

## 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"><li>• Inconsistent access to diversion</li><li>• Extensive research showing that youth of color get less access to diversion than white youth</li><li>• Most often offered only for youth accused of first-time misdemeanors</li><li>• Nationwide, just 39% of delinquency cases diverted</li></ul>	<ul style="list-style-type: none"><li>• Offered to all youth who are not involved in serious offenses and do not pose high risk to public safety</li><li>• All misdemeanor cases and all first-time nonviolent felony cases referred to diversion</li><li>• Also offered to many youth facing second or third-time felony charges, depending on assessed risk of rearrest and other case-specific factors</li><li>• At least 60% of delinquency cases diverted</li></ul>
Interventions and Programming	<ul style="list-style-type: none"><li>• Process closely mirrors probation</li><li>• Diverted youth often ordered to participate in intensive intervention programs/services</li><li>• Limited and inconsistent use of restorative justice approaches</li><li>• Many jurisdictions charge fees to families to participate</li><li>• Intensive intervention programs often unavailable</li><li>• Informal cases can remain open for six months, one year or longer</li></ul>	<ul style="list-style-type: none"><li>• Diverted youth never placed on probation caseload</li><li>• Most diverted youth receive only a warning</li><li>• Many others assessed and referred to programs, opportunities and resources, with no follow-up</li><li>• Widespread use of restorative justice approaches</li><li>• Intensive intervention services available to diverted youth with serious needs</li><li>• No fees or financial costs for families (beyond reasonable restitution orders)</li><li>• Cases typically resolved within three months or less</li></ul>
Role of Probation Agency	<ul style="list-style-type: none"><li>• Diversion programs and services typically overseen by probation agencies</li><li>• Many youth assigned to probation officer caseloads and supervised like youth on formal probation</li></ul>	<ul style="list-style-type: none"><li>• Responsibility (and funding) for diversion transferred to community organizations and/or non-court public agencies</li><li>• Ideally, diversion overseen by a single community-based organization or by a coalition of organizations</li></ul>
Consequences for Noncompliance	<ul style="list-style-type: none"><li>• 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</li></ul>	<ul style="list-style-type: none"><li>• No court consequences for noncompliance with diversion</li><li>• 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</li></ul>

To learn more about the Casey Foundation's vision for transforming juvenile probation, please visit [www.aecf.org](http://www.aecf.org).

