# Juvenile Diversion Toolkit

Diversion Resource Guide

Why Diversion - Purpose and Overview

With youth diversion recently codified in Indiana Statute through House Enrolled Act 1359 (2022) (HEA1359), counties have increased opportunities to implement alternative options to formal court processing. This resource is intended to provide practical guidance to local jurisdictions seeking to develop new diversion options or expand existing ones.

This resource guide is not exhaustive of all the considerations a county might undertake when developing or implementing a new program or practice, but rather some of the key steps to consider when getting started, with a particular emphasis on processes and practices specific to Indiana.

This document includes links to several online toolkits and practice guides that provide a wealth of information for diversion program development, implementation, and best practices. Please consult these resources for additional guidance on program parameters and specific types of diversion programs as well as step-by-step tools, checklists, and examples of program materials.

A lengthier discussion of best practices and supporting research can be found in the full Diversion Report submitted to the Youth Justice Oversight Committee (YJOC) in June 2023, linked here: Diversion Report. Similarly, information about the diversion grant opportunities created through the YJOC can be found here: ICJI Juvenile Diversion Grant Program. Additional resources identifying and highlighting specific diversion programs throughout the state are forthcoming and will be incorporated into this guide.
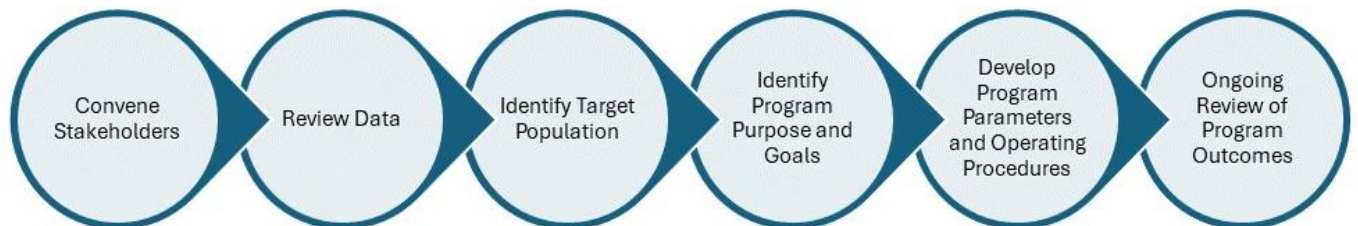
I.   Collaboration

When considering the development of diversion programs, a key first step is to convene a group of local stakeholders. A collaborative approach provides diverse perspectives, ensures that a variety of programming options are considered, and builds support for the programs and practices that are developed. Diversion programs and policies should be focused on changing youth behavior. Programs should be developmentally appropriate, build pro-social and problem-solving skills, and promote positive community support. To create and implement effective and sustainable diversionary practices, a strong collaborative approach is essential.

When convening local collaborative partners, consider utilizing an existing local stakeholder group. Depending on the jurisdiction, this might be a local JDAI Steering Committee or other JDAI collaborative group, a local JRAC, or other youth justice committee or advisory board. Utilizing an existing youth justice group provides an efficient platform for convening the voices needed for developing and implementing a diversion program or practice.

A judicial officer is required to be a part of your collaborative group. However, to ensure all key perspectives are heard, include representation from traditional youth justice system stakeholders and non-system stakeholders alike:

- Judicial officer
- Prosecuting attorney
- Defense counsel
- Probation officer
- Law enforcement
- School
- Mental Health
- Child Welfare
- Service providers
- Community-based organizations
- Formal and/or informal youth serving organizations or groups
- Youth and families who have experienced the youth justice system

As programs and practices are implemented, this collaborative group should continue to meet to review and assess program outcomes. Through this ongoing monitoring, the group may identify the need to make changes to the program to achieve the desired outcomes. The group may identify a need to expand the program to serve more youth, or it may identify the need to develop new programming or practices to serve a different target population.

II. Review Statutory Authority and laws connected to diversion programming, informal adjustment and initiating a juvenile case

https://iga.in.gov/laws/2023/ic/titles/31#31-37-8.5 (Diversion Statutes)

https://iga.in.gov/laws/2023/ic/titles/31#31-37-9 (Informal Adjustment Statutes)

https://iga.in.gov/laws/2023/ic/titles/31#31-37-8 (Information on Delinquent Child/PI)

https://iga.in.gov/laws/2023/ic/titles/31#31-37-10 (Screening)

https://iga.in.gov/laws/2023/ic/titles/31#31-40-5 (Diversion Grants)

https://iga.in.gov/laws/2023/ic/titles/2#2-5-36-9 (Duties of Commission)

https://iga.in.gov/laws/2023/ic/titles/2#2-5-36-9.3 (YJOC)

III. Data Informed Decision-making

Local data can provide a collaborative group with the information necessary to develop a program or practice that will meet the needs of the jurisdiction and the youth, serve the appropriate target population(s), and at a scale that fits the community's needs and resources.

To determine the type of diversion program that will best serve the jurisdiction, it's important to first understand the nature of the youth currently being served by the youth justice system. Are there certain types of offenses that are being referred to the system that could be diverted to a community-based organization? Are low level offenses or youth with low risk assessment scores frequently placed under court supervision?

Types of data to consider for identifying diversion needs and target population:

"Referral" data, such as:

- Types and levels of offenses are being referred to the court system.
- Volume and/or frequency of referrals.
- Demographic and geographic information.
- Data may come from the prosecutor's office and/or the probation department, depending on how referrals are processed.
- This data can also provide valuable information on –
  o Program scope (how many youths do we anticipate serving?)
  o Program type (e.g. truancy mediation/intervention, runaway prevention/education, victim offender mediation, substance use education, etc.)
  o Anticipated volume and frequency of diversion program
  o Potential need for multiple diversion options
  o Potential locations for programs or resources

Probation data

- Consider reviewing risk assessment (IYAS) data and current caseload information to identify lower risk youth who may be eligible for diversion from the youth legal system.
- Probation supervision data can also provide context as to what programs, services, and resources are currently being employed for lower risk youth. This can help in identifying not only the potential target population, but also what programming or service components a diversion program should include.
- Data on the use of Informal Adjustments can also provide insight into a potential target population, as this has often been used as a diversionary mechanism absent a statutory diversion option.

Law enforcement data

- If available, this data can be valuable particularly if a county is exploring implementing a diversion option pre-referral to the system/at the point of "arrest."

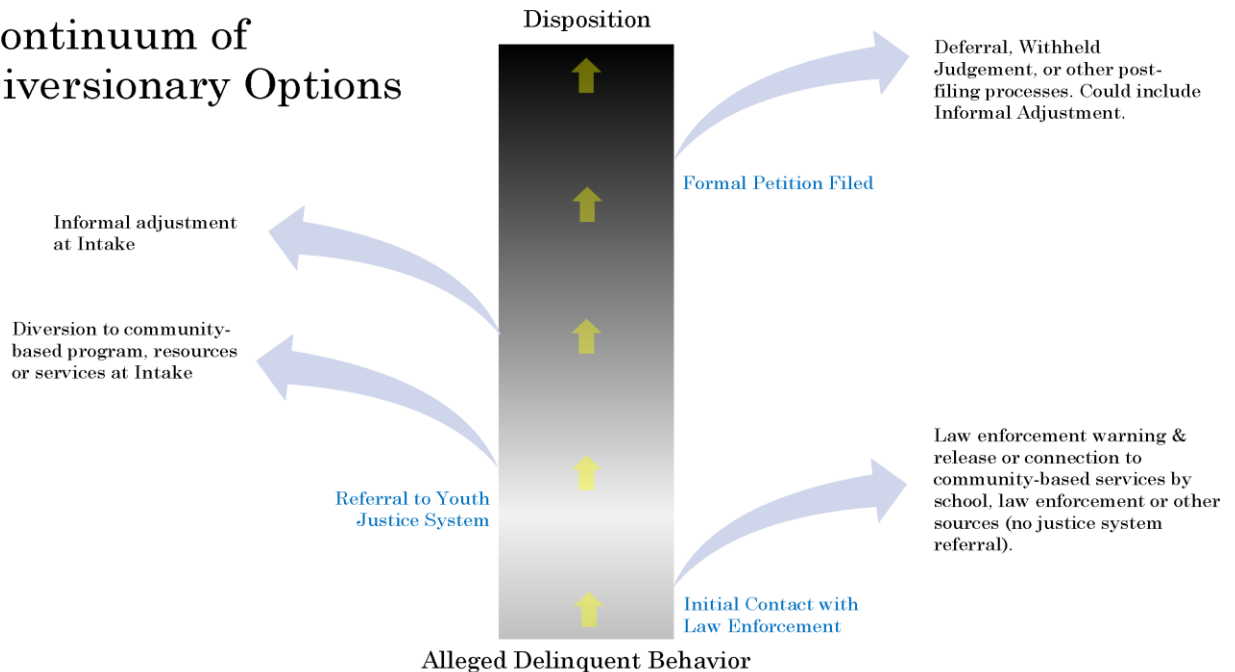## IV.   Defining Program Purpose and Goal

Before developing program parameters, operating procedures, or other program details, it is crucial to clearly define the purpose and goal of the diversion program or practice. Without a clear understanding of the intended impact of the program, it will be difficult to determine if the program is successful in achieving the desired outcomes. The program goal or purpose should be derived from the need for the program and program target population identified by the data.

V.   Program Parameters and Operating Procedures

Continuum of Diversion Options

Below is 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

Disposition

Deferral, Withheld Judgement, or other post-filing processes. Could include Informal Adjustment.

Formal Petition Filed

Informal adjustment at Intake

Diversion to community-based program, resources or services at Intake

Law enforcement warning & release or connection to community-based services by school, law enforcement or other sources (no justice system referral).

Referral to Youth Justice System

Initial Contact with Law Enforcement

Alleged Delinquent Behavior

When determining the type of diversion program or practice that best fits the locally identified needs and target population, consider the following:

- Determine the decision point in the system that best serves the intended target population and most effectively achieve the goals of the program. The full Diversion Report provides several examples of programs being employed at each of the different decision points.
  - One tool that might be helpful here is system mapping – a collaborative process of identifying and documenting each critical decision point in the youth justice system including who is responsible for making the decision, information used to make the decision, and options available at that decision point, resulting in a visualization of the local youth justice system process and pertinent information for each decision point.

- Identify and engage with local community-based organizations or youth serving agencies with which to partner to provide diversionary programming.

- One tool that might be helpful here is a community asset inventory or engaging in a collaborative process of community asset mapping, resulting in a comprehensive understanding of all available youth-serving resources in the community and identify potential partnerships for diversionary options.

- Explore programs in other jurisdictions that align with local needs and data.
  - Several local programs are described in the full [Diversion Report](). Additional information about those programs can be obtained by contacting the local youth justice system directly, or by contacting the chair or co-chair of this work group. Further information on programs around the state is forthcoming and will be incorporated into this document. The linked resources below also provide additional information on types of programs being implemented nationwide.
  - When observing programs or adopting practices from other jurisdictions, counties should ensure they are utilizing their own local data, identified needs, and target populations to determine the program(s) they choose to implement. While a certain diversion option may be a perfect fit for one community, it will not necessarily be a perfect fit for all.

Common Types of Diversion Programs (see the full [Diversion Report]() for more information on each)

- Teen Court Programs
- Restorative Justice
- Police-led Programs and "Pre-arrest" Diversion
- Service Coordination
- Counseling/Skill Building

VI. Operating Policies and Procedures

After a collaborative and data-informed decision has been made regarding the type, scope and intended outcome of the diversionary program or practice to be implemented, it is important to develop clear and well documented policies and procedures to govern the program. Creating well defined program guidance will allow for consistency in program delivery and institutionalization of the program into the local youth justice system.

Key considerations for program policies and guidance include:

- Determining who and what agency will oversee the structure, operation, and funding of the program. Execute Memoranda of Understanding (MOUs) with service-providing organizations or agencies outlining the partnership and expectations, as well as any necessary provisions for data collection and reporting;
- Data collection and reporting expectations should be clearly documented. Depending on the type of diversion program and the decision point in the system at which it occurs, the entity

responsible for gathering and providing data will be different. MOUs are important for ensuring the appropriate data is being collected and provided at the necessary intervals.

- Establishing clear and concise referral process and eligibility criteria, including use of assessment tools as appropriate;
- Developing operation policies, such as program conditions; clear definitions for youth who successfully or unsuccessfully complete the program; process for reporting successful and unsuccessful completion;
- Defining the legal outcomes of diverting a case;
- Developing practices to ensure confidentiality of diversion records and guidelines for the role of legal counsel as needed;
- Creating a data plan to monitor program implementation and conduct rigorous and frequent outcome and performance evaluation.
- Program implementation should occur with close attention to program best practices, 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 serving the youth it is aiming to divert, not pulling in youth who would not have had justice system involvement otherwise.

VII. Ongoing Review of Program Outcomes and Practices

After program development and implementation is complete, it is important that the local collaborative body continue to review program utilization and performance on an ongoing basis to ensure the program is having the intended outcomes and impact. Ongoing review of quantitative and qualitative data will allow for informed decisions as to any changes needed to the program or potential for program expansion, as well as communicating and celebrating program successes.

The program's outcome measures will provide the mechanism for assessing progress toward meeting the goals of the program or making the desired impact. Outcome measures track the results or changes for the individuals, groups, communities, organizations, or systems involved in the practice or program. As such, outcome measures should be directly related to the goal or intended impact of the program. Outcome measures should also be measurable using available and accessible data. When developing outcome measures, consider setting goals that are S.M.A.R.T (specific, measurable, achievable, relevant, time-bound).

The OJJDP suggests several data points to track to measure outcomes, including:

Prevention/intervention outcomes – e.g. percentage of youth detained, adjudicated for a delinquency offense, adjudicated for a status offense, and who violated a court order/condition.

Program quality – e.g. percentage of youth who completed their service requirements, engaged in services based on the program model and completed required conditions.

Protective factors – e.g. percentage of youth 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.

While out*come* measures are most important in determining program performance, tracking out*put* measures is also important in understanding program utilization.

Output measures track the activities or services 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 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.

Office of Juvenile Justice and Delinquency Prevention. Delinquency Prevention Program Performance Measures Definitions and Questions

Both outcome and output measures are important to determine ahead of time and track on an ongoing basis to ensure the program is functioning as intended. For counties seeking grant funding through the YJOC funding sources, the Grants Work Group of the YJOC has identified performance measures that are required to be collected. The YJOC re4commends that these performance measures be collected/reported monthly or quarterly with an aggregate year-end report. More information can be found in the full Grants Work Group Report.

Data reviewed should also include review of any survey response data being collected. Exit surveys or randomized surveys of youth engaging in programs can highlight positive aspects of the program or help to identify any barriers to success.

Toolkits:

[Prosecutor led Diversion Toolkit](#)

[OJJDP Model Programs Guide/Diversion](#)

[Juvenile Diversion Guidebook](#)

[Collaborative for Change/Diversion Toolkit](#)

Documents:

MOU

Eligibility Criteria

Definition of Outcomes

Resources:

[Massachusetts Youth Diversion Program Model Program Guide](#)

[Principles and Strategies for Community-Led Diversion in Juvenile Justice](#)

[Best Practices in Youth Diversion](#)

[The Massachusetts Youth Diversion Program: Impact Report](#)

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

[Addressing Legal Issues in Youth Diversion](#)

[Improving Outcomes for Justice-Involved Youth Through Structured Decision-Making and Diversion](#)

[Juvenile Justice Mental Health Diversion, Guidelines and Principles](#)

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

[Protect and Redirect: Americas Growing Movement to Divert Youth Out of the Justice System](#)

Frequently Asked Questions:

Can grant funds be used for diversion programs pre-referral such as law enforcement diversion?

Yes – even though they do not meet the diversion definition in code at 31-37-8.5, the YJOC has determined that grant funds can be used for an array of diversion options including pre-referral to Intake. If your group okays this type of programming, make sure to have clear MOU's on data and information sharing that will be necessary for grant parameters.

Can prosecutors agree to a list of charges that would go to Diversion and not look at individual referrals to Intake?

As prosecutors are the only stakeholders with authority to file a juvenile case and with ethical duties to the victim and public safety, they should still individually review all referrals to Intake. This can be as simple as agreeing to eligibility criteria (all first-time misdemeanors except gun offenses for example) and then reviewing daily or weekly those referrals/p.c. affidavits that probation put in Diversion. This allows cases to move quickly while maintaining a check on Eligibility Criteria.

Do I as a stakeholder have to participate in my County JRAC, JDAI, or juvenile justice stakeholder group diversion grant planning?

The only person required by statute to be a part of your group applying for the Grant is a judicial officer. However, we strongly encourage all juvenile justice stakeholders to participate and be involved in your county's juvenile diversion programming and decision points to ensure the best continuum of services possible while maintaining public safety.

Do Grant Planning meetings need to comply with public access law?

Whether or not a county's planning group meetings are required to comply with Indiana's public access law depends on the nature of the group. Indiana's Public Access Laws can be found in IC 5-14-1.5 Chapter 1.5. Public Meetings (Open Door Law). If you are unsure if your planning group requires compliance with the Open Door Law, please consult with your county's legal counsel.

Who should I contact for additional assistance?

For questions or additional information, please contact yjoc@courts.in.gov.