

Implementation Labs Evaluation Quicksheet: Juvenile Diversion

A Resource from the
Pandemic Rapid Response Team



While advocates have long been calling for juvenile courts to expand diversion opportunities for first time and low-level offenders, the COVID-19 pandemic caused many jurisdictions to look for informal alternatives to arrest, detention, and court involvement¹ as a way to limit input into the justice system. As a post-pandemic society emerges, jurisdictions are encouraged to formalize these diversion opportunities and determine the extent to which they are effective by formulating research questions and gathering data for analysis.

Juvenile Diversion

Research on youth crime indicates that delinquency peaks during the teenage years, but typically desists by their early 20s. Yet, interaction with the juvenile or criminal justice system during this time can contribute to unintended negative consequences, including increased future system involvement and barriers to education and employment. To address this, diversion opportunities can be designed to hold youth accountable while also connecting them to needed services to lower their risk to reoffend while avoiding collateral consequences that accompany formal court involvement. Youth may be diverted from the justice system at several points, including in lieu of an arrest, pre-petition by the prosecutor or court intake, or by the court, prior to adjudication. Sometimes youth are diverted to a program with the understanding that failing to complete the program will result in advancing in the court process, while other times, youth and family are given the opportunity to voluntarily participate in services with no penalty for not engaging or completing the services. Successful diversion programs engage families and the community, include restorative practices, address youth identified needs, center youth voice, and set youth up for success with achievable and realistic goals. ² Resources for best practices in juvenile diversion are included in the resource section below.

¹ Brennan Center for Justice (2020, July). Police responses to Covid-19, retrieved from <https://www.brennancenter.org/our-work/research-reports/police-responses-covid-19>; Center for State Courts (2020, December). State court filing trends: A special pandemic report, retrieved from https://www.courtstatistics.org/_data/assets/pdf_file/0033/57885/2020_3Q_pandemic_trends.pdf; Gagnon, A., & Alpern, S. (2021). Reimagining youth justice: How the dual crises of COVID-19 and racial injustice inform judicial policymaking and reform. *Juvenile & Family Court Journal*. 72, 5-22

² Miller, E. (2021, June 24). A better way to forward: How diversion programs offer youth opportunities for success, *Shared Justice*, retrieved from: <https://www.sharedjustice.org/most-recent/2021/6/23/a-better-way-forward-how-diversion-programs-offer-youth-opportunities-for-success>

Research Questions

To assess the effectiveness of juvenile diversion programs or processes, jurisdictions are encouraged to gather data from the following sources: referrals, screening or assessment tools, case management systems, and from partner agencies (law enforcement, schools, courts, probation).

Process Evaluation

1. Do the young people who are diverted have offenses that align with the target population and intentions of the diversion process?"
2. What are the demographics of youth referred to diversion (i.e., age, gender identity, race and ethnicity, LGBTQ+)?
3. How does the proportion of youth referred to diversion compare to the proportion of youth formally processed by criminogenic risk level, identified needs, and demographics (age, gender identity, race and ethnicity, LGBTQ+)?
4. For voluntary diversion opportunities, how does the proportion of youth agreeing to diversion compare to the proportion of youth refusing diversion by criminogenic risk level, identified needs, and demographics (age, gender identity, race and ethnicity, LGBTQ+)?
5. How does the proportion of youth successfully completing diversion compare to the proportion of youth unsuccessfully completing diversion by criminogenic risk level, identified needs, and demographics (age, gender identity, race and ethnicity, LGBTQ+)?

Outcome Evaluation

Within juvenile and criminal justice, the effectiveness of a practice/program is often guided by rates of recidivism; however, most youth who are diverted are coming to the attention of the justice system for the first-time and are low risk to reoffend. Therefore, it is quite limiting to narrowly focus outcome evaluations of diversion to just measuring recidivism. Other terms related to recidivism that are more appropriate to diversion are subsequent offending or future system involvement, but key to all terms is the definition of the marker event or events that indicate system involvement (i.e, citation, arrest, petition). Moreover, other outcomes should be measured to assess the effectiveness of the diversion. We include some example measures below, but ultimately these research questions should be guided by the specific needs of youth referred to diversion.

What proportion of youth ...

1. ... who enroll in diversion have future system involvement following diversion? What proportion of those who successfully complete diversion and those who do not successfully complete diversion have future system involvement?
 - a. What types of behaviors, allegations, or offenses are resulting in subsequent offending or future system involvement?

2. ...improve school attendance or other school engagement measures (e.g., graduate high school, receive a GED, improve their grades) during and following diversion?
3. ...engage in prosocial activities during and following diversion?
4. ...gain employment during and following diversion?
5. ...improve their family and peer relationships during and following diversion?
6. ... are connected to needed mental health or substance use services?
7. ... reduce their substance use?

Resources

Annie E. Casey Foundation (2020, October 22). What is Diversion in Juvenile Justice?

<https://www.aecf.org/blog/what-is-juvenile-diversion>

Deal, T. & Ehrmann, S. (2019). "Fundamental measures for juvenile justice" [interactive database]. Smith, J. [web developer]. Pittsburgh, PA: National Center for Juvenile Justice [producer]. Retrieved from <http://www.ncjj.org/fmjj/>

Farrell, J., Betsinger, A., & Hammond, P. (2018, august). Best Practices in Youth Diversion. <https://theinstitute.umaryland.edu/media/ssw/institute/md-center-documents/Youth-Diversion-Literature-Review.pdf>

National Center for Mental Health and Juvenile Justice. (2016). Juvenile Diversion Strategies and Models. <https://jjiie.org/wp-content/uploads/2018/09/Juvenile-Diversion-Strategies-and-Models.pdf>

Office of Juvenile Justice and Delinquency Prevention (2017, February). Diversion from Formal Juvenile Court Processing.

https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/diversion_programs.pdf