

TRADITIONAL VS. EFFECTIVE DIVERSION

Substantially Reduce Probation Caseloads By Diverting Youth Involved In Less Serious Misbehaviors Away From The Justice System

	TRADITIONAL DIVERSION	EFFECTIVE DIVERSION
Population	<ul style="list-style-type: none">• Inconsistent access to diversion• Extensive research showing that youth of color get less access to diversion than white youth• Most often offered only for youth accused of first-time misdemeanors• Nationwide, just 44 percent of delinquency cases diverted	<ul style="list-style-type: none">• Offered to all youth who are not involved in serious offenses and do not pose high risk to public safety• All misdemeanor cases and all first-time nonviolent felony cases referred to diversion• Also offered to many youth facing second or third-time felony charges, depending on assessed risk of rearrest and other case-specific factors• At least 60 percent of delinquency cases diverted
Interventions and Programming	<ul style="list-style-type: none">• Process closely mirrors probation• Diverted youth often ordered to participate in intensive intervention programs/services• Limited and inconsistent use of restorative justice approaches• Many jurisdictions charge fees to families to participate• Intensive intervention programs often unavailable• Informal cases can remain open for six months, one year or longer	<ul style="list-style-type: none">• Diverted youth never placed on probation caseload• Most diverted youth receive only a warning• Many others assessed and referred to programs, opportunities and resources, with no follow-up• Widespread use of restorative justice approaches• Intensive intervention services available to diverted youth with serious needs• No fees or financial costs for families (beyond reasonable restitution orders)• Cases typically resolved within three months or less
Role of Probation Agency	<ul style="list-style-type: none">• Diversion programs and services typically overseen by probation agencies• Many youth assigned to probation officer caseloads and supervised like youth on formal probation	<ul style="list-style-type: none">• Responsibility (and funding) for diversion transferred to community organizations and/or non-court public agencies• Ideally, diversion overseen by a single community-based organization or by a coalition of organizations
Consequences for Noncompliance	<ul style="list-style-type: none">• In most jurisdictions, youth subject to referral back to court for formal processing if they fail to complete diversion agreements and comply with diversion rules	<ul style="list-style-type: none">• No court consequences for noncompliance with diversion• Failure in diversion results in unsuccessful completion, which can limit eligibility for diversion in any future cases but cannot lead to referral back to court

To learn more about the Casey Foundation's vision for transforming juvenile probation, please visit www.aecf.org.

