

# BEST PRACTICES IN JUVENILE DIVERSION



Best practices in juvenile diversion will incorporate both structured approaches and flexible design to meet the needs of specific communities. The following best practices for youth diversion should be considered when developing, planning, or evaluating a diversion program.

## Use structured decision-making tools and protocol to guide decisions about sanctions or discharge from supervision.

A disposition matrix is a tool that can be developed locally and used for structured decision making. For example, the St. Louis City Family Court uses a dispositional matrix that combines the severity of the offense and risk to the community to make diversion decisions about formal supervision, probation, and confinement.

According to the Annie E. Casey Foundation, the data-driven tool reduced placements by more than 70 percent.

## Only divert youth who would have otherwise received a more severe sanction to avoid net widening.

Diversion involving supervision or treatment should be reserved for youth facing more severe sanctions such as arrest or detention. Diversion should not be used for youth who would not be subject to formal sanctions if diversion programs had not existed. Focusing diversion on youth who would otherwise not receive a sanction is known as net widening.

## Use written diversion agreements.

Program objectives, expectations, and conditions should be explicitly articulated in written agreement between youth, family, and diversion programs. The agreements can outline the details of the program plan, including the timeline for completion, both the rewards for completion and graduated sanctions if the objectives are not met, and verification that youth and their family have the right to refuse diversion.

## Provide timely referrals.

The faster a youth is diverted, the sooner they can begin receiving necessary services and support.

## Provide judges with treatment plans prior to adjudication.

When cases come before a judge, providing the judge with an informed treatment plan prior to adjudication increases the use of alternative sanctions.

## Provide predictable daily or weekly routines.

Predictable routines increase the chances that youth or their families will participate in support programs and meet expectations or obligations.

## Set clear goals and expectations.

Setting clear goals and expectations for youth and their families will increase the chances that they will meet expectations and obligations.

## Create an action plan.

A clear plan of action for youth and their families helps ensure that they meet expectations and obligations.

## Prepare a crisis plan.

Having a plan with stability measures in the event that there are conflicts or crises can help ensure that single events do not lead to cascading problems.

## Where capacity for restorative justice is limited, use randomized selection for diversion to restorized justice programs.

Randomization when appropriate helps make the process more equitable by reducing the potential for discrimination in the diversion process.

## Reduce the length of probation or court supervision for non-serious offenders.

Lengthy supervisory periods increase the chances a youth will violate the conditions for supervision, which increases justice involvement and may lead to out-of-home placement.



## Use graduated sanctions to encourage compliance with supervision conditions when a youth fails to meet those conditions.

To be effective, graduated responses should be certain, immediate, proportionate, fair, and tailored to the individual youth.

## Engage youth quickly and intensively following arrest.

Rapid and repeated contact supports participation in diversion programming.

## Provide individual case planning.

Individual case planning is necessary for identifying appropriate supports and services based on the youth's particular strengths and available supports and opportunities in the community.

<sup>1</sup> Lipsey et al., "Juvenile Justice System Improvement: Implementing an Evidence-Based Decision-Making Platform."

<sup>2</sup> The Annie E. Casey Foundation, "Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative."

<sup>3</sup> Nadel et al., "Civil Citation."

<sup>4</sup> Farrell, Betsinger, and Hammond, "Best Practices in Youth Diversion: Literature Review for the Baltimore City Youth Diversion Committee"; Models for Change Juvenile Diversion Workgroup, "Juvenile Diversion Guidebook"; Center for Children's Law and Policy, "Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation."

<sup>5</sup> Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations."

<sup>6</sup> Applegarth, Jones, and Holliday, "Promising Services for Justice-Involved Youth."

<sup>7</sup> Decker, "A Roadmap to the Ideal Juvenile Justice System."

<sup>8</sup> Decker.

<sup>9</sup> Fair and Just Prosecution, "Building Community Trust: Restorative Justice Strategies, Principles and Promising Practices." For example, the San Francisco District Attorney has used randomized computer selection to choose which cases are sent to a restorative justice diversion program based on existing capacity.

<sup>10</sup> Center for Children's Law and Policy, "Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation."

<sup>11</sup> Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations." The Community Connections for Youth's South Bronx Community Connections program found that multiple contacts during the first month of engagement after arrest lowered the likelihood of future involvement in the justice system.