

Juvenile Diversions



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Paradigm Shift



Reduce the Footprint



JUVENILE OFFENDER

Expand Diversions



youthdiversion

Analysis of the Data



- 11,000 Referrals each of the last three years
- 8,000 Petitions filed each of the last three years
- 81% of Referrals are Misdemeanors
- 19% of Referrals are Felonies

Because of the number of Filings...



- The overall docket sizes for the three Juvenile Courts:
 - 313th District Court 1,543 Cases
 - 314th District Court 1,631 Cases
 - 315th District Court 1,677 Cases
- First setting is about 6 weeks from being charged
- The average number of court settings per case is 5, which is about 7-8 months after the incident

Who Gets Arrested



- 40% of all the cases filed originated from schools
- 78.6% of those Juveniles were minorities
- 25.2% of those Juveniles had Mental Health needs

2017 Breakdown of Disposed School Cases



- 52.4% of school cases receive either Deferred Prosecution or Deferred Adjudication
 - Means they are low level crimes and/or First Offenders
- 21.2% of school cases were Non-Suited
- < 1% of school cases were committed to TJJD

Partners in Reform



TEXAS CRIMINAL
JUSTICE COALITION



DisabilityRights
TEXAS

The
HARRIS
CENTER for
Mental Health and IDD



JUVENILE JUSTICE PROJECT
EARL CARL INSTITUTE



Public
Defender's
Office
Harris County, Texas



THE COUNCIL
ON RECOVERY
HOUSTON | AUSTIN

HARRIS COUNTY
YOUTH COLLECTIVE



Texas
APPLESEED



JDAI connect

2018 DAO Meetings with ISD Superintendents & PDs





Are we flushing
children's
futures down
the drain?

THE SCHOOL. TO PRISON PIPELINE



Juvenile Intake



Charging Decision



- Analysis is different than with an adult offender
- 4 considerations for a juvenile referral
 - Probable cause
 - Nature of the misconduct
 - Individual factors
 - Possibility of a diversion program
- Exception for certain serious offenses

Change in Criteria for charging a Youth



F. Juvenile Referral Policy

1. General Guidelines

Given the differences between the juvenile justice system and the adult system, it is appropriate that there be a different set of guidelines to determine whether to make a referral to the juvenile justice court system for criminal conduct than those utilized for determining whether to file charges against an adult.

In determining whether to refer a juvenile to the juvenile justice system, the prosecutor should not only be concerned with protecting the public, but also with what is in the best interest of the juvenile, recognizing that the decision may have a dramatic impact on the course of the juvenile's life.

2. Considerations for referral of a juvenile

The following four factors should be considered in any juvenile referral

Steps to consider before Charging

decision. If after considering the four factors, the prosecutor determines that it is in the best interest of the juvenile and the community that charges be filed, the prosecutor shall authorize the generating of a referral by law enforcement into the juvenile justice court system, thus allowing a petition to be filed in one of the three Juvenile Justice Courts.

a. *Probable Cause*

The prosecutor shall evaluate the evidence and determine whether there is probable cause to believe that the juvenile committed a criminal act as to each element of the crime.

b. *Nature of the Misconduct*

The prosecutor shall analyze whether the act was more youthful misconduct than true criminal behavior. There are certain acts that can be attributed to lack of maturity, where society does not want to hold a youth to the same standard as an adult who commits a similar act. The prosecutor should recognize this community standard and apply it accordingly.

c. *Individual Factors*

The prosecutor shall take into consideration the age of the juvenile, any mental health issues, learning disabilities, and the nature of prior referral history, if any.

d. *Possibility of Diversion*

The prosecutor shall consider whether the juvenile and the community would be better served if the juvenile is referred to a diversion program rather than the juvenile courts.

4. *Exception for Certain Serious Offenses*

Due to the serious nature of the offenses of capital murder, murder and aggravated robberies, a prosecutor will not generally engage in weighing the factors identified above to determine referral. If there is the requisite probable cause to believe that the juvenile committed the criminal act, the case should be referred for charges absent exceptional circumstances.

Nature of the Misconduct



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Individual Factors



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4. Exception for Certain Serious Offenses



Are we flushing
children's
futures down
the drain?

THE SCHOOL. TO PRISON PIPELINE



Circling Back in Summer of 2019



ISD Police Departments



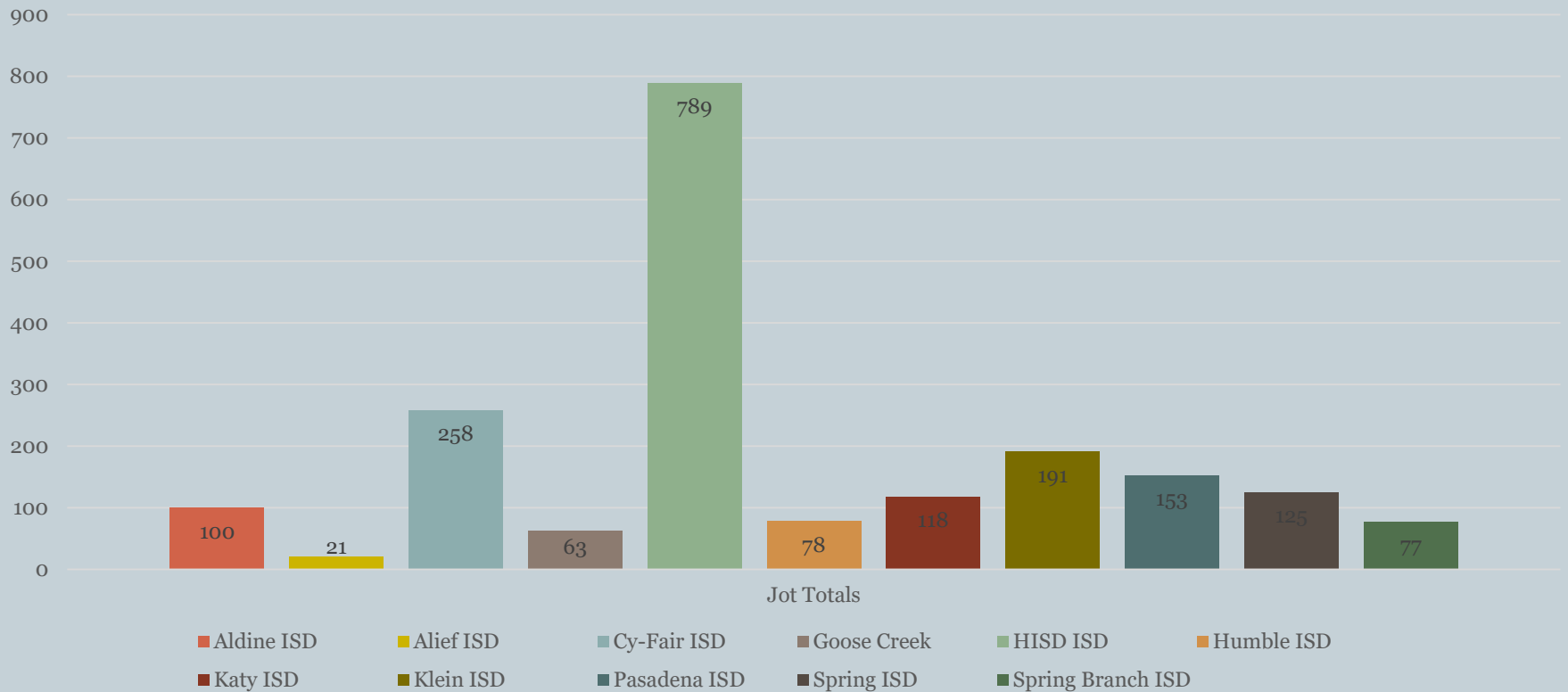
Principals and Counselors



2018-2019 Referral Data



2018-2019 School Year
August 2018-May 2019
JOTS Printed

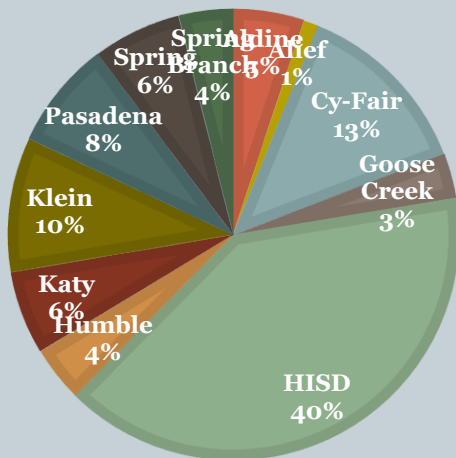


Comparison to Student Population

Referrals

2018-2019 SCHOOL YEAR
AUGUST 2018-MAY 2019
JOTS PRINTED

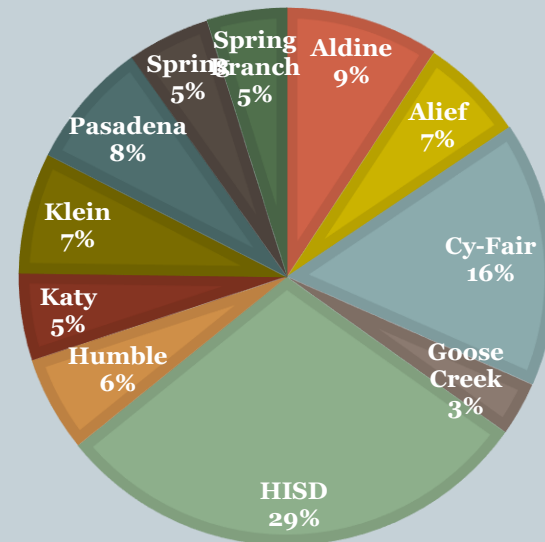
Aldine Alief Cy-Fair Goose Creek
HISD Humble Katy Klein
Pasadena Spring Spring Branch



Student Population

POPULATION

Aldine Alief Cy-Fair Goose Creek
HISD Humble Katy Klein
Pasadena Spring Spring Branch



Juvenile Arrest



Juvenile Arrest



Approximately 15 million
children and teens have
been juvenile arrested

Misbehaving in Schools



Divert



Juvenile Behavior vs. Criminal Conduct



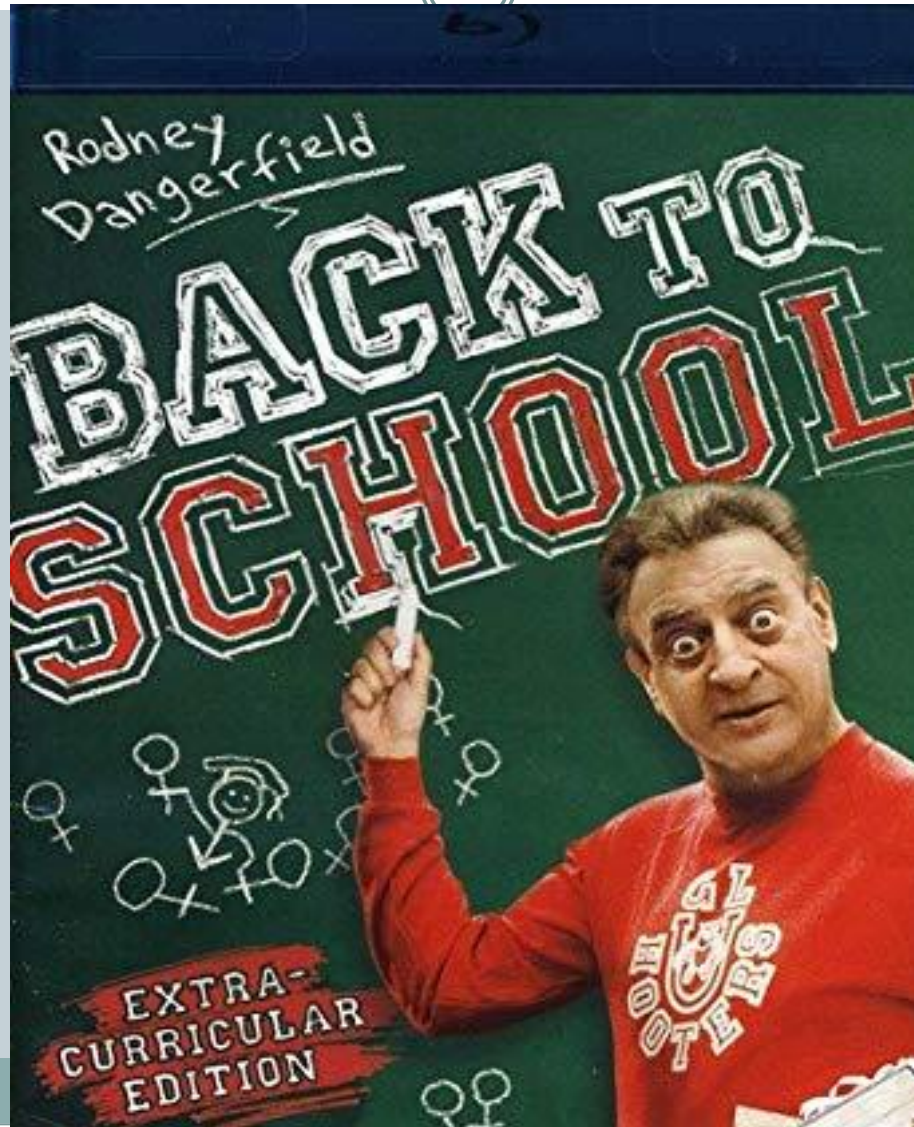
- **Juvenile Behavior:**

- Assaults between students
- Class B terroristic threat
- Criminal Trespass
- Reckless Assaults on Public Servants
- False Alarms

Criminal Conduct:

- Drugs
- Weapons
- Intentional Assaults on Public Servants
- Sexual Assaults
- School Threats

Ultimate Diversion



Fall 2018 vs. Fall 2019 Data



- # of Referrals = # of Authorized Arrests
- ISD total referrals decreased by 37.88 %
 - *Spring Branch 61.76%*
 - *Pasadena 50%*
 - *HISD 45.36%*
 - *Spring 43.24%*
 - *Aldine 40%*

2019 Fall Semester Data



- Of the 474 Referrals
- 47.68% were given Diversion
- 40.51% had a petition filed in court
- 11.81% were rejected upon further review

2019 Fall Semester Data



- 37.88%

Decrease in Referrals (arrests)

- 62%

Decrease in Filed Petitions in Court

Expansion of Diversionary Programs



DP 90/180
BASE PROGRAM
FIRST PROGRAM
JUVENILE MARIJUANA DIVERSION
5TH WARD SCHOOL DIVERSION

Allowed by Law



**Authorized
by Family Code**

TEXAS FAMILY CODE 2018-19 EDITION

TEXAS
LEGISLATURE

Review by Prosecutor

date the conduct occurred, and the reason for that purpose. For purposes of this section, conduct occurs before the effective date of this Act if any element of the conduct occurs before that date.”

§ 53.012. Review by Prosecutor

(a) The prosecuting attorney shall promptly review the circumstances and allegations of a referral made under Section 53.01 for legal sufficiency and the desirability of prosecution and may file a petition without regard to whether probable cause was found under Section 53.01.

(b) If the prosecuting attorney does not file a petition requesting the adjudication of the child referred to the prosecuting attorney, the prosecuting attorney shall:

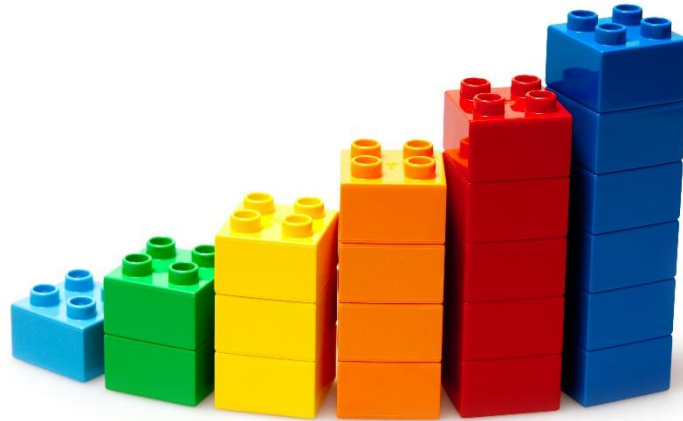
(1) terminate all proceedings, if the reason is for

Deferred Prosecution Program

- “P” Program is Pre-Petition
- Established 2009
- Class A & Class B – nonviolent misdemeanors
- 87% success rate
- Expanded to include all misdemeanors nonviolent felonies
- A Night we call Juvenile Consequences



B.A.S.E. Program



BUILDING APPROPRIATE SEXUAL EDUCATION

B.A.S.E. Partnership



BASE Program Data



Since August, 2019

45 Youth have been referred to BASE

F.I.R.S.T. Program



**FAMILY INTERVENTION RESTORATIVE SERVICES
OF TEXAS**

F.I.R.S.T. Partners



F.I.R.S.T. Data



Since February 18, 2019

479 Youth have been referred to the Program

Only 104 Juvenile Petitions have been filed

Juvenile Marijuana Diversion



SECTION 52.03 OF THE FAMILY COURT
DISPOSITION WITHOUT REFERRAL TO COURT

Marijuana Diversion Data



Since August 12, 2019

470 Youth have been referred to the Program

Juvenile Marijuana Diversion Partners



Allowed by Law

**Authorized
by Family Code**

**Approved by
Juvenile Board**

TEXAS FAMILY CODE 2018-19 EDITION

TEXAS
LEGISLATURE

§ 52.03. Disposition Without Referral to Court

(a) A law-enforcement officer authorized by this title to take a child into custody may dispose of the case of a child taken into custody or accused of a Class C misdemeanor, other than a traffic offense, without referral to juvenile court or charging a child in a court of competent criminal jurisdiction, if:

(1) guidelines for such disposition have been adopted by the juvenile board of the county in which the disposition is made as required by Section 52.032;

(2) the disposition is authorized by the guidelines; and

(3) the officer makes a written report of the officer's disposition to the law-enforcement agency, identifying the child and the officer.

No Processing



No AFIS



No Booking Photo



No Juvenile Detention



Officer will seize Cannabis



Return Youth to Parents



Juvenile Probation has Revision call



Offer Diversion

Schedule Class



Help not Court

**Houston Council
on Recovery**

Saturday Class



5th Ward

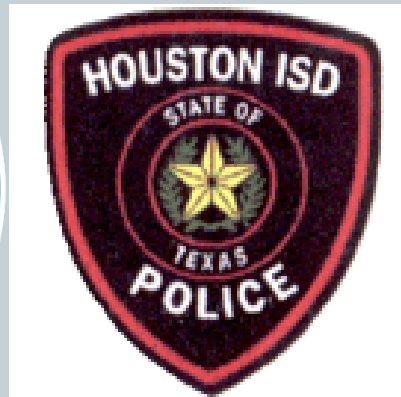
Juvenile Justice Diversion



5th Ward Juvenile Justice Diversion Partners



CENTER FOR
URBAN
TRANSFORMATION



Schools Involved



5th Ward Data



- 42 Youth are in the 5th Ward Program
- 28 of those Youth are under category Tier One
- 14 of these Youth are under category Tier Two

We are not done...





Thank
You!!!