and prosecutors in states that have codified language related to alternatives to formal prosecution.

In preparation to undertake the work laid out in the Diversion and Alternatives Reform Team Initiative, the Diversion and Alternatives Reform Team (DART) is strongly encouraged to become familiar with the codified language used by other states contained in these valuable resources which identifies a variety of alternative processing methods and practices that may inform opportunities for enhancements in your jurisdiction.

APPENDIX B

DIVERSION IN JEFFERSON PARISH, LOUISIANA

By: **Vivie Satorsky, JD, LMSW & John Ryals, Jr., Ph.D., LPC-S, LMFT**

The year 2005 was a momentous year in Jefferson Parish, Louisiana for many reasons — 451,000 citizens were impacted by a major hurricane, juvenile arrests soared above 3,500, and juvenile justice stakeholders struggled with rebuilding a system that had been affected by natural and man-made forces. In the years that followed, there was widespread recognition of the need to rebuild places and systems better than before. For the juvenile justice system, that involved expanding the existing juvenile justice collaborative to include all stakeholders working with youth and families and, thus, came the inception of the Children and Youth Planning Board (CYPB). From its roots, the genetic makeup of the CYPB consisted of governmental and non-governmental agencies invested in changing the lives of children through enhanced coordination, collaboration, and communication.

Through participation with the MacArthur Foundation's Models for Change initiative and Annie E. Casey Foundation's Juvenile Detention Alternative Initiatives reform efforts, the CYPB matured quickly to collect and analyze data to guide rebuilding efforts. Data was solicited and collected from programs that focused on child welfare, truancy, juvenile arrests, informal status offenses, diversion, probation, and delinquency commitments. The most compelling data, interestingly, showed gradual decreases in juvenile arrests over the years, which was initially viewed as somewhat of a success by many stakeholders. Despite the celebration, analysis of the source and disposition of the arrests proved to be sobering. For example, in the 2008–2009 school year, there were 844 arrests made at schools. Of those youths who were processed, a vast majority were procedurally placed on probation despite over half of them being first-time offenders.

Interacting with national system technical assistance experts who were rooted in empirically-established principles, Jefferson Parish stakeholders were encouraged by learning about the detrimental effects of formal system processing.¹ In response to the data, members of the CYPB sought ways to reduce recidivism and risk by addressing the most significant contributors to youth in the formal system. First, school arrests were highlighted due to the high number

of youths arrested at schools. Following the data, Crisis Intervention Training for Youth was implemented for law enforcement officers on campus. As a result, school arrests declined 36%.

Second, data showed more youths were referred for prosecution than diversion. In 2011, there were 380 cases referred to pre-trial diversion compared to 550 youths placed on probation. Recognizing the benefits of informal processing, the District Attorney's Office developed objective criteria for diverting cases from formal processing and enhanced the pre-trial diversion program with experienced mental health professionals. As a result, in 2013, the number of youths referred to the pre-trial diversion program increased 54%. With the increase in cases referred to pre-trial diversion, the number of new cases referred to probation declined and, in 2018, was at the lowest since 1990 at 172.

In 2013, the Jefferson Parish District Attorney's Pretrial Juvenile Diversion Program began to collaborate with the Department of Juvenile Services to expand the use of pretrial diversion to reduce matriculation into the formal post-adjudication system. Several noteworthy and impactful elements included the use of previously unavailable evidence-based practices and implementation of restorative practices. In 2014, eligibility for evidence-based treatment services were expanded from youths who were on probation to youths higher risk youths in the informal programs, such as pre-trial diversion and the status offender program.

Also, restorative practices were implemented, where appropriate, and processes were viewed through a restorative lens. Restorative efforts have included direct advocacy and partnership with the local school system; membership in several committees with the Children and Youth Planning Board; collaboration with the National Center for Youth Opportunity and Justice (NCYOJ, formerly NCMJJ) and the Annie E. Casey Foundation; and revisions to client admission policies to allow for greater access to Diversion for youth that have had prior system contact.

The impact of this transformative process has expanded the Pretrial Juvenile Diversion Program, which currently receives a wider variety of youths with charges ranging from misdemeanors to low level felonies. Referrals to the Diversion program are coordinated through the District Attorney's

¹ Petrosino, Anthony, Carolyn Turpin-Petrosino, and Sarah Guckenburg. 2013. *Formal System Processing of Juveniles: Effects on Delinquency*. No. 9 of *Crime Prevention Research Review*. Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services.

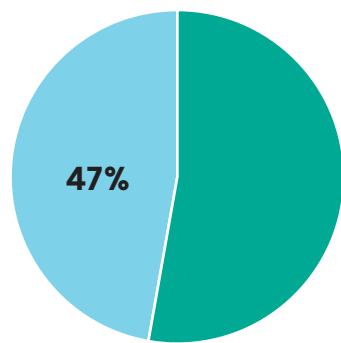
Office following an arrest. Data from 2016-2018 school years have shown the District Attorney's Office diverted 47% of school arrests.

Within the Diversion Program, there are three integrated tracks — Restorative Practices, Substance Use, and Traditional Diversion. Any school arrest that is not a possession or distribution charge is eligible for the Restorative Practices track with the condition that both the victim and the respondent must agree to participate in a community conference for the case to be eligible to engage in restorative practices. The Substance Use and traditional Diversion tracks contain many of the same elements, with the exception of more targeted drug use interventions. In both tracks, brief screens are utilized to triage the needs of youths and connect them to community-based interventions, following the Screening, Brief Intervention, and Referral for Treatment (SBIRT) model, which was implemented in collaboration with NCYOJ.

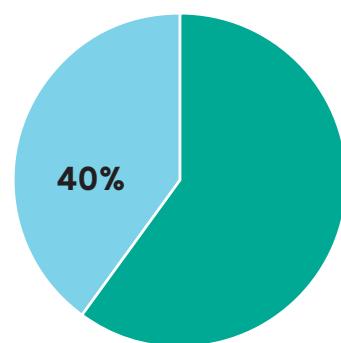
All Diversion counselors that handle the Substance Use and Traditional Diversion cases are master's level clinicians and have been trained in Restorative Practices and Community Conferencing. In meetings with clients, a restorative framework is used as a means for exploring the source

of the charge, and building empathy and building expressive skills for the youth. In order to sustain fidelity to Restorative Practices, Diversion leaders completed multiple trainings in Restorative Practices and ensure fidelity by providing supervision and oversight to Diversion counselors. This top-down approach enhances case planning; builds empathy within staff and clients; and aligns contributions of victims, the community, and the offender in reducing recidivism.

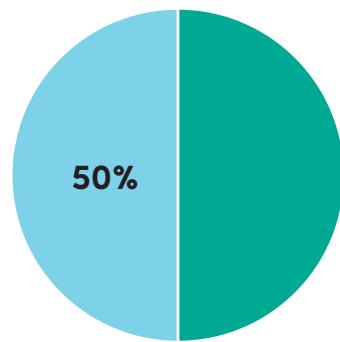
In reviewing the impact of collaboration with schools, probation, pretrial Diversion, and the District Attorney's Office, there have been several noticeable and significant improvements. Firstly, in the past 10 years, school arrests have declined 77%. Secondly, in 2011, only 15% of arrested youths were referred to pre-trial diversion — currently, 25% of all arrested youths are referred to Diversion. Lastly, expanded Diversion programming has shown re-arrest rates for Diversion program completers was only 13%, compared to 27% for probation completers. Through this deliberate process of utilizing principle-based, empirically-established processes, Jefferson Parish citizens and stakeholders have indeed surpassed their expectations for building bright futures for children, families, and the community.



**2016-2017
School Arrest Decisions**



**2017-2018
School Arrest Decisions**



**2018-2019
School Arrest Decisions**

■ Petitioned and Refused
■ Diverted

APPENDIX C

DIVERSION AND ALTERNATIVES REFORM TEAM (DART) INITIATIVE: CASE PROCESSING / MAPPING

Thank you for participating in the Case Flow Process Mapping meeting as part of the Diversion and Alternatives Reform Team Initiative led by the Robert F. Kennedy National Resource Center for Juvenile Justice.

You have been selected to participate based on your knowledge, experience and perspectives that you bring to the important work you do in the juvenile justice system and your impact on diversionary practices. We will be asking that you work together to analyze interfaces, handoffs, bottlenecks, and other case flow issues in the pre-file and post-filing handling of cases involved in your juvenile justice system. You will be asked to use — or develop — a current depiction of the case flow for delinquency matters in your jurisdiction, from arrest to case closure.

Please take a few minutes to review the following description of suggested Case Flow Process Mapping activities that walk you through each key decision point that impacts alternative responses to formal prosecution using a structured set of questions. You will be encouraged to candidly share your knowledge, experiences and perspectives to our meeting.

The development of a case flow mapping exercise can initially be accomplished by viewing, or constructing if one does not exist, a case-flow process for the juvenile justice system. The key decision points in the processing of a juvenile case will be identified and we will collectively seek to clarify professional staff responsibilities and mandates and expected products and outcomes that support improved decision making at each key step. During this exercise, you may note references to Robert Damelio's *The Basics of Process Mapping*, 2nd edition, which provides guidance for the conduct of this case flow mapping process. Against an established consensus for the juvenile justice systems' goals, this mapping process creates an understanding of the most appropriate decision points and practices around which improvements or reforms may be developed and/or planned on behalf of youth eligible for or who may benefit from diversion and alternatives to formal prosecution in the youth justice system. The following activities are offered to illustrate what is sought by your engagement in the process mapping activity:

- ❖ Understanding of the steps in the various system and court processes
- ❖ Identification of what happens (action); who is responsible (decision); and what output or outcome is expected or produced at each step (product)
- ❖ Discussion/Assessment of the quantity and/or quality of the information being gathered and utilized in each step of the process
- ❖ Identification of process gaps
- ❖ Identification of necessary resources (workforce and program)
- ❖ Identification of what is and is not working

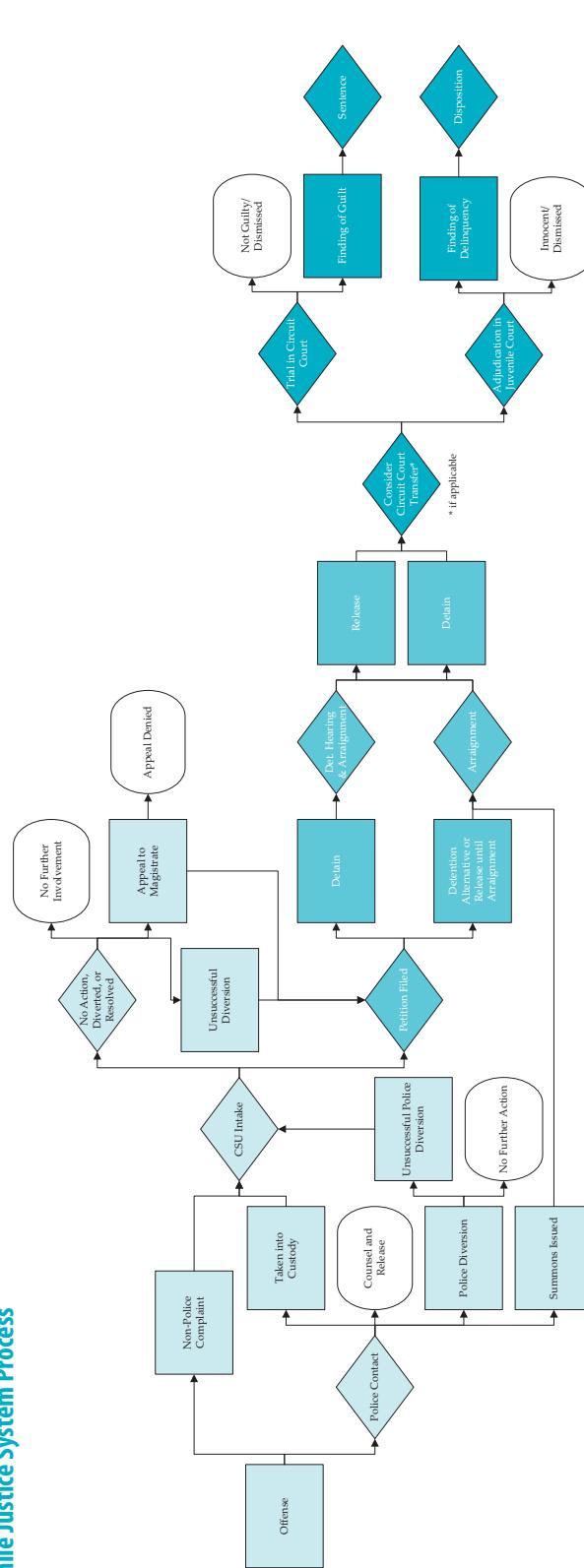
As you consider these issues in the development of their graphic depiction of the process flow map and an accompanying narrative, the following questions will support a systematic review of each decision point:

- ❖ What is intended to happen at this step?
- ❖ What actually happens at this step?
- ❖ Who is responsible for taking this action?
- ❖ Who are the partners (existing and desired) collaborating in this action?
- ❖ What is expected to occur (output and outcome) before the next step occurs?
- ❖ What is missing in between steps?
- ❖ What are the key decision points at which change or reform might be proposed?
- ❖ What are the necessary resources at each step (workforce and program)?

APPENDIX D

EXAMPLE PROCESS MAP

Juvenile Justice System Process



Steps in the Juvenile Justice System

Intake

- When an offense is alleged, an individual (e.g., parents, agency representatives, law enforcement personnel) may seek to have an intake officer file a complaint against a juvenile.
- When the juvenile has contact with law enforcement, the juvenile may be taken into custody, summonsed and released until a hearing on the matter, diverted, or counseled and released with no further action.
- The intake officer reviews the circumstances of the complaint to determine whether probable cause exists.
- If there is insufficient probable cause, the complaint is resolved with no further action.
- If probable cause exists, in most cases the intake officer has the discretion to informally process or divert the case, file a petition to initiate court action or file a petition with an order placing the juvenile in a JDC. If the intake officer does not file a petition on a felony or Class 1 misdemeanor offense, the complaining party may appeal this decision to the magistrate.

Petition and Detention

- The filing of a petition initiates official court action on the complaint.
- If the intake officer releases the juvenile, the next court appearance is the arraignment, where the juvenile is informed of the offenses charged in the petition, advised of the right to an attorney, and may be asked to enter a plea. The juvenile does not have the right to an attorney at the arraignment hearing.
- If the juvenile is detained pending the hearing, a detention hearing must be held within 72 hours of the detainment. At the detention hearing, the juvenile has the right to an attorney and is arraigned on the offenses charged in the petition. The judge decides whether to hold the juvenile in a JDC or release the juvenile, with or without conditions, until the adjudication.

Adjudication or Trial

- A juvenile who is adjudicated in I&DR district court does not have the right to a jury trial but has all the other constitutional protections afforded in criminal court, such as the right to an attorney, the right to call and cross-examine witnesses, and the right to refrain from self-incrimination. All delinquency charges must be proven beyond a reasonable doubt.
- If the judge finds the juvenile to be delinquent, the case is usually continued to another day for the judge to make a dispositional decision. The judge's adjudication and dispositional decision may be appealed by either party to the circuit court for a *de novo* review (as if the first adjudication never occurred).
 - When a juvenile is tried in circuit court as an adult, the trial is handled in the same manner as a trial of an adult. In the case of a jury trial, the court determines the sentence. The conviction and sentencing in circuit court may be appealed by either party to the Court of Appeals.

Source: Virginia Department of Juvenile Justice and Fairfax County Juvenile & Domestic Relations District Court.



APPENDIX E

COMPREHENSIVE INVENTORY OF PRE-FILING AND POST-FILING DIVERSION/ALTERNATIVES TO FORMAL PROSECUTIONS

AGENCY	PROGRAM / RESPONSE NAME	SERVICE DESCRIPTION	TARGET POPULATION (e.g., age, gender, criteria for participation)	FUNDING SOURCE (if applicable)	PARTNERSHIPS/ AGREEMENTS	# of youth referred annually	# of youth who complete annually	Average length of completion	CURRENT PRE-FILING RESPONSES										CURRENT POST-FILING RESPONSES									

The Robert F. Kennedy National Resource Center for Juvenile Justice, a program of RFK Community Alliance, provides consultation, technical assistance, and training to serve local, state, and national leaders, practitioners, and youth-serving agencies to enhance system performance and improve outcomes for children involved with the youth justice system.

To learn more, please visit: www.rfknrcjj.org.



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