

Juvenile Court Diversion in New Hampshire



**AN OVERVIEW FOR
POLICE STANDARDS AND TRAINING**

NH RSA169



Statute NH RSA169 Delinquent Children-B:10 Juvenile Diversion includes provisions for Police and Courts to

- **refer first-time offenders for diversion services.**

NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- I. An officer authorized under RSA 169-B:9 to take a minor into custody **may dispose of the case without court referral by releasing the minor to a parent, guardian, or custodian.**
- The officer shall make a written report to the officer's department identifying the minor, specifying the grounds for taking the minor into custody and indicating the basis for the disposition.

NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- I-a. Prior to filing a delinquency petition with the court, **the arresting agency or prosecutor shall screen the petition for participation in diversion.**
- The petitioner **shall identify why diversion was not an appropriate disposition** prior to seeking court involvement.

NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- II. At any time before or at arraignment pursuant to this chapter, **a minor and the minor's family may be referred to a court-approved diversion program or other intervention program or community resource.**
- Referral may be made by the arresting or prosecuting agency or juvenile probation and parole officer, **prior to filing a petition** with the court or **after the filing of a petition** by such agency with the court's approval, or **by the court on its own, or any party's motion.**

NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- (II. Continued) When the arresting or prosecuting agency, or juvenile probation and parole officer suspects that a minor has a disability, an administrator at the responsible school district shall be notified. If appropriate, the school district shall refer the minor for evaluation to determine if the child is in need of special education and related services.

NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- IV. Referral after filing shall **stay the proceedings for a period not to exceed 6 months from the date of referral, unless extended by the court** for an additional period not to exceed 6 months and does not authorize the detention of the minor.

NH RSA169 Delinquent Children-B:10 Juvenile Diversion



- V. During the period of referral, the court may require further conditions of conduct on the part of the minor and the minor's parents.
- VI. No person who performs public service as part of his or her participation in a court approved diversion program under this chapter shall receive any benefits that such employer gives to its employees, including, but not limited to, workers' compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is found to be negligent.

NH Juvenile Delinquency Petition



5. Petitioner name and organization _____

Address _____ Telephone number _____

6. The petitioner represents that the juvenile is **DELINQUENT** in that he/she is alleged to have committed the offense of _____ contrary to RSA _____. Check: Felony offense Class A Class A Misdemeanor
 Felony offense Class B Class B Misdemeanor

7. Date(s) and time(s) of alleged offense _____

8. Location of alleged offense _____

9. Details or facts of alleged offense



10. Petitioner screened this case for Diversion and determined it inappropriate because:

SEE BACK FOR IMPORTANT INFORMATION AND FINANCIAL OBLIGATIONS

NH Juvenile Delinquency Petition (cont'd.)



DELINQUENCY PETITION

Questions 11 and 12 must be answered by the School District or Police Department, if this petition is related to an incident arising from school:

11. The conduct alleged in this petition constitutes a serious threat to school safety as defined by RSA 169-B:2, XIV OR
11. (a) The conduct alleged in this petition does not constitute a serious threat to school safety as defined by RSA 169-B:2, XIV **AND**
- (b) This petition is filed **by** a school official or school resource officer
- OR
- (c) This petition is **filed** by a police department as a result of a report made by a school official or resource officer based on acts committed on school grounds during the school day.

If any box in 11a and 11b or 11c is checked, the petitioner must describe the following:

1) how the school district attempted to resolve the matter through available educational practices; 2) how the school district engaged the parents or guardian; 3) the parent's willingness to work with the school district to resolve the problem; 4) the minor's response to these approaches and why court intervention is needed:

NH Juvenile Court Diversion Network



Diversion programs around the state:

- **Hold youth accountable** for disruptive behavior.
- Ensure they **benefit from education and support** services to improve behavior.
- Are housed in **police departments, governmental systems or community-based organizations.**
- New Hampshire's programs share common goals and core values, and are showing **program completion rates averaging 86%** across the state (2013).

Accredited Programs = Rigorous Standards



- In 2011, HB1686 introduced changes in the law to bring **accountability and standards** to programs that provide juvenile diversion services while ensuring they remain **flexible enough to meet local needs**.
- Programs that are accredited by the **Administrative Judge of the Judicial Branch Family Division** have met rigorous Accreditation Standards and demonstrated a **high level of proficiency** within their programs.

Accredited Programs = Rigorous Standards



40 standards encompass the following:

- Organizational Structure & Policies
- Training & Staff Development
- Community Involvement & Partnerships
- Financial Accountability & Budgeting
- Recordkeeping & Privacy Practices
- Employee & Volunteer Qualifications/Checks
- Specific Program Components to ensure Quality

Required Diversion Program Components



The program:

- utilizes a diversion contract.
- has signed contracts on file for all participants.
- incorporates restorative justice principles into the development of contracts.
- offers community service opportunities.
- has an educational resource to educate juvenile participants about drugs and alcohol.
- documents all contact with participants, parents or others involved with the juvenile diversion process.

Required Diversion Program Components



The program:

- has a process for exiting participants from the program upon completion of their obligations.
- maintains a copy of each closing/completion letter.
- provides written notice of completion to all referral sources.
- provides a list of community resources available to children and their families.

Required Diversion Program Components



Juvenile Court Diversion programs
want and need to maintain
open communication
with all referring Police Departments.

Where Are Programs Located?

Programs are currently available in these counties:

- Belknap
- Carroll
- Cheshire
- Grafton
- Hillsborough
- Merrimack
- Rockingham
- Strafford
- Sullivan

We are seeking to build capacity in this county:

- Coos

For specific program contact information, go to

NHCOURTDIVERSION.ORG

The Diversion Advantage



There are **multiple benefits** to using a Diversion Program rather than releasing a youth OR referring to Court. Youth referred to the Network's accredited programs can expect to:

- **Participate in an assessment** to identify areas of strength and those needing assistance.
- **Include their parent or guardian** in discussions about their well-being.

The Diversion Advantage



- Meet with a **panel of volunteers** (some of whom may be peers) or staff members to discuss their case and develop a contract or written agreement.
- Spend approximately **three to six months** working on goals outlined in their contract/agreement.

The Diversion Advantage



- **Attend educational classes or workshops** included in the contract along with participating in **community service and/or paying restitution.**
- Have their **case closed with no juvenile court record**, provided the contract is complete with no further offenses committed.

The Diversion Advantage



- In addition to using **evidence-based practices**, several Court Diversion programs also utilize **evidence-based curricula** within their programs or as **outside referrals**.

The Diversion Advantage



Four philosophies of Diversion are used in NH:

- Restorative Justice
- Traditional Diversion using Volunteer Panel
- Teen/Peer Court
- Mediation/Counseling model

Some programs accept referrals from police and courts only. Others accept referrals for school-based misbehavior.

Funding Sources and Program Fees



- Some programs are offered at **no cost** given high levels of financial support from the local community or municipality.
- Others are funded solely by community contributions and have **nominal fees** to help support the program.
- Fact sheets on each program are available at **NHCOURTDIVERSION.ORG**

Who is Eligible for Diversion?



The Diversion option should be offered to:

- First-time, minor offenders
- No current juvenile record

Diversion should NOT be offered to:

- Any youth that insists they are innocent

Most Common Crimes Referred

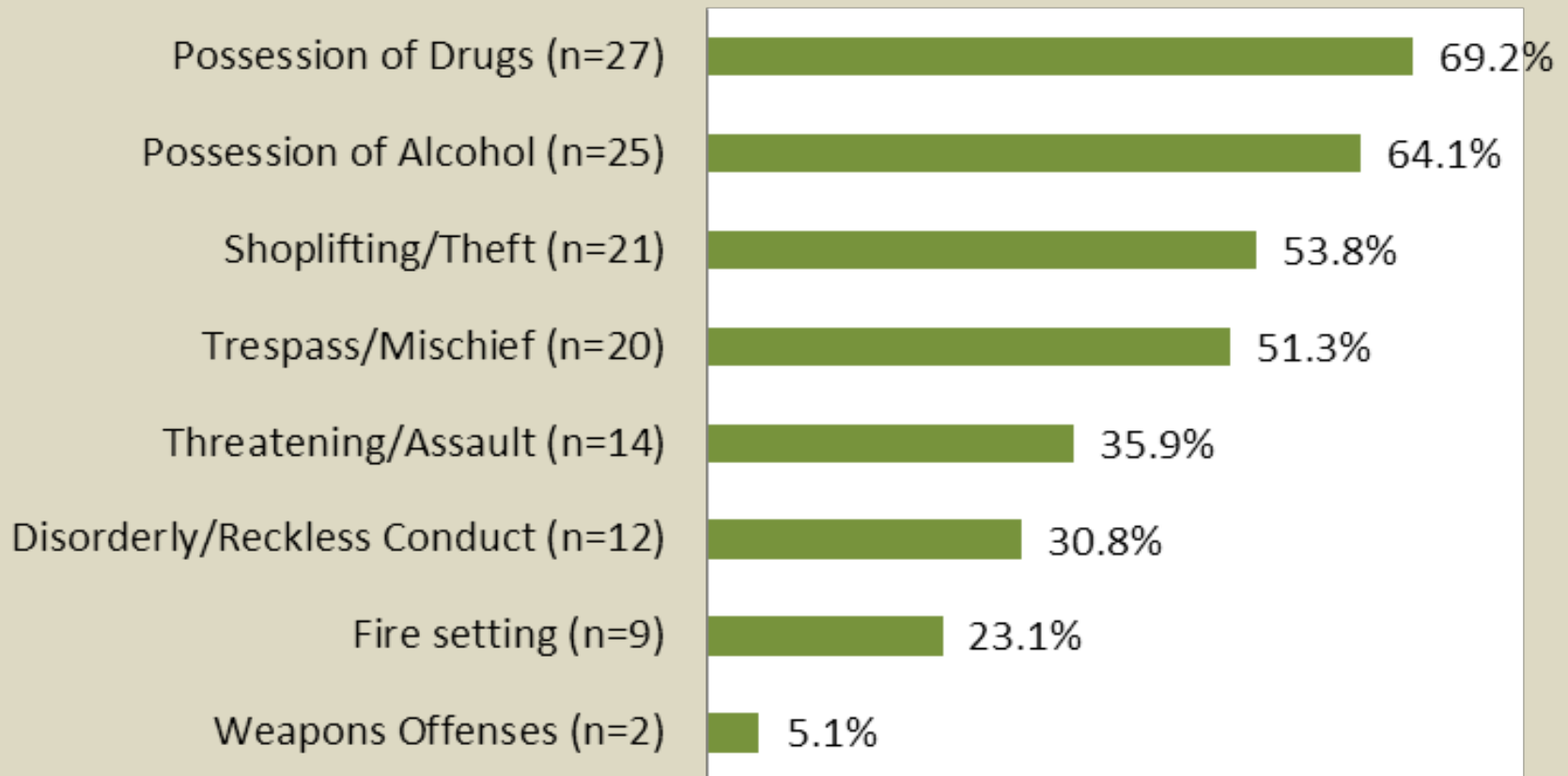


- Threatening/Simple Assault/Bullying
- Disorderly Conduct
- Possession of Drugs
- Possession of Alcohol
- Shoplifting/Theft
- Trespass/Mischief
- Fire Setting
- Weapons
- Sexting

2013 Police Chief Survey Results



First-Time Offenses Referred to Diversion



2013 Police Chief Survey Results



Additional comments shared by the Chiefs included:

- On the disorderly conduct/reckless conduct, it would highly depend upon the situation. If it is a domestic situation or involves weapons, then it is **unlikely to be diverted**.
- We **do not refer sexual assaults** but may refer "sexting" cases or other internet-related offenses.

Diversion Works: Case Study #1



Threatening/Simple Assault/Bullying

- Two sisters, age 14 and 15, were arrested for assault against their mother.



REFERRED TO DIVERSION

A large, red, right-pointing arrow with a white outline, containing the text 'REFERRED TO DIVERSION' in white, uppercase letters.

Diversion Works: Case Study #1



...during the intake, it was learned that **the mother was severely addicted** to alcohol and other drugs and the girls had intervened during a **violent episode trying to keep younger siblings safe from the mother** (who called police in retaliation of their interference).

With help from their local diversion program, the **father has full custody** of the children, and they are once again **attending school regularly** and **connected with services** to help them get back on track. The contract of consequences for the girls included connecting with a local **mediation** program, **attending counseling** and gathering information on how to **stay safe from domestic violence**. The **mother was referred to residential treatment** for her addiction.

Diversion Works: Case Study #2



Disorderly Conduct

A 12-year-old boy and his friend were shooting a pellet gun out his bedroom window and hit a young girl that was playing outside in front of his apartment building.



REFERRED TO DIVERSION

Diversion Works: Case Study #2



... during diversion, the program learned that the boy and his mother both had significant delays. His mother did not allow him to play outside because he would be assaulted almost every time he played outside unsupervised.

Through a variety of consequences and referrals:

- the mother reached out to the boy's guidance counselor at school to address the "bullying" issues;
- the boy wrote an apology letter to the victim;
- completed a variety of peer pressure exercises and processed them with program staff;
- enrolled in structured activities after school.

Diversion Works: Case Study #2



The boy and his mother expressed their thanks to the diversion program for the **better quality of life** they both had begun to experience simply from learning about and taking advantage of the abundance of resources available in the community.

Diversion Works: Case Study #3



Possession of Drugs

A young lady, age 15, had significant prescription drug and alcohol issues...



REFERRED TO DIVERSION

A large, solid red arrow pointing to the right, with a thin white outline. The text "REFERRED TO DIVERSION" is written in white, uppercase, serif font across the center of the arrow.

Diversion Works: Case Study #3



As part of her contract, she needed to meet with the Diversion staff for a **total of 5 months**. Although, very **stubborn and resistant** she wrote the following note as she agreed to begin clinical treatment:

Diversion Works: Case Study #3



“Please don’t ever give up on any person or family no matter how many problems they have or how much they don’t want to be helped... I know how it feels to be helped and then push that person away that’s helping me.

I wish I wouldn’t have, because I wanted to be helped even though sometimes I didn’t always see it. Deep down inside they do want the help and how ever much they push you away keep trying to help because **I don’t want anyone else’s family to feel or go through the things me and my family did. SO PLEASE PROMISE YOU’LL NEVER GIVE UP ON ANYONE OR THEIR FAMILY... Thanks.”**

Diversion Works: Case Study #4



Possession of Alcohol

Police arrested a 14-year-old girl for bringing a vodka-filled water bottle to a rival school's sporting event.



REFERRED TO DIVERSION

Diversion Works: Case Study #4



- During her intake, the Dad acknowledged for the first time that his wife had an alcohol problem. He shared his fear that his daughter was following the same path.
- Her contract included an **alcohol and other drug assessment**, which revealed that an **education group** would be helpful, as she was not yet addicted. The family was linked with **AA and Alanon** for support and the daughter enrolled in **counseling** to address her high-risk behavior.

Diversion Works: Case Study #5



Shoplifting/Theft

Two girls – who were new friends – were caught together stealing from a store.



REFERRED TO DIVERSION

A large, red, right-pointing arrow with a white outline, containing the text 'REFERRED TO DIVERSION' in white, uppercase letters.

Diversion Works: Case Study #5



... the girls were telling their story in a group class. The first girl shared that it was the **first time she tried to steal** because the prom was coming up and she couldn't afford to buy clothes for the prom.

She didn't want to ask her parents because their family business was failing and would probably close soon.

Her parents had been arguing over the past few months about finances, to the point of possible divorce. She ended by breaking down crying.

Diversion Works: Case Study #5



The second girl claimed that she was very proud of the fact that she had been **stealing for years**, she had stolen for friends, and that most of what she was wearing was stolen.

She went on to tell the group that she had been stealing mainly from one store over the years, which was a different store than the one that lead to her getting caught. She continued saying that she had brought friends to that same store to steal also.

She went on to talk about how brain dead and stupid the store owners were and how easy it was to steal from them.

Diversion Works: Case Study #5



When the facilitator asked the name of the store she'd been stealing from, the first girl yelled,

“That’s my parents store! It’s because of YOU that they may be getting divorced and we are losing our house.”

The girls’ friendship ended that day. All the other kids in the class that day were able to put a face to the human consequences of shoplifting.

Diversion Works: Case Study #6



Trespass/Mischief

A 10-year-old boy was caught after spraying graffiti under a bridge, marking an RV with a Sharpie pen, shoplifting energy drinks and candy from a local pharmacy, stealing chrome tire valve stems off cars, and stealing change from unlocked cars.



REFERRED TO DIVERSION

Diversion Works: Case Study #6



...Given the age of the child, the police and elementary school asked their local diversion program to accept these young children.

Several difficulties at home, at school, and in the community were identified. He was out on the street until late hours of the night, because he was afraid to go home to his single parent household with struggling family dynamics. At school, he was having academic difficulties, was not doing his homework, and was fooling around in the classroom, showing off to his friends. He was unsupervised and spending his time on the streets.

Diversion Works: Case Study #6



As part of his extensive action plan he:

- arrived at school every day on time;
- participated in Little League, since he is enthusiastic about baseball and is good at it;
- couldn't miss a game or practice;
- attended an after-school homework program;
- was referred for a full psychological evaluation and counseling at a local provider;
- connected with a summer camp that provided male mentoring for boys;
- made restitution, including \$1.98 for stolen gum;
- wrote a letter of apology.

Diversion Works: Case Study #7



Fire Setting

Two 15-year-old boys were using matches to light leaves on fire in the backyard. The fire got out of control very quickly and ended up damaging the neighbor's barn.



REFERRED TO DIVERSION

A large, solid red arrow pointing to the right, with a thin white outline. The text "REFERRED TO DIVERSION" is written in white, all-caps, serif font across the center of the arrow.

Diversion Works: Case Study #7



Through diversion, the boys were able to:

- learn more about the crime of arson and its many consequences;
- hear from the neighbor and understand the distress that the neighbor faced over the damaged barn;
- learn of the dangers of fire play;
- make better choices because of what they learned during the process.

Diversion Works: Case Study #8



Weapons

A 16-year-old girl was arrested for waving a knife at her mother's boyfriend. While this was outside the boundaries of a normal referral, the police department knew there had to be more to the story so the program agreed to take the case.



REFERRED TO DIVERSION

Diversion Works: Case Study #8



...during the intake it was learned that she:

- had dropped out of school to babysit her young half-siblings;
- had a poor relationship with her mother who refused to talk to her even though they were living in the same house.
- was brought to the program by the man she was accused of assaulting because her mother refused to bring her.

Diversion Works: Case Study #8



After completing a family assessment her 3-month contract of consequences included:

- get involved in outpatient counseling,
- look into earning her GED,
- community service at a local non-profit to help connect her to the community and introduce her to positive role models,
- to volunteer on a future court diversion panel.

Diversion Works: Case Study #8



- Through her continued contact with the Court Diversion staff members, it was learned that she was being sexually assaulted by her mother's boyfriend and had threatened him on the night of her arrest to protect herself.
- The staff followed up with this and made a report to the local child abuse and neglect agency.

Diversion Works: Case Study #8



- During her monthly check-ins, the program was able to help her seek out an uncle who offered to have her come live with him in another state so that she could earn her GED and attend college.
- After completing the program she went to live with her uncle and received her GED.

Diversion Works: Case Study #9



Sexting

A 16-year-old male was caught after sending nude pictures to two younger girls. He also asked the girls to send pictures of themselves.



REFERRED TO DIVERSION

A large, red, right-pointing arrow with a white outline, containing the text 'REFERRED TO DIVERSION' in white, uppercase letters.

Diversion Works: Case Study #9



- The Diversion Program learned he was doing well in school, participating in community activities, and had very involved parents.
- However, given his age, and the type of offense, it was imperative to make an impact with him regarding the ramifications of his actions both socially and legally.

Diversion Works: Case Study #9



His contract required him to:

- speak with a local expert about domestic violence,
- write a comprehensive summary detailing the impact his behavior had on his victims.
- interview a detective to learn the legal and social consequences of being a sex offender and prepare a written statement of the findings.
- make a sizeable donation to a women's organization.

Once his tasks were complete he indicated, "I am embarrassed and ashamed about my behavior."

Questions?



New Hampshire Juvenile Court Diversion Network

WWW.NHCOURTDIVERSION.ORG