

Sample Youth Pre-Charge Diversion Agreement

1. Policy

- a. It is the policy of [Insert Agency/Jurisdiction Name] to divert young people away from formal involvement with the juvenile justice system, consistent with research demonstrating that involvement with the juvenile justice system leads to worse outcomes and increased recidivism for many youth when compared with similarly situated youth who are diverted.¹ All youth who are eligible for pre-charge diversion under this policy shall be diverted according to the procedures outlined below.

2. Authority

- a. Iowa Code § 232.2, which defines a juvenile diversion program as “an organized effort to coordinate services for a child who is alleged to have committed a delinquent act, when the organized effort results in the dismissal of a complaint alleging the commission of the delinquent act or results in informally proceeding without a complaint being filed against the child, and which does not result in an informal adjustment agreement involving juvenile court services or the filing of a delinquency petition.”
- b. Iowa Code § 232.147(2)(q), which provides an exemption to restrictions on disclosure of confidential information to “an individual involved in the operation of a juvenile diversion program, who may also receive from a state or local law enforcement agency police reports and related information that assist in the operation of the juvenile diversion program.”

3. Eligibility

- a. The target population for the pre-charge diversion program is youth under the age of 18 who would otherwise have been taken into custody (arrested) and/or referred to JCS through a complaint² for the following offenses. The diversion program shall not accept referrals for behaviors that do not fit the target population and eligibility criteria outlined below (e.g., referrals from school for

¹ See, e.g., Josh Weber, Michael Umpierre, and Shay Bilchik, *Transforming Juvenile Justice Systems to Improve Public Safety and Youth Outcomes* (Washington, DC: Georgetown University Center for Juvenile Justice Reform and Council of State Governments Justice Center, 2018); Richard A. Mendel, *The Annie E. Casey Foundation, Transforming Juvenile Probation: A Vision for Getting It Right* (2018); Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014).

² Iowa Code § 232.2 defines “complaint” as “an oral or written report which is made to the juvenile court by any person and alleges that a child is within the jurisdiction of the court.”

disciplinary matters).

- i. First-Time Simple Misdemeanor Offenses.
 - ii. First-Time Possession of Marijuana Offenses.
 - iii. [Insert eligibility for other offenses and/or eligibility for prior referrals for the offenses listed above.]
- b. As noted above, youth eligible for diversion shall not be taken into custody (arrested) or referred to JCS whenever possible.
 - c. Eligible youth shall not be excluded from the opportunity for diversion because they are unwilling to admit to the alleged offense.
 - d. Eligible youth shall not be excluded from the opportunity for diversion because a family member is unwilling to participate in programming.
 - e. Eligible youth shall not be excluded from the opportunity for diversion because of a failure to complete the diversion program.

4. Procedures

- a. Referral to and Screening for Diversion
 - i. Pre-charge diversion should occur without youth being taken into custody (arrested) or formally referred to JCS, which the procedures below are intended to address.
 - ii. Referrals by law enforcement or JCS shall be made within three business days of the incident leading to the referral. [Insert procedures for law enforcement and JCS to make referrals to the diversion program, ideally without a formal arrest and/or referral to JCS. Consult the examples in the toolkit for sample language.]
 - iii. [Insert entity responsible for screening referrals.] shall identify eligible youth by [Fill in procedure for determining eligibility, such as conducting search of arrest records and/or consulting JCS to determine prior referrals or current open case or placement on probation.].
- b. Contact with Youth and Families
 - i. [Insert entity responsible for screening referrals.] shall contact youth and family members within [Fill in number of days.] of receiving a referral for diversion.

- ii. Outreach shall include the following: [Insert ways of contacting youth and family members, including by phone or text.]
- iii. [Insert entity responsible for screening referrals.] shall make at least [Fill in number of attempts required.] attempts to contact youth and family members. Attempts shall be logged [Insert location where attempts should be logged.]

c. Services

- i. Youth shall be referred to the following diversion services as indicated below:
 - 1. [Insert diversion options and which providers are designated to offer each program, target populations for each option, if any; brief program description, including length of program. Note that a referral to a service can serve as a diversion option in lieu of a formal program.]
- ii. No youth referred to diversion shall be referred back to law enforcement or JCS, even if they do not participate in or successfully complete the diversion program.

d. Data Collection and Review

- i. Data regarding referrals to and participation in the diversion program shall be maintained [Insert arrangement for data collection. Note references to the development of a state-level data collection application in the Toolkit.]. Data shall be treated as confidential and shall not be shared with others, nor stored in a location where they would be counted as a complaint within the Judicial Branch Case Management System. The data collection system must ensure that related offense-related data/information does not follow youth into adulthood (i.e., affecting military service, other employment, education, or housing). The system must ensure that recorded offenses are not utilized in JCS screening (DST or mental health) and assessment (IDA) instruments.
- ii. Data collected shall include, but not be limited to the following:
 - 1. Demographic data for all youth referred to the diversion program, including race, ethnicity, age, home zip code, referral location (e.g., school (including specific school), home, community), and referring offense;
 - 2. Referring law enforcement agency;

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