

JUVENILE DIVERSION

SUMMARY

Few programs dealing with juvenile anti-social or delinquent behavior have met with anything greater than marginal success. Juvenile Diversion, however, has proven to be very successful. By involving these juvenile offenders with the understanding and acceptance of the impact of their behavior, constructive changes can and do occur. While not perfect, the evolving programs known as Juvenile Diversion have provided substantial benefits to society.

PURPOSE

To determine if the juvenile diversion programs achieve their goals of:

- Helping the young person understand that criminal behavior will not be tolerated.
- Encouraging "At Risk" young people to behave in a socially acceptable manner.
- Helping parents learn more effective ways to cope with difficult situations involving their children.
- Assist victims of criminal acts of delinquency to see that something is being done to prevent further damage by the perpetrator.
- Prevent youth from testing the system with further criminal behavior.

PROCEDURES EMPLOYED

The following procedures and documentation was used by the Grand Jury in their investigation:

- City and county police agencies have provided abundant information within their jurisdictions concerning their diversion programs. The following agencies have provided resource material:
 - Carlsbad Police Department
 - Chula Vista Police Department
 - Coronado Police Department
 - EL Cajon Police Department
 - Escondido Police Department

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- La Mesa Police Department
- National City Police Department
- Oceanside Police Department
- San Diego City Schools Police Department
- San Diego County Sheriff 's Department
- San Diego County Probation Department
- San Diego Police Department
- Interviews by phone and in person, with adults involved in various juvenile diversion programs.
- PowerPoint Presentation by the Harmonium Corporation under contract to provide services for the cities of La Mesa and El Cajon "Juvenile Diversion Programs".
- Attended Teen Court sessions:
 - Training session La Jolla High School 1-13-04.
 - Teen Court —San Diego City Council Chambers 1-16-04.
- Attended Convicts Reaching Out to People (CROP) program at Richard J. Donovan Correctional Facility -- 1-26-04.

The following documentation was reviewed:

- Hearing on *Juvenile Justice and Delinquency Prevention Act: Preventing Juvenile Crime at School and in the Community* -- Thursday, March 18, 1999 -- U.S. House of Representatives
- Study of Recidivism Rates for the Juvenile Diversion Programs -- Team Smith 1999/2000 -- Final Report to County of San Diego -- Community Action Partnership
- Schiff-Cardenas Crime Prevention Act of 2000 (Now Juvenile Justice Crime Prevention Act (JJCPA))
- County of San Diego Comprehensive Multi Agency Juvenile Justice Plan

- San Diego County Juvenile Justice Crime Prevention Act (Evaluation Report -- SANDAG) -- December 2003)
- California Welfare and Institutions Code sections 601 and 602 re: Wards of the Court
- California Welfare and Institutions Code sections 654 and 707 re: Alternatives to Court Treatment for Minors

DISCUSSION

As the word diversion implies, Juvenile Diversion programs are designed to prevent young people from escalating relatively minor criminal behavior into future felonious activity. While programs vary by city, basic details usually contain the following: (All these steps require acceptance by both the juvenile and family.)

1. A youth is arrested, or comes by referral to the attention of a public agency because of some type of anti-social behavior.
2. The Arresting Officer determines if the individual appears to be a suitable candidate (shows remorse and is not a repeat offender or guilty of a felony charge) for a diversion program.
3. After reaching that conclusion, the Arresting Officer consults with a Juvenile Diversion Specialist (JDS), to determine what recommendation (if any) to make to a Juvenile Diversion Panel (JDP).
4. If diversion is approved as the course of action, the JDS will contact the offending juvenile and the parents to inform them of those decisions.
5. An explanation of the diversion program is given to the offender:
 - Avoid starting a juvenile criminal record for the youngster.
 - Learning effective ways to deal with difficult situations in an acceptable manner.
 - Promote positive interaction between the juvenile and his/her family, school and community.
6. If interest on the part of parents and child is shown, they are then scheduled to meet again with the JDS.
7. Following the meeting with the JDS, a recommendation is made to the JDP.
8. After consideration by the JDP, the juvenile and the parents will again meet with the JDS or his representative who then becomes the Juvenile Mentor (JM).

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9. A contract is tailored to the individual's time availability and ability to perform the required tasks within the specified time constraints.
10. The JM then presents them with the contract that starts with an admission of guilt by the juvenile and a promise to fulfill all contract requirements. The juvenile is admonished that failure to do so will nullify the contract and the original offense will be referred to the Juvenile Court or the Probation Department for standard disposition. The offense immediately becomes part of the juvenile's criminal record. This possibility is a real deterrent to further testing the system by the juvenile.

Contract tasks may include:

- The juvenile may be required to provide a written and/or oral presentation of what happened and what he/she intends to do to avoid reoccurrences. This essay should acknowledge the impact this offense has had on the individual, victim(s), families and the community.
- When a victim of the juvenile is involved, a written and /or oral apology may be required. This should help the victim in understanding that something is being done to prevent reoccurrences and that the perpetrator is being punished.
- Restitution may be required when physical damage is involved. This will help the youngster to understand that criminal behavior is costly to the criminal and will not be tolerated.
- Various forms of community service may be assigned that are verified by the agency involved.
- Conformity to all laws is required. These usually include school attendance, prohibition of drug and alcohol use, curfew rules, unapproved automobile use, graffiti, gang participation, and other illegal behavior. Failure to comply will result in immediate termination of the program. If that occurs, the juvenile will be referred back into the standard juvenile justice system with the consequences it may entail.
- Referrals may be made to public and/or private agencies from which the individual or family may be able to acquire some behavior modification recommendations. These may include private counseling, group therapy programs, peer review and evaluation, drug testing, etc. It may also include anger management classes or some other form of formalized education program. These classes and training sessions assist parents and the child to cope more effectively. Frequently there is a nominal cost to the family.

Throughout the program, communication is maintained between the teenager and the mentor. This is done by telephone, office visits, school visits or at times visits to job sites. The program may be completed within a very short time (sometimes a week or less).

Other programs may last as long as a year. Most individualized programs are two to four months long. Establishing and maintaining trust and confidence between mentor and juvenile is the basis for successful completion of the program. It should be noted here that all of the above programs are tailored to meet the needs of the juvenile, family, victim, and the community it serves.

Three other special programs with unique features have had impact diverting juveniles from further criminal activity. They are:

San Diego County Sheriff's Department Three Day Challenge Camp

When the deputy who is the mentor of the juvenile decides the youngster is a suitable candidate for a very unique learning/living experience, the young person is assigned to the Sheriff's Challenge Camp. Although often reluctant to attend a camp with 50-60 other young people (from around the county, unknown to each other) the youngster is placed into situations that will require cooperation and assistance from each other. They, along with the deputies and camp counselors, will encounter situations that require individual initiative and mutual trust to successfully complete the challenges presented to them. These activities may include rappelling down a 45-foot tower and/or crossing 60-yard bridge suspended by two cables over a canyon.

For other young people who are unable to participate in a three day Challenge program, a one day condensed version, the Sheriff's Adolescent Group Adventure (SAGA) is sometimes provided as an alternative. This program at a county high school asks the school to select a cross section of students, some at risk and some not, who do not usually associate with each other. Both programs build self-confidence needed to face new difficult situations.

San Diego Police and City Attorneys Office Teen Court-Restorative Justice Mediation Program (RJMP)

All the criteria discussed above are also incorporated into the Teen Court and RJMP. While many programs also provide some form of peer court, the success of the Teen Court is due to the interagency cooperation within the City of San Diego which has put together a unique juvenile learning experience. The San Diego City Council, City Attorney, Police Department, San Diego School District, San Diego School District Police Department, San Diego Bar Association, County Public Defenders Office and numerous other public and private groups participate in the Teen Court. It has been a unique opportunity and learning experience for a total of over 800 San Diego young people to participate in the Juvenile Justice System.

Some of the adult guidance for the Teen Court trial is provided by volunteers. Representatives of the City Attorney's office or senior law school students usually provide legal training for students to act in the capacities of jurors, attorneys, bailiffs and court clerks. After the court calendar has been established, training of the participants begins.

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The perpetrator must admit to guilt for the process to proceed. Several trials will usually be calendared for the same time frame, which allows several situations to be dealt with in front of an audience of participants. Parents of victims and defendants may or may not elect to attend. The trials are not open to the public to maintain confidentiality. Adults that have participated in the training may be available for consultation, but the trials are conducted entirely by the teen-age participants. To assure proper legal procedures are adhered to, a Teen Court judge is provided by the San Diego City Attorney. The entire process is legally binding, including the sentencing. Successful verified completion of the program enables the defendant's record to be expunged. The value of the learning experience to the participants is inestimable.

Richard J. Donovan State Correctional Facility -- Convicts Reaching Out to People (CROP)

This program while not utilized with all juvenile diversion programs is a very special way for at-risk youth to get a realistic picture of what may await them. These youngsters are alerted to the realities of possible future incarceration as a result of making poor choices in their lives. The participating convicts have run afoul of the rules of law that led to their imprisonment. Many of them are convicted of murder or other violent crimes. Some simply made a poor choice and decided to go along with a friend committing "stupid" criminal acts. Convicted felons provide insights into the activities that they were involved in both prior to and subsequent to their teenage years.

The teenagers, who usually attend with their parent or guardian, get a very clear idea of how easy it is to make poor choices of behavior. More importantly, juveniles are made aware of the consequences of bad choices. This one-day workshop is not a cure all. For many of these youngsters, CROP is an eye opener to the potential dangers they may encounter if they don't learn to make positive modifications to their behavior.

"Our children are our most important resource. We must, therefore, endeavor to keep them safe from harm and prevent them from becoming involved in at-risk activities such as drugs, alcohol, and crime. Each year, far too many children enter the juvenile justice system. Many of the crimes these children commit could have been prevented had someone intervened at a critical moment and provided assistance."¹

With this admonition from the Congress of the United States, the Juvenile Justice Crime Prevention Act (JJCPA) of 2000 was enacted.

The San Diego County Board of Supervisors appointed a 22 member Juvenile Justice Coordinating Council (JJCC)². Seven priority programs emerged, including three

¹ Hearing on Juvenile Justice and Delinquency Prevention Act: Preventing Juvenile Crime at School and in the Community -- Thursday, March 18, 1999 -- U.S. House of Representatives

² San Diego County Juvenile Justice Crime Prevention Act Evaluation Report – (SANDAG) - December 2003 - paragraph 1 - Executive Summary

prevention programs, one intervention program, two supervision programs, and one graduated sanctions program³. Many programs have had a positive effect on reducing Juvenile Delinquency.

Since the focus of this report is the juvenile diversion programs existing in San Diego County, the reader should not assume that previous programs were discarded or ignored. In fact, without some of the enabling legislation found in the California Welfare and Institutions Code⁴, these programs could not exist. Innovative programs began prior to the turn of the 20th Century and have continuously been changing. The JJCPA provided both impetus and additional funding to improve these and to develop new efforts.

These programs include:⁵

Community Assessment Teams (CAT)

CAT provides prevention and intervention services for at risk youth and their families. These youth are referred by law enforcement agencies, schools, community agencies, self-referral, etc. Services may include classes for anger management or drug and alcohol abuse. They may also include referrals for psychological counseling or just to acquaint the family with other services existing within the community. Community Assessment Teams operate five sites with a Probation Officer assigned to each site.

<u>Site</u>	<u>Management Agency</u>
Central	Social Advocates for Youth
South Bay	South Bay Community Services
North Central	Lifeline Coastal Community Services
North Inland	Lifeline Community Services
East County	San Diego Youth and Community Services

Truancy Suppression Program (TSP)

The TSP provides early intervention and prevention, with probation officers assigned to eight school districts. They provide intensive probation supervision and make referrals for truancy prevention and academic enhancement services. This is an expansion of the Truancy Intervention Program (TIP) that preceded it.

³ ibid - abstract page iii

⁴ California Welfare and Institutions Code sections 601 and 602 re: wards of the court California Welfare and Institutions Code sections 654 and 707 re: alternatives to court treatment for minors

⁵ Op cit

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Community Youth Collaborative (CYC)

This program is designed to build positive peer influences in high-risk communities. There are drop-in sites available to encourage positive behavior alternatives to criminal activity, gangs, street drugs, and truancy. Unfortunately, state funding is no longer available. Four of the five sites will try to remain open using JJCPA funding and community resources. The five community sites are:

- Mira Mesa Epicenter
- Linda Vista Leaders Program
- National City Community Capacity Building Program
- Mesa Margarita Youth Delinquency Prevention Program in Oceanside
- Recreation, Education, Athletic, Culture and Healthy living (REACH) program in Spring Valley

Working To Insure and Nurture Girls Success (WINGS)

The main goal of WINGS was to reduce the number of female entrants into the juvenile justice system. The WINGS program will now be incorporated into the CAT program. Gender specific services will continue.

The above programs and the services they provide are usually under the guidance and/or supervision of the Probation Department. Many are privately operated under contract to the county or the city in which the service is provided. Some have a more direct contact with the County Health and Human Services Agency (HHSA). On site testing as well as other forms of evaluation are often provided. Many juveniles and their families are referred for counseling, some due to arrest or from a school source. Others come for after school recreational activities. The programs have shown mixed results. Community Assessment Teams, Truancy Suppression Program, Repeat Offender Prevention Program and Breaking Cycles showed the most impressive results. Community Youth Collaborative and Working to Insure and Nurture Girls Success were less successful. Juvenile Delinquency Drug Court results were mixed⁶.

The CYC and ROPP funding is being eliminated. The WINGS program is being combined into the CAT program. All services may be scaled back due to reductions in the Juvenile Justice Crime Prevention Act funding. The funding of Juvenile Justice programs requiring services beyond those of diversion candidates is unpredictable.

Many Juvenile Diversion programs in San Diego County preceded the JJCPA. Some

⁶ San Diego County Juvenile Justice Crime Prevention Act Evaluation Report - (SANDAG) --December 2003 Executive Summary, Page 4-evaluation results

have been in operation 25 years or more. While the cutbacks in JJCPA funding may impact services provided by these programs, other sources within the county and especially the independent jurisdictions within the county, are expected to continue their juvenile diversion programs.

FACTS AND FINDINGS

Facts

Of over 4000 Juvenile Diversion participants annually in San Diego County:

- After six months, 94 % remained free of law enforcement contact.
- After one year, 81% to 82% of the juveniles in diversion programs were not re-arrested. The national re-arrest average was 59%⁷.
- Two thirds of arrested juveniles are male.
- Almost half of those re-arrested were in a diversion program for three months or less.
- San Diego City Schools Police Department made 30 referrals to Teen Court from 10/23/03 to 1/13/04 compared to 10 for the San Diego Police Department.

Findings

- The level of success within the county of San Diego juvenile diversion programs substantially exceeds the national average.
- Innovative Juvenile Diversion programs should be adopted by participating agencies when available.

COMMENDATION

The Grand Jury commends the San Diego City Attorney's Office and Teen Court Organization. The participation by the attorneys and the teenage court officers is an example of changing an otherwise negative experience into a positive experience.

⁷ Study of Recidivism Rates For The Juvenile Diversion Programs-Team Smith
1999/2000-Final Report-to-County of San Diego--Community Action Partnership

RECOMMENDATIONS

The San Diego County Grand Jury recommends that:

- 04-05-1** Where necessary, a four-month or longer Juvenile Diversion program should be made available.
- 04-05-2** Use of the CROP program should be encouraged where appropriate.
- 04-05-3** Agencies / jurisdictions, not currently using the program, should investigate participation in the Sheriff's three day Challenge Camp.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933 (c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body

of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required by the date indicated:

RESPONDING AGENCIES	RECOMMENDATIONS	DATE
Carlsbad Police Department	04-05-1, 2, 3	08/20/04
Chula Vista Police Department	04-05-1, 2, 3	08/20/04
Coronado Police Department	04-05-1, 2, 3	08/20/04
El Cajon Police Department	04-05-1, 2, 3	08/20/04
Escondido Police Department	04-05-1, 2, 3	08/20/04
La Mesa Police Department	04-05-1, 2, 3	08/20/04
National City Police Department	04-05-1, 2, 3	08/20/04
Oceanside Police Department	04-05-1, 2, 3	08/20/04
San Diego City Schools Police Department	04-05-1, 2, 3	08/20/04
San Diego County Probation Department	04-05-2	08/20/04
San Diego Police Department	04-05-1, 2, 3	08/20/04
San Diego County Sheriff's Department	04-05-1, 2, 3	07/19/04

APPENDIX -- A

JUVENILE JUSTICE CRIME PREVENTION ACT PROGRAMS

There are a number of juvenile justice programs in addition to the diversion programs discussed above. The other programs perform important roles in dealing with juvenile offenders who may not qualify for one of the diversion programs. Three other significant programs are:

Repeat Offender Prevention Program (ROPP)

This program involves close cooperation between Probation, Health and Human Services (HHSA) and community based agencies or individuals. The combined efforts of a probation officer, social worker, psychologist, and substance abuse counselor are used to assist the juvenile and family to deter delinquent behavior.

Juvenile Delinquency Drug Court (JDDC)

This partnership program between the Juvenile Court, Alternate Public Defender, District Attorney, treatment providers, police departments, Sheriff's and Probation departments try to help these young people achieve sobriety and eliminate drug dependency. This is usually provided for wards of the court. This should not be confused with the Teen Court program of the City of San Diego.

Breaking Cycles (BC)

This graduated sanctions program serves 500 high-risk youth daily. These young people are committed to this program for anywhere from 150 to 365 days by the Superior Court. These youth are mainly composed of court wards. It provides a seamless continuum of services for the probationer and the family provided there is no new arrest. Services include assessment (and reassessment) services, alcohol and drug treatment, mental health services, community supervision, case management, and a variety of custody arrangements.

APPENDIX -- B

ABBREVIATIONS AND ACRONYMS

AO - Arresting Officer
BC - Breaking Cycles
CAT - Community Assessment Teams
CROP- Convicts Reaching Out to People
CYC - Community Youth Collaborative
HHSA - Health and Human Services Agency
JC - Juvenile Court
JDDC - Juvenile Delinquency Drug Court
JDP - Juvenile Diversion Panel
JDS - Juvenile Diversion Specialist
JJCC - Juvenile Justice Coordinating Council
JJCPA - Juvenile Justice Crime Prevention Act

JM - Juvenile Mentor
RJMP - Restorative Justice Mediation Program
ROPP - Repeat Offender Prevention Program
SAGA - Sheriff's Adolescent Group Adventure
SDCPD - San Diego County Probation Department
TC - Teen Court
TSP - Truancy Suppression Program
WINGS - Working to Insure and Nurture Girls Success