

The Powerful Impact of Diversion!

A LOCAL COURT'S APPROACH.



Community Partners

What we will talk about today:

A strong community partnership that successfully diverts youth away from the juvenile justice system and into programs and interventions that work.

Our focus

This session will focus on our court's team effort to divert low and mid level offenses from the traditional court system in order to keep youth from being drawn further and further into the system and out of the community.

All of the research tells us that early intervention including services and youth programs is much more successful than detention and probation.

Probation and even custody has its place, but our goal is to intervene early enough that we have fewer kids moving in that direction.

More success means a safer community and healthier kids and families.

Formal Processing – the old way

Formally processing all charges is not only costly, but it can actually increase recidivism and thereby decrease public safety.

Best practice dictates that low level offenses can safely and successfully be diverted and mid level offenses can also be considered for diversion.

Question for the group:

In your jurisdictions – what types of diversion programs do you have?

What can you do at a local level?

As long as your state code allows for it -

Divert cases prior to a petition being filed when appropriate.

After a petition, look at Pre-Trial Diversion and Judicial Diversion as well as expungement.

Do your jurisdictions have PTD or Judicial Diversion or something similar?

How to assess Low v. Mid level offenses?

We created our own Static Risk Pre -screener. Our Court Administrator, Kathy Sinback, will be discussing this in more detail in her session tomorrow, but...It only looks at static factors –

Rob will explain why we only wanted to look at static factors.

All low level offenses will automatically be diverted to our DP2 or Diversion Partners Program.

Moderate Risk and High Risk cases go to our staffing committee.

Any youth age 12 or under is considered incompetent by age and is not put on the prosecution track.

How can we do this?

So under what authority can we create this system of diversion?

TN Law allows for any case to be diverted by the court, but community safety dictates that we create a safe, and successful diversion program for the benefit of our kids and our community.

So... we developed a diversion program that allows for our staffing committee to make an informed decision as to when to divert cases from the regular prosecution route.

Tennessee Statutory Authority

Tenn. Code Ann. §37-1-110 – Informal Adjustment and Pre-trial Diversion.

Tenn. Code Ann. §37-1-129 – Judicial Diversion.

Tennessee Rules of Juvenile Practice and Procedure: Rules 201, 202 and 209.

So if your state statute supports it what next...

Who needs to support it?

Your elected DA and your Juvenile Prosecution Team.

Your elected Juvenile Court Judge and the probation staff.

Your community members and community leaders.

Your victim advocates. Involving victims is paramount!

Your child welfare agency.

Your defense attorney panel.

Important points:

Emphasize that this is a research-based approach.

Educate stakeholders on the research: speak honestly, empathize, and help them understand why this approach can and does work.

Emphasize community safety increases when we can intervene early and effectively which reduces re-offending.

Where did we get our research

National Research:

RFK National Resource Center

“Strengthening Interagency Collaboration: The Case for Pre-Adjudication Diversion”.

Available on the RFK website.

National stats

National Statistics:

Jasmine J. Jackson

Senior Policy Specialist

Crime and Justice Institute

A Division of Community Resources for Justice

Office (Maryland): 857.208.1410

jjackson@cjinstitute.org | www.cjinstitute.org | [@CJlatCRJ](https://twitter.com/CJlatCRJ)

Local Stats

Local Statistics:

Kathryn Sinback, JD

Juvenile Court Administrator for Davidson County Juv. Ct.

What do the stats show:

Juvenile crime rates and juvenile arrests for violent crimes are down (source: CJI and OJJDP)

The cost of out of home placement for each state is rising! (source: CJI and Pew Charitable Trusts)

In general, multifaceted community-based interventions show greater reductions in rearrests than institutional programs. (source: CJI and Pew)

“Formally processing youth not only is costly, but it can reduce public safety and reduce the adolescent’s later potential contributions to society.” Dr. Beth Cauffman – “Crossroads in Juvenile Justice”.

These practice changes are based in evidence. Reducing recidivism by changing our approach to juvenile justice creates more options for our youth and more safety for our community.

Research-

Dr. Mark Lipsey conducted a meta-analysis (meta-analysis combines the results of multiple scientific studies) of 548 delinquency intervention programs to determine which ones reduced recidivism.

He concluded: “In practical terms, juvenile justice systems will generally get more delinquency reduction benefits from their intervention dollars by focusing their most effective and costly interventions on higher risk juveniles and providing less intensive and costly interventions to the lower risk cases.”

First Step – Let's get to our recipe!

Agree on a list on non-violent offenses that can be handled without direct court intervention, but may certainly require services.

What's on the list in Davidson County:

Automatic Diversion:

First time offenders who have been charged with Crim. Trespass, curfew violation, disorderly conduct, misdemeanor evading arrest, false information, gambling, no DL or driving on suspended license, obstructing a passageway , reckless driving, smoking paraphernalia/possession of tobacco products, traffic tickets.

What else?

We have a special Metro Student Attendance Center, so all truancy cases and loitering during school hours are taken there. This is a different site from the court.

Runaways are referred out for services unless they are already on probation or have a pending court date.

We also have a restorative justice program and a Youth Court program in our High Schools.

The rest of the cases – where to they go?

We have developed a prescreening tool to determine low, moderate or high risk.

Any low risk cases are referred to the Court Program:

DP2 = Diversion Partners Program. The DP2 workers refer the youth and family to all types of in-home and community services and they assist them if there are any barriers to getting the help that they need.

Moderate to High level cases go to our staffing committee.

DP2

Here is a sampling of our current community partner services:

Bradford Health, YODA – substance abuse

Meharry Medical College – youth violence reduction

FIND design, After School Academy, Be About Change, Impact Youth Outreach, IMPAQ Life Coaching, International Boxing Academy, Oasis Center, Street Solid, YCAP, Youth for Christ – mentorship and leadership

Marth O’Bryan – Opportunity Youth Hub

Math is love – tutoring

Tenn. Voices, Youth Villages – MH services

Question for you

What are some of your community agencies and partners?

Who is on the Staffing Committee

The Juvenile Court Assistant District Attorney

The Juvenile Court Public Defender

The Juvenile Court Victim Services Coordinator

The Juvenile Court Intake Director.

A representative from Mediation Services – we refer many of the interfamily disputes to mediation.

What does the committee to?

We review about 40 cases per week.

Remember – these are the moderate to severe cases, so some will go to a docket and the prosecutor gets to make that decision with input from the team, but the ADA decides who to prosecute.

So where do the cases go:

Mediation, DCS referral, back to MNPD for further investigation, Informal adjustment (so to DP2 for services), no prosecution or to a docket.

Most importantly – Does it work?

As of September 2020 –

Of the approximately 2500 low risk juvenile cases we diverted from the court system each year, only 6% of those youth were convicted of a new delinquency charge in 2 years.

We have been using this diversion program/staffing committee approach for the past 6 years.

What are your thoughts?

Tell us one thing that you can implement in your jurisdiction....

What are your concerns?

What barriers do you anticipate, if any?

Statistics are the key.

Key stakeholders, given the positive stats, can be your best ally in promoting your program.

Communicate and Collaborate!

Please feel free to e-mail us with any questions:

StacyMiller@jisnashville.gov

RobRobinson@jisnashville.gov