



# Diversion Report

Youth Justice Oversight Committee

June 2023

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# I. Introduction

House Enrolled Act 1359 (2022) (HEA 1359) established juvenile diversion as a new alternative to formal court processing for youth, along with the already existing informal adjustment process. To support this new alternative, a diversion grant program was created to be administered by the Indiana Criminal Justice Institute (ICJI). The Act requires that the Youth Justice Oversight Committee (YJOC) establish policies and protocols for research-based pre-adjudication diversion and informal adjustment programs and practices. HEA 1359 also requires the YJOC to develop juvenile diversion grant program parameters. To accomplish these objectives, the YJOC created the Diversion Workgroup (DW) and charged it with the tasks.

The DW convened in August of 2022 and met four additional times. The group reviewed work previously completed by the Commission on Improving the Status of Children's Juvenile Justice and Cross System Youth Task Force on diversion practices in Indiana. (See link on the Resource page). Although not previously found in the juvenile code, most counties around the state were using some form of diversion to keep youths from formal processes or from entering the system at all. Counties varied widely in their diversion practices and some counties had no diversion options or programming outside of Informal Adjustment. The DW also conducted a review of various research studies and overviews on diversion best practices from around the U.S. (See Resource page).

Finally, sub-groups were formed to meet separately and provide further information to the DW: 1) Diversion Grant Parameters; 2) Programming Continuum and Best Practices; and 3) Data. Building on these resources and hearing from members, the DW developed a consensus on best practices in diversion and parameters for diversion grants. Those guidelines and recommendations are listed below. The DW also identified diversion programs currently serving youth in various counties to serve as a resource for others in establishing or expanding juvenile diversion programming. Those are highlighted in a section apart from our recommendations.

# II. Recommendations

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## A. Diversion Grant Parameters

HEA 1359 establishes a funding opportunity for counties to develop or enhance local diversionary options. These grant funds will be available through a formula grant process, available to all counties. The Diversion Work Group has been tasked with developing recommended guidelines for these diversion grants.

Research reflects that, while there are some overarching best practices for effective diversion programs, the specific types of programs jurisdictions implement vary widely based on the needs of the youth and the community. This is also evident in the variety of programming implemented in counties across Indiana. As such, the diversion grant program should allow for flexibility to maximize accessibility for all counties regardless of size or geographical location. The diversion grant program must encourage data-informed decisions around program type and scope.

The following recommendations are intended to provide counties with the flexibility to fund and implement diversion programs that align with local needs, the characteristics of the community, and existing resources.

### 1. Qualified recipients include county government agencies, courts, and community-based organizations.

Establishing partnerships between youth justice systems and community-based organizations aligns with best practices for diversion by building up a support system in the community. Allowing community-based organizations to be grant recipients can enable counties to tap into existing resources and a wider range of programs and services for youth. Additionally, this model can lead to increased efficiency and accessibility, particularly for organizations that provide (or plan to provide) services to multiple counties or a group of counties. Memoranda of Understanding should be utilized to define the roles, responsibilities, and expectations of each partnering agency.

Currently, Indiana counties are implementing diversion programs using court-administered and community-based models. Expanding the parameters for eligible grant recipients to include community-based organizations affords local jurisdictions the flexibility to develop the necessary program options for their specific community.

## **2. Fund regional diversion partnerships.**

To meet the unique and diverse needs of each of Indiana's ninety-two counties, a mechanism should be available for counties to partner or jointly apply for and receive grant funding. This will support less populous counties and community-based organizations serving multi-county regions, as smaller populations can have difficulty sustaining programs independently. This model promotes youth accessibility to diversion opportunities state-wide. An example of this type of partnership already exists in regions across Indiana, Youth Service Bureaus being one example.

## **3. Utilize a funding structure that provides a portion of funding up front to support startup costs and distribute funds on a schedule of regular frequency rather than on a reimbursement basis.**

To encourage communities to develop and implement diversion programs that are data-informed and directly responsive to local needs, a portion of grant funds should be available upfront to alleviate startup costs for newly created programs. Because each county is unique and there is no "one size fits all" diversion program, communities may need to establish entirely new programs and new partnerships. Providing funding only by reimbursement may pose a barrier for counties or organizations establishing a new diversion program so other distribution options should be considered.

To ensure that funds are being requested and utilized for viable programs, counties should support their funding requests with a description of the program as well as the plan for implementation and ongoing sustainability.

## 4. Provide planning grants.

To maximize opportunities for diversion in counties that currently do not have existing programs or have not yet identified how they can best implement diversion to meet their needs, funds should be made available for the purpose of developing these plans.

Counties may consider using this planning time to –

- Convene a collaborative group or join the efforts of an existing local group (local JDAI Steering Committee, Local JRAC, etc.).
- Gather data to identify the type or scope of the diversion program needed and the intended target population.
- Identify and engage with local community-based organizations or youth-serving agencies with which to partner to provide diversionary programming.
- Explore programs being implemented in other jurisdictions that may align with locally identified needs and data.

In addition to encouraging more counties to explore diversion options, providing the opportunity for planning funds will promote intentionality in determining the type and scope of the program to be implemented and encourage collaborative program development and sustainability.

Authorize the use of grant funds at all diversion decision points (e.g., at the point of arrest and at or after the point of referral to the system).

While HEA 1359 defines diversion as a decision made by the prosecutor following preliminary inquiry and risk assessment by probation, in practice, counties divert youth using a variety of different methods and at different decision points in the youth justice system. In a later section, this report discusses and illustrates a continuum of diversionary options. One example of this is a diversion that occurs at the point of contact with law enforcement or a school official, resulting in no referral to the system at all.

Understanding the intent of this legislation is to maximize the ability for counties to implement diversion options and to avoid unnecessary system involvement for youth, these grant funds should be available to diversion programs at all decision points.

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## **B. Diversion Program Parameters**

### **1. Create a clearly defined target population and referral process.**

Before implementing any program, best practices support clearly defining the target population and referral process for seamless referral and appropriate programming to meet the needs of youth.

The best practices subcommittee reviewed research on best practices for developing, implementing, and utilizing diversion programs. Existing research provides a comprehensive examination of diversionary practices and programming from state and county-level implementation perspectives, as well as overarching best practices for diversion in general.

Research has shown that net widening can be an unintended consequence of some diversion programs. A clearly defined population and referral process with clearly defined eligibility criteria is needed to prevent net widening. Those criteria should include early intervention timelines, the use of graduated sanctions, sources of referrals, assessment tools, and a focus on low and moderate-risk youth. Further, it is recommended that each jurisdiction ensure that each available diversion option has its own clearly defined target population and eligibility criteria, such that youth identified as eligible for diversion on the assessment tool are then referred to the specific diversion program that corresponds to that youth's risk and needs. As Indiana probation departments have access to the Indiana Youth Assessment System (IYAS), these tools are suggested for use with diversion processes. The key to successful referral to diversion programming is the collaborative efforts of law enforcement, prosecutors, probation, and community providers, with training for all involved for understanding the assessment tool in the diversion process.

In developing diversion programming, it is recommended that jurisdictions keep in mind the intention of diversion is to divert youth from the formal court process when appropriate. Even after completing an assessment, a prosecuting attorney has the authority to dismiss or otherwise not pursue a referral. As a corollary, nothing prevents diversionary options from being used prior to referral to the justice system. (e.g., at the time of arrest or incident). If local stakeholders have developed a policy to divert certain cases prior to a preliminary inquiry being done, then a risk screening tool should not be mandatory. This may require a change in statute if not read as permissive for diversion.

Other states have adopted statutory language to authorize diversion prior to referral to the system or completion of a risk assessment tool. As an example, Colorado has passed the following language, Colorado SB 19-108 – “ON AND AFTER JANUARY 1, 2021, CONDUCT A RISK SCREENING USING A RISK SCREENING TOOL SELECTED PURSUANT TO SECTION 24-33.5-2402 (1)(c) FOR ALL JUVENILES REFERRED TO THE DISTRICT ATTORNEY PURSUANT TO SECTION 19-2-510 UNLESS A DETERMINATION HAS ALREADY BEEN MADE TO DIVERT THE JUVENILE. THE DISTRICT ATTORNEY DECLINES TO FILE CHARGES, DISMISSES THE CASE, OR CHARGES THE JUVENILE WITH A CLASS 1 OR CLASS 2 FELONY. THE DISTRICT ATTORNEY'S OFFICE SHALL CONDUCT THE RISK SCREENING OR CONTRACT WITH AN ALTERNATIVE AGENCY THAT HAS BEEN FORMALLY DESIGNATED BY THE DISTRICT ATTORNEY'S OFFICE TO CONDUCT THE SCREENING, IN WHICH CASE THE RESULTS OF THE SCREENING MUST BE MADE AVAILABLE TO THE DISTRICT ATTORNEY'S OFFICE.”

## 2. Establish partnerships with community-based organizations and programs.

Through a diversion survey of Indiana counties, information was gathered as to the existing diversion programming available. Sixty-eight counties reported that they implemented some type of diversionary program, practice, or policy outside of Informal Adjustment and seventeen counties did not list any programming other than Informal Adjustment. In addition, information received from the survey sheds light on programming partnerships in some counties. Most frequently, programs are implemented by court stakeholders. Developing and using a wide network of community-based providers and building various support systems within a community can provide enhanced opportunities to address the various needs of youth. Collaborating with providers already serving youth in the community can increase natural support and sustainable diversion options. Courts and community-based agencies working together to identify existing programming is important to identify any programming gaps.

To the extent possible, diversion services should be operated by community-based organizations rather than within probation or other system departments. The Youth and Family Advisory Group emphasized that youth and families are most comfortable working with organizations in their community that already have experience working with youth. Communities with a wide range of available diversion services allow youth to be assigned to programs based on their individual needs rather than program availability.



Counties should form partnerships with existing community-based organizations or service providers to maximize the variety of services that can be implemented, and to increase accessibility of services within the community. In doing so, it is also recommended that Memoranda of Understanding (MOUs) be utilized to define roles, responsibilities, and expectations of the respective parties, along with the data to be collected, parameters, and at what frequency.

### **3. Utilize data to identify local needs and support the implementation of diversion programming and strategies.**

Research shows that without good data planning, there can be some unexpected negative results of diversion programming, most notably, net-widening (as a number of youth who participated in diversion programs would not have been processed at all if the programs were not in place), increased recidivism (as youth who failed to comply were referred directly to courts and contact with diversion programs increased youths visibility to law enforcement), and disparate utilization (later studies found that diversion programming was being utilized less frequently for the youth of color with the same identified needs).

Counties should utilize data to identify their needs and to support the implementation of diversion programming and strategies.

Diversion program studies have found that high-quality implementation is a key factor in the program's long-term efficacy and programs can be negatively affected by poor implementation. There are several stages of implementation that require monitoring, including exploration, installation, initial implementation, and full implementation. Research recommends that communities establish an implementation team that would, among other things, be responsible for creating a comprehensive work plan and using data to monitor progress and make informed decisions to ensure success. The implementation team would help to accurately identify the youth who may truly benefit from diversion program options, by targeting youth based on individual needs. The implementation team must create a plan for how and what data should be collected both to justify the need for a diversion program and to track its effectiveness.

## 4. Develop and track both output and outcome measures as well as track progress toward both short-term and long-term goals.

Every diversion program should have a way to determine whether it is meeting its intended goals and objectives. One of the greatest values in program evaluation is determining the need for program adjustments over time. Good evaluations determine not only whether objectives are being met but also identify how and why objectives are not met. Evaluations that show good outcomes can be used to argue for funding that sustains the program. Outcome evaluations that show poor outcomes can be used to argue for funding to adjust the program.

Data should be used to track outputs (i.e., activities, services, events, and products that reach people who participate in or who are targeted by the program). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) suggests several data points to track in order to measure outputs, including:

- Number of individuals served (including youth, parents or guardians, and additional family members)
- Percentage of eligible individuals served by specific types of programs (including evidence-based programs or practices, promising programs or practices, culturally specific services, trauma-informed services, and multi-disciplinary teams)

Data should also be used to track outcomes (i.e., the results or changes for individuals, groups, communities, organizations, or systems). The OJJDP also suggests several data points to track in order to measure outcomes, including:

- Prevention/intervention outcomes (including the percentage of individuals detained, adjudicated for a delinquency offense, adjudicated for a status offense, and who violated a court order/condition).
- Program quality (including the percentage of individuals who completed their intended service requirements, engaged in services based on the program model, and completed required conditions)

- Protective factors (including the percentage of individuals who exhibited improved self-esteem, who had improved parent/caregiver relationships, who participated in positive leisure/recreational activities, who exhibited improved social competencies, who actively engaged in school, who exhibited improved mental health, and who abstained or reduced substance misuse).

Ultimately, what data and outcomes a particular county tracks would depend on the objectives of the diversion program. The Grant Programs Report contains a table of performance measures that the YJOC requires. The YJOC recommends that these performance measures be collected/reported monthly or quarterly with an aggregate year-end report.

A key component of data collection that communities should address is what entity(ies) should be responsible for data collection. For diversion at the point of “arrest/incident,” data should be collected and tracked by the organization or agency to which the youth was referred (i.e., mental health providers, substance abuse providers, etc.). For diversions that occur at or after the point of referral to the juvenile justice system, data should be collected and tracked by the probation department that made the referral. MOUs should include provisions on data collection and reporting.

## **5. Create programs developed through a collaborative effort among system and community stakeholders.**

When considering the development of diversion programs, as with the grant process itself, several preliminary activities can set the stage for success. Bringing together a group of stakeholders at the local level, including the justice system as well as youth-serving organizations, can ensure that a variety of services and needs are considered in the development of diversion programming. It also ensures buy-in from various stakeholders. This group can conduct a community inventory to identify existing resources and potential gaps. They can also look at their current referrals and assess the needs of the youth being referred to the system.

From this diverse group of stakeholders, counties should also consider designating members to serve on implementation teams. These teams would be tasked with

overseeing the design and operation of the diversion program(s), identifying funding sources, and planning for program sustainability. The team should have current knowledge of adolescent mental health needs, evidence-based assessments and treatments, and strategies for effective cross-system collaboration.

Collaboration and community partnerships are particularly important in rural communities, where funding and resources are limited, distances are great, and caseloads are low. Joining forces with a range of providers in different jurisdictions creates a larger resource base to support the development and maintenance of programs and services and a stronger capacity to write grants and attract outside funding. Regional partnerships also create a larger pool of cases from which to develop expertise and increase programmatic competence.

With so many agencies potentially involved, MOUs can be vital to clearly define roles, responsibilities, and expectations across agencies.

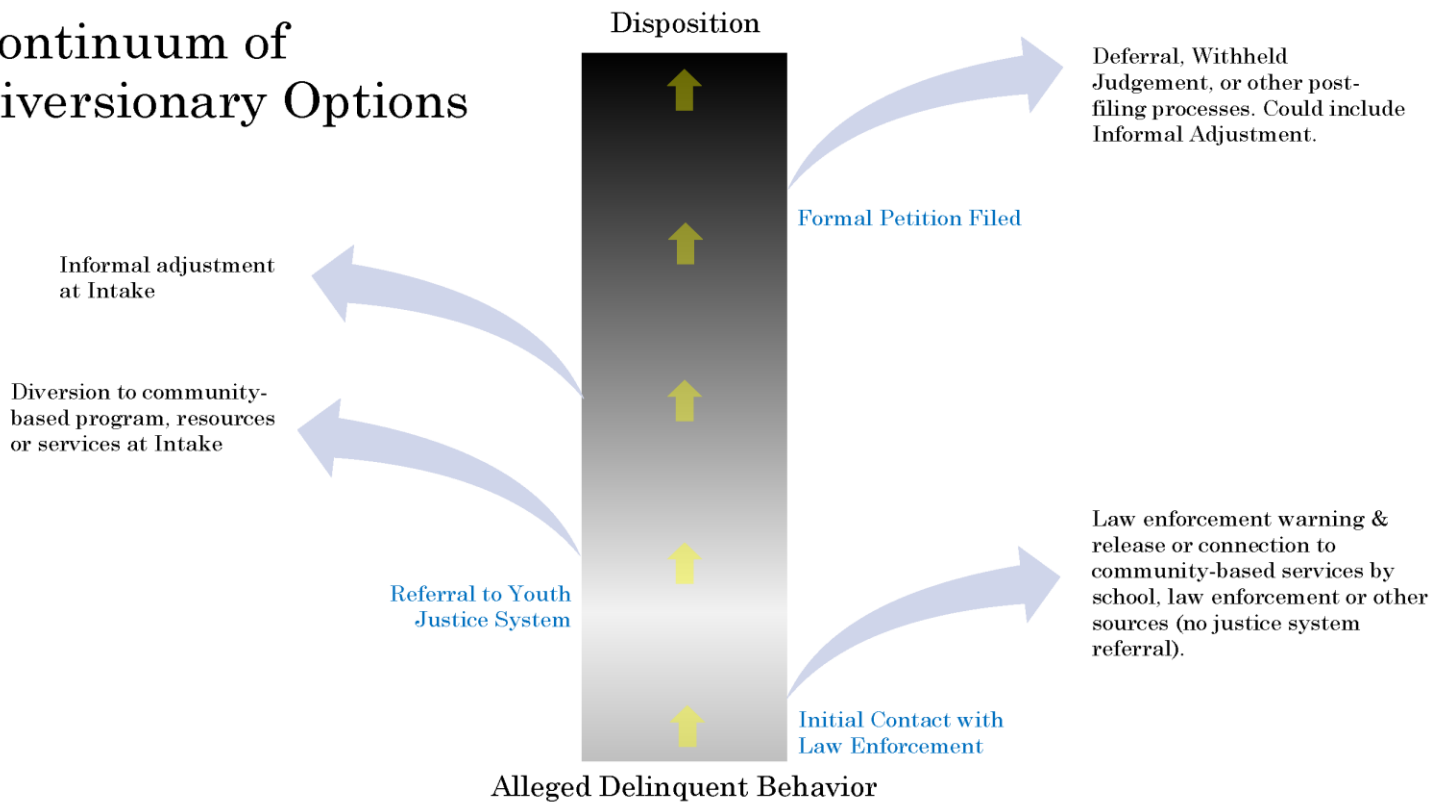
## **6. Provide a continuum of diversionary options with “offramps” at different decision points in response to local need.**

As discussed earlier in this report, HEA 1359 defines diversion in terms of a decision made after referral to the system, preliminary inquiry, and administration of a risk assessment. This is not, however, the only decision point at which diversion can occur, nor is it the only decision point at which counties are currently utilizing diversion options. Because the goal of this legislation is to maximize the use of diversionary options and reduce prolonged or unnecessary involvement in the youth justice system, counties should consider developing multiple avenues for diverting youth from the system.

Given the unique nature of each county’s local court process and the circumstances of each youth’s situation, several types of diversion programs may be appropriate at different points in the process.

The visual below provides an illustration of the youth justice system, highlighting key decision points, with brief descriptions of types of diversion options that might apply at each decision point.

# Continuum of Diversionary Options



## Initial Contact with Law Enforcement or School Officials

Diversion at this decision point (often referred to as “pre-arrest” diversion) typically results in no referral being made to the youth legal system. This option would be employed at the time the alleged behavior occurs, often by law enforcement or school officials through an agreement with the youth justice system stakeholders.

General types of diversion options that might apply here could include warn and release, civil citations, or connection to community-based services directly by law enforcement or school officials. Law enforcement agencies, schools, and the youth justice system should work collaboratively to identify the appropriate diversion options for their system and to develop program parameters, referral processes, and data collection and reporting expectations.

Several counties in Indiana currently implement diversion options at this pre-referral/pre-system decision point. Some examples of these programs are:

- Youth Assistance Program (YAP) – law enforcement or school can directly make referrals.
- Mobile crisis response and SafePlace through Youth Service Bureau – law enforcement can connect directly to these resources.
- Truancy Mediation (School Attendance Mediation) – provided by community-based organizations, referred directly by schools.
- Boys and Girls Club – referral can be made directly by law enforcement.
- Teen Court – law enforcement and schools can directly make referrals.

## At Referral to the Youth Justice System

Diverting youth at this decision point can fall into different categories. The first is a diversion to community-based programs, resources, or services at intake; or other “warn and release” or “refer to other agency” referral options.

The second is an informal adjustment. This option results in a higher level of system involvement and often system supervision, but it does provide an exit from formal court processing. Because informal adjustments require more system involvement than diversions earlier in the process and often result in a level of system supervision, other diversionary options should be considered for eligible youth prior to proceeding to an informal adjustment.

Some examples of programs or practices being used at the point of referral to the youth justice system are:

- Youth Assistance Program (YAP) – referral can be made by probation as a diversion option
- No action/warn and release/refer to other agency at intake
- Referral to online education classes – e.g., substance abuse, anger, life skills, theft, and truancy – resulting in no further action.
- Referral to restorative justice program
- Runaway education program
- Teen Court – referrals can be made by probation after referral to the system
- Referral to Boys and Girls Club
- Informal Adjustment

A previous report to the Commission on Improving the Status of Children in Indiana, by this Work Group's predecessor subcommittee found that, of the eighty-five county respondents, seventy-eight utilize informal adjustments, and sixty-eight counties have implemented at least one type of diversion option outside of an informal adjustment.

#### After Filing a Formal Petition

At this decision point, the referral has proceeded deeper into the system, and a formal petition alleging delinquency has been filed. While an "offramp" at this point entails a higher level of system involvement and court process, post-filing options provide an additional opportunity for youth to exit the system without formal disposition or adjudication.

Types of programs or practices utilized by counties that fall into this decision point:

- Diversion options available at earlier decision points are still available.
- Service-Learning Project – results in no further action, can be ordered in lieu of adjudication.
- Deferral agreements
- Informal Adjustments – can still be implemented after a petition has been filed and prior to adjudication.
- Withheld adjudication conditioned on the completion of programming.

A robust array of diversion options enables jurisdictions to be responsive to their system and community needs and to best align services or interventions with the circumstances of each youth referral. Employing a variety of "offramps" from the system allows youth to move through the system more expeditiously and without placing more youth than necessary on traditional probation supervision for lack of other options.

## 7. Focus programming on changing youth behaviors through programs that are developmentally appropriate, build pro-social and problem-solving skills, embrace a family-centered approach, utilize restorative justice and/or promote positive community supports.

Diversion programs are commonly developed and implemented with the goals of reducing recidivism, providing services, avoiding labeling effects, reducing system costs, and reducing unnecessary social control. Research of various diversion programs across the nation reveals that programming which consistently correlates with successful outcomes includes components such as holistic, family-centered interventions; teaching discipline and life skills; encouraging pro-social behaviors; building natural positive support systems in the community; and utilizing a restorative justice approach. Programs that include preventive, rehabilitative, and community approaches show greater effectiveness than punitive or deterrent approaches.

Matching the youth with services that are tailored to address their specific needs is critical. Of course, the goal of the particular diversion program and the identified target population will drive what services and supports the diversion program should entail. Other considerations include what resources are available in the community and whether they use evidence-based methods.

## 8. Define and detail the purpose of the program, the decision point(s) at which it can be employed, and extent of intervention, intentionally working toward the future goal of reduced involvement in the youth justice system.

As discussed in the previous section, diversion programs can provide services, support, or resources to reduce the likelihood of future system referrals. Key considerations in



developing operating policies and procedures for implementing such programming include:

1. Detailing the purpose of the program, including the targeted decisions point(s) and extent of the intervention;
2. Determining who and what agency will oversee the structure, operation, and funding of the program;
3. Establishing clear and concise referral process and eligibility criteria, including the use of assessment tools as appropriate;
4. Developing operation policies, such as types of programs offered; program conditions; clear definitions for youth who successfully or unsuccessfully complete the program; process for reporting successful and unsuccessful completion;
5. MOUs to ensure confidentiality of diversion records and guidelines for the role of legal counsel as needed; and
6. Creating a data plan to monitor program implementation and conduct rigorous and frequent outcome evaluations.

By intentionally including these components in the development and operation of diversion programs, counties are more likely to ensure that the youth are provided with appropriate treatment and services designed to address their needs. Program implementation should occur with close attention to model fidelity standards, as programs with higher-quality implementation have a greater impact on recidivism. Importantly, these components also reduce the risk of net-widening by confirming that the program is actually serving the youth it is aiming to divert, not pulling in youth who would not have had justice system involvement otherwise.

By mindfully addressing these considerations, diversion programs can seek to reduce youths' contact with the justice system and the potential collateral consequences that entails.

## **9. Incorporate and continuously review for equity and cultural competency in all programs.**

Meeting the need for equity and cultural competency is imperative for a successful youth diversion program. Referring to the Juvenile Diversion Guidebook (Models for Change,

2011) it is noted that one of the eight common goals of a diversion program should be to reduce the racial and ethnic disproportionality and disparity in a youth justice system.

Bearing this in mind, it is recommended that stakeholders consider training staff and providers in cultural competency, equity, and adolescent development so that diversion opportunities can be understood to be available for all youth. It is recommended that stakeholders develop policies with the goal of reducing potential biases related to race, ethnicity, gender, sexual orientation, disability, and immigration status and that training be offered for these policies to be understood and implemented equally for all. Consider using the Equity Impact Assessment developed by the Equity, Inclusion, and Cultural Competence Task Force under the Commission on Improving the Status of Children. (See Resource page)

## **10. Engage or partner with youth and families in the process of developing and implementing diversion programming.**

In the review of information regarding the development of diversion programming in other states, it is often stated that the need for the community to develop a post and pre-arrest diversion programming is vital to ensure healthy living for their families. According to the National Juvenile Justice Network publication, "Reducing Youth Arrests: Prevention and Pre-Arrest Diversion", it states, "The young people NJJN contacted, as well as the Connecticut Juvenile Justice Alliance's Justice Advisors, stressed the need for services, supports, resources, jobs, and other components of healthy living environments for themselves and their families to prevent justice system contact." Local interviews with parent members of the Family CARE Council (created through the Transforming Juvenile Probation initiative of the Marion Superior Court and Probation and now sponsored by VOICES Corporation), urged the ongoing need for parent and family involvement in the creation and implementation of diversion programming. The Family CARE Council stressed that the parents' involvement in the developmental stage of programming is key for the community to understand the needs of their youth and families, and for building trust between families and program providers. Involving youth and parents in the creation and implementation of diversion programming also helps highlight their ideas for how best to support the youth and families in their community.

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## C. Types of Diversion Programs

While the specific type, scope, and structure of a jurisdiction's diversion program(s) should be determined by their data and county characteristics, research does provide some commonly implemented types of diversion programs that counties may consider exploring. These broad categories are provided for contextual purposes but are not mutually exclusive and certainly may be combined as program components.

### 1. Teen Court Programs

Teen courts are modeled after the traditional court process, with youth peers serving as the jury. Juries are encouraged to create consequences that discourage future delinquent behavior and encourage socially appropriate behavior and should be trained using restorative justice principles. Sanctions may include serving as a future juror, community service, essays, letters of apology, restitution, or other means of repairing the damage caused. Teen courts provide an opportunity for young people to be heard and to be held accountable by their peers, as well as providing an avenue for a restorative response to their behavior. Common target populations for teen courts are youth who have committed first-time or low-level offenses. (Statewide Evaluation, Colorado).

### 2. Restorative Justice

HEA 1359 encourages the adoption of diversion programs using restorative practices. Restorative justice approaches encourage youth to recognize the harm they caused, accept responsibility for their actions, and make amends for their actions. Common types of restorative justice diversion programs include victim-offender mediation and group conferences. Teen courts may also fall into this category, along with certain other justice system practices such as community service, apology letters, restitution, victim impact statements, and victim impact panels.

### 3. Police-led Programs and “Pre-arrest” Diversion

Police-led programs can include caution and warning practices or civil citations, which law enforcement officials may utilize in lieu of arrest. Caution and warning programs might also include a referral to services or a “restorative caution,” a structured discussion between the youth and victim facilitated by a law enforcement officer.

Research done in conjunction with a state-wide survey of police diversion practices in Massachusetts notes that “police are often forced to choose between arresting the youth and doing nothing, resulting in extremely high rates of low-level arrests.” The report recommends that police “connect youth and families with effective developmental services that address the underlying causes of delinquent behavior” and “seek out collaboration with youth-serving community partners to minimize juvenile system involvement.”

Massachusetts has adopted three different practice models for its police-led diversion programs –

- MASTLE Screening Tool to Determine Diversion Eligibility. The Massachusetts Arrest Screening Tool for Law Enforcement is an objective, validated screening tool to be used by commanding officers to evaluate the likelihood that the youth will be rearrested or fail to appear in court.
- Community Partnership Model. Several police departments have partnered with a community-based organization, Communities for Restorative Justice (C4RJ). Each department develops internal criteria to determine eligibility. This program can be used pre- or post-arrest. Community volunteers facilitate a restorative circle, bringing together the victim and the youth to “repair harm, affirm accountability for the offender, and restore a sense of community values.”
- Cambridge Safety Net Collaborative – a multi-agency integrated model of preventative services for at-risk youth ages 10-17. The mission of the SNC is “to foster positive youth development, promote mental health, support safe school and community environments, and limit youth involvement in the justice system through coordinated prevention, intervention, and diversion services.” Youth Resource Officers (YROs) actively build relationships with youth, and intervene and connect youth with resources before social, emotional, or behavioral challenges escalate to delinquency. YROs also “divert youth who have committed non-violent offenses to programs that may involve clinical services and peer and mentoring support.”

## 4. Service Coordination

This category of diversion programs encompasses a range of programmatic and practice options, with the overall goal of identifying youth needs and linking them to appropriate services or resources. This type of diversion option may involve case management or wraparound services.

Many Indiana counties employ practices that fall into this category. The previously gathered survey results found that many counties utilize the referral option “Refer to Other Agency” to connect youth to programs, services, or resources, without placing them on probation supervision. Other probation-operated diversion programs providing coordination and case management of services would also fall into this category.

## 5. Counseling/Skill Building

The diversion options target the needs underlying the behavior. These include interventions focusing on the family, youth’s mental health needs, substance use, life skills, and educational and vocational needs. These programs focus on and are operated in a number of ways depending on local needs, resources, and program structure – substance abuse education or treatment, referrals to individual or family counseling or home-based services, mental health diversion, mentoring programs, online or in-person curriculums targeting a particular skill or educational need, or job training programs

## 6. Indiana Diversion Programs

The following list provides examples of diversion programs being implemented in Indiana counties. This list is not exhaustive, nor are these programs endorsed by the work group, but illustrations of the diversion practices being utilized across the state. This list does not include informal adjustments, “warn and release,” or “refer to other agency” practices, since these are existing statutory options that appear to be widely adopted by counties. Additionally, programs and program parameters are continuously evolving, so local programs should be contacted for additional information or updates.

### Teen Courts

- Huntington County and Whitley County – operated by Huntington County Youth Service Bureau

- LaPorte County – operated by the Youth Service Bureau
- Porter County
- Tippecanoe County
- Steuben County
- Vigo County – operated by the CASY Program

#### Restorative Justice Practices

- Elkhart County – services such as Victim Offender Mediation provided by the Center for Community Justice
- Lake County – Restorative Circles and Restorative Conferences
- Monroe County – services such as the STEP Program (focused on shoplifting offenses) and Victim Offender Reconciliation Program (VORP) provided by Community Justice and Mediation Center
- Shelby County Restorative Justice Program – operated by Shelby County Community Corrections

#### Law enforcement partnerships and other pre-arrest/pre-referral diversion options

- Marion County – law enforcement referral to Boys and Girls Club at point of “arrest”
- Shelby County – law enforcement referral or school referral to the Youth Assistance Program (YAP)
- Huntington, Wabash, and Whitley County (through Huntington County YSB) – law enforcement referral to mobile crisis response, SafePlace

#### Service Coordination Diversion Programs/Practices

- County “Warn and Release” and “Refer to Other Agency” practices
- Boone County – Deferral Agreement
- Cass County – Diversion program

#### Counseling and Skill-building Diversion Programs

- Allen County – Check and Connect school-based mentoring program
- Boone County – Runaway Education Program
- Cass County – Diversion Program utilizing community service, Carey Guides, thinking reports, restorative practices
- DeKalb County – CHANGE Academy
- Huntington County – Skills for Life Program provided by Huntington County YSB
- Lawrence County – Truancy Intervention Program
- Marion County – Diversion to the Boys and Girls Club by probation

- Monroe County
  - Teen Intervene – Substance Abuse Education Program
  - Fire-setting education program in partnership with the fire department
  - Big Brothers Big Sisters – mentoring

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## **D. Informal Adjustments**

Prior to the changes adopted in HEA 1359, informal adjustment was the only statutory referral option that resembled a youth diversion; thus, it has been characterized across Indiana counties as a diversion option. While this option does not divert youth from the system entirely, and results in a higher-level system involvement and supervision than diversion, it does provide an exit from formal court processing. An informal adjustment is generally entered following a preliminary inquiry and recommendation by probation to allow a young person to complete certain court-ordered requirements without a formal petition being filed, or adjudication entered.

Because each county can structure informal adjustments differently pursuant to the needs and processes of the local court system, the manner in which these are implemented varies from jurisdiction to jurisdiction. Some probation departments supervise youth on informal adjustments similar to youth on formal probation, while others require certain goals or programs to be completed, with no ongoing supervision, upon completion of which youth are released from the informal adjustment.

The new statutory provisions not only establish the specific statutory option for diversion, but they also limit the time a young person can be on an informal adjustment to six months and remove the previous allowance to extend the term by up to three months. The new statutory revisions also remove the ability for courts to charge fees for informal adjustments.

## **1. Consider all available diversionary options for appropriate youth prior to proceeding to an informal adjustment.**

Now that the statutory referral options for counties have been expanded to include diversion as an option for youth who come into contact with the system, informal adjustments should no longer be the default option. Along a continuum of diversion options, informal adjustments still have a key place for youth who are ineligible for diversions and require a higher level of court involvement to meet their specific needs. However, other diversion options should be considered first.

## **2. Implement informal adjustment programs that focus on meeting specific goals or participating in specific services tailored to the risk and needs of each youth referred. Informal adjustments should not necessarily mirror the county's standard order of probation in terms of conditions ordered or level of supervision.**

For youth who are not eligible for earlier diversion options, and are ordered into an informal adjustment, these programs should be goal-based and focus on the risks and needs of the specific youth referred. Rather than provide a supervision option with a set of standard rules and conditions, informal adjustments should be limited in time and intensity to the least restrictive level of involvement necessary to meet the youths' needs and goals.



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## **E. Youth and Family Advisory Group**

The DW met with the YJOC's Youth and Family Advisory Group to share best practices information and to understand their perspective on diversion programs. Much of what was learned from the Advisory Group aligned with the DW's recommendations and the research on diversion. The Group provided the following input:

1. Youth and families are most comfortable working with community-based organizations that already work with/have experience with youth.
2. The need for clear explanations of the process and program options to build trust with youth and families and to ensure they understand expectations.
3. Parent/family involvement. Consideration of how the family as a whole is impacted, including working through barriers around transportation and childcare.
4. More robust diversion options are needed around mental health and therapy resources, timely and accessible programming, and non-judgmental providers with trauma-informed training.
5. More youth/peer support for youth going through the system/currently in a program. (A lot of valuable feedback about Teen Court and restorative practices involving peer-led/peer-focused programs and pro-social activities.)
6. Informal Adjustment should be less like standard probation and more focused on the specific needs of the youth involved and engaging in pro-social activities.

## **III. Next Steps**

The members of the DW understand that this is an ongoing process and would be willing to continue working on statewide juvenile diversion expansion. The DW has identified the next steps in the process as:

1. Creating a Resource/Toolkit for counties to use in implementing/expanding their diversion offerings under the ICJI diversion grant program.
2. Continuing to review and highlight diversion programs in Indiana for counties to emulate.

3. Outreach and messaging to all counties about the new Diversion Grants and best practices for diversion.

## **IV. Conclusion**

The DW appreciates the opportunity to provide recommendations for consideration by the YJOC. This group is prepared to continue working on expanding diversion options and working on emerging issues as counties implement diversion grant programs.

# V. Resources

[Juvenile Diversion Guidebook](#). Models for Change Juvenile Diversion Workgroup. Baltimore, MD: MacArthur Foundation, Model for Change. March 2011.

[Best Practices in Youth Diversion](#). Literature review for the Baltimore City Youth Diversion Committee. Farrell, Betsinger, and Hammond, The Institute for Innovation & Implementation, University of Maryland School of Social Work. August 2018.

[Colorado Juvenile Diversion Evaluation Report. 2020](#).

[Diversion Practices Statewide Survey Summary](#). Indiana Commission on Improving the Status of Children's Juvenile Justice and Cross System Youth Task Force. Prevention and Diversion Subcommittee. April 2022.

[Juvenile Justice Mental Health Diversion Guidelines and Principles](#). Behavioral Health/State Court Leadership Brief. March 2022.

[Statewide Evaluation of Juvenile Diversion Programming](#). Literature Review. Submitted to the Colorado Division of Criminal Justice. OMNI. January 2013.

[Improving Outcomes for Justice-Involved Youth Through Structured Decision-Making and Diversion](#). Center for Juvenile Justice Reform, Georgetown University McCourt School of Public Policy. July 2018.

[Seizing an Early Opportunity](#). Results from a Survey of Police Departments on Youth Diversion Practice in Massachusetts. Prepared for the Massachusetts Chiefs of Police Association by Citizens for Juvenile Justice. August 2018.

[Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice](#). The Sentencing Project. August 2022.

[Transforming Juvenile Probation: A Vision for Getting it Right](#). The Annie E. Casey Foundation. 2018.

[Delinquency Prevention Program Performance Measures Definitions and Questions](#). Office of Juvenile Justice and Delinquency Prevention. Intervention Division.

# VI. Diversion Work Group Members

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