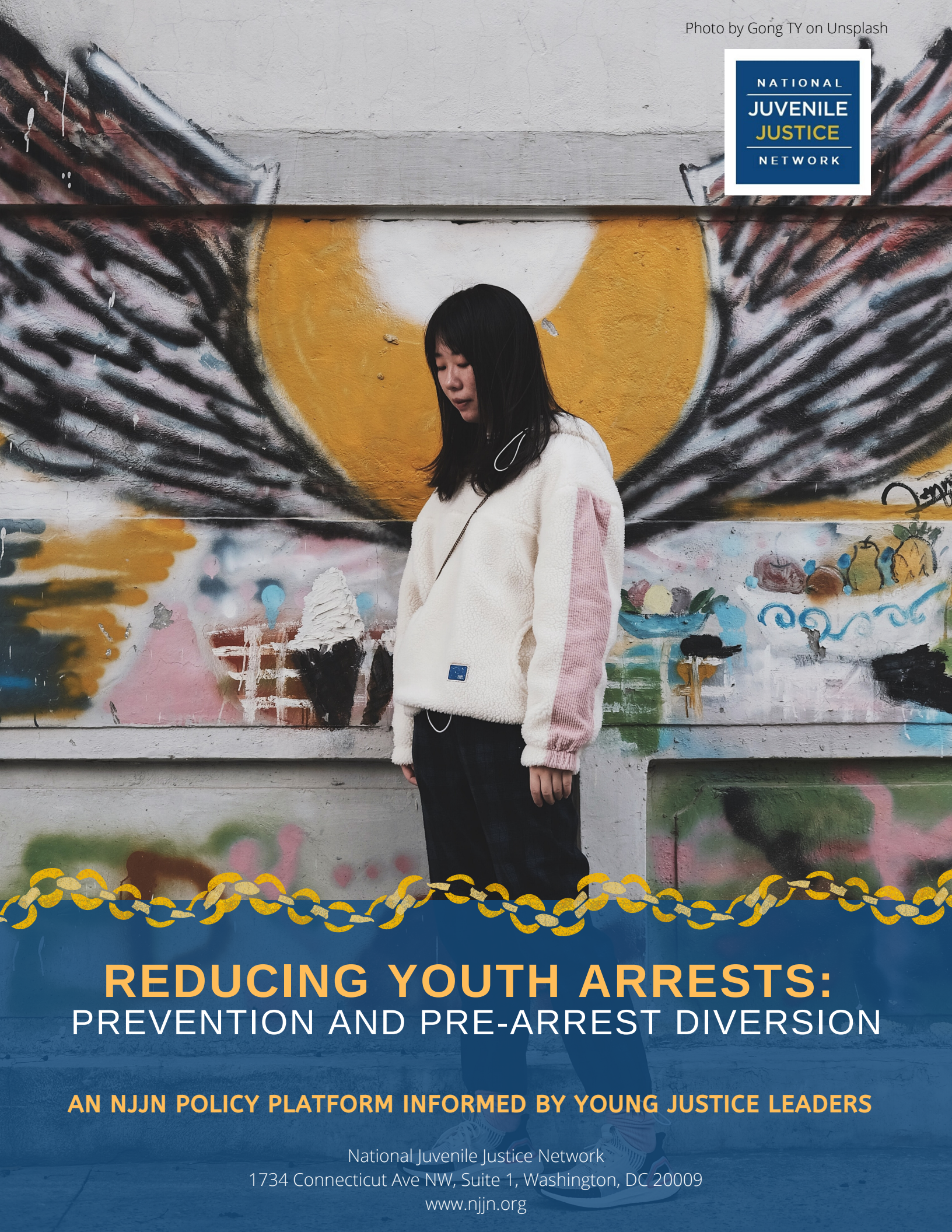


NATIONAL
JUVENILE
JUSTICE
NETWORK



REDUCING YOUTH ARRESTS: PREVENTION AND PRE-ARREST DIVERSION

AN NJJN POLICY PLATFORM INFORMED BY YOUNG JUSTICE LEADERS

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NATIONAL JUVENILE JUSTICE NETWORK

Policy Platform

REDUCING YOUTH ARRESTS: PREVENTION AND PRE-ARREST DIVERSION

2019

Policy Recommendation

NJJN recommends that localities prioritize the development and adequate resourcing of arrest^{*} prevention and pre-arrest diversion policies to reduce the overall number of youth—as well as the overrepresentation of youth of color, youth with disabilities, and LGBTQ/gender nonconforming youth—from entering the justice system.

I. Background^{**}

We are at a moment in time when we are collectively rethinking how society treats children. A big piece of this work is harm reduction—stemming the tide of the huge numbers of youth that have been flowing into our justice systems, and the significant overrepresentation of youth of color, youth with disabilities, and LGBTQ/gender nonconforming youth.¹ Equally important is reorienting society’s approach to view issues of youth behavior and welfare through a public

^{*} NJJN is using the definition of arrest from the [Legal Information Institute](#), which defines arrest as “using legal authority to deprive a person of his or her freedom of movement.” This can occur when a law enforcement officer simply tells a person that they are “under arrest.” For an arrest to occur, the officer does not necessarily have to use physical restraints or handcuffs and the person does not have to be taken into police custody at the time; in some instances an officer will allow the individual to leave the scene with a summons or ticket to appear in court at a later date.

^{**} To develop this platform, NJJN staff talked to youth in North Carolina working with NJJN member Youth Justice Project of North Carolina, received detailed responses from questionnaires we provided to youth working with NJJN member Voices for Children in Nebraska, reviewed this material with the Policy Platform Committee of NJJN members and partners, and engaged in scholarly research.

health lens instead of a punitive lens—looking at how can we unlock the potential of our youth rather than focusing on locking them up. When society supports youth and provides them with resources needed for positive youth development, such as good health care, housing, education, healthy food, and nurturing relationships, we are setting them on a path for success. However, when policing is heavily concentrated in marginalized communities, leading to frequent stop and frisks of young people, then we are sending them down a different path—one in which future contacts with police and arrests are more likely.²

Youth input suggests, and outside research affirms, that arresting youth and sending them through the justice system pipeline does not work for our young people or for public safety. Arrest can cause profound and long-lasting damage to young people, including physical harm, mental health trauma, and stigmatization.³ Arrest can also lead to detention, and the longer one stays in detention the greater the risk of mental, physical, emotional, or sexual harm.⁴ Even if the charges are later dropped, the arrest information is often shared with schools, and sometimes employers, leading to school push-out (suspension and expulsion) and drop-out, as well as employment challenges due to frequent discrimination against people with arrest records.⁵ All of these negative impacts can stigmatize young people and increase their chances of further justice system involvement.⁶ For noncitizen immigrant youth, the stakes are even higher as an arrest can lead to greater risk of confinement than other youth, subjection to dangerous conditions in immigration detention, harm to their juvenile case, harm to their ability to gain legal status, and risk of immigration detention or deportation.⁷

To understand the types of arrest prevention and diversion options that are most likely to support young people, we asked young people working with our members. Not surprisingly, young people expressed a need for supportive services instead of punitive responses, which have been found to be ineffective for the majority of youth.⁸ Preventing arrest—through methods such as providing healthier living and school environments for youth and providing guidance and mentoring for youth, is what the young people we contacted recommended to best safeguard youth. Diversion,* or directing youth away from the justice system, is also a cost-effective, positive method of addressing youth behavior and improving public safety.⁹ And diverting youth before an arrest is made is even more effective at helping youth and reducing re-arrests than waiting until after arrest to divert.¹⁰

In order to do this work effectively and responsibly, we must end the government's outsized investment in punitive law enforcement approaches to youth and adopt a community-centered

* NJJN is using this term broadly to describe both processes and programs used to direct young people away from youth justice system engagement or that prevent youth from having deeper involvement with the system, although our focus in this platform is the former. Departments or agencies that may refer youth to diversion programs include, but are not limited to, schools, service organizations, police, probation, or prosecutors. (Definition from Center on Children's Law and Policy and Burns Institute.)

approach that emphasizes positive youth development and public health for youth and families. By fully resourcing all communities to raise and support healthy youth, we can prevent arrests, improve public safety, and offer the best chance for youth and their communities to thrive.

II. Implementing Arrest Prevention and Pre-Arrest Diversion Policies

NJJN’s recommendations for the implementation of effective prevention and pre-arrest diversion practices and policies are informed by the experiences and ideas shared with us by young people as well as prevailing research. Below is an outline of NJJN’s recommendations with detailed information following.

A. Arrest Prevention

1. Provide a health living environment for children and their families.
2. Provide guidance and mentoring for youth.
3. Provide a healthy school environment.

B. Diverting Youth from Arrest

1. Reduce police contact.
2. Develop and fund formalized pre-arrest diversion programs and services.

A. Arrest Prevention

Both young people and adolescent behavioral health experts stress that youth need supportive environments in order to thrive. Adolescence—the time period from the onset of puberty until the mid-20s, is a particularly critical time. It is a period in which adolescents’ brains are adaptive and become more specialized in response to environmental demands.¹¹ This means that young people’s brains are quite vulnerable to toxic exposures, which can be caused by structural racism, other forms of bias and discrimination, and economic disadvantage.¹² But if we can provide youth with healthy environments at home and school, supportive services, and caring adults, then they have tremendous capacity for growth and positive development.¹³

1. Provide a healthy living environment for children and their families

“The first question that should be asked when a kid gets in trouble is why – and then they should get support around the why.”

North Carolina youth

The young people NJJN contacted, as well as the Connecticut Juvenile Justice Alliance's Justice Advisors,¹⁴ stressed the need for services, supports, resources, jobs, and other components of healthy living environments for themselves and their families to prevent justice system contact. Their sentiment echoes the types of supports that adolescent behavioral health experts have recognized is needed for positive adolescent development. Another important piece that NJJN's youth mentioned was the need for unconditional love, kindness, compassion, and supportive, long-lasting relationships. Below are some of the specific resources the young people recommended for arrest prevention:

- Adequate food, clothing, and shelter
- Housing resources for families and resources for youth living on their own, including transitional housing and a safe living environment
- Mental health resources, therapy, access to community counseling, resources on coping skills
- People who are committed to helping youth heal
- Guidance on dealing with stressful situations for families and communities
- Work/job opportunities for youth as well as transportation assistance to get there
- Adequate funds and good jobs for family members
- Youth leadership opportunities

Scientific experts agree that a healthy living environment for children and families is key to justice system prevention. The Centers for Disease Control and Prevention (CDC) recommended enhancing the strengths of individuals, families, and communities in order to best prevent youth violence. The mechanisms they suggested included improving early learning and educational opportunities, modifying housing policies, increasing access to high quality child care, enhancing high school graduation rates and workforce development, and supporting the provision of evidence-based mental health and social service supports to children, youth, and their families.¹⁵ The CDC also recommended building viable and stable communities by promoting economic opportunities and growth as another key to preventing youth violence.¹⁶

In their 2019 book, *The Promise of Adolescence: Realizing Opportunity for All Youth*, the National Academies of Sciences, Engineering, and Medicine stressed the importance of adolescents' access to appropriate health services to ensure their well-being during this critical developmental period. They recommended improving adolescents' access to comprehensive physical and behavioral health care and improving the training of adolescent health care providers.¹⁷

Below are examples of positive initiatives to address healthy living environment issues on a small, local scale. Note that there is a need for larger, structural change to address this issue adequately, particularly the underpinnings of institutional racism.

Healthy Living Environment Examples:

- **Healthy Schools and Communities Resource Team¹⁸**

Ohio state and community leaders partnered to develop a team that involves state leaders and organizations meeting regularly to understand the specific needs of the communities, do resource mapping, plan and develop initiatives, and implement programs and practices. Strategies have included developing a school mental health program in the Harrison Hills School District that includes a prevention specialist and services for more than 170 families; hiring and implementing care coordinators in the Northwest Ohio Educational Service Center to help support students and families struggling with behavioral health issues; and developing and providing parents and stakeholders in Williams County with a resource guide.

- **King County Zero Youth Detention¹⁹**

Seattle and King County, Washington, adopted this public health approach in November, 2017 to advance the goal of reducing and eventually eliminating the use of secure detention for youth. Their approach involves bringing community and system partners together to promote the positive development and well-being of all youth and make resources and other supports available to youth to mitigate the impact of trauma. The strategic plan they developed to realize this goal, “Road Map to Zero Youth Detention,” includes a focus on preventing youth from entering the justice system by enhancing positive youth development. The strategies include providing access to high quality, community-based services for youth and families, such as housing resources and support, and treatment options for substance use disorders.²⁰

- **Ramsey County Community Health Improvement Plan (CHIP)²¹**

Ramsey County, MN, worked with a Community Health Improvement Plan Committee (CHIPC) comprised of over 80 residents and local leaders to draft a comprehensive plan for creating conditions in which people in the community can be healthy, thrive, and achieve measurable improvement in health inequities. Their five priority goals were:

- Health in all policies
- Healthy eating
- Active and tobacco-free living
- Access to health services
- Mental health
- Violence prevention

- **Stockton Economic Empowerment Demonstration (SEED)²²**

The Stockton Economic Empowerment Demonstration (SEED) is a guaranteed income initiative funded by the Economic Security Project and piloted in Stockton, CA. Stockton is a diverse city a few hours from San Francisco with high unemployment and child poverty. Beginning in February, 2019, 125 residents in Stockton began receiving an unconditional \$500-a-month payment. Preliminary results show, unsurprisingly, that residents are using the money to help with necessities – for example, 40% of the money tracked has been used on food and 12% on utilities. One resident revealed how the money came just in time to fix a car, without which she would not have been able to get to work.

2. *Provide guidance and mentoring for youth*

“Giving them a mentor . . . gives most youth hope and a voice.”

Nebraska youth

Youth stressed the need for support, guidance, and encouragement, and recommended neutral community-based mentors or “support people,” family advocates, and peer support to help prevent initial or recurring justice system involvement. They commented that mentors or an “accountability buddy” could help address the reason behind the youth’s behavior, help keep them accountable, and set them on the right path.

The CDC also stressed that building and maintaining positive relationships between young people and caring adults – e.g. mentors, teachers, and coaches - lowered the risk of youth violence. Such relationships promote young people’s feelings of connectedness to caring adults, their school, and community and expose youth to positive role models.²³ Research has shown that mentoring relationships can improve outcomes in behavior, social and emotional learning, and academics.²⁴

Guidance and Mentoring Examples:

- **Big Brothers, Big Sisters**

This is one of the oldest one-to-one mentoring programs in the country.²⁵ Program evaluations have shown that mentored youth were less likely to cut classes or miss school, to start using alcohol or drugs, or to be involved in physical fighting.²⁶ Additional benefits of the program included improvement in academics, youth relationships with parents and teachers, and parental trust.²⁷

- **Credible Messengers²⁸**

The Credible Messengers movement is a holistic approach to justice that centers communities in the work of transforming the lives of young people and empowers neighborhoods to use their resources to maintain peace. “Credible Messengers” are community members that have relevant life experiences (often returned citizens) and have transformed their lives. They are specially trained to work with justice involved or at-risk youth and their life experiences help them to connect with these youth and build powerful, trusting relationships that they use to support youth navigating challenging environments and systems.

- One example of a Credible Messenger program is the **Arches Transformative Mentoring Program.**²⁹ Arches is a group mentoring program in New York City that serves young adult probation clients aged 16 to 24-years-old. Arches’ mentors, known as “credible messengers,” are individuals that have backgrounds similar to those of their mentees, and have often had prior criminal justice system involvement. Arches mentors use one-on-one mentoring as well as intensive group mentoring using an evidence-based interactive journaling curriculum centered on cognitive behavioral principles. A program evaluation found reduced recidivism rates among Arches participants relative to their peers, driven largely by those under age 18; felony reconviction rates were 69% lower 12 months after beginning probation and 57% lower 24 months after beginning probation. The evaluation also found that participants improved their emotional regulation and their self-perception and relationships with others.

- **Cure Violence Model**

Regarding gun violence, youth discussed needing a program very similar to the CURE violence model, which uses methods associated with disease control to change behavior and stop the spread of violence.³⁰ The model engages youth and credible messengers from the community in mediating conflicts before they become violent. Communities are also mobilized to change norms and spread the message that violence is not acceptable.³¹ It has proven very successful in reducing violence in cities including Chicago, New York, and Philadelphia.³²

- **Youth Advocate Programs, Inc. (YAP)**

YAP provides alternatives to detention and incarceration through programs that serve youth in their home and neighborhoods.³³ A foundation of their model is the use of adult advocates recruited from the local community who are paid, trained,

and supervised.³⁴ They build a trusting relationship with the youth and provide intensive supervision, mentoring, coaching, brokering, and modeling, through individual, family, and group activities.³⁵

3. Provide a healthy school environment

“[C]lasses that inspire youth to see their worth as well as the power they have over their own lives would be of extreme help.”
Nebraska youth

Rather than more law enforcement, youth want more school counselors, assistance with their needs, inspiring classes, and help in resolving conflicts peacefully. Youth ideas for a healthy school environment included the following:

- Access to support on schoolwork
- A student curriculum that includes how to resolve conflicts using techniques like restorative justice or peace circles that are run by a professional rather than the teacher
- Training for teachers, principals, and all school staff on restorative practices and requiring it to be a part of teacher certification programs
- School counselor-led programs for students on drugs, fighting, and other youth issues
- No longer taking kids out of school as punishment—having training or behavior programs for youth instead
- Getting rid of zero tolerance policies so that all kids get a second chance
- In terms of truancy, changing school policy to meet the needs of students and account for the issues they are experiencing, such as transportation problems, medical obligations, and family issues

Many benefits have been reported with increasing the number of school counselors. For instance, a direct link to reductions in fights, bullying, and school infractions has been shown along with improvements in students’ sense of belonging and their relationships with school staff.³⁶ In addition to working one-on-one with students, school counselors can also develop group-based programs that help all youth develop healthy ways of dealing with trauma, and bolster their resilience, coping skills, and social-emotional learning (SEL).³⁷

Restorative practices, which were also recommended by the youth, have proven highly effective at improving school climate, reducing disruptive behavior, and lowering instances of fighting.³⁸ Rather than focusing on punishment for punishment's sake, restorative justice shifts the framework towards one of addressing victims' needs and ensuring the young person is accountable for the harm they caused, while also addressing underlying reasons for their behavior.³⁹

Finally, it is essential to end policing and punitive practices in schools. This issue is addressed in section 4 below.

Healthy School Environment Examples:

- **Positive Behavior Support (PBS)**

PBS is a set of strategies and practices applied schoolwide that incorporate proactive, non-punitive approaches to facilitating positive behavior change as opposed to reactive and exclusionary approaches.⁴⁰ It is a way to positively support all students and is especially helpful for students with disabilities.⁴¹ There are different models of PBS and there is a broad array of evidence supporting its success in reducing referrals, suspensions, and expulsions and increasing student engagement.⁴²

- [Positive Behavioral Interventions and Supports \(PBIS\)](#) is a three-tiered framework for addressing student behavior through schoolwide systems change.⁴³ In one example, a low-performing middle school in Connecticut used the framework to reduce incidents of behavioral problems, teacher discipline referrals, and student suspensions; make significant academic gains; and improve student ratings on the climate and culture of the school.⁴⁴
- [Safe and Civil Schools](#) is another model that has been used in many schools throughout the country and claims effectiveness in reducing referrals, suspensions, and expulsions; increases in student attendance and connectedness; declines in tardiness; and increases in student perception of safety and civility.⁴⁵

- **Restorative Justice**

- Chapel Hill-Carrboro City Schools in North Carolina adopted restorative practices for all of its schools and one of its middle schools saw a drop of nearly 75% in major discipline referrals.⁴⁶ Following suit, in 2018 Durham Public Schools (DPS) in North Carolina introduced their plan to use

Restorative Practice Centers to replace in-school suspension at all of their middle and high schools.⁴⁷ One year later, short-term suspensions fell by more than half and long-term suspensions dropped from 44 to 14.⁴⁸

- Fairfax County Public Schools began introducing restorative justice practices between 2002-2010 through trainings and pilot programs offered by the Northern Virginia Mediation Service (NVMS) and other providers.⁴⁹ They hired a full-time coordinator in 2011 to lead a district-wide restorative justice initiative and currently have 7 full-time staff members facilitating nearly 500 restorative justice disciplinary interventions per school year as well as trainings for school administrators, teachers, parents, and community members. They also participate in a collaborative project with NVMS, the police department, and the juvenile court to use restorative justice to divert cases where juvenile charges were filed for offenses that occurred during the school day or on school property.
- **Social-Emotional Learning Programs**
Programs such as Life Skills® Training, the Good Behavior Game, and Promoting Alternative THinking Strategies® (PATHS) have demonstrated positive impacts on aggressive behavior as well as reductions in youth alcohol, tobacco, and drug use, depression and anxiety, suicidal thoughts and attempts, and involvement in delinquent or criminal offenses.⁵⁰

B. Diverting Youth from Arrest

Researchers into brain development have found that our brains do not fully mature until we are in our 20s, particularly the area governing self-regulation and impulse control. This is a contributing factor in why many youth engage in risky behaviors.⁵¹ Common behaviors that lead law enforcement to initiate contact with youth include acting out, truancy, shoplifting, and underage drinking.⁵² Research shows that the majority of youth will age out of this type behavior with no intervention from the justice system.⁵³ While many young people are allowed to grow out of these behaviors without justice system involvement, youth of color are often arrested for such behavior.⁵⁴ Arresting them, youth told us, makes them feel scared and resentful to authority, which is not likely to lead to positive behavior development. Additionally, arrest carries a host of negative, harmful consequences for the young person including trauma, physical harm, limitations on access to education and employment, an increased likelihood of re-arrest,⁵⁵ and for noncitizen youth, a greater likelihood of deportation.⁵⁶ Therefore, the primary goal should be to greatly reduce police contact with youth.

When police do contact youth, diverting them from justice system involvement through cautioning or warning them about their behavior without arrest is often the best intervention for many.⁵⁷ For youth that require more guidance and would otherwise be arrested, a community-based pre-arrest diversion program to intentionally provide them a path away from the justice system should be the next step used.⁵⁸ Research has demonstrated that low-risk youth have significantly lower rates of reoffense when placed in a diversion program rather than formal court processing or other more restrictive sanctions.⁵⁹ Research has also shown that youth who are not arrested or are diverted from court are more likely to be successful in and complete school than those that are formally court processed.⁶⁰ However, as with all programs to serve youth, they should be continually evaluated to ensure that they are benefitting youth equitably and not “net widening,” or widening the number of youth caught up in the justice system.

1. *Reduce police contact*

If we held young people responsible without arresting them, they would “not [be] as vulnerable, scared, resentful toward authority.”
Nebraska youth

We asked young people what it would look like to hold youth responsible without being arrested and here were some of their responses:

- Give them a mentor.
- Provide treatment and community service.
- Give them support and unconditional love; build relationships of trust with them.
- Help guide them to address and solve their problems with healing as a goal.
- Accept the fact that sometimes young people make mistakes.
- Teach them; talk to youth about the consequences of their actions; give them examples as to why what they should not be doing such things.
- Take away privileges.
- Teach parents how to redirect children in a positive way.
- Have them write letters [to those they’ve harmed].
- Give them tickets.

Police have discretion as to whether to arrest a young person or handle youth misbehavior in another way. Arrests can be greatly reduced if police prioritize making greater use of counseling and warnings with young people, and use arrest as a last resort instead of the go-to or default option.⁶¹ Legislation that can help move agencies towards this goal include

ending unnecessary arrests for certain low-level ticketable offenses and decriminalizing offenses such as marijuana possession.⁶²

In terms of school systems, arrests can be reduced by making greater use of guidance counselors and other administrative professionals to handle behavioral and disciplinary issues and eliminating the use of law enforcement (often school resource officers or SROs that are stationed in the school) for these purposes. The evidence to date fails to support a school safety effect from the presence of SROs — despite a total state and federal investment on SROs since 1999 of close to \$2 billion dollars. Yet it does point to another effect, an increase in the use of exclusionary discipline actions in schools with SROs.⁶³ SRO involvement often leads to the criminalization of normal adolescent behavior that used to be routinely handled by school personnel.⁶⁴ It also disproportionately impacts youth of color, contributing to racial and ethnic disparities in the justice system;⁶⁵ over 70% of students involved in school-related arrests or referred to law enforcement from the school are Hispanic or African-American.⁶⁶ By putting the responsibility for student discipline back in the hands of school personnel, and only using law enforcement when there is a genuine threat to school safety, we can help prevent many student arrests.

Reduce Police Contact Examples:

- **Baltimore, MD**

Baltimore City Public Schools and Baltimore City School Police adopted policies and practices geared to limit arrestable youth offenses. This led to a dramatic reduction in police arrests of students at school. Arrests decreased 97% (971 to 33) between the 2007-08 and 2017-18 school years. Initially, the School Police were referring youth to diversion programs such as Teen Court. However, as of the 2018-19 academic year, school officials were instead making efforts to address these incidents within the education system.⁶⁷

- **Los Angeles Unified School District (LAUSD)**

In 2014, LAUSD launched a youth diversion referral program to address the high number of youth being introduced into the justice system.⁶⁸ The program involves using counseling sessions with students and parents/guardians and developing an action plan for students.⁶⁹ If students successfully complete the recommendations, then their arrest is diverted.⁷⁰ Nearly 2,000 students have been referred to the program in the past five years with approximately a 90% success rate.⁷¹ LAUSD is working to expand the types of offenses eligible for diversion based on recommendations from the Youth Diversion and Development (YDD) Working Group which the Superintendent established in 2018.⁷²

- **New Zealand⁷³**

New Zealand transformed their youth justice system in 1989 through passing the Children's and Young People's Well-being Act (the Act). This Act limited the power of the police to arrest young people without a warrant, which is part of what led to a dramatic shrinking of their system. Front line police now handle many minor incidents (approximately 43% of all youth offending) through a warning to the young person. Arrest occurs only in 12% of all cases of youth offending. More serious cases are handled either through diversion or through a formal court system oriented around restorative justice, such as use of the Family Group Conference.

- **Schools Rejecting SROs**

Below are two of the school districts that have recently rejected SROs:

- Salinas City Elementary School District; Salinas City, CA⁷⁴

In February 2019, Trustees of the Salinas City Elementary School District rejected bringing in school resource officers (SROs). Attendees at the meeting expressed opposition to SROs because of the impacts on lower income students of color. This was the third Salinas school district to oppose SROs since August 2017.

- Jefferson County Public Schools; Louisville, KY⁷⁵

In August 2019, the Jefferson County Board of Education did not approve contracts for SROs. Two of the board members had co-authored an op-ed against the use of police in schools because of fears that it would accelerate the rates of justice involvement for the most vulnerable students.

2. Develop and fund formalized pre-arrest diversion programs and services

"Youth, families, and communities need support and guidance to be healthy and happy. Punishment and the 'prison pipeline' are not helpful."

Nebraska youth

When youth come in contact with the justice system, diverting them away at the earliest possible point – initial contact with law enforcement – can help to prevent deeper involvement in the justice system, to better address any underlying needs that they have, and to improve public safety and reduce justice system costs.⁷⁶ Investments should be targeted in communities with high incarceration rates and low investments in resources

that youth need to grow and thrive and be developed collaboratively with youth and adult community members.⁷⁷ Other important considerations include:

➤ **Center impacted communities and ensure there is community oversight**

It is critical that service providers consult youth and families regarding resources, services, and programs to ensure they are tailored towards the community's needs. Conversations should focus on making sure resources are culturally, linguistically, and physically accessible to youth.⁷⁸ Strategies to gather input include surveys, town halls, focus groups, and participatory budgeting.⁷⁹ Communities should develop an infrastructure to oversee implementation of the diversion practices and programs guided by youth and community members from the most impacted communities. Oversight should include representatives from impacted youth and families, community-based service providers, school systems, public health providers, juvenile courts, prosecuting and defense attorneys, and law enforcement.⁸⁰

➤ **Ensure services are provided equitably and procedures are in place to guard against disproportionate negative impacts on youth of color**

Without a very clear commitment to equity, some pre-arrest diversion programs may end up mainly helping white youth and exacerbating the racial and ethnic disparities of the youth remaining in the system.⁸¹ It is important to guard against this by continually measuring and evaluating the data and impact of the program on youth of color. Most importantly, centering the voices of youth of color in developing diversion programs and continuing to elicit their feedback will help guard against disparate impact.⁸²

➤ **Guard against net widening**

When used unnecessarily, diversion programs can cause harm through net widening.⁸³ In fact, juvenile justice systems can actually do “more harm than good” when they intervene with young people at low risk of reoffending.⁸⁴ Less is more—only use diversion for youth that would otherwise be arrested or charged so that youth that could be redirected through a caution or warning are not subjected to a more intensive justice system process. A less is more approach also saves funding for services and programs directed toward youth who really need it.

➤ **Keep diversion confidential**

Any record of law enforcement contact with the young person should be kept confidential and officials should not keep photographs, information, or other data on the youth in any type of gang or criminal database or threat list.

➤ **Keep resources in the community**

Coordinating bodies should develop funding criteria that prioritize locally founded organizations that are based and staffed by community members, particularly those with previous justice system involvement.⁸⁵

➤ **Provide adequate funding**

When savings are expected to be realized through justice reforms, make sure that the legislation explicitly requires reinvestment of a specified amount or percentage of the savings in the impacted communities. This can be done through mechanisms such as estimating the savings and establishing a reinvestment fund that will capture these savings for pre-determined community investments.⁸⁶

Diversion Examples:

Programs and Services

- **Civil Citations**

- In 2018, Florida passed [SB 1392](#), which made significant and meaningful changes to the existing juvenile pre-arrest diversion statute. The legislation requires each judicial circuit to adopt a circuit-wide, juvenile pre-arrest diversion program. The program must be created by agreement among the state's attorney and public defender, clerks of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit.
- In 2018, Delaware passed [HB 308](#) which continues a pilot youth civil citation program. The program provides law enforcement with a civil citation procedure as an alternative to arrest for youth who are charged with first-time, minor misdemeanor offenses.

- **Restorative Justice**⁸⁷

Through their restorative justice project, the non-profit, Impact Justice, partners with sites across the country to build pre-charge restorative justice diversion programs that allow the person harmed, the responsible youth, family, and community members to come together and discuss what happened. The process leads to a plan for the young person to make things right by the person harmed, family, community, and themselves.

- **Pre-booking Diversion**

In 2017, after years of advocacy by community organizations, the Los Angeles (LA) County Board of Supervisors adopted a plan to divert thousands of county youth away from the juvenile and criminal justice systems, connecting them instead to a comprehensive array of supportive services based on a public health and youth development framework.⁸⁸ A key component of the plan was to exclusively fund community-based organizations to provide diversion programming.⁸⁹ The LA County Office of Youth Diversion and Development (YDD) serves as the central coordinating body overseeing the countywide expansion of pre-booking diversion.⁹⁰ YDD is responsible for allocating funding as well as providing grantees with training, technical assistance, and oversight.⁹¹ YDD also convenes a collaborative steering committee which includes youth members, who participate in shaping meeting agendas and in decision making.⁹²

Funding

- **California Proposition 47⁹³**

Pursuant to Proposition 47, certain offenses were reclassified from felonies to misdemeanors thereby reducing many adult sentences and creating savings for the state. To ensure that this savings went towards building healthy communities, the law required the state to determine how much was saved by this reform each year and automatically deposit this amount into a fund for investments in mental health and substance use disorder treatment, support for at-risk youth in schools, and victim services.

- **California Youth Reinvestment Grant Program**

In 2018, [Assembly Bill 1812](#) established a Youth Reinvestment Grant Program within the Board of State and Community Corrections, which local jurisdictions access through a competitive grant process. The grant program funds evidence-based, trauma-informed, culturally relevant, and developmentally appropriate diversion programs in underserved communities with high rates of youth arrests and high rates of racial/ethnic disproportionality within those arrests. Three percent of the funds must be allocated to Native American tribes for implementing diversion programs for Native children. The legislature appropriated \$37.3 million dollars for this grant program.

In 2019, [Assembly Bill 1454](#) (Jones-Sawyer) was signed into law and it will allow community-based organizations to apply directly for pre-arrest diversion program funding through the Youth Reinvestment Grant program. Pursuant to the [Request for Proposals \(RFP\)](#), the money is to be spent on diversion services and

alternatives to arrest, delivered in underserved communities with high rates of arrest, and it must describe the impact on the number of youth of color subject to justice system involvement.

III. Conclusion

We are causing untold damage to our youth—overwhelmingly youth of color, LGBTQ, and disabled youth, through huge numbers of unnecessary arrests of youth every year. By fully resourcing communities to support youth and families, establishing policies and laws that prevent and divert youth arrests, and ensuring these policies address the disparities in arrest rates, we can raise healthier youth and have safer communities.

For More Information

Diversion Planning

- [“A Roadmap for Advancing Youth Diversion in Los Angeles County,”](#) provides a countywide model and infrastructure for community-based youth diversion at the point of initial contact with law enforcement in lieu of arrest or citation.

Funding

- Urban Institute’s, [“Promoting a New Direction for Youth Justice,”](#) identifies strategies for funding a community-based continuum of care and opportunity.

Racial Equity

- Human Impact Partners’, [“Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County,”](#) provides a framework for assessing racial equity in youth diversion that can be applied to other locales and this [metrics document](#) is an additional resource that can be used with the framework.

Restorative Justice

- Impact Justice’s Restorative Justice Project developed, [“A Diversion Toolkit for Communities,”](#) to help communities build pre-charge restorative justice diversion programs.

School Issues:

- Advancement Project’s, [“Student Code of Conduct Tips and Examples,”](#) provides examples of ways to greatly reduce the use of arrests at schools.

- NJJN's, [“School Discipline & Security Personnel: A Tip Sheet for Advocates on Maximizing School Safety and Student Success,”](#) provides tips on limiting law enforcement involvement in student behavior.
- [Strategies for Youth](#) provides trainings and resources on improving police-youth interactions. Their publication, [“Two Billion Dollars Later,”](#) provides a survey of state laws regulating school resource officers.

Youth Ideas for Change

- Connecticut Juvenile Justice Alliance's, [“Walk in Our Shoes,”](#) shares youth ideas for changing Connecticut's juvenile justice system.
- [“A United Vision for a World Without Youth Prisons,”](#) presents recommendations from a visioning session with young people on what could have been done differently to ensure their success if resources were available.
- The Urban Institute's, [“Promoting a New Direction for Youth Justice,”](#) includes information from their discussions with roundtables of youth advocates from Milwaukee, Wisconsin and Richmond, VA.

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The National Juvenile Justice Network (NJJN) leads a movement of state-based youth justice reform organizations and alumni of its [Youth Justice Leadership Institute \(YJLI\)](#) to fight for a youth justice system that treats youth and families with equity, dignity and humanity. Founded in 2005, NJJN is currently comprised of 52 organizations and 53 Leadership alumni members across 42 states and the District of Columbia.

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