

## **JUVENILE PRETRIAL DIVERSION**

### **What is Juvenile Pretrial Diversion?**

In juvenile pretrial diversion programs, juveniles charged with an offense are diverted from further involvement in the court system to a program that offers a continuum of requirements. The juveniles must successfully complete the program requirements in order to earn a dismissal, or its equivalent, of the diverted case.

The county attorney, who determines the eligibility of the alleged offender, refers youth to the pre-trial diversion program. Youth participate in the program on a voluntary basis prior to adjudication. It is important to note that the program is "Pretrial". In juvenile cases, the appropriate term is "pre-adjudication," which means the juvenile pretrial diversion program occurs before the juvenile is adjudicated. Participation in the pretrial diversion program cannot be court ordered, be required as a part of a disposition, or occur after adjudication. The Juvenile Pretrial Diversion program will be operated through the county attorney's office.

### **What is the Purpose of Juvenile Pretrial Diversion?**

The purpose of Juvenile Pretrial Diversion is to divert youth who have committed law violations from involvement in the formal criminal justice process. The foremost goal of Juvenile Pretrial Diversion is to prevent from criminal behavior or activity. The purpose of this program is not to have a youth avoid consequences for his or her behavior, but to provide the youth with consequences based upon restorative principles and to assist the youth in comprehending and accepting the consequences of the criminal behavior.

### **What are the Advantages of Juvenile Pretrial Diversion?**

The advantages for youth who participate and successfully complete the program requirements set forth by the Juvenile Pretrial Diversion program include: (1) all charges relating to the program completion would be dismissed, or its equivalent, (2) no court record, based upon the referred offense(s), (3) improvements in the areas of personal responsibility and coping skills; and (4) the opportunity to develop a sense of community responsibility and accountability.

### **Who is Eligible for Juvenile Pretrial Diversion?**

Individuals who wish to participate in Juvenile Diversion Program:

- a. Must accept responsibility for the offense and acknowledge the extent of their involvement.
- b. May not currently be on probation or parole for any offense.
- c. Must be willing to comply with all of the program's requirements.
- d. May not have a previous conviction or admission of guilt for the same offense category.
- e. May not have participated in the Juvenile Diversion Program for an offense in the same offense category.

The County Attorney will determine a juvenile's final eligibility for after assessing information such as: (1) the juvenile's age; (2) the nature of the offense and role of the juvenile in the offense; (3) the number and nature of previous offenses involving the juvenile; (4) the dangerousness or threat posed by the juvenile to persons or property; and (5) the recommendations of the referring agency, victim(s), and advocates for the juvenile.

### **What happens if you are Denied Eligibility for Juvenile Pretrial Diversion?**

Individuals who have been denied eligibility for Juvenile Pretrial Diversion may contest this finding by requesting an administrative review of the denial. The juvenile or the juvenile's counsel must request an administrative hearing by filing written notice with the prosecuting attorney and Juvenile Pretrial Diversion. The prosecuting attorney will schedule a hearing within four weeks of the juvenile's request for the hearing. The prosecuting attorney or the Juvenile Pretrial Diversion program may provide written reasons for the denial.

### **What happens if you are terminated from Juvenile Pretrial Diversion?**

Juveniles who have received a diversion plan and signed the agreement to participate may be terminated from the program if he or she fails to meet any of the requirements of the program.

### **Can you voluntarily withdraw from Juvenile Pretrial Diversion?**

Participation is voluntary, may voluntarily withdraw at any time before the program is completed. However, if the juvenile withdraws without successfully completing all of the requirements of the program, the prosecuting attorney may file a petition to begin court proceedings in the matter that originally lead to the recommendation for participation in the diversion program. Juveniles who withdraw from the program will not receive reimbursement for fees connected with the program.

### **How do I get started in Juvenile Pretrial Diversion?**

The juvenile's decision to participate in Juvenile Pretrial Diversion services is voluntary and should be made within seven days of receiving notification of eligibility for the program. Eligible participants shall have the opportunity to review the general diversion program requirements and guidelines with counsel, at the participant's expense, before making the decision to participate in the diversion program.

### **What are some of the Program Activities involved in Juvenile Pretrial Diversion?**

The following are some of the examples of activities that can be used to meet the objectives of the juvenile pretrial diversion program.

<i>Apology:</i>	May be required to apologize to the victim.
<i>Chemical Dependency/ Evaluation/Assessment:</i>	For diverted alcohol/drug offenders.
<i>Community Service:</i>	The juvenile will be required to set up the hours that will be worked. (Although the amount of hours will be determined by the Diversion Coordinator).
<i>Counseling Services:</i>	The juvenile can be referred to counseling if it is deemed necessary.
<i>Curfew/Electronic Monitoring:</i>	Will be monitored and enforced by the Diversion Coordinator.
<i>Drug Use:</i>	Refrain from using or being in the possession of alcohol, tobacco or other drugs.
<i>Educational Program:</i>	Classes that could be offered include responsible decision-making, anger management or classes to assist youth in building up their self-esteem, alcohol/drug.
<i>Obey Laws:</i>	Should not commit another crime while participating in the program.
<i>Parental Involvement:</i>	Parental support will be necessary.
<i>Restitution:</i>	Restitution should be paid by the juvenile rather than the parents.
<i>School Performance:</i>	Monitoring the juvenile's school performance and attendance can include requiring attendance, monitoring discipline or evaluating a change in the juvenile's grade performance.

### **What is the Duration of Juvenile Pretrial Diversion?**

The length of participation required will be outlined in the juvenile's Pretrial Diversion contract. Except in extenuating circumstances, Juvenile Pretrial Diversion will not exceed a period of 12 months.

### **What is the Cost of Juvenile Pretrial Diversion?**

The Juvenile Pretrial Diversion program entry fees are determined by the nature of the offense.

### **What happens at the Completion of the Juvenile Pretrial Diversion program?**

The Juvenile Pretrial Diversion program has two possible outcomes, which are (1) if the Participant successfully completed the diversion requirements within the given time limit, the diverted case will be dismissed or its equivalent, and (2) if the participant does not successfully completed the diversion requirements within the time allowed, the case will be remanded to the court system.