



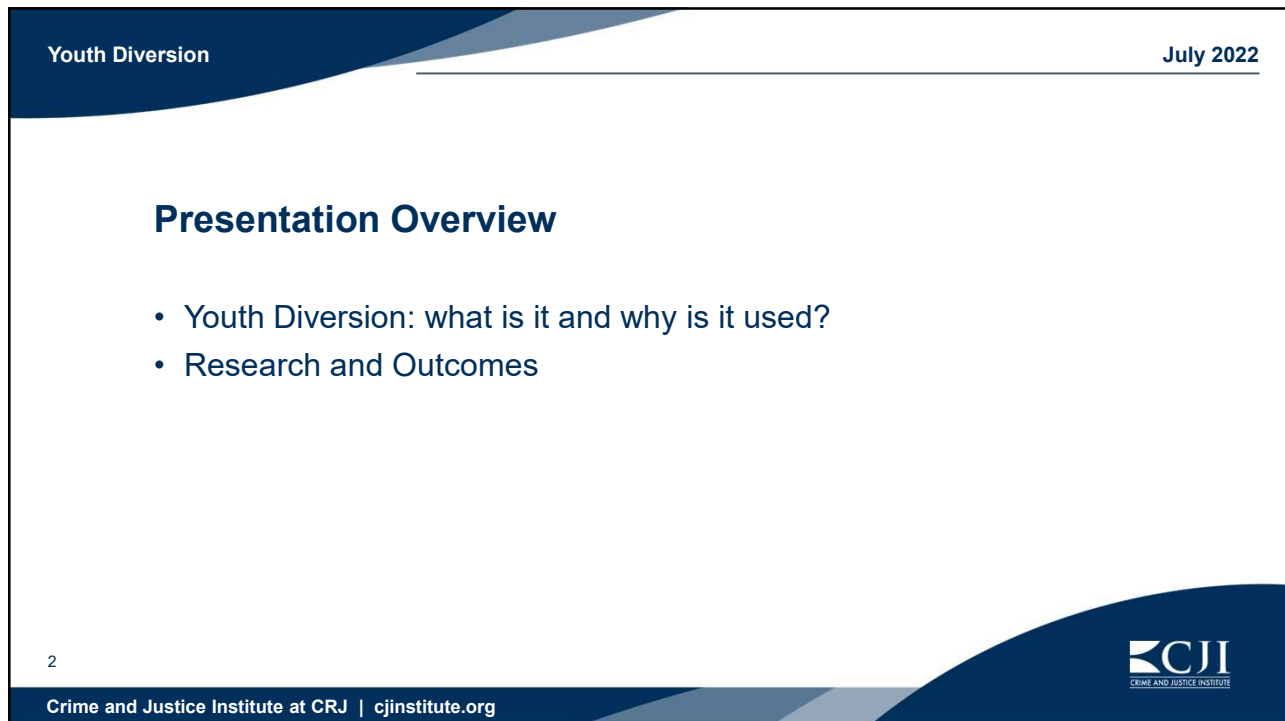
**CJI**  
CRIME AND JUSTICE INSTITUTE  
A Division of Community Resources for Justice

# Diverting Youth from the Justice System

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July 21, 2022

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Youth Diversion July 2022

## Presentation Overview

- Youth Diversion: what is it and why is it used?
- Research and Outcomes

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## What is diversion?

- An intervention strategy that redirects youth away from formal system processing, while still holding them accountable for their actions
- Diversion is both a **process** and a **program**

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## Types of Diversion

- Caution/warning programs
  - Least invasive
  - Divert youth with no further action
  - Warnings or formal caution about future consequences
- Formal diversion programs
  - Generally involve conditions and set time period
  - Some require admission of guilt

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## Who can divert youth and when does it happen?



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## Why divert youth?

- Diverted youth typically have better outcomes than similarly situated youth who experience formal system involvement
- Over-involvement in the system can increase the likelihood of reoffending among youth who might otherwise desist from future delinquent behavior
- Often means there is no juvenile record

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## Why divert youth?

- Procedural fairness (perceived and real) promotes positive outcomes for youth
- Diversion is an evidence-based practices, grounded in the principles of effective intervention to reduce recidivism

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## Why divert youth?

- Avoid potential negative impacts of formal system involvement
  - Increased likelihood of recidivism
  - Increased likelihood of incarceration as an adult
  - Higher school dropout rates
  - Decreased educational achievement
  - Decreased likelihood of future employment
  - Decreased earning potential

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## Why divert youth?

- System benefits:
  - Cost efficiency
  - Reduce probation caseloads
  - Reduce juvenile court dockets
  - Shift resources to youth identified as high risk

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## Be aware of net-widening

- Net widening is when the number of youth encountering the justice system inadvertently increases
- May occur if youth who otherwise would not have had contact with the system are referred to diversion

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A slide with a dark blue header and footer. The header contains 'Youth Diversion' on the left and 'July 2022' on the right. The main content area is white with a dark blue background at the bottom. The title 'Short-term outcomes for diverted youth' is in bold dark blue. Below it is a bulleted list of findings from Beardslee et al. (2019). The footer contains the CJI logo and the text 'Crime and Justice Institute at CRJ | cjinstitute.org'.

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### Short-term outcomes for diverted youth

- Beardslee et al. (2019):
  - Compared boys arrested for the first time vs. boys who were never arrested
  - Justice system involved youth were more likely to be arrested than the youth who were not formally processed (6 month follow-up)
  - Those with the lightest sanctions had the best outcomes
  - As the severity of the sanction increased, so did the likelihood of re-arrest

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## Long-term outcomes

- Cauffman et al. (2020):
  - Tracked more than 1,200 boys over five years who were arrested for “moderate severity” offenses like assault and theft
  - Assessed the impact of the initial decision to process youth formally versus informally

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## Long-term outcomes (diversion compared to formal processing)

- Youth who were formally processed during adolescence were more likely to be:
  - re-arrested
  - incarcerated
  - engaged in more violence

*Cauffman et al. (2020)*

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## Long-term outcomes (diversion compared to formal processing)

- Youth who were formally processed during adolescence:
  - reported a greater affiliation with delinquent peers
  - reported lower school enrollment
  - were less likely to graduate high school within 5 years
  - reported less ability to suppress aggression
  - had lower perceptions of opportunities than informally processed youth

*Cauffman et al. (2020)*

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## Long-term outcomes (diversion compared to formal processing)

- The study concluded “formally processing youth not only is costly, but it can reduce public safety and reduce the adolescent’s later potential contributions to society.”

*Cauffman et al. (2020)*

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## Long-term outcomes

- Peticlerc et al. (2013): Longitudinal study of juvenile court impact in Canada
  - Followed youth with juvenile court exposure between ages 6 and 17
  - Examined subsequent criminal court involvement between ages 18 and 25
- Outcomes:
  - Court-processed participants were convicted in criminal court at a rate of 50%, compared to a rate of 24.3% for matched counterparts

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## Outcomes for different diversion types

- Wilson and Hoge's (2013) meta-analysis:
  - Included 73 diversion programs: 13 caution programs and 60 formal diversion programs
  - **Overall recidivism:** 31.5% diverted youth vs. 41.3% for youth formally processed
  - **Caution programs recidivism:** 26.8% cautioned youth vs. 39.5% for youth formally processed
  - **Intervention programs recidivism:** 33.1% diverted youth vs. 41% for youth formally processed

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Slide 20 has a white background with a dark blue header. The header contains 'Youth Diversion' on the left and 'July 2022' on the right. The word 'Summary' is centered in a bold, dark blue font. Below it is a bulleted list of three points. At the bottom left, the number '20' is displayed. At the bottom right, there is a dark blue footer containing the 'CJI' logo and the text 'Crime and Justice Institute at CRJ | cjinstitute.org'.

Youth Diversion July 2022

## Summary

- Diversion is an important tool in the youth justice process
- Diversion can occur before and after the filing of charges; ideally occur at the earliest point possible
- Empirical research indicates that diversion has both short-term and long-term positive outcomes for youth and public safety

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A young person with less involvement in the juvenile justice system:

has increased educational and employment opportunities



is less likely to commit another offense

interacts with fewer peers who have antisocial behaviors



is more likely to maintain positive community supports

**DIVERTING YOUNG PEOPLE DEMONSTRATES BELIEF IN THEIR POTENTIAL**



# Diverting Youth from the Justice System





*Kentucky*  
**Court of Justice**

Presented By


**Rachel Bingham**  
**Director, Office of Statewide Programs**  
**Administrative Office Of the Courts**

Version 1.0

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## Kentucky Administrative Office of the Courts

The Administrative Office of the Courts (AOC) is the operational arm of Kentucky's Court of Justice. The AOC carries out duties that are mandated by the Kentucky Constitution, including administering the Judicial Branch budget, building and maintaining court facilities, maintaining court statistics through a statewide case management database, administering personnel policies and payroll for court personnel, and providing educational programs for judges, circuit court clerks and support staff. The AOC supports court facilities and programs in all of Kentucky's 120 counties, with its main campus in Frankfort.



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## Mission Statement

Family & Juvenile Services (FJS) is dedicated to improving the lives of Kentucky's children and families by driving **cultural changes**, improving **practice** and **policy**, and **implementing necessary systemic changes** in order to ensure long-term program fidelity. We do this through strength-based, pro-social, and **individualized practices** and supports to improve outcomes for youth and families.

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## Out of Home Care (Detention or Foster Care) Core Value

Out of home placement should only be utilized when there is an **immediate safety threat** for the youth, family, or community. When youth remain in their community, youth and families are stronger, healthier, and more likely to succeed.

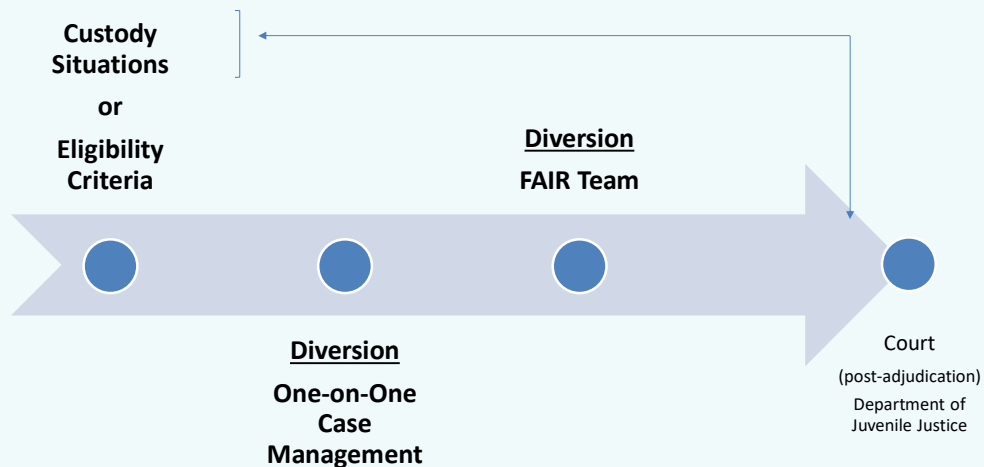
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## Anti-Racist Core Value

Actions, attitudes, and/or programs designed to ensure equity for all populations is anti-racist. As a department that purposely identifies and challenges racial inequity, bias and/or discrimination, we will **intentionally strive** to **achieve racial equity** and **justice** for all youth and families we serve.

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## CDW Program: Pre-Adjudication Role



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## Court Designated Worker Program: Diversion Overview

- Juveniles voluntarily agree to diversion with terms monitored by a Court Designated Worker.
- A child may be eligible for 3 diversions with graduated sanctions.
- The goal of diversion is the reduction of recidivism.
- This is done through case management and coordination of services addressing issues of education, accountability, and treatment.



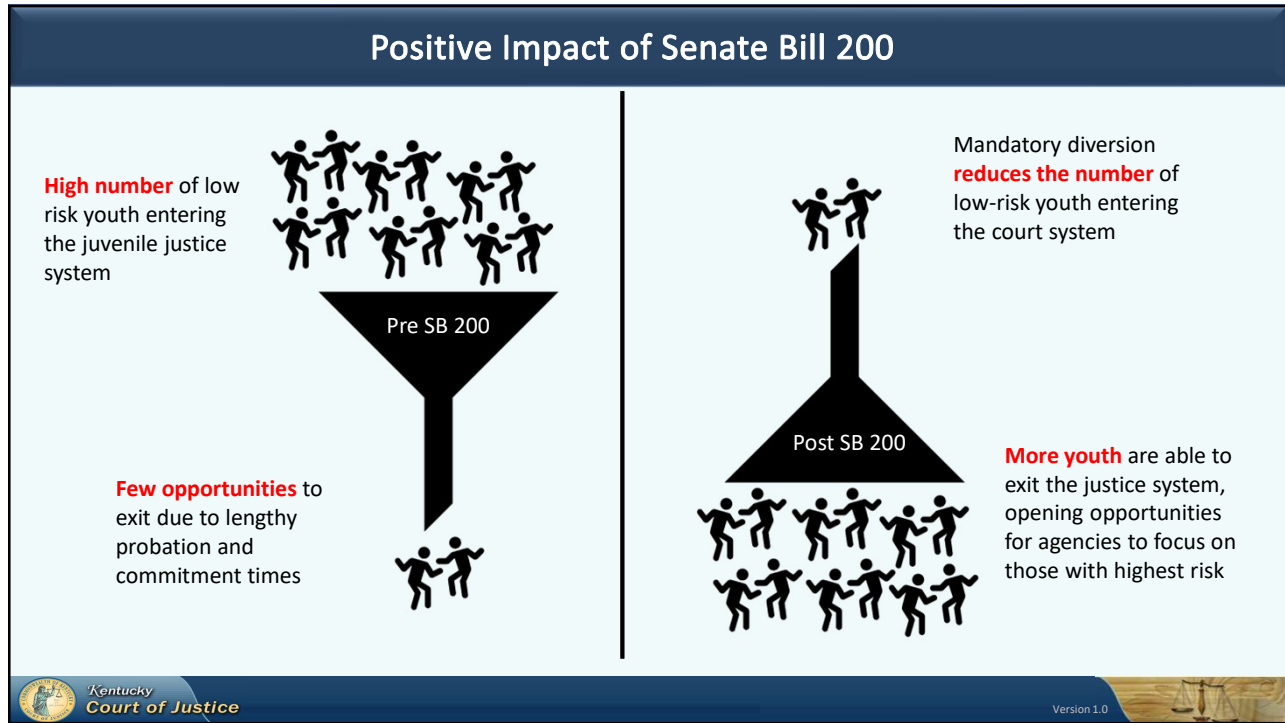
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## Kentucky Juvenile Justice Reform

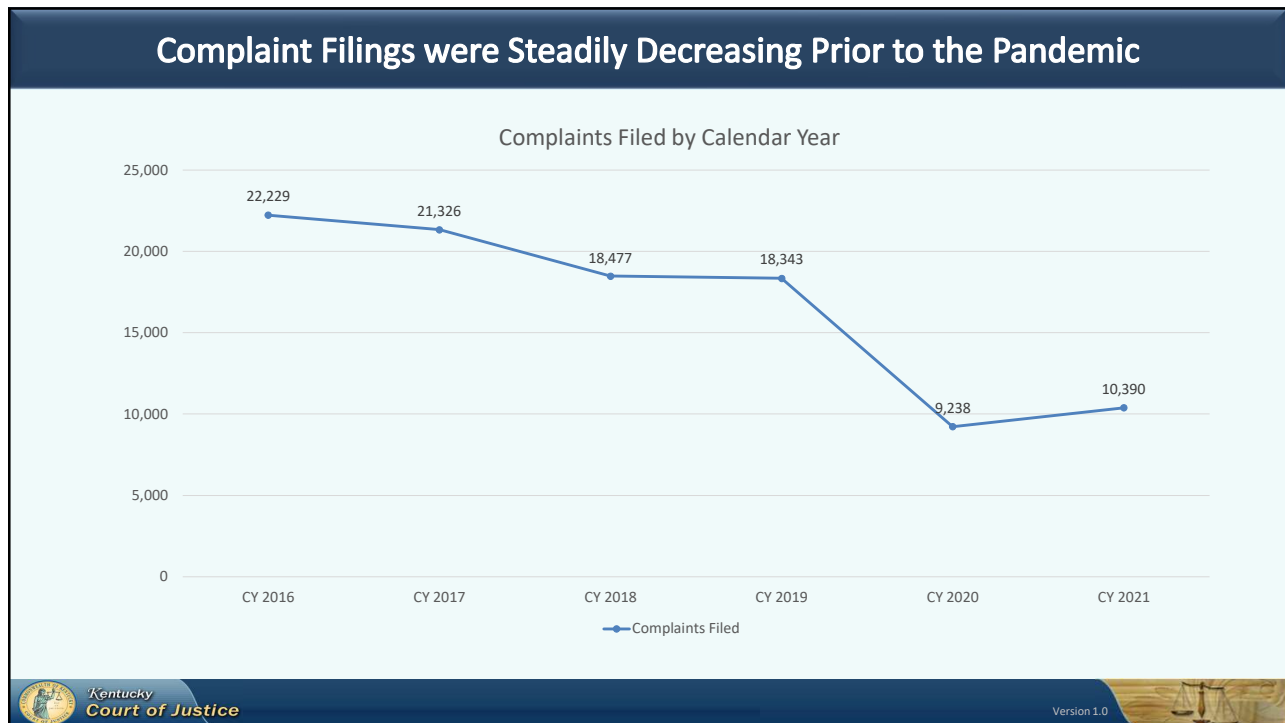
Senate Bill 200 is a piece of legislation that brought reform to Kentucky's juvenile justice system in 2014. The legislation seeks to improve outcomes in the juvenile justice system by expanding access to timely, quality treatment and supervision in the community, focusing the most intensive resources on serious offenders, enhancing data collection and oversight mechanisms to ensure policies are working.



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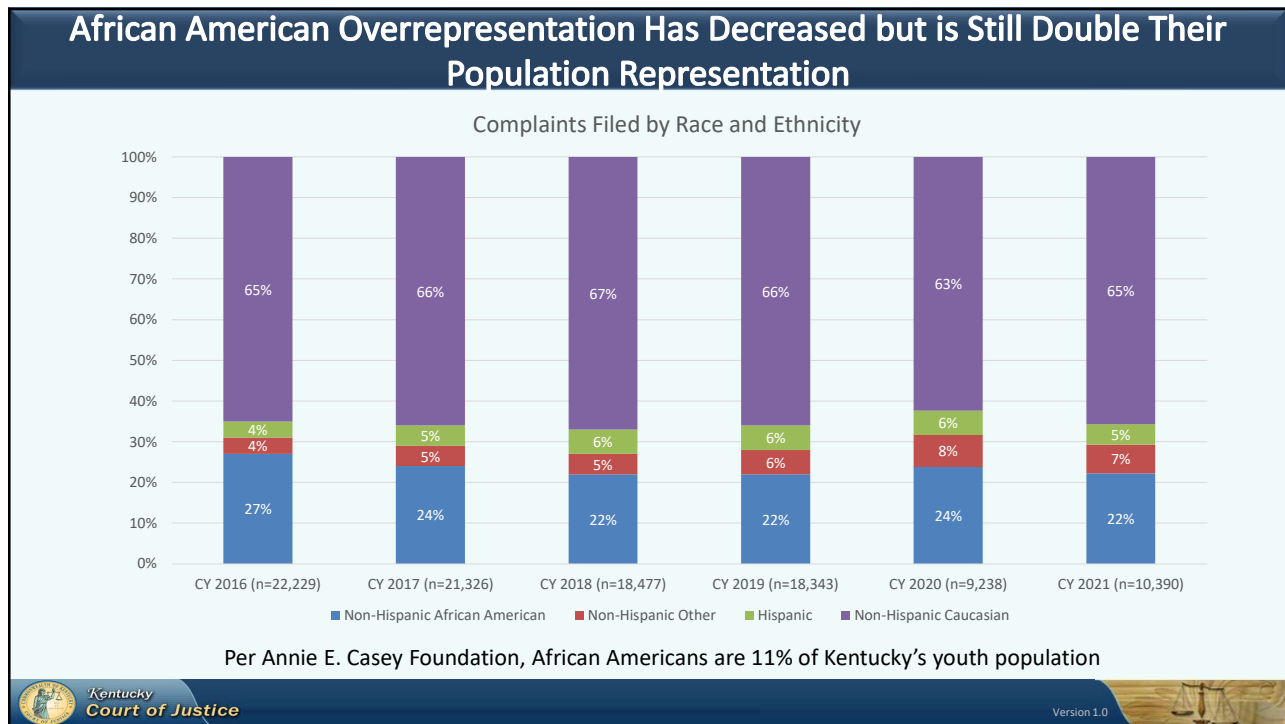


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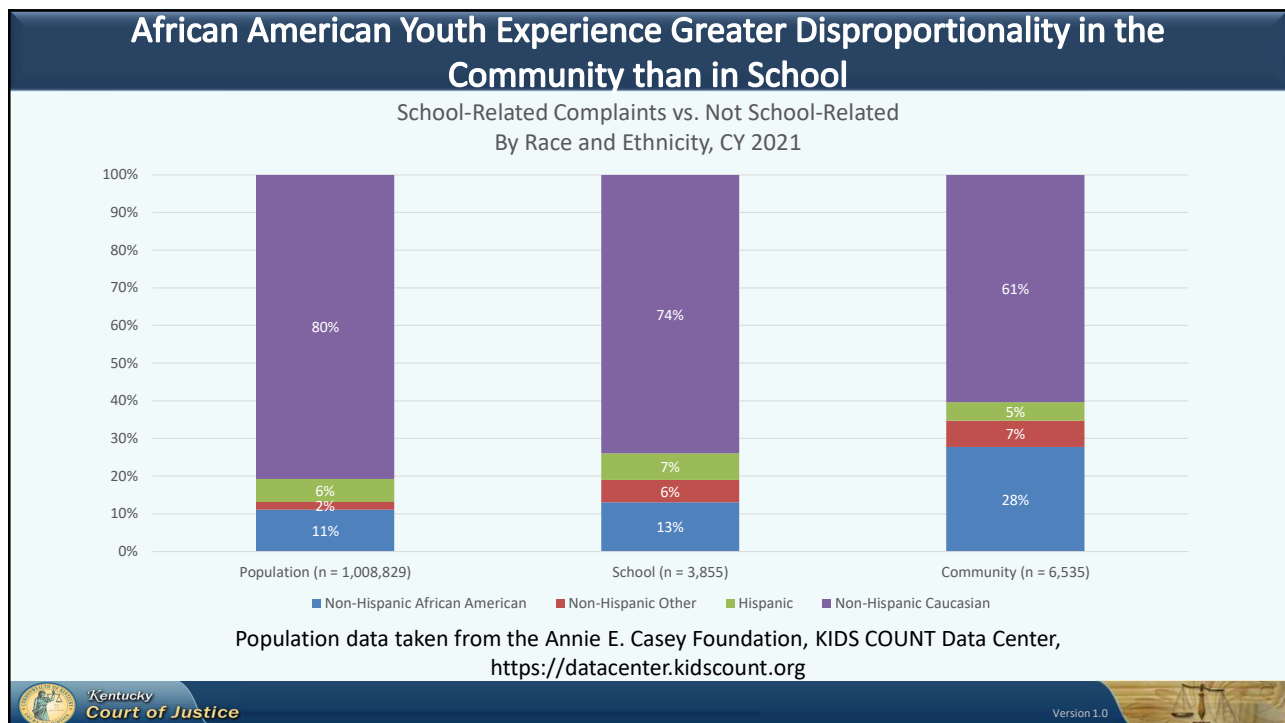


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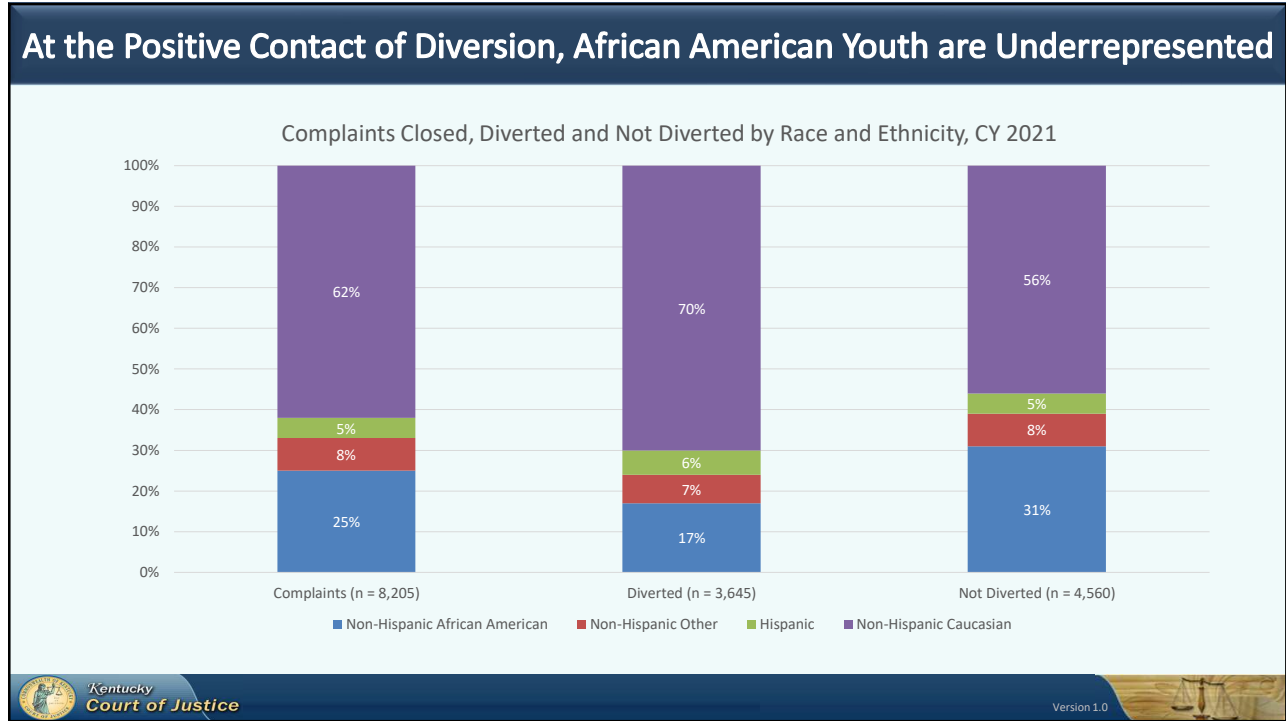




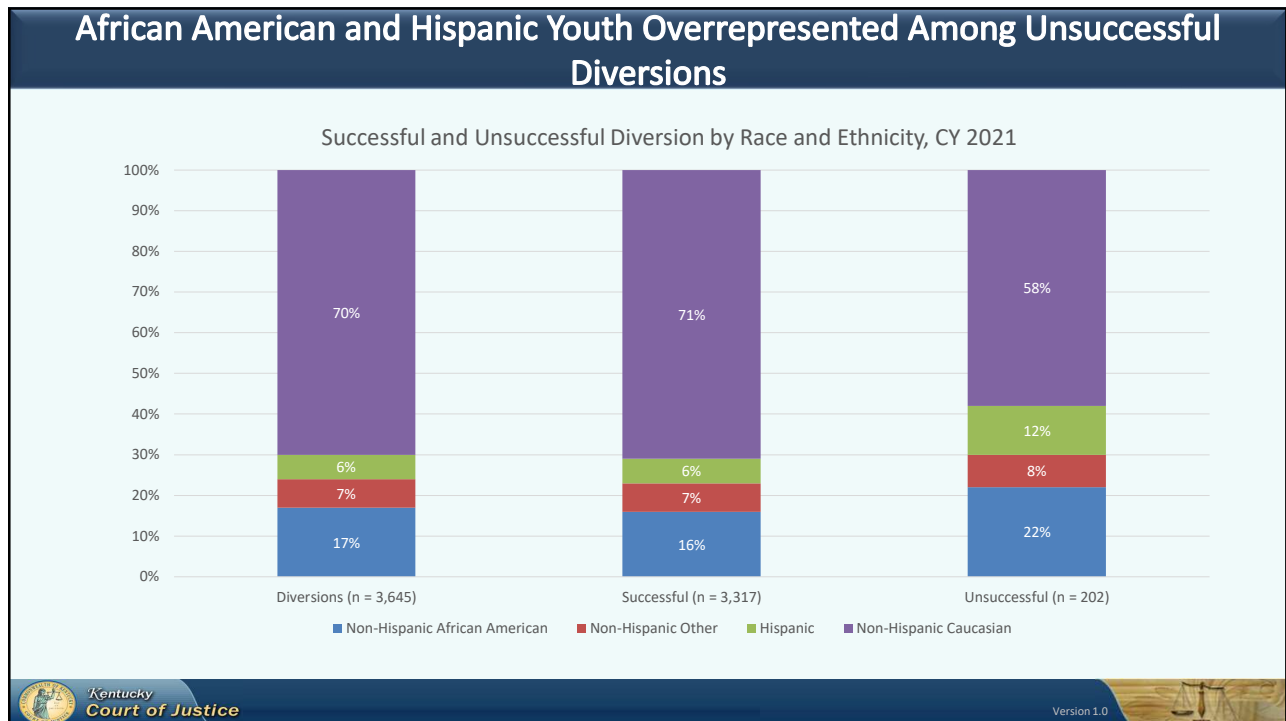
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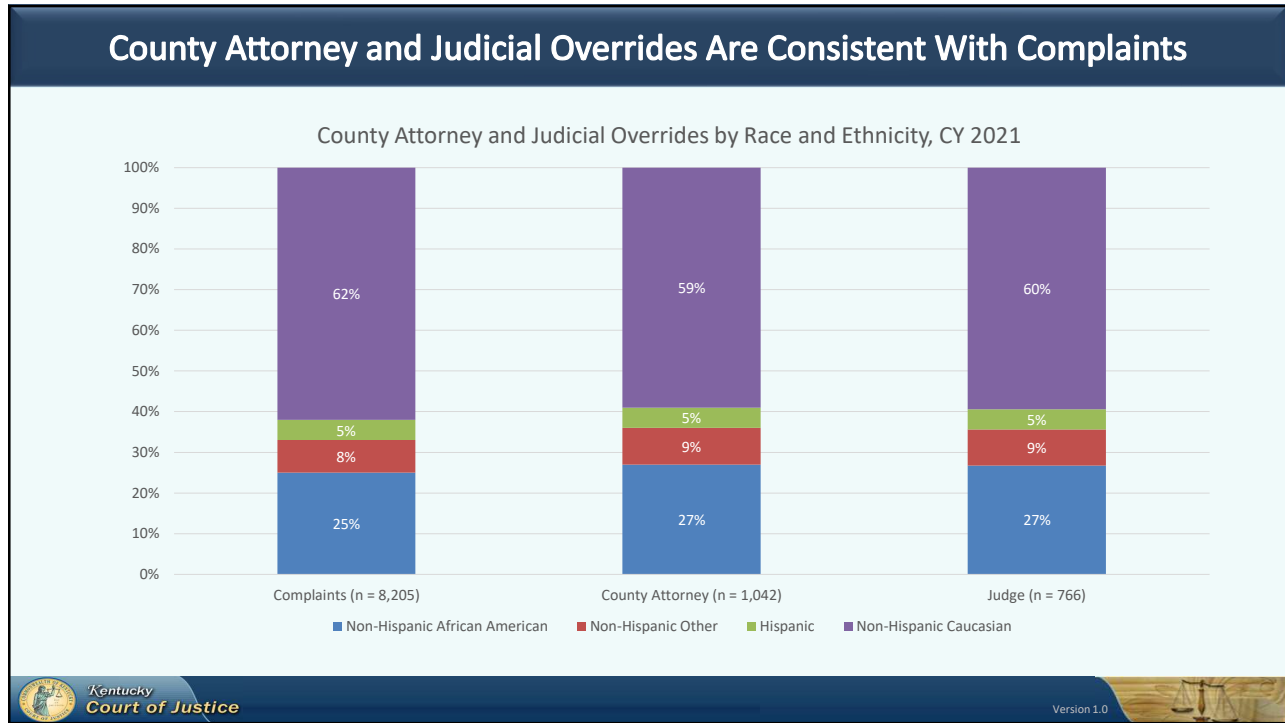
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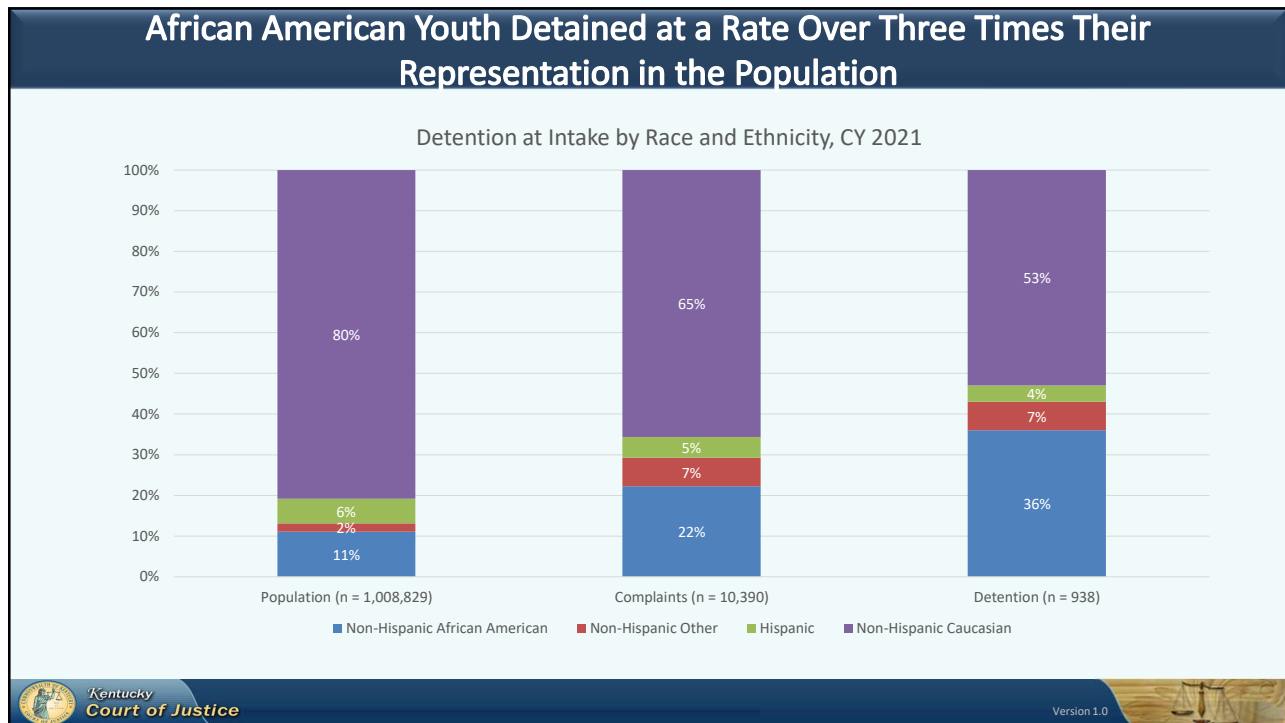
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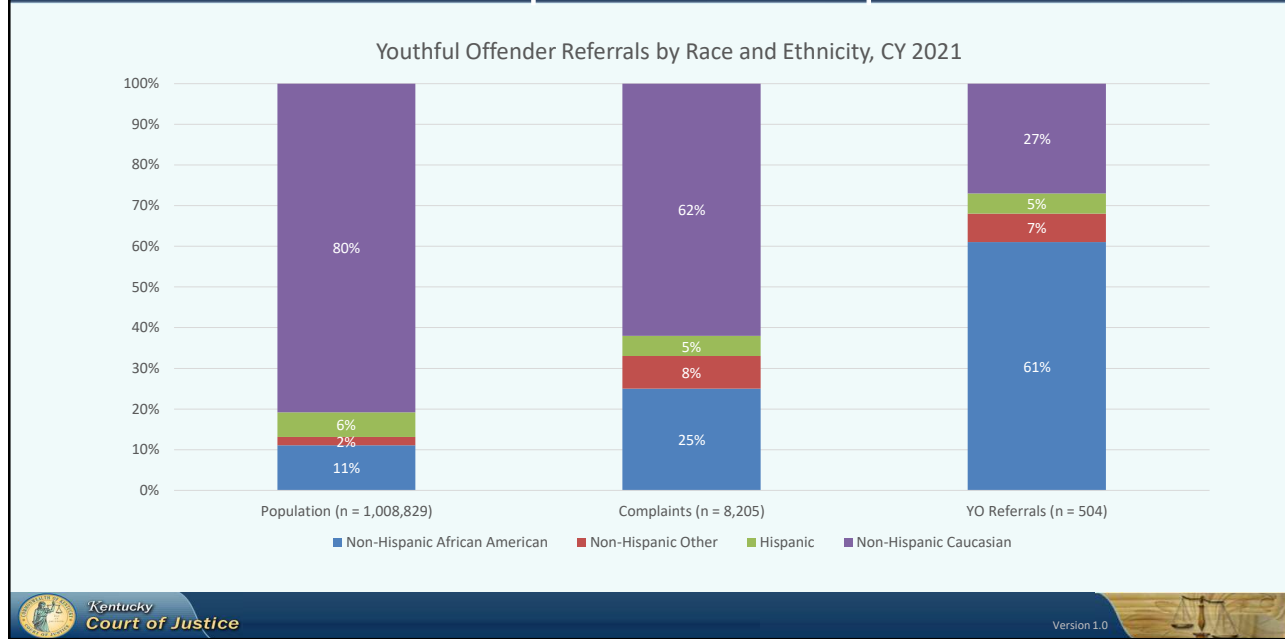


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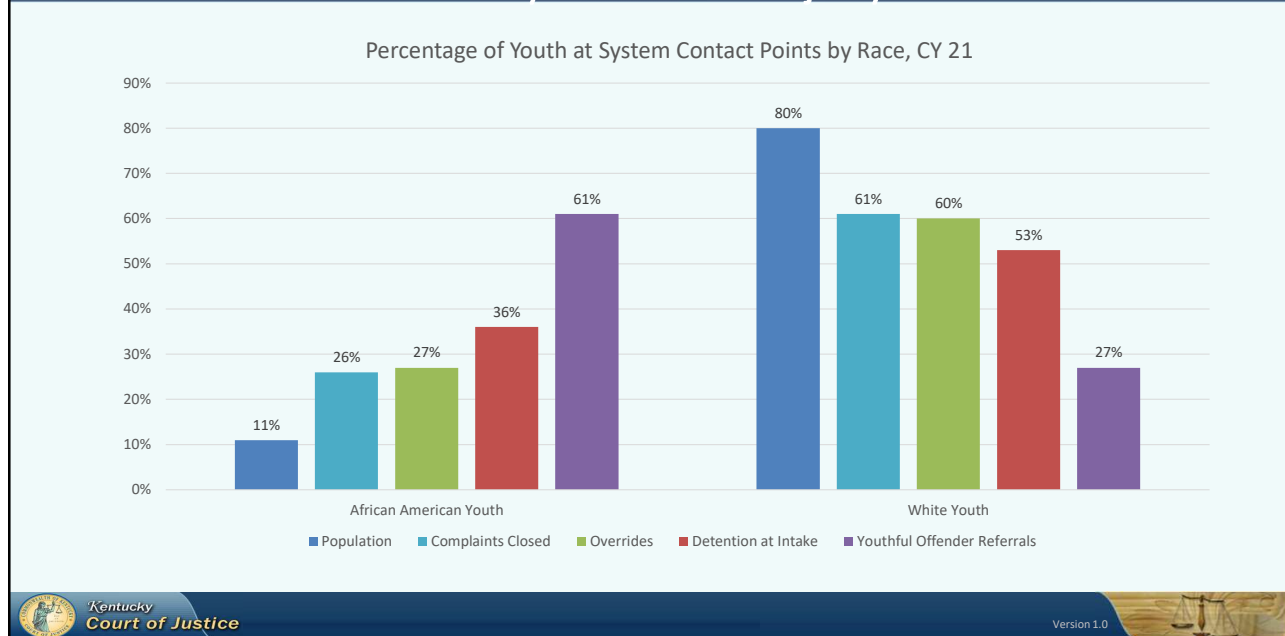
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## Among Youthful Offender Referrals, African Americans are Represented Five Times Their Representation in the Population



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## As Youth Move Through the System Towards its Harshes Outcomes, the Minority Becomes the Majority



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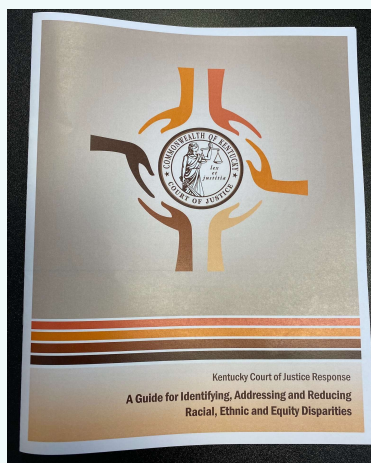
## 2017 Letter From Senator Whitney Westerfield to State Agency Leaders

Although SB 20 did not pass, Senator Westerfield requested child serving agencies to address racial and ethnic disparities even without legislative mandates through:

- Education;
- Data collection and analysis;
- Local Action Planning; and
- Ongoing assessment and improvement

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## FAMILY & JUVENILE SERVICES: RACIAL & ETHNIC DISPARITIES APPROACH



### Model for Culture Change

#### IDENTIFY



- Understand Racial and Ethnic Disparities
- Establish Contact Points
- Conduct a Data Walk by Race

#### CONSTRUCT



- Execute a Racial Equity Assessment
- Establish a Strategic Plan and Reduction Goals
- Provide Training
- Engage Stakeholders
- Develop Local Action Plans
- Analyze Policies and Procedures

#### INSTITUTIONALIZE



- Modify Policies and Procedures
- Use an Individualized Approach
- Apply a Racial Lens to Activities
- Collaborate With Stakeholders

#### REEVALUATE



- Reassess Strategic Plan and Reduction Goals
- Examine Performance Measures and Outcomes by Race
- Review Policies and Procedures
- Conduct Quarterly Review of Action Plans
- Base Training on Equity Assessment Results
- Provide Updates to Stakeholders


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## Successful Outcomes

- In CY 2014 the diversion success rate was 88% - by CY 2021 that rate had improved to 94%. The number of successful diversions closed in CY 2021 was 3,332.
- This increase in success came even as the percentage of youth eligible for diversion remained the same, showing that the increase in success was not simply a result of expanding diversion.
- The first full year of FAIR Team implementation was FY 2016, during which 50% of complaints referred to FAIR were kept out of court. By FY 2021, that amount had increased to 75%.
- During the 2021 legislative session, SB 10 was passed. This formed the Commission on Race and Access to Opportunity and will provide a collaborative space for key stakeholders to understand and discuss disproportionality at the statewide level.
- A recidivism analysis performed as part of the 2018 CDW Annual Report found that 57% of the youth who were diverted in 2014 had no subsequent complaints filed by the end of 2018.

## Celebrating Success

- Since the implementation of the phone call policy in 2017, cases closed as FTA have dropped from 5.3% of all closures to just 2.4% in 2021. This includes a 79% decrease in FTA's among black youth.
- Black youth have greatly reduced presence among county attorney overrides, dropping from 41% of overrides in 2016 to 27% of overrides in 2019.
- Disproportionality among judicial overrides decreased just as dramatically as county attorney overrides. In 2016 Black youth made up 40% of judicial overrides; in 2021 that was down to 27%. These are some of the few negative contact points where the rate for Black youth is consistent with their representation among complaint filings/closings.
- Since 2014 statewide juvenile justice reforms there has been a 53% decrease in detention for black youth, a 67% decrease in complaints filed on black youth, and a 60% decrease in failure to appear (FTA) appointments for black youth



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## For more information:

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