Thurston County
Juvenile Diversion Unit

Operated by Community Youth Services

“To hold youth accountable for their actions by repairing harm done, insuring community safety and building the youth’s own competencies”

Washington State Juvenile Diversion Description

Restorative Justice Philosophy

Community Youth Services’ Juvenile Diversion Unit

Diversion Flow Chart

2014 Diversion Unit Data
WASHINGTON STATE JUVENILE DIVERSION DESCRIPTION

In 1978, Washington State became the nation's first state to require by law that juveniles be diverted for certain crimes. As a result of the overhaul of the system, the law (RCW 13.40) required Juvenile Diversion Units to be established in each county of the state. Diversion was designed as a legal process whereby youth alleged to have committed certain misdemeanor or class C felonies are offered an alternative to the formal Juvenile Court system. When possible, Diversion mobilizes community resources and volunteers to deal with the juvenile offenders.

Diversion involves an agreement between a juvenile accused of an offense and a Diversion Unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. A Diversion Agreement may be made if the alleged offense is a misdemeanor or gross misdemeanor or certain class "C" felony and the youth has no more than two prior diversions. A Diversion Agreement is limited to one or more of the following requirements:

- Community Restitution (up to 150 hours).
- Counseling (up to 30 hours).
- Fine (up to $100). **Effective 07/24/2015, Fines are no longer permitted under the law.**
- Informational/Educational classes (up to 20 hours).
- Requirements to have no contact with the victim or witnesses involved in the case.
- Requirements to remain during certain hours at home, school, work and/or restrictions on leaving or entering specified geographical areas.
- Restitution to victims.

GOALS OF DIVERSION

- To hold youth accountable for their criminal behavior with dispositions which are prompt, fair, and consistent across the state without discrimination on the basis of race, color, creed, religion, national origin, sex, age, education, economic status, sexual orientation or disability.
- To provide "due process" to juveniles alleged to have committed an offense;
- To encourage and provide an opportunity for community members to demonstrate their concern for young people by participating in the juvenile justice system;
- To provide opportunities for victim participation in the juvenile justice process;
- To provide restitution to victims;
- To encourage parents/guardians of the juvenile to participate in the juvenile justice process;
- To unite juvenile offenders and community volunteers with a sense of community pride; and
- To relieve court congestion and save taxpayers dollars.

According to a 2004 report by the Washington State Institute for Public Policy, Diversion Programs with Services (versus regular juvenile court processing) produce $5.58 in benefits per dollar of program cost. That is, for every dollar spent, the community receives 5 times that back in benefits.
RESTORATIVE JUSTICE PHILOSOPHY

Restorative justice is a values-based approach to criminal justice, with a balanced focus on the offender, the victim, and the community. At its core is finding the harm done, who is responsible, and how to best repair the damage. A hot-topic in justice circles, Restorative Justice is actually the age-old idea of an offender making a "genuine apology", making amends, and promising not to re-offend. The Juvenile Diversion Unit at Community Youth Services is dedicated to utilizing the Restorative Justice Philosophy in everything we do.

The legal system that most people are familiar with is retributive. It is based on retribution, or a calling for "payback". The Retributive System demands that when a crime is committed, the offender be punished. It is believed that the punishment will only teach the offender not to commit another crime, but will also deter others from repeating the same offense. The focus is solely on the offender and their offense. Very little effort is spent on other areas affected by or contributing to the crime.

With rising crime rates and the overcrowding of prisons, it became obvious that the existing way of dealing with offenders was not working. A new approach was needed. It was then that Restorative Justice was "developed", a philosophy from our past that addressed other areas affected by crime.

It seeks to address not simply who offended, but the offender as a whole and what may have contributed to their behavior. In addition, equally important are the crime’s victim and the community, both impacted by the crime.

Restorative Justice is based on seeking a solution that is balanced between the offender, the victim, and the community at large.

Restorative Justice looks to include all three areas to handle crime in a fair and balanced manner. Its goal is to restore what was before the crime was committed, instead of simply punishing.

Accountability – Repairing Harm Done

The victim’s input must first be considered in order to truly understand a crime and what the best solution is. It is important to identify what other affects this crime may have had for the victim and any restitution that may be outstanding.

Community Safety – Reducing Risk

How the crime is resolved is highly dependent on what will insure our community’s safety. The offender’s risk level to re-offend must be considered.

Competency Development – Building Skills

Many crimes are committed out of ignorance or for a lack of ability to make better decisions. In order to avoid further crimes, it is imperative that the offender builds the skills and expands their knowledge base.

"An ancient idea whose time has come"
COMMUNITY YOUTH SERVICES’ JUVENILE DIVERSION UNIT

The Thurston County Juvenile Diversion Unit was established in accordance with Title 13.40 of the Juvenile Code. Community Youth Services has operated the Juvenile Diversion Unit for Thurston County since 1976. This Diversion Unit is dedicated to the philosophy of "Restorative Justice" and strives to restore the victim, the community and the offender's place in the community. To accomplish these goals, we encourage victim input and participation and we utilize a combination of citizen volunteers and staff members to demonstrate to the youth that the behavior is not only unacceptable to the state, but also is not acceptable to the members of their community. The volunteers provide an avenue for expressing to the youth the impact their crime has on the victim, the community and society as a whole.

When a young person between the ages of 8-17 is caught committing a crime, law enforcement investigates and then writes a report, submitting it to the Prosecuting Attorney's Office. Upon receiving the police report, a Deputy Prosecuting Attorney will first screen it for "legal sufficiency." In other words, based on available evidence, they will determine if there is probable cause to believe that the juvenile did commit the offense. If not, no further action is taken on the case. However, if there is "legal sufficiency", the Deputy Prosecuting Attorney then must make the decision to divert the case or to file the case in court. The decision on where the case is to be handled is set by statute and the Prosecuting Attorney's Office Policies. The general guidelines the Prosecuting Attorney's Office is to follow are listed below:

- **Divert** the case if the youth is charged with a first time misdemeanor or gross misdemeanor, or
- **File** the case in Juvenile Court if the youth is charged for a Class "A" or Class "B" Felony, or if the youth has three prior Diversion Agreements, or
- If the youth is charged with a Class "C" Felony or a second or third misdemeanor or gross misdemeanor, the Deputy Prosecuting Attorney has the **discretion to divert or file** the case in Juvenile Court. The Deputy Prosecuting Attorney’s decision is based upon the seriousness of the incident and the youth’s prior criminal history.

After the Prosecuting Attorney’s Office determines the case will be diverted they email it to CYS. Diversion staff reviews the case for acceptance and to identify any potential issues. A Diversion Appointment Packet is then sent to the youth/parents to confirm the official charge against the youth and advise them of their rights.

At the same time, a **Victim Impact Estimate/Statement Packet** is sent to all potential victims. The packet contains information about the Diversion process and also provides the victim an opportunity to provide feedback as to both the financial and personal impact of the crime. The victim may choose whatever level of involvement they wish: contacting the Diversion staff to discuss any concerns, completing formal estimates/statements, speaking to the Community Accountability Board (CAB) directly, observing the CAB meeting, or participating in a Restorative Justice Conference (RJC).

When the youth comes in for their Diversion appointment, they first meet with a Diversion staff for an intake interview to provide “due process” and confirm the charge. If the youth does not admit to the charge, their case is returned to the Prosecuting Attorney's Office for filing of the charge in court. However, if the youth admits to the charge, the staff will have the youth/parents participate in either a CAB or a RJC.
1. Community Accountability Boards (CAB) are comprised of 3 – 5 screened and trained volunteers who care about young people and their community, and recognize the affect youth’s actions have on both the victim and the community at large. Since the youth has already admitted to the charge, the CAB volunteers do not decide guilt or innocence. Rather the Board focuses on repairing harm, reducing risk, building skills and actively ensuring the “community’s voice is heard” in holding the youth accountable.

Throughout Thurston County volunteers serve on 14 regularly scheduled Community Accountability Boards. The CABs function in all areas of the County: Lacey/Olympia, Rochester, Tenino/Bucoda, Tumwater and Yelm/Rainier. The CAB hearings are primarily held in the evening to accommodate the youth and their families.

The Board will meet with the youth/parents for approximately 30 – 45 minutes. During the meeting, the Board will address the affects the crime has had on the victim, the community, their family and themselves. They will discuss with the youth/parents how the youth will work to repair the harm caused, assess the youth’s skills in decision making or other areas and how the youth can become a contributing member of the community.

At the end of the session, the Board will excuse the youth/parents and decide the youth’s consequences via a Diversion Agreement.

2. Restorative Justice Conference (RJC) may be organized in place of having the youth appear before a CAB. In 2010, staff was trained in “The International Institute for Restorative Practices” evidenced based model of conferencing. Cases being considered for conferencing typically involve crimes in which a person or organization was harmed such as, assault, crimes of harassment, malicious mischief, and theft. Due to the additional amount of time required to organize a conference, 2 youth and 5 victims participated in conferences in 2014.

Conferencing seeks to bring together everyone who has been affected by a conflict or incident of wrongdoing. This structured meeting is voluntary for all potential youth and may include the youth who committed the harm, their supporters (i.e. parents, close friend), the person who was harmed plus their own supporters, and other people affected such as peers, school personnel, neighbors, and arresting officers. A trained staff or volunteer facilitator asks everyone “scripted questions” which explore what they think about the incident, how they feel about what happened, and what they think is important now.

The youth take responsibility for their actions and behaviors, express remorse and are allowed an opportunity to move beyond their shame, have resolution, and are reintegrated into their community. They are impacted by what everyone shares: statements of fear and disappointment, concern and hope for their future.

Through this process the person harmed is offered direct involvement in holding the youth accountable. A conference aims to provide everyone greater chance of healing and closure. This is an empowering process in which everyone affected decides how best to repair the harm.

The CAB or RJC may exercise several options to hold the youth accountable. In the event this is the youth’s first offense, there is no threat or actual physical harm, no more than $50 in property loss or damage and no restitution due to the victim, the youth may be Counseled and Released from further obligations. This option is infrequently exercised and was used with only 1% (3 youth) of the youth in 2014.
COMMUNITY YOUTH SERVICES’ JUVENILE DIVERSION UNIT

Continued

The remaining 99% of youth enter into a Diversion Agreement, whereby the youth agree to fulfill certain requirements in order to address the three tenets of Restorative Justice: “Accountability”, “Community Safety” and “Competency Development”. The requirements may include any one or a combination of the following: up to 150 hours of community restitution in a non-profit or public setting; restitution to victims; up to 20 hours of informational/ educational classes; up to 30 hours of counseling; and/or a fine up to $100 (paid to the county). *Effective 07/24/2015, Fines are no longer permitted under the law.

The youth may choose to sign the Diversion Agreement, whereupon they will be required to complete the Agreement within a specified period of time. If the youth decides not to sign the Diversion Agreement, the youth’s case will be returned to the Prosecuting Attorney’s Office.

Once the Agreement is signed, both the volunteers and staff provide support to the youth and families by providing referral resources. After the meeting, it then becomes the Diversion/RJ Specialist's responsibility to monitor the completion of the Agreement. Upon completion of all requirements, the case is closed compliant. If the youth fails to complete the Agreement, the case is then closed non-compliant and returned to the Prosecuting Attorney’s Office for filing of the charge in court. In 2014, only 4% (14 youth) of the total cases were closed non-compliant.

Regardless of which process was utilized youth, parents, victims and other youth involved with the Diversion program expressed satisfaction with our services.
THURSTON COUNTY JUVENILE DIVERSION

Youth Commits Crime

Law Enforcement Investigates – Completes Report

Report Sent to the Prosecuting Attorney’s Office - Screened for Legal Sufficiency

Not Sufficient - Case Dropped

All Other Offenses

Mandatory: 1st Time Misdemeanor/Gross Misdemeanor Offenses

Discretionary: Certain Class “C” Offenses, 3rd Time Misdemeanor/Gross Misdemeanor Offenses

Juvenile Court

CYS Diversion Unit

Youth Refuses Diversion

Community Accountability Board Hearing or Restorative Justice Conference

Diversion Agreement includes any of the following:
Community Restitution Hours
Counseling
Educational Classes
Fines (*Effective 07/24/2015, Fines are no longer permitted under the law.)
Restitution
Other Requirements
*Counsel & Release

Case Returned to Prosecuting Attorney’s Office

Compliance Monitoring

Case Closed Non-Compliant (4%)

Case Closed Compliant (96%)

Information Reported to Prosecuting Attorney’s Office and Juvenile Court

* Counsel & Release does not constitute a Diversion Agreement.
2014 CYS’ THURSTON COUNTY DIVERSION UNIT DATA

Staffing  2 FTE (1.0 Program Director / 1.0 Juvenile Diversion & Restorative Justice Specialist)

Revenue $140,839.17

Funding Sources “Where do we get the money?”
  ➢ Consolidated Juvenile Services
  ➢ Fees For Services
  ➢ General Contributions/Special Events/CYS Annual Campaign
  ➢ Thurston County
  ➢ United Way

Demographics "Who did we work with?"
  ➢ 60% of the youth are males
  ➢ 15.3 is the average age of youth
  ➢ 9% of the youth list their ethnicity as Hispanic or Latino
  ➢ 75% of the youth list their race as White/Caucasian
  ➢ 99% of the youth attend school
  ➢ 38% of the youth live in Unincorporated Thurston County
  ➢ 95% of the youth had no prior offenses

Offenses “What are the most frequent referred offenses?”
  ➢ Possession of Marijuana less than 40 Grams 25%
  ➢ Theft Third Degree 21% (of which 17% were shoplifting offenses)
  ➢ Assault Fourth Degree 19%
  ➢ Minor in Possession and/or Consumption of Alcohol 15%

Consequences “What were the youth assigned?” A youth may have multiple consequences.
  ➢ 41% assigned Community Restitution Hours
  ➢ 26% assigned Informational/Educational Classes
  ➢ 19% assigned an Alcohol/Drug Evaluation
  ➢ 12% assigned Counseling
  ➢ 1% assigned a Tour of the Juvenile Detention Facility
  ➢ 1% assigned Restitution
  ➢ 1% assigned a Fine

Dispositions “What happened with the referrals?” Information listed includes referrals that were still open at the end of 2014.
  ➢ 336 youth entered into Diversion Agreements including 3 youth who were Counseled and Released.
  ➢ 299 youth completed their Diversion Agreements. This represents a completion rate of 96% for 2014.
  ➢ 14 youth had their cases closed Non-Compliant and returned to the Prosecuting Attorney’s Office for filing of the charge in Court.
  ➢ 94 youth did not enter into the Diversion Program and their cases were referred back to the Prosecuting Attorney’s office for filing of the charge in court. The most frequent reason cited for not entering Diversion was the “Failure to Appear for Diversion Appointment” (46 youth).

Volunteers “Who is serving on Community Accountability Boards?”
  ➢ 86 volunteers contributed 1,499 hours of service to the youth and citizens of Thurston County
  ➢ 71% are female
  ➢ 3% are under 21 years of age
  ➢ 88% list their race as White/Caucasian

Restorative Justice Conferences
  ➢ 2 cases (involving youth) were successfully conferenced.
  ➢ 7 additional cases were attempted, but were not conferenced because the victim chose not to participate or it was determined the case was not appropriate. These cases were then seen by a Community Accountability Board.