Early Diversion for Youth in the Juvenile Justice System

“Diversion” is a general term used to describe the informal handling of cases involving youth in the juvenile justice system. Diversion requires juvenile justice stakeholders to make a conscious effort to direct young people away from the juvenile justice system altogether, including through referrals to community-based programs.

Depending on the jurisdiction, diversion can occur at various points in the juvenile justice system, from pre-arrest to the prosecutorial level to court intake. Diversion can include a wide range of interventions, including warn and release programs, restorative justice practices, and referrals to community-based organizations or public agencies. Increasingly, jurisdictions across the country are identifying new diversion options or revamping existing diversion programs as a way to keep young people out of the juvenile justice system at the earliest possible point of contact.

This fact sheet highlights key research on the benefits of diversion programs, explains the core principles of effective diversion programs, and provides examples of innovative diversion programs across the country that have achieved measurable results.

Research on the Benefits of Diversion

In recent years, several national organizations have emphasized the importance of early diversion for young people involved with the juvenile justice system. For low-risk youth, studies show that formal interventions by the juvenile justice system do more harm than good. Compared to system intervention, diversion generally decreases a young person’s likelihood of rearrest. A 2013 study found that low-risk youth placed in diversion programs reoffended 45% less often than similar youth who were formally processed or who received restrictive sanctions. Similarly, a 2018 report concluded that youth who are not arrested or are diverted from court are less likely to be rearrested and more likely to succeed in and complete school than peers who are formally adjudicated in the juvenile justice system. Longitudinal studies and brain science research corroborate these findings, demonstrating that the majority of young people age out of delinquent behavior, with or without system intervention.

This fact sheet uses the term “risk” when describing research on diversion and the eligibility criteria for specific interventions. CCLP acknowledges the current debate in the juvenile justice field about the role risk assessment instruments can play in perpetuating racial and ethnic disparities. For more information

2 Id. at 13.
3 Id. at 9 (citing see generally ELIZABETH SEIGLE ET AL., CORE PRINCIPLES FOR REDUCING RECIDIVISM AND IMPROVING OTHER OUTCOMES FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM (2014)).
4 Mendel, supra note 1 at 8.
6 Id. at 4-5.
Core Principles of Effective Diversion Programs

Diversion is not a one-size-fits-all model. Diversion programs can take different approaches to steer young people away from formal processing in the juvenile justice system depending on a range of factors, including state and local laws and regulations, as well as the types of cases being diverted. Despite these differences, most successful diversion programs include a combination of the following six core components.

- **Diversion of youth who commit misdemeanors:** Except for youth who have committed serious violent crimes and pose a significant threat to public safety, all youth referred to the juvenile justice system for the first time should be diverted. Many jurisdictions have also expanded diversion to include subsequent misdemeanor referrals.

- **Incorporation of warn and release programs:** Warnings without intervention should be available in every diversion program and should be the default response for the great majority of first-time offenses.

- **Use of restorative justice practices:** To hold youth accountable for their actions in a meaningful and constructive way, many effective diversion programs use family conferences, victim conferences and mediation, and other forms of restitution as a way of acknowledging and repairing harm. Research shows that these practices reduce recidivism rates and are a cost-effective alternative to court involvement and excessive supervision.

- **Identification of community-based organizations and agencies to oversee diversion:** Shifting the responsibility of overseeing diversion away from court personnel allows them to focus their attention on the most serious cases. The responsible organization or agency should be independent from the court, prosecutor’s office, and probation department; should offer a single point of entry for assessments, referrals, care coordination, and crisis intervention; should receive operating funds from the court, county, or state government; and should be responsible for development, oversight, and tracking outcomes.

- **Rejection of court-imposed consequences for noncompliance with diversion agreements:** There should be no possibility of placement or confinement for failure in diversion, and absent serious subsequent offenses, diverted youth should not be subject to court-ordered conditions. Research shows that “net widening” of diversion programs does more harm than good and that noncompliance with diversion agreements should usually be addressed with a warning. Most youth grow out of delinquent behavior without intervention, and formal processing dramatically increases the likelihood of future arrest. If a young person fails to complete a diversion

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7 Mendel, supra note 1 at 7.
8 Id. at 25.
9 Id. at 26.
10 Weber, supra note 5 at 5-6.
11 Mendel, supra note 1 at 26.
agreement, he or she is better left to grow and mature under family supervision.¹²

- **Creation of a diversion oversight committee**: Local governments and juvenile courts should create oversight committees to monitor and support diversion programs in the jurisdiction. The committee should be made up of local government officials, service providers, public school administrators, various leaders from community organizations, and the juvenile probation chief. The committee should set expectations, create program guidelines, conduct training and support for personnel, collect and analyze data, assess needs, and develop programs to expand and improve diversion options.¹³

### Diversion in Practice

The following section highlights examples of innovative diversion programs across the country that have achieved measurable results. The examples include a wide variety of locations, including large, small, rural, and urban jurisdictions. The examples are separated into local and state-wide programs.

#### Local Diversion Programs

- **Philadelphia, Pennsylvania**
  - Seeking to disrupt its school-to-prison pipeline, in 2014, the Philadelphia Police Department partnered with the School District of Philadelphia, the Philadelphia Department of Human Services, and other agencies to create the Philadelphia Police School Diversion Program. The program is a city-wide, pre-arrest, school-based diversion program that diverts first-time offending youth who commit low-level offenses on school property from arrest and into community-based diversion programs. School arrests declined 68 percent in the three years following implementation.¹⁴

- **Summit County, Ohio**
  - Since 2014, Summit County has effectively replaced juvenile probation with individualized, limited dispositions. Summit County maintains a separate, dedicated Diversion Committee, consisting of representatives from police jurisdictions across the county, that works with the Prosecutor’s Office to craft specific diversion agreements. The dispositions can include referral for treatment, referral for assessment, community service, restitution, essay writing, or no further action. Since this implementation, Summit County has reduced the number of youth placed on probation for misdemeanor offenses by 81 percent.¹⁵

- **Lucas County, Ohio**
  - In 2013, Lucas County opened an Assessment Center as part of a greater effort to transform its approach to diversion and probation. The Assessment Center serves as a processing center for youth charged with low-level offenses. Police officers transport youth taken into custody for nonviolent misdemeanors or status offenses to the

¹² *Id.* at 13, 28-29.
¹³ *Id.* at 29.
¹⁴ *Id.* at 27 (citing, [UNIVERSITY OF DREXEL JUVENILE JUSTICE RESEARCH AND REFORM LAB](https://policeschooldiversionprogram.drexel.edu), *POLICE SCHOOL DIVERSION PROGRAM* (2014)).
¹⁵ *Id.* at 42 (information provided by Summit County Juvenile Court).
Assessment Center where social workers screen the youth for mental health and substance issues, risk of reoffending, and health needs. The screening results, coupled with meetings with family members, are used to determine whether cases are filed for court processing. Youth who commit misdemeanor offenses are not placed on court-ordered probation but receive community-based services as necessary. These services include mediation, restorative justice circles, mental health and substance addiction treatment, and family violence interventions. Youth are not required to attend regular meetings, to perform drug tests, or to participate in activities under threat of court action. Since 2013, the number of incarcerated youth in Lucas County has declined 47 percent.\textsuperscript{16}

- **Douglas County, Nebraska**
  - In Douglas County, the Juvenile Assessment Center (JAC) aims to divert all eligible youth from formal processing while recommending interventions that help prevent future violations and help youth mature as productive citizens. When youth are referred to the JAC by the Douglas County Attorney’s Office, each young person is given an assessment to measure risk of re-offense, needs, education-related problems, and strengths and protective factors. The results of these assessments help form individualized community-based diversion case plans. The JAC’s guiding philosophy is to intervene early, effectively, and often in order to support the growth and development of young citizens.\textsuperscript{17}

- **Orange County, California**
  - A 2014 study conducted by University of California Irvine researchers tracked 532 young people who were arrested and referred to juvenile court. This was the first court referral for all youth in the study. Researchers compared outcomes for youth who were diverted from court to youth who were formally processed. The study found that, in the future, the diverted youth were less likely to be suspended from school and rearrested than their counterparts who were formally processed. Additionally, diverted youth self-reported less reoffending behavior.\textsuperscript{18}

- **Los Angeles County, California**
  - In November 2017, Los Angeles County began a youth diversion initiative that aims to steer thousands of youth away from the juvenile court system and into supportive service programs. The initiative authorizes law enforcement officers to counsel and release youth they apprehend for status and misdemeanor offenses or to refer youth to diversion programs in lieu of, or following, an arrest for all misdemeanors and some felonies. As part of the initiative, Los Angeles County created an Office of Youth Diversion and Development to build partnerships with law enforcement agencies and community-based agencies to promote the use of diversion, create procedures for managing diverted cases, and collect and analyze data to measure the effectiveness of

\textsuperscript{16}Id. at 37-38 (information provided by Lucas County Juvenile Court and Probation Department); Weber, supra note 5 at 7.

\textsuperscript{17}Weber, supra note 5 at 6.

\textsuperscript{18}Mendel, supra note 1 at 8 (citing, see generally Jordan Bechtold Beardslee, Under the Radar or Under Arrest: How Does Contact with the Juvenile Justice System Affect Delinquency and Academic Outcomes? (Dec. 2014) (unpublished Ph.D. dissertation, University of California, Irvine) (on file with the U.S. Department of Justice)).
diversion efforts.\textsuperscript{19}

- Santa Cruz, California
  - Over the past two decades, Santa Cruz has refrained from refiling diverted cases when youth fail to complete their diversion programs. Over this time period, arrest rates in Santa Cruz have decreased 75 percent, and following diversion, only 11 percent of youth are charged with new offenses within one year of being diverted.\textsuperscript{20}

- Alameda County, California
  - For more than six years, Community Works West has operated the Restorative Community Conferencing program in Alameda County. The program diverts over 100 youth per year away from the juvenile justice system and facilitates organized dialogues in which young people, with the support of family and community members, meet with crime victims to create a plan to address the harm caused by their actions. A 2017 report written by Impact Justice’s Restorative Justice Project showed that youth who were formally processed in juvenile court were twice as likely to reoffend as youth diverted into the Restorative Community Conferencing program.\textsuperscript{21}

- Multnomah County, Oregon
  - Multnomah County has partnered with community organizations in predominantly Latino and predominantly African-American neighborhoods to create a Community Healing Initiative (CHI). The CHI program offers support for youth on probation who are at high risk of rearrest. The CHI-Early Intervention program, on the other hand, provides an alternative to formal processing for lower-risk youth. In 2016, only 40 percent of youth referred to court in Multnomah County were formally processed. 32 percent of cases were dismissed by prosecutors, and the rest were placed in either community-based or probation-administered diversion programs.\textsuperscript{22}

**State-Wide Diversion Efforts**

- Florida Department of Juvenile Justice
  - In 2005, the Florida Department of Juvenile Justice began to develop the Positive Achievement Change Tool (PACT), a comprehensive, evidence-based system of assessing the risks and needs of youth referred to the juvenile justice system. In 2012, the Justice Research Center in Tallahassee, Florida conducted a study to measure the validity and reliability of the PACT. The study found that low-risk youth who were diverted from court had lower rearrest and reconviction rates than their low-risk counterparts who were placed on probation.\textsuperscript{23}

\textsuperscript{19} Id. at 24 (citing, Celeste Fremon, Los Angeles Board of Supervisors Votes to Launch ‘Historic’ Juvenile Diversion Plan, JUVENILE JUSTICE INFORMATION EXCHANGE (Nov. 8, 2017), https://jjie.org/2017/11/08/la-county-board-of-supervisors-votes-to-launch-historic-juvenile-diversion-plan/))

\textsuperscript{20} Id. at 29 (citing Charles Puzzanchera & Wei Kang, EASY ACCESS TO FBI ARREST STATISTICS 1994-2014 (2017)).

\textsuperscript{21} Id. at 27 (citing, see generally Sujatha Baliga et al., RESTORATIVE COMMUNITY CONFERENCING: A STUDY OF COMMUNITY WORKS WEST’S RESTORATIVE JUSTICE YOUTH DIVERSION PROGRAM IN ALAMEDA COUNTY (2017)).

\textsuperscript{22} Id. at 25, 42 (information provided by Mary Geelin, Systems Change and Community Initiatives).

\textsuperscript{23} Id. at 8-9 (citing, see generally Kristin Parsons Early et al., VALIDITY AND RELIABILITY OF THE FLORIDA PACT RISK AND NEEDS ASSESSMENT INSTRUMENT: A THREE-PHASE EVALUATION (2012)).
• **RECLAIM Ohio**
  - A 2014 study conducted by the University of Cincinnati School of Criminal Justice evaluated programs under RECLAIM Ohio, a funding initiative that encourages juvenile courts to develop or purchase community-based alternatives to formal referral to the Ohio Department of Youth Services institutions. The study found that low-risk youth who were placed on probation were more than 50 percent more likely to reoffend than their counterparts who were not placed on probation. The evaluation also found that low-risk youth who were diverted from court reoffended far less frequently than youth who were formally processed.\(^\text{24}\)

• **Texas**
  - Beginning in 2007, Texas lawmakers enacted a series of reforms aimed to reduce the number of incarcerated youth and to increase the use of community-based alternatives to commitment. In 2007, Texas passed a bill that prohibited youth who were adjudicated delinquent for misdemeanors from being committed to state-run secure correctional facilities. In 2009, lawmakers earmarked $50 million for the establishment of the Community Corrections Diversion Program, which provided county governments with financial incentives to use alternatives to confinement. Between 2007 and 2012, Texas closed eight juvenile correctional facilities and reduced funding for the operation of these facilities by more than $150 million. Additionally, the average daily youth population in state-run correctional facilities dropped by more than 2,800, youth arrests declined by more than 42,000, the percentage of dispositions resulting in commitment to state-run secure facilities declined by two-thirds, and county juvenile probation department caseloads declined around 30 percent. Further, data indicates that these reforms had huge impacts on recidivism rates:
    - Youth who were diverted from state-run correctional facilities and received county probation supervision were significantly less likely to reoffend than committed youth.
    - Youth who were released from state-run facilities were more than two times more likely to be reincarcerated after five years than their counterparts on probation supervision in their communities.
    - Youth who were committed to state-run facilities were three times more likely to commit a felony as their first re-offense than youth placed on probation.\(^\text{25}\)

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\(^{24}\) Id. at 8 (citing, see generally EDWARD J. LATESSA ET AL., EVALUATION OF OHIO’S RECLAIM PROGRAMS (2014)).