

TRIBAL PROGRAM NEWS

Siletz Tribal Community Accountability Board Training Manual

A Document of the Diversion Program - 1999

What is Diversion?

Diversion is the handling of juvenile offenders outside of the juvenile court setting. Juveniles under age 18 who are arrested/cited for offenses such as trespassing, shoplifting, possession of alcohol, and criminal mischief are typically eligible for diversion. After making an arrest/citation, the police will refer the case to the Juvenile Division, where it is reviewed to determine legal sufficiency. If it is legally sufficient, it will be forwarded to the appropriate probation counselor, who will then set up a time for the juvenile to meet with the Community Accountability Board.

The primary purpose of diversion is to keep minor offenders outside the court system, yet still hold them accountable for their delinquent behavior. Thus, the minor child will be held accountable to the community/tribe via the CAB.

Criteria for Referral to Diversion

- 1) Age - offenders 10 through 17 years of age.

(Offenders under the age of 10 are presumed to be incapable of committing a crime. This presumption, however, may be removed by proof that the offender has a sufficient capacity to understand the act of neglect, and to know that it is wrong. Thus, offenders younger than 10 also may be involved. Such cases will be decided on an individual

basis. The offender also may be 18 years old if the offense occurred before the offender's 18th birthday.)

- 2) Divertable Referrals (see definitions below)

- a) All status offenses
- b) Misdemeanors (exceptions: fire-related crimes, sex crimes, various assault 4)
- c) Traffic citations (exceptions: those that require mandatory suspensions)
- d) Selected class C felonies, as determined by the probation counselor or assistant administrator of court services

Offenses Eligible for Diversion

Status offenses - not a violation for an adult (over age 18 and/or 21), but is against the law for a juvenile to engage in such an activity. For example: minor in possession of tobacco/ alcohol.

Misdemeanors - all class B and C misdemeanors are eligible for diversion with previously stated exceptions. For example: initiating a false report, theft 3, and criminal trespass 2 are B and C misdemeanors.

Examples of divertable class misdemeanors:

Assault 4 - intentionally, knowingly or recklessly causes physical injury to another.

Criminal Mischief II - with intent to cause substantial inconvenience to

the owner or to another person; the person tampers or interferes with property of another in an amount exceeding \$100.

Criminal Trespass I - enters or remains unlawfully in a dwelling; or having been denied future entry to a building pursuant to a merchant's notice of trespass.

Forgery II - with intent to injure or defraud, the person falsely makes, completes or alters a written instrument.

Intimidation II - intentionally subjects another to offensive physical contact, or subjects other person to alarm by threatening to inflict serious physical injury or to cause substantial damage to their property.

Menacing - by word or conduct, the person intentionally attempts to place another person in fear of imminent serious physical injury.

Theft II - intent to deprive another of property, the total value is \$50 but is under \$750 (theft III is property under \$50).

All traffic offenses committed by individuals under age 16, except those that require mandatory suspensions.

All class A misdemeanors and class C felonies will be diverted on a case-by-case basis.

The following misdemeanors are not eligible: escape III, fire-related crimes, and sex crimes.

Census, con't from page 6

5. Help Yourself and Your Family. Individual records are held confidential for 72 years, but you can request a certificate from past censuses that can be used as proof to establish your age, residence or relationship, information that could help you qualify for a pension or obtain an inheritance. In 2072, your great-grandchildren may want to use

census information to research family history and course of ancestral change. Right now, your children may be using census information to do their homework.

Because we have a census every 10 years, we know there are nearly 2 million American Indians and Alaska Natives in the U.S. and our numbers are growing.



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