

1998

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Russell, Stephen T.; Wood, Susan; and Domeier, Sara, "G98-1366 Establishing Juvenile Diversion in Your Community" (1998).

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Establishing Juvenile Diversion in Your Community

Juvenile diversion programs are created to divert youth from early encounters with the juvenile court system. By focusing on strengths of children in a positive youth development framework, successful diversion programs discourage delinquency and encourage stronger family and community relationships. This guide describes the issues communities need to consider in the development of a juvenile diversion program.

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- [History](#)
- [Steps for Implementing Juvenile Diversion in Your Community](#)
- [Resources](#)
- [Useful Terms](#)
- [Sources](#)

¹Words in bold are defined at the end of this NebGuide.

Each year over two million **juveniles**¹ in the United States are arrested and become involved in the juvenile court system. Juvenile **diversion** programs have been created to divert youth from their early encounters with the juvenile court system. These programs involve the suspension of formal criminal or juvenile justice proceedings against an alleged offender, and the referral of that adolescent to a treatment or care program. Diversion programs usually are intended for first-time offenders, but may be extended to youth with past offenses based on the discretion of the stakeholders described below. This NebGuide provides a guide to the basic steps one should take when beginning a juvenile pre-trial diversion program in a community. It is written with all youth services professionals and concerned community members in mind.

Some communities in Nebraska have juvenile diversion programs for youth who have been through the formal juvenile court process of **adjudication**. However, the Nebraska Commission on Law Enforcement and Criminal Justice recommends juvenile **pre-trial diversion** programs, in which youth are diverted before any contact with the juvenile court. Youth are referred to a pretrial diversion program by their county attorney who determines the eligibility of the alleged offender. Youth participate in these programs on a voluntary basis prior to adjudication.

In some cases youth are referred to diversion programs by parents, teachers, or police because they appear to be at-risk for criminal involvement. Juvenile diversion programs provide an opportunity for youth to work through problems with their parents or adult care givers, creating dialogue between youth and families to help avoid future encounters with the law. Juvenile diversion programs and pretrial diversion programs are aimed at preventing **recidivism** by: (1) reducing the stigma associated with a court record, and (2) enhancing the social adjustment and family relationships of diverted youth. In addition, these programs reduce the costs and improve the efficiency of the juvenile justice system.

History

A significant number of youth in the U.S. lack the skills necessary to find success in their families, workplaces and communities. Many are educational underachievers who are skeptical about their ability to enter the American mainstream. The juvenile court system was created in the early 19th century in an effort to humanize criminal procedures for children. The primary goal has been to help young people avoid the trauma of imprisonment. The contemporary U.S. juvenile justice system is still based on the following philosophy:

- Children, because of their minor status, should not be held accountable as adults;
- The objective of the juvenile justice system is to treat and rehabilitate rather than to punish;
- The special circumstances and needs of youth should be considered throughout the judicial process;
- The system should avoid the punitive, adversarial and formalized procedures associated with adult criminal court.

Steps for Implementing Juvenile Diversion in Your Community

I. Know the stakeholders and involve them in the planning process.

Involving Stakeholders:

Stakeholders are persons who have vested interests in the diversion process and include:

1. **Youth** who have come into contact with law enforcement (or who are at-risk for involvement with the juvenile court). Youth may choose to participate in diversion programs rather than go through formal court processing;
2. **Parents/guardians** whose participation is critical to the success of diversion programs;
3. **County attorneys** who make the decision to divert youth from the formal court system in the case of pretrial diversion;
4. **Juvenile court judges** who, through their disposition recommendations, shape policy regarding youth in the local criminal justice system;
5. **Diversion coordinators** who administer juvenile diversion programs;
6. **Law enforcement officials** who usually have the first contact with juveniles;
7. **Community coalitions** such as alcohol and drug councils, guardian ad litem, colleges and universities, therapists, counselors, etc.;
8. **Others** may include: siblings and extended family of diverted youth; county commissioners who support diversion programs; schoolteachers; and involved attorneys.

Support for the diversion program must come from the community, businesses, law enforcement and the judicial system. Successful juvenile diversion programs depend on healthy, supportive working relationships and the long-term involvement and commitment of stakeholders. The county attorney is the key stakeholder because he or she makes the decision to divert youth from the juvenile court.

Success of diversion programs depends on communication between the stakeholders. Communication is particularly critical between the county attorney and the diversion program coordinator. Clear guidelines defining each stakeholder's role in the program should be implemented during initial planning. Collaboration between stakeholders who regularly support and trust each other allows a diversion program to be run efficiently.

Opinions and attitudes of the stakeholders

The purpose of juvenile diversion programs is to divert youth away from formal participation in the Juvenile Court System. Stakeholder attitudes regarding "**treatment vs. punishment**" are critical — diversion programs are not geared toward allowing youth to "get away with" a crime. The goals and purpose of a diversion program must be understood by all stakeholders to ensure the success and sustainability of a program.

Successful programs include stakeholders who are able to communicate frequently, agree on program details, and hold fellow co-stakeholders in high esteem. The success of a program depends on the ability of stakeholders to follow a common vision. Davidson and colleagues (1990) report that it is essential to the success of diversion programs for local justice officials to believe that the diversion program will not be 'here today and gone tomorrow.' Stakeholders need to leave their turf behind when dealing with a diversion program.

II. Know the facts about diversion programs.

Who benefits?

- **Youth** are able to avoid the stigma and labels associated with a juvenile court record. Juvenile diversion programs offer youth an opportunity to develop important social skills.
- **Families** are able to strengthen relationships with youth through improved communication skills.
- **Communities** benefit as youth understand their role in the community and develop positive attitudes and a sense of responsibility toward their community.
- **The juvenile court system** benefits through reduced case loads, increased efficiency, and lowered court costs.

What are the state guidelines?

The Nebraska Commission of Law Enforcement and Criminal Justice has developed a model program specifically for juvenile pretrial diversion programs. Information on how to obtain the *Nebraska Juvenile Pretrial Diversion Guidelines and Resources*, as well as information on possible funding sources for juvenile pretrial diversion programs, is available from:

Nebraska Commission on Law Enforcement and Criminal Justice
Juvenile Justice Specialist
(402) 471-2194
FAX (402) 471-2837

crime07@vmhost.cdp.state.ne.us

Ask for a copy of the Nebraska Juvenile Pretrial Diversion Guidelines

Juvenile Diversion and the mission of Cooperative Extension

Adolescents involved in juvenile diversion programs are not an audience that has been served by traditional extension programming. For this reason, work on diversion programs may require individuals to re-conceptualize extension's role relative to at-risk youth. It is important for extension staff considering the initiation of a diversion program to communicate their ideas and potential concerns with EPU and district leaders, as well as extension boards and other stakeholders.

While existing juvenile diversion programs are operated through Cooperative Extension in many counties, many programs are operated outside Cooperative Extension. In these cases, Cooperative Extension can serve as a valuable resource for program development, implementation and evaluation (see below).

III. Developing a diversion program

Youth may be eligible for juvenile diversion programs for offenses ranging from shoplifting and truancy to **MIP** (minor in possession). Because youth may come to diversion programs with different backgrounds and different problems, there are several important questions that should be considered when planning a diversion program. For example:

- What ages will be included?
- Will youth with different types of offenses be eligible for program participation?
- How long will your program last? (How many sessions? Duration of each session?)
- Will parents or guardians be included in the program?
- What educational materials will be included? The educational component of a diversion program is an integral part of teaching youth positive life skills.

As these questions are considered, be sure to consider the opinions and perspectives of key stakeholders. This will strengthen support for the diversion program from the outset. A collection of educational curricula suitable for juvenile diversion programs have been developed and are available through the state 4-H Youth Development office. A list of these materials are available at: <http://www.ianr.unl.edu/ianr/4h/volun/EdCurr.htm>.

Research indicates that diversion programs should be **at least six months** in length, and should include positive activities with caring adults (e.g., community service, mentor programs, and family activities). Changing behavior and attitudes is a lengthy process. The educational component of the diversion program should be **only one part** of a larger effort to encourage positive youth development. It is recommended that youth become involved in a pro-social organizations, such as Extension 4-H, scouting, or school activities. As youth participate in positive activities, they practice the skills they have learned through the diversion program.

IV. Evaluating a diversion program

MIP: An Example of Diversion Evaluation

Many youth are diverted for **MIP**. In such cases, the diversion program may have the goal of increasing knowledge about substance abuse and changing future substance use behavior. The program might offer five substance abuse classes. Topics discussed during these classes might include: how chemical dependency affects personal relationships; the long-term physical effects of substance abuse; dealing with the peer pressure; substance abuse and the law; and overcoming addictive behaviors. To measure the effectiveness of classes on changes in knowledge and attitudes about substance use and abuse, have youth complete a survey that measures knowledge and attitudes about behavior both before and after the diversion program. In addition, consider contacting participants one year after the program is complete. At this time recidivism outcomes can be determined. In addition, information about the long-term effects of the program may be gained by assessing youth's knowledge, attitudes, and behavior regarding alcohol and other substances after a significant period of time has passed.

Diversion programs should always include an evaluation component. The ultimate test of diversion programs will be found in tracking changes in attitudes and behavior (the recidivism rates) of participants over time. A secondary goal of the evaluation should be to measure the strengths and weaknesses of the program. Evaluation information may be used to publicize the program as well as to inform the diversion coordinator and stakeholders of changes that may need to be made. In addition, evaluations may include survey instruments that measure the short- and long-term effects of participation in the diversion program.

The first step, before planning the actual evaluation, is to identify clear goals for the diversion program. For example, does the program aim to strengthen adolescents' decision-making, problem-solving, or anger-management skills? Does the program intend to strengthen parent-child communication or understanding?

Once specific goals of the diversion program are clarified, evaluation surveys for each goal should be developed. These surveys can be administered at the first session of the program, and after the program has concluded. Comparing participants' scores before and after completing the program will provide information about changes in knowledge, attitudes and behavior.

The results of evaluation efforts can be used to communicate both successes and concerns to the stakeholders. In addition, the evaluation process may lead to a reassessment of the program for possible changes; if so, be sure to inform stakeholders about the changes brought about through the evaluation process.

Many guides are available for developing evaluation goals and procedures. An evaluation protocol for juvenile diversion programs has been developed and is available through the state 4-H Youth Development office. It is also available at: <http://www.ianr.unl.edu/ianr/4h/volun/EvalProt.htm>. In addition, the following web site has been developed through USDA Cooperative Extension to aid individuals and organizations in developing evaluation plans for their programmatic efforts relating to a broad range of children, youth & family issues. <http://www.reeusda.gov/4h/cyfar/overview.htm>.

Resources

Your local Cooperative extension office: ask for Neb Facts: Juvenile Diversion, educational curricula, and evaluation tools for a diversion program:

State 4-H Youth Development Office
University of Nebraska Cooperative Extension 4-H Youth Development
114 Ag Hall
P.O. Box 830700
Lincoln, NE 68583-0700
(402) 472-2805
<http://4h.unl.edu/>

The Nebraska Commission on Law Enforcement and Criminal Justice for information on the Nebraska juvenile pretrial diversion guidelines and resources:

Nebraska Commission on Law Enforcement and Criminal Justice
Juvenile Justice Specialist
<mailto:crime07@vmhost.cdp.state.ne.us?SUBJECT=NebGuide98-1336>
(402) 471-2194
Fax (402) 471-2837

Useful Terms

Adjudicatory hearing: In juvenile proceedings, the fact-finding process. The juvenile court determines whether there is sufficient evidence to sustain the allegation.

Apprehension: The arrest, seizure, or taking of a person on a status offense or a criminal charge (not a civil charge).

Disposition: The equivalent of sentencing for adult offenders.

Diversion: The official halting or suspension of formal criminal or juvenile justice proceedings against an alleged offender after apprehension and prior to adjudication.

DUI: Driving under the influence.

DWI: Driving while intoxicated.

Juvenile: Nebraska Statute Section 43-245 defines a juvenile as any person under the age of 18.

Juvenile Delinquency: Participation in illegal behavior by a minor who falls under the statutory age limit.

MIP: Minor in possession of alcohol or illegal drugs.

MIPT: Minor in possession of tobacco products.

Pretrial diversion: According to the Office of Juvenile Justice and Delinquency Prevention, pretrial diversion applies only to the process by which youth who would otherwise be adjudicated are referred out of the juvenile justice system sometime after apprehension and prior to adjudication.

Recidivism: Repetition of criminal behavior, or habitual criminality.

Restitution: Restoring of property, or a right, to a person who has been unjustly deprived of it. For example, if a youth destroys the personal property of another individual, he or she is held responsible for replacing the item.

Stakeholders: Persons who have a vested interest in a juvenile diversion program (youth, parents, juvenile court judge, county attorney, diversion coordinator, law enforcement officials, etc.)

Status offender: A juvenile who has been adjudicated by a judicial officer of a juvenile court as having committed a status offense.

Status offense: An act that is an offense when committed by a juvenile, but would not be considered an offense if committed by an adult. It can be adjudicated only by a juvenile court. Examples include truancy from school, running away, MIP, and MIPT.

Treatment versus punishment: Opposing perspectives on the manner in which juvenile offenders should be handled. Diversion programs are based in the treatment perspective. Treatments are rehabilitation methods used to change behavior in juvenile delinquents or status offenders. They may be in the form of therapy programs or educational or vocational training.

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File: G1366 under: FAMILY LIFE
D-6, Adolescence and Youth, 3,000 printed
Issued March 1999

Issued in furtherance of Cooperative Extension work, Acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture. Elbert C. Dickey, Director of Cooperative Extension, University of Nebraska, Institute of Agriculture and Natural Resources.

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