



PRINCIPLES AND STRATEGIES FOR COMMUNITY-LED DIVERSION IN JUVENILE JUSTICE

APPLIED RESEARCH CENTER FOR CIVILITY | AUGUST 2023

UC San Diego





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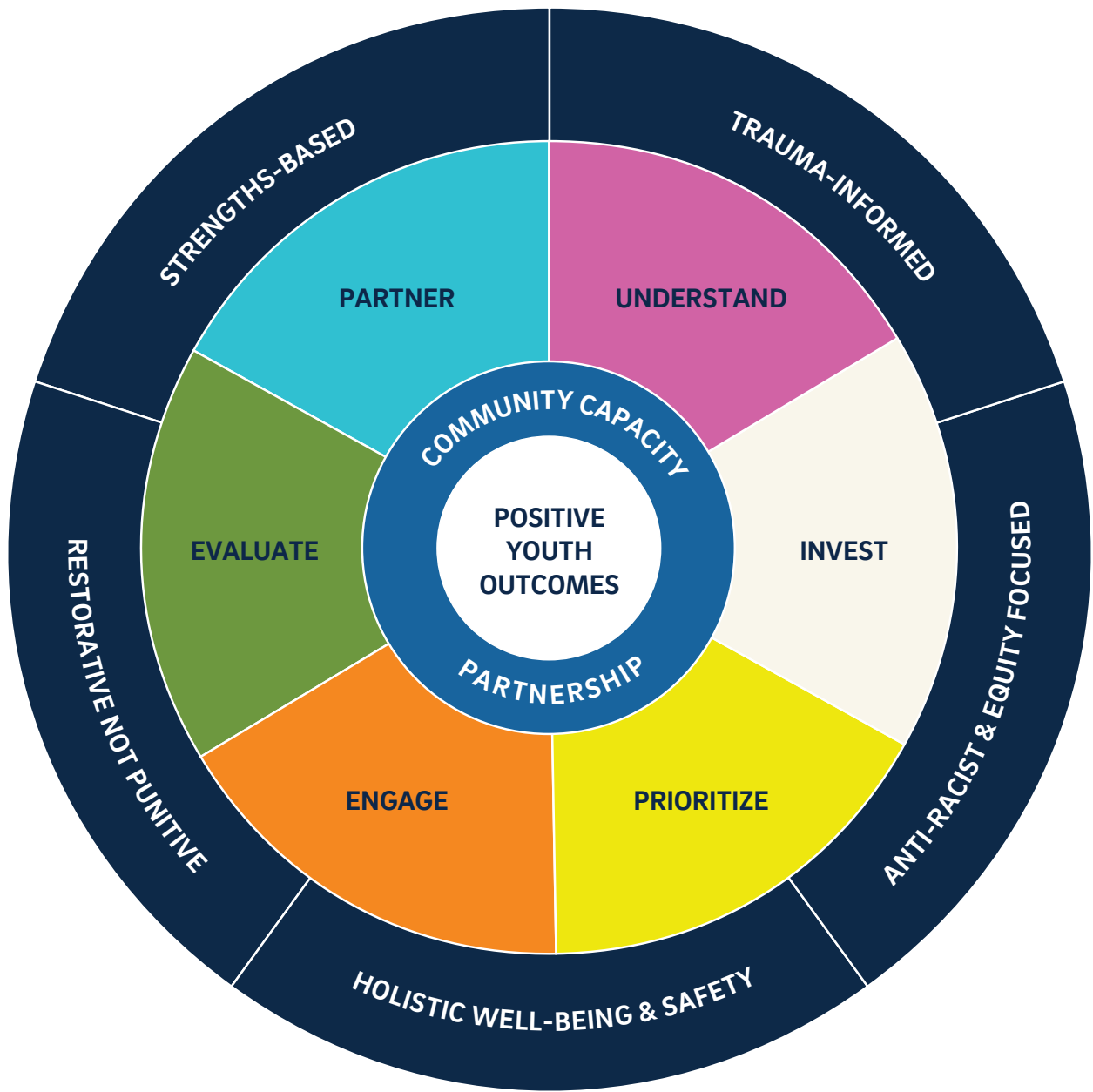


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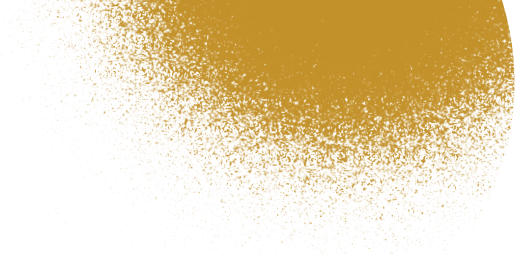
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PREFACE

Diversion is a powerful, effective, and under-used tool for reducing youth involvement with the legal system. Diversion programs are often the result of government or legal system decisions and leadership. Prosecutor-led diversion, for example, is growing around the country. A recent survey by the National District Attorney's Association identified 479 prosecutor-led diversion programs as of November 2022. In rural jurisdictions like Pine County, Minnesota or urban jurisdictions like San Diego, California, district attorneys have developed and led youth diversion programs, oftentimes in collaboration with departments of probation. In some jurisdictions like Hinds County, Mississippi, judges have taken a greater leadership role in youth diversion. Law enforcement agencies have operated pre-arrest diversion programs, though the number of programs is limited. Other government agencies have also taken the initiative. The Los Angeles County Board of Supervisors, for instance, pursued the development of a youth diversion model for LA County that established the Division of Youth Diversion and Development to oversee and coordinate the county's diversion programs.

In many cases, youth diversion programs are the result of collaborations with organizations that have expertise and resources to help guide their development. The Annie E. Casey Foundation, Vera Institute of Justice, and Impact/Justice, to name a few, support diversion efforts around the country. Universities also play an important role in shaping diversion programs. For example, the Center for Juvenile Justice Reform at Georgetown University and the Columbia Justice Lab have played critical roles in directing the course of youth diversion through research,





education, and political advocacy among other activities that employ these institutions' considerable resources. In various ways and to varying degrees, the communities impacted by youth diversion are engaged by governments, legal systems, and supportive organizations. At a minimum, youth may be diverted to local services as part of a diversion program. However, community involvement in youth diversion can take many forms. Community-based organizations typically serve as important intermediaries between systems, services, youth, and families. In some jurisdictions, community advisory boards provide oversight for diversion programs. Some communities are involved in gathering and analyzing data on youth diversion programs. Some communities pressure the juvenile legal system through activism. When communities are engaged in meaningful, thoughtful, and equitable ways, they can take a leading role alongside other partners and stakeholders in the diversion process. This guide to community-led diversion in juvenile justice is meant to help ensure that communities are at the forefront of the diversion process.

Community-led diversion means distributing resources and power differently. It means changing processes, providing education and training, and clarifying shared goals and values. The strategies and principles detailed below point to the possibility for and necessity of community in youth diversion. They are drawn from a large and robust research literature, model programs, and hours of discussion with experts and stakeholders working to reduce system involvement for youth around the country. Anyone interested in or committed to building community-led youth diversion can draw from the following strategies and principles. Some point to specific processes like providing mentorship programs or collecting data on the race and ethnicity of diverted youth. Others are broader – like sharing power and investing in community-based organizations – but necessary for communities to deliberate and figure out how to implement, evaluate, and sustain. To support this deliberative process, we provide a framework of values that are consistent across a wide range of organizations and actors committed to improving youth justice.

Empowering communities to lead is a critically important step toward eliminating system involvement for the vast majority of youth. The use of diversion, and particularly pre-arrest diversion, should continue to replace more punitive forms of system involvement. At the same time, its use should be limited as much as possible. The vast majority of youth will desist from behavior that can lead to system involvement without any intervention, and non-intervention is far more likely for more privileged youth who live in communities that are not policed as heavily as poor and marginalized communities. For youth who are diverted, the aim should be to minimize or eliminate altogether the possibility of failure. The more requirements and services that are attached to diversion, the longer youth are under surveillance, the more opportunities there are for youth to fail in the eyes of the system leading to increased system involvement. In many cases, the opportunity to repair harm is all a young person needs to grow. By limiting mandates and supervision, we increase the chance that youth will stay out of the juvenile legal system and go on to live healthy and productive lives.

To arrive at diversion without failure or, better yet, no need for diversion in the first place, communities need to be strong, capable, well-resourced, and caring places for youth to grow and learn. Wherever you look, community members are already doing the work to support youth under more-or-less favorable conditions. In every case, communities can and should be upheld further. Community capacity and strong partnerships build trust in community leadership that leads to positive youth outcomes. It is on this basis of trust that we can take the next steps toward ending system involvement for all our youth.

INTRODUCTION

Juvenile justice initiatives that incorporate diversion can effectively reduce incarceration rates and recidivism and effect a wide range of positive outcomes. Their efficacy and sustainability, however, are tied to effective partnerships between legal systems and the communities they impact. Communities are made up of people who share a sense of belonging, trust, care, and responsibility for each other. Diversion is therefore a means of keeping youth in trusting, caring relationships through decisions, programs, or services that steer youth away from formal processing at different points in the juvenile legal system, whether prior to arrest or after a referral to juvenile court has been made.

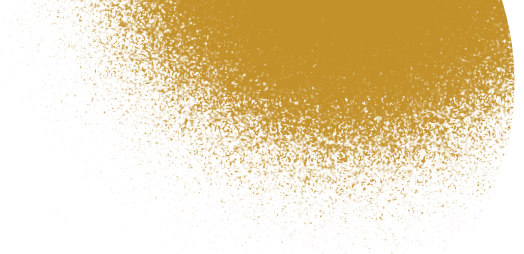
Engagement with the community gives diversion programs broader legitimacy and recognition by building trust and common understanding between the people and organizations involved. Community-led diversion initiatives center the many things that make neighborhoods safe by reallocating funds from incarceration, arrests, and detention into community-based programming and other investments in community well-being, safety, and capacity. Such an approach has been shown to reduce recidivism rates, improve the futures of system-involved youth, reduce racial disparities, and be more cost effective than punitive approaches like incarceration. Ultimately, a community-led approach can prevent youth from system involvement in the first place, but even for those youth that have already encountered the juvenile legal system, their outcomes are significantly improved when they are connected to well-resourced communities.

This report is an effort to bring together principles and strategies into a framework for developing community-led diversion programs. The importance of community engagement is well-documented, yet the question of how communities can be leaders in youth diversion remains open. Our hope is that by identifying successful strategies across the diversion process that take a community-centric approach, we can better understand what community leadership can and should look like and what is needed from systems partners.

This report brings together the expertise and work of dozens of individuals and organizations across the U.S. who are contributing to a movement in juvenile justice to support community-led diversion. Drawing on the success of these initiatives, we outline six principles and strategies for engaging in community-led diversion:

1. Develop Partnerships and Negotiate Power and Responsibilities
2. Understand, Adapt to, and Draw Upon the Community Context
3. Invest in Communities and Build Capacity
4. Prioritize Youth Development and Leadership
5. Engage Families of System-Involved Youth
6. Track, Analyze, and Report Data

In order to ground these six principles and strategies, this report begins with a discussion of five essential values that research suggests are critical for successful community-led diversion initiatives. These include: Strengths-Based, Trauma-Informed, Anti-Racist & Equity-Focused, Holistic Well-Being & Safety, and Restorative not Punitive. These values can serve as the foundation of diversion processes and should be upheld in every step of planning, implementing, and managing a diversion initiative.



In addition to the five core values and six principles and strategies, there are three appendices. The first provides information and best practices for better understanding and improving the diversion process apart from the need for community leadership. The second gives some social and historical context for the significance of community-led diversion that can be used for grounding the necessity of diversion, on the one hand, and community leadership, on the other. And the third summarizes the lessons learned from a one day conference on community-led diversion held in San Diego, California on June 5th, 2023. Lastly, a list of scholarly literature and a wide selection of indispensable tools, guides, and other resources that can support planning and implementation of community-led diversion programs are included in the references for this report.

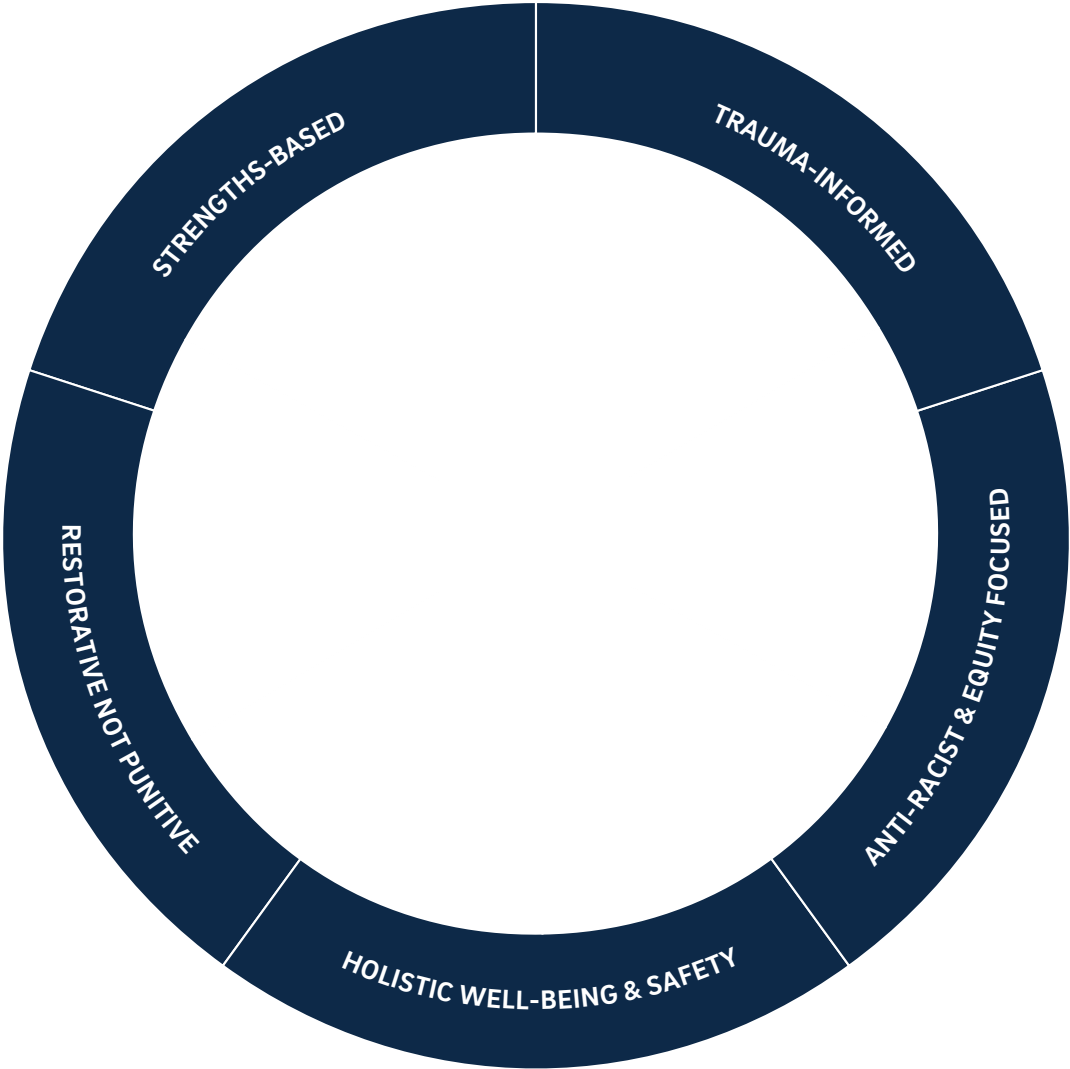
It is our hope that this report can help guide and inspire conversations, collaborations, planning, and changes in how youth diversion can be done with community in a position of leadership.



GUIDING FRAMEWORK

Clearly articulated values should guide the development, adaptation, and implementation of youth diversion programs. These values should be developed through collaboration between communities and juvenile legal systems as a first step toward building the community leadership that is central to community-led diversion. Values will vary across communities. For instance, Native American communities may emphasize the importance of tribal sovereignty and indigenous knowledge. For some communities, faith-based values may be particularly important. While acknowledging that values will differ in some ways, there are some foundational values that emerge from juvenile justice research and practice. Below we identify five values that are critical for successful community-led diversion.

VALUES OF COMMUNITY-LED DIVERSION



STRENGTHS-BASED

All youth have strengths that can be integrated into and nurtured during the diversion process. Strengths-based approaches highlight not only an individual youth's needs but their unique skills and interests. It is important to recognize, acknowledge, and incorporate these strengths during all stages of system involvement and throughout the diversion process. This involves creating operational structures, programs, and services that value and build upon the strengths of youth from the point of contact with the juvenile legal system to involvement in community-based diversion programs.¹ By taking a strengths-based approach, a youth's positive behaviors and skills are highlighted to help promote positive change, increase skill development, and cultivate self-advocacy.

Like youth, communities and families have strengths that can and should be built upon in diversion processes. Local government, community organizations, families, and community members can each contribute to building a successful community-led diversion program, and their strengths should guide their development. Community organizations are an especially important component of that network, since they can help mobilize community members who have the desire and ability to make their communities safer and healthier places for everyone.² Families and community members are also vital, as they know best and care most about the youth in their communities. The number, type, power, and capacity of these groups and individuals will vary by community and should guide the development of community-led diversion programs.

TRAUMA-INFORMED

Many youths involved in the juvenile justice system have experienced intergenerational trauma and adverse childhood experiences.³ Trauma-informed approaches understand the impact of trauma and how it manifests. They recognize the signs and symptoms of trauma in youth, families, and others, which is necessary to identify avenues for healing. Furthermore, trauma-informed practices are designed to avoid retraumatizing individuals. Trauma-informed approaches and practices can begin the healing journey for youth and their families, helping to protect against re-traumatization and breaking cycles of trauma. Key principles of trauma-informed approaches include client-defined safety, transparency, peer support and mutual self-help, leveling power differences, empowerment, and cultural responsiveness.

Trauma-informed care means creating physically and emotionally safe environments, having transparent policies and decision-making procedures, and providing opportunities for peer support and mutual self-help. Safety is a precondition for diverted youth to engage in self-expression and discovery, pursue healing, develop and generate empathy, make conscious choices, feel hope, take accountability, and participate in corrective experiences. Youth should contribute to defining safety, which can be facilitated by organizations and other environments that youth encounter. Where youth are not directly involved, organizations should be transparent about operations and decisions. Transparency helps to build and maintain trust with staff, youth, family members, and others involved in organizations supporting diverted youth. Transparency also helps to reduce power differences between stakeholders. Leveling power differences between youth, families, and organizational staff, including among organizational staff, encourages healing relationships and shared decision making among everyone invested in

¹Decker, "A Roadmap to the Ideal Juvenile Justice System"; Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County"; Center for Children's Law and Policy, "Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation"; Teigen, "Principles of Effective Juvenile Justice Policy"; Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations."

²Communities with more nonprofits focused on community life tend to have lower rates of crime. Sharkey, Torrats-Espinosa, and Takyar, "Community and the Crime Decline."

³Adverse childhood experiences include emotional abuse, physical abuse, sexual abuse, emotional neglect, physical neglect, violent treatment toward mother, household substance abuse, household mental illness, parental separation/divorce, and having a household member with a history of incarceration (Baglivio et al., "Evaluating RNR-Based Targeted Treatment and Intervention Dosage in the Context of Traumatic Exposure," 252.)

youth well-being. Trauma-informed programs should also provide opportunities for peer support and mutual self-help. Support from peers and peer-relationships that encourage self-help can help to establish a sense of safety and hope through building trust, encouraging collaboration, and sharing experiences that can promote rehabilitation and healing.

Finally, trauma-informed programs should respond to the identity- and culturally-based needs of youth who have experienced trauma. Being responsive to trauma rooted in or connected to cultural stereotypes, biases, and historical experiences of oppression will allow youth to actively move past them by working toward healing through identity- and culturally-responsive approaches.

ANTI-RACIST AND EQUITY-FOCUSED

Diversion programs should be designed with an explicit goal to end racial, ethnic, and other group-based disparities in the criminal legal system. Without such an explicit effort, youth diversion programs are, at best, reducing youth involvement in the system while maintaining persistent inequalities, and, at worst, contributing to a rise in these disparities.⁴ Experience with the juvenile legal system, including diversion, varies widely across different ethnic and racial groups. White youth, for instance, are more likely to be diverted from formal prosecution than youth of color, even when they are accused of more serious crimes.⁵ Black, American Indian, and Latino youth are more likely than either White or Asian American youth to be placed in confinement outside the home.⁶ These disparities increase as youth move from the front end of the system such as pre-trial confinement to the “deep end” of the system where youth are incarcerated after receiving a disposition. While endemic, these disparities can be reduced by diversion programs that clearly commit themselves to racial equity in design, implementation, and oversight. The Annie E. Casey Foundation’s Deep-End Initiative, for example, demonstrated that between 2012 and 2017 jurisdictions that made reducing racial disparities an explicit aim of their reform efforts reduced out-of-home placements for Black youth by 54 percent compared to 22 percent nationally over the same time period.⁷

While race is a prominent dimension of inequality in juvenile justice, there are other aspects of youths’ lives that shape their experiences and outcomes. Attending to how the various intersecting systems of oppression based on race, gender, sexual orientation, gender identity, class, disability, and citizenship status mutually reinforce and impact inequity, injustice, and disparities in the juvenile legal system is a critical component for developing community-led youth diversion efforts that are equitable and just.

For example, by focusing on the specific experiences of girls and gender-expansive youth, the Vera Institute of Justice’s Ending Girls’ Incarceration Initiative has helped New York City reduce girls’ annual long-term placement admissions by 90 percent and annual detention admissions by 70 percent between 2016 and 2020. More recently, Santa Clara County in California saw girls’ annual detention admissions fall by more than 60 percent, at least a full year of having zero girls in their long-term placement facility, and an average daily population of two young people or fewer in the girls’ unit of its short-term detention facility.⁸ Because girls and gender-expansive youth in long-term placements are disproportionately poor, LGBTQ, and youth of color, diverting them from the juvenile legal system reduces disparities along multiple dimensions.

⁴ Mendel, “Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice”; Kroboth, Boparai, and Heller, “Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County.”

⁵ Juvenile Justice Policy and Data Board, “Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth”; Rovner, “Youth Justice By The Numbers.”

⁶ The Annie E. Casey Foundation, “Leading with Race to Reimagine Youth Justice: JDAI’s Deep-End Initiative.”

⁷ The Annie E. Casey Foundation.

⁸ Vera Institute of Justice, “Ending Girls’ Incarceration Initiative.”

⁹ Delagran, “What Is Community Wellbeing?”

¹⁰ Decker, “A Roadmap to the Ideal Juvenile Justice System.”

HOLISTIC WELL-BEING AND SAFETY

Community well-being reflects a combination of economic, social, political, environmental, and cultural factors and conditions that enable individuals and communities to flourish.⁹ Community connectedness and safety can be fostered through strong social networks, social trust and harmony, mutual respect and accountability, and civic engagement. Likewise, the livability of a community is dependent upon the local infrastructure which includes housing, public safety, education, transportation, and access to the arts and recreation. Equitable communities treat all members with fairness, provide equal opportunities, empower individuals, and ensure that basic needs are met for all members of the community. Each of the aforementioned elements are cornerstones of community and individual well-being and safety. Youth who have the full resources and support they need commit fewer offenses than youth who are removed from their support structures through confinement outside of the home.¹⁰

Diversion programs cannot underestimate the importance of supporting and promoting these elements of community well-being and the needs of youth and their families.¹¹ Homelessness, food insecurity, and transportation barriers can make it difficult for youth and their families to attend meetings with service providers and to be equipped to go through the various mental, physical, behavioral, and social changes that are a part of diversion programming. For example, housing insecurity is one of the most likely factors to derail efforts to keep youth from coming back into contact with the juvenile legal system.¹²

Diversion programs should ensure that youth and their families are supported in these respects and offer assistance and resources so that these basic needs are met. For example, Los Angeles County's Division of Youth Diversion and Development has proposed that all youth be given free or subsidized public transportation, which would have numerous benefits such as improving school attendance, better connecting youth to services, and preventing youth criminalization.¹³ Healthy youth development in a safe community that includes peer-to-peer and adult-child relationships, self-awareness and insight, skill development, and behavioral change can prevent or disrupt system involvement.¹⁴

RESTORATIVE NOT PUNITIVE

Incorporating restorative justice principles and practices into juvenile diversion can be a meaningful alternative to punitive forms of justice. At its core, restorative justice is a process whereby the parties involved, including the responsible person and all those impacted by the harm, work together to resolve an offense while focusing on how their decisions will impact their future. Restorative justice aims to address the holistic conditions and the personal, local, cultural, and historical harms and injustices that preceded the delinquent behavior. Furthermore, it is based on principles of building, healing, and maintaining relationships, and makes the process of juvenile justice more consensual, transparent, constructive, and communicative.¹⁵ In addition to repairing harm, restorative justice has been shown to reduce recidivism and be a cost-saving measure for jurisdictions.¹⁶

Restorative justice should be woven into community-led diversion programs. Since restorative justice processes include all those impacted by the harm, it is essential that facilitators of restorative justice support the cultivation of strong, trusting relationships between all actors. This involves identifying everyone's needs, including the person

¹¹ Violence Prevention Coalition Greater Los Angeles, LA For Youth, and Youth Justice Coalition, "Building a Positive Future for LA's Youth: Re-Imagining Public Safety for the City of Los Angeles with an Investment in Youth Development"; Juvenile Justice Policy and Data Board, "Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth"; Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County."

¹² Hayek, "Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults."

¹³ Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County"; Violence Prevention Coalition Greater Los Angeles, LA For Youth, and Youth Justice Coalition, "Building a Positive Future for LA's Youth: Re-Imagining Public Safety for the City of Los Angeles with an Investment in Youth Development."

¹⁴ Decker, "A Roadmap to the Ideal Juvenile Justice System."

¹⁵ Impact/Justice, "A Diversion Toolkit for Communities by the Restorative Justice Project"; Schiff and Hooker, "Neither Boat nor Barbeque"; Dzur, "Restorative Justice and Civic Accountability for Punishment."

¹⁶ Applegarth, Jones, and Holliday, "Promising Services for Justice-Involved Youth"; Baliga, Henry, and Valentine, "Restorative Community Conferencing"; Suzuki and Wood, "Is Restorative Justice Conferencing Appropriate for Youth Offenders?"

harmed, responsible youth, supporters, caregivers, and other community members and stakeholders. Overall, restorative justice can contribute to community strength and resilience by enabling a collective recognition of the harms that have been caused, and by together laying out a path toward reconciliation and a better future for all those involved.



PRINCIPLES AND STRATEGIES FOR COMMUNITY-LED DIVERSION

Young people are members of communities, and their likelihood of system involvement is bound up with them. Communities consist of the people and places youth are most strongly connected to, and they have the most influence on young people's life chances.¹⁷ Family, peer, school, and community relationships will typically impact choices and behavior more than juvenile legal systems or agencies that deal with issues such as mental health.¹⁸ Serious community engagement can lead to the establishment of genuine trust and partnerships that allow youth, their families, and community members to feel seen and heard and to believe that they are working toward common goals with all of the people and organizations involved in diverting youth away from the juvenile legal system.¹⁹



¹⁷ The Annie E. Casey Foundation, "Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative."

¹⁸ Decker, "A Roadmap to the Ideal Juvenile Justice System."

¹⁹ Decker.

COMMUNITY-LED DIVERSION ACTORS



Community-led diversion programs are designed for a specific community in collaboration with representatives from the criminal legal system. In what follows, we outline six fundamental principles and strategies for successfully establishing and running such a program. We begin by discussing the development of partnerships between communities and systems actors, and how their power and responsibilities can be shared and negotiated. We then turn to the importance of understanding the community context and building the program for that specific context. Next, we turn to investment in communities and building community capacity as a vital step toward establishing community-led diversion programs. The next two principles focus on the content of programs by emphasizing youth development and the incorporation of family in diversion. Finally, we discuss the importance and practice of tracking, analyzing, and reporting on program-related data.

DEFINING COMMUNITY

The idea of community lacks a straightforward definition, which makes it difficult to identify the specific community that a diversion program is designed for. Communities can form at a micro level, such as a neighborhood or even a few city blocks. They can also describe larger entities at the macro level.²⁰ Defining community also comes with risks, as narrow definitions of community have the potential, if not intention, to be exclusionary. For these reasons, we discuss community not as a bounded entity but as the set of context-specific relations that invest certain people and groups in particular outcomes.

For juvenile diversion, there are two main considerations when determining the community. The first thing to consider is the people and groups who are most directly connected to the youth. They may be the people who know the youth personally or move in the same spaces, the people most likely to encounter the youth either in private or in public. These are the people who can best contribute to the care, support, and accountability of a particular young person. The second consideration is the people and groups impacted by system-level policies and decisions, such as a jurisdiction that is affected by a diversion program, whether prosecutor or community led. This broader community should be engaged when determining the larger structures of juvenile diversion. Other considerations will factor into how actors conceive of community depending on the situation at hand. In general, community should prioritize the those who are impacted and those who are best positioned to do the most good for system-impacted youth.

²⁰ The political scientist and historian Benedict Anderson (1983) famously described the nation state as an imagined community.

SIX PRINCIPLES OF COMMUNITY-LED DIVERSION



DEVELOP PARTNERSHIPS AND NEGOTIATE POWER AND RESPONSIBILITIES

The work of youth diversion is highly collaborative, involves working between multiple systems, and includes those working in the juvenile legal system, mental health and substance use, education, job training, and other community-based services like mentoring and skill building. Many programs also include a social work or case management approach for working with youth. Because of the collaborative nature of this work, community buy-in, involvement, and oversight are essential for the success of any diversion program.²¹ Yet there are power differentials that shape collaborations, often in ways that limit community say in how juvenile justice gets enacted.

Understand Systems of Power

- Incorporate an understanding of how power is distributed and functions in youth diversion into policies and practices
- Allow community partners to take ownership of programming

Build Collaborative Relationships

- Build and maintain open, transparent, and collaborative relationships
- Involve intermediary organizations in engagement with community-based organizations, community members, and juvenile justice systems to work collaboratively
- Understand that collaboration is a constant practice

Decision Making Strategies and Allocating Responsibilities

- Ensure equitable representation in decision making
- Support communities to monitor and oversee decisions
- Develop an advisory board made up of community members
- Identify or develop a central coordinating site

Understand Systems of Power


It is important to **incorporate an understanding of how power is distributed and functions in youth diversion into policies and practices.** The W. Haywood Burns Institute has described the justice sector as “a group of ever-expanding, semi-autonomous power centers.” Power can be codified in law, as when it specifies who is invested with decision making authority or who can overrule the decisions of others. In some cases, laws can be vague or imprecise.²² As a result, there are often unspoken hierarchies that impact resource allocation, funding availability, and decision making. These hierarchies, which tend to place prosecutors and law enforcement agencies at the top and community-based organizations, youth, and families at the bottom, can be restructured in order to increase trust, collaboration, and accountability between stakeholders. The inequality in power between youth and families, on the one hand, and system actors and organizations, on the other, can lead to coercive treatment of youth and their families. Instead, community-led diversion should strive for “power with as opposed to power over.”²³

THE INEQUALITY IN POWER BETWEEN YOUTH AND FAMILIES, ON THE ONE HAND, AND SYSTEM ACTORS AND ORGANIZATIONS, ON THE OTHER, CAN LEAD TO COERCIVE TREATMENT OF YOUTH AND THEIR FAMILIES.

²¹Models for Change Juvenile Diversion Workgroup, “Juvenile Diversion Guidebook.”

²²For example, in an analysis of 264 restorative justice laws across 46 jurisdictions, Gonzalez (2020) found that few jurisdictions define restorative justice, leading to ambiguity. Problems like using fees to access restorative justice programs and questions about the role of discretionary decision-making authority granted to diverse system actors have emerged as restorative justice laws proliferate. W. Haywood Burns Institute, “Los Angeles County: Youth Justice Reimagined. Recommendations of the Los Angeles County Youth Justice Working Group.”

²³W. Haywood Burns Institute, “Los Angeles County: Youth Justice Reimagined. Recommendations of the Los Angeles County Youth Justice Working Group.”



To enable communities to assume a leading role in youth diversion, stakeholders with the government and criminal legal system need to step back and **allow community partners to take ownership of programming**. This involves practical measures such as allowing communities to set protocols and agendas, receive and distribute funding directly, and be involved in important decisions. It also means understanding the community's needs and values. It is up to those who have traditionally held the most power with regard to juvenile justice (including law enforcement, district attorneys, prosecutors, public defenders, and judges) to step back and listen to their communities and their needs.

Build Collaborative Relationships

Community-led diversion requires building and maintaining open, transparent, and collaborative relationships with community members, partner organizations, governing bodies, and other stakeholders.²⁴ One way to do this is by holding listening sessions or house meetings in the community.²⁵ These meetings are opportunities for conversation and communal learning about youth diversion and getting input from stakeholders on the process and the possibility of implementing a program in the community. When Los Angeles County's Division of Youth Diversion and Development established the Youth Justice Working Group (YJWG), for example, they brought together approximately 150 stakeholders and centered youth and other community voices in listening sessions and collaborative system design to reimagine the diversion process.²⁶

In addition to community member input, organizations and system leaders should develop collaborative relationships. Diversion programs are most successful when there is collaboration with a variety of service providers and stakeholders, as well as a shared understanding of partners' roles and responsibilities in diversion.²⁷ Multi-system collaboration should include "coordinated case assignment, joint assessment processes, and case planning and supervision."²⁸ This multi-system collaboration can bring together "best practices and evidence-based programs related to child welfare, juvenile justice, mental health, substance abuse, and education" in order to provide diverted youth with the services they need and prevent youth from system involvement in the first place.

Intermediary organizations should be involved with and engage community-based organizations, community members, and juvenile justice systems to work collaboratively. For example, the San Diego District Attorney's Juvenile Diversion Initiative established a partnership between the district attorney's office, the National Conflict Resolution Center (NCRC), and community-based organizations to connect diverted youth to the supports and services they need and ensure they meet the requirements of their diversion. The program takes a restorative justice approach that addresses the specific needs of each youth. A key component of the program is supportive mentor relationships that can persist beyond the length of the diversion intervention. NCRC also works with local school districts to support preventative measures through the inclusion of restorative justice conferencing in local schools.

²⁴ Farrell, Betsinger, and Hammond, "Best Practices in Youth Diversion: Literature Review for the Baltimore City Youth Diversion Committee"; The Annie E. Casey Foundation, "Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative"; Frederickson, Heydari, and Marmet, "Restorative Justice: A Best Practice Guide for Prosecutors in Smaller Jurisdictions"; Decker, "A Roadmap to the Ideal Juvenile Justice System"; LA County DYDD, "Designing Youth Diversion & Development in Los Angeles County"; Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations"; Models for Change Juvenile Diversion Workgroup, "Juvenile Diversion Guidebook."

²⁵ Impact/Justice, "A Diversion Toolkit for Communities by the Restorative Justice Project."

²⁶ W. Haywood Burns Institute, "Los Angeles County: Youth Justice Reimagined. Recommendations of the Los Angeles County Youth Justice Working Group."

²⁷ Farrell, Betsinger, and Hammond, "Best Practices in Youth Diversion: Literature Review for the Baltimore City Youth Diversion Committee"; Models for Change Juvenile Diversion Workgroup, "Juvenile Diversion Guidebook."

²⁸ Decker, "A Roadmap to the Ideal Juvenile Justice System," 22.

Community-based organizations are embedded within regional and national networks of organizations and agencies that extend beyond the local communities in which they work. These networks connect community-based organizations to sources of influence, resources, and political power. This can, in turn, increase their capacity to support youth and their families. Intermediary organizations, including think-tanks, philanthropic organizations, private foundations, universities, research institutions, and others, are an important part of extra-local networks that can support these efforts through funding, training, research and evaluation, political influence, and networking. For example, the UCLA School of Law Criminal Justice Program worked with the Los Angeles County Division of Youth Diversion and Development to develop a toolkit for addressing legal issues related to youth diversion. UCLA's legal experts offered recommendations such as how to prevent net-widening, understand the role of statutes of limitations when determining the length of diversion programs, and create memoranda of understanding (MOUs) for community-based organizations and law enforcement agencies.²⁹

PARTNERS IN COLLABORATION MUST HOLD THEMSELVES ACCOUNTABLE, WORK TOWARDS BUILDING AND MAINTAINING TRUST, AND UPHOLD TRANSPARENCY IN THE PROCESS.

Because of the historical inequities and imbalances of power, it is important that all parties involved in youth diversion **understand that collaboration is a constant practice**.³⁰ Partners in collaboration must hold themselves accountable, work towards building and maintaining trust, and uphold transparency in the process. There should be regular attention towards data and evidence of what is going well, what are emerging challenges, and what are meaningful ways to make necessary changes.

Decision Making Strategies and Allocating Responsibilities

One of the biggest questions when developing a community-led diversion program is who will be responsible for designing, implementing, operating, and overseeing the program. Traditionally, diversion programs have been started and managed by government entities, whether that is a District Attorney's office, a department of probation or parole, or with leadership from a local judge. Schools have also played a role in diversion programs, as have behavioral and social support services and community-based organizations.

Ensuring equitable representation in decision making from stakeholders across communities and systems will help to address issues, such as racial and ethnic disparities in system involvement. This guarantees that the people closest to youth and communities contribute to decisions about diversion. One way to support community-led decision-making is to form learning communities with community stakeholders. Creating a structured, facilitated process enables community stakeholders to plan programmatic interventions together.

ONE WAY TO SUPPORT COMMUNITY-LED DECISION-MAKING IS TO FORM LEARNING COMMUNITIES WITH COMMUNITY STAKEHOLDERS

²⁹ Zeidler-Ordaz, "Addressing Legal Issues in Youth Diversion: A Toolkit."

³⁰ LA County DYDD, "Designing Youth Diversion & Development in Los Angeles County."

Communities should also be supported to monitor and oversee decisions being made at each point in the juvenile justice system. In order for communities to monitor and oversee decisions, they need to understand where the decision points are throughout the system. Toward this end, the Annie E. Casey Foundation's Deep End Toolkit³¹ and Resource Guide³² provide comprehensive overviews of the juvenile legal system including where youth can be diverted or re-routed back to the system after they have been diverted.

One recommendation for building and maintaining community involvement, buy-in, and oversight is to **develop an advisory board made up of community members** that can develop policies and procedures for the diversion program. Advisory groups can provide oversight, feedback, guidance, and support to those involved in the program. Advisory boards or steering committees can also help work through concerns and discuss research and evaluation measures. Advisory boards are an essential part of sustainable community collaboration. Additionally, because diversion programs work so closely with a wide range of different community-based organizations and agencies, "those operations and relationships will evolve much more smoothly if the community stakeholders are involved from the beginning of the formulation of the program's objectives, policies, and procedures."³³

ADVISORS ON THE BOARD SHOULD INCLUDE:



³¹The Annie E. Casey Foundation, "Expansion of JDAI to the Deep End Tool Kit."

³²The Annie E. Casey Foundation, "Expansion of JDAI to the Deep End Resource Guide."

³³Models for Change Juvenile Diversion Workgroup, "Juvenile Diversion Guidebook," 31–32.

In addition to an advisory board, **identifying or developing a central coordinating site** can support community-led diversion by facilitating the necessary coordination of planning, service delivery, and supervision.³⁴ Central coordinating sites should be responsible for facilitating the core elements of the diversion system, including community education, screening for referrals, data collection and evaluation, disbursement of funding, and training. Central coordinating hubs can also provide community-based organizations with training, technical assistance, and data guidance and oversight.³⁵ These sites can be housed in a community-based organization, a government office, or be a standalone entity. In Los Angeles, for example, the Division of Youth Diversion and Development (YDD) acts as the coordinating center for Los Angeles County's pre-booking diversion.³⁶ In this role, they provide coordination, oversight, and funding to community-based organizations for diversion programming. This position allows the YDD to allocate resources directly to communities most impacted by the juvenile legal system by prioritizing funding organizations in Black and Brown communities in Los Angeles to address racial disparities.

Overall, community-led diversion can be successful through understanding how power is distributed between stakeholders, building trusting and collaborative relationships, and supporting equitable decision making and shared responsibilities. Partnerships between community members and organizations, systems actors, youth, and other stakeholders are essential for creating sustainable, effective, and efficient diversion efforts that put the needs of youth and their communities first.

³⁴ Diversion Workgroup, "Community-Based Diversion System Plan"; LA County DYDD, "Designing Youth Diversion & Development in Los Angeles County"; Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County"; Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations."

³⁵ Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County."

³⁶ LA County DYDD, "Designing Youth Diversion & Development in Los Angeles County"; Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County"; Taylor et al., "LA County Department of Youth Development - Diversion Program Process and Implementation Evaluation."

UNDERSTAND, ADAPT TO, AND DRAW UPON THE COMMUNITY CONTEXT

Communities vary based on their laws, policing practices, community needs, and community-based services, so developing an approach to community-led diversion will not look the same in all contexts. Sustainable reforms must be rooted in communities to ensure that programs survive political shifts and preserve their capacity. Youth diversion programming and processes should therefore be shaped with local communities in mind and be built to adapt to the changing needs of individual youth, their families, and their community.

Utilize Community Strengths

- Highlight and resource community strengths
- Recognize existing and potential sources of community support
- Develop locally specific and culturally relevant initiatives

Incorporate Local Policies and Relevant Statistics

- Gather local data and information
- Address the specific needs and goals of the community
- Adapt evidence-based practices to local realities

Identify Community Partners, Relationships, and Institutional Gaps

- Identify pre-existing community-based organizations, community leaders, and other community assets and resources
- Recognize gaps and unmet needs

Utilize Community Strengths

Every community comes with its own strengths and assets, and these **community strengths should be highlighted and resourced** when developing local diversion programming. Programs developed for different communities or contexts may not work in every community because the assets and needs of communities differ. Understanding community strengths begins by collaborating with community members. One example is the Youth Justice Working Group in Los Angeles County, which had community members map existing resources such as parks, schools, and community-based organizations.³⁷ Around the country, community members have led efforts to keep young people safe and tackle the sources of crime through formal and informal organized efforts. They have created non-profits, cleaned up public spaces, built community gardens and affordable homes, provided jobs to young people, and advocated for policy changes. As the sociologist Patrick Sharkey and his colleagues have shown, community members and their organizations have been critically overlooked contributors to the large decrease in crime since the 1990s.³⁸ **Recognizing existing and potential sources of community support** for youth diversion is an essential step to creating community-led diversion programs.

UNDERSTANDING COMMUNITY STRENGTHS BEGINS BY COLLABORATING WITH COMMUNITY MEMBERS.

³⁷ W. Haywood Burns Institute, "Los Angeles County: Youth Justice Reimagined. Recommendations of the Los Angeles County Youth Justice Working Group."

³⁸ Sharkey, Torrats-Espinosa, and Takyar, "Community and the Crime Decline."

Drawing on community strengths will furthermore support the **development of initiatives that are locally specific and culturally relevant**.³⁹ Cultural relevance in diversion programs can include such efforts as having resources and staff who are adept at communicating in community-specific languages so that youth and family members' language needs are met. Such culturally aware programming is critical for youth to feel understood and for programming to be effective and relevant for youth and their family's needs and experiences. Hiring staff from local communities who share and understand youths' cultural backgrounds is a strategy for improving cultural competency by resourcing the strengths of community members. For example, in recent years, Pine County in Minnesota and the Mille Lacs Band of Ojibwe partnered together to hire a cultural community coach that would work with local Native American youth. The cultural community coach is from the tribal community and supports youth through cultural activities and mentorship. Not only are culturally relevant programs more effective, they can also help address and reduce racial disparities in the justice system.⁴⁰

Incorporate Local Policies and Relevant Statistics

An important step for developing a community-led diversion initiative is **gathering local data and information** on youth in the community and the local juvenile legal system such as existing laws and programs in the jurisdiction. Doing this work will help determine the model of juvenile diversion that is best suited for the community. There are many different forms that diversion can take, and **addressing the specific needs and goals of the community** will help determine which model is most appropriate and effective. If it is difficult to access data from local systems, national organizations like the Burns Institute⁴¹ and the Vera Institute,⁴² have resources related to the juvenile legal system, incarceration trends, and disparities that may be useful to particular communities.

PEOPLE AND ORGANIZATIONS INVOLVED IN DEVELOPING DIVERSION PROGRAMS SHOULD CREATE STRUCTURES THAT LEAVE ROOM FOR LOCAL ADAPTATION.

People and organizations involved in developing diversion programs should create structures that leave room for local adaptation. **Adapting evidence-based practices to local realities** will help to maintain grassroots integrity. B-360, a Baltimore-based community organization, is an excellent model of how to understand and adapt diversion initiatives to the community context. Dirt biking has been an important cultural practice in Baltimore for many decades, especially for Baltimore's Black and Brown young people. However, possession of and riding a dirt bike is, like in many urban centers, illegal in Baltimore. This has led to disproportionate criminalization of Black and Brown youth. B-360, a youth development initiative in Baltimore, is working to change this by providing STEM education and workforce development to local youth through dirt bikes. B-360 partners with local law enforcement to divert youth at risk of arrest or incarceration due to dirt bike possession or riding. The B-360 model emerged from the local community and builds off of a rich local culture of dirt bike riding in which many youth are already interested or involved.⁴³

³⁹ Juvenile Justice Policy and Data Board, "Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth."

⁴⁰ Juvenile Justice Policy and Data Board.

⁴¹ W. Haywood Burns Institute, "Resources." <https://burnsinstitute.org/resources/>

⁴² Vera Institute of Justice, "Incarceration Trends"; Vera Institute of Justice, "Solutions & Research."

⁴³ Shane, "In Baltimore, Teaching STEM Through Dirt Bikes."

Identify Community Partners, Relationships, and Institutional Gaps

Community-led diversion initiatives involve a broad range of individuals and organizations dedicated to supporting all aspects of healthy youth development and restorative practices. In many cases, these people and organizations already exist but are disconnected from each other or from larger coordinating bodies. Therefore, it is important to identify pre-existing community-based organizations, community leaders, and other community assets and resources that can contribute to a well-organized community-led diversion effort. Ideally, a community-based organization will take a leading role in developing the diversion program alongside system partners who are responsible for diverting youth.⁴⁴ For example, the National Conflict Resolution Center (NCRC) created a network of dozens of organizations providing diversion services including mentoring, mental health support, and positive youth development among others to support the San Diego District Attorney's Juvenile Diversion Initiative, which has expanded diversion for local youth under the initiative of the district attorney.

SHAPING DIVERSION INITIATIVES TO THE COMMUNITY INCLUDES RECOGNIZING AND UTILIZING COMMUNITY RESOURCES, IDENTIFYING GAPS AND UNMET NEEDS, AND ADAPTING EVIDENCE-BASED PRACTICES TO THE LOCAL REALITIES.

In addition to identifying community partners, assets, and resources, it is equally as important to recognize what communities may be missing. **Recognizing gaps and unmet needs** can help shape where funding and resources can be redirected to better support the needs of youth. For example, in a survey of treatment options in Massachusetts, practitioners cited substance use disorder treatment, individual mental health treatment, and vocational training/employment support as the most under-resourced.⁴⁵ Additionally, practitioners believed the biggest gaps in care were for unhoused youth and youth who have co-occurring disorders, serious mental illness, or a history of sexual offending or sexually inappropriate behavior. The recognition of gaps can help decision makers reallocate funding and redesign programming.

In sum, diversion efforts must be developed in conjunction with the community context, including the communities needs and strengths at the forefront. Shaping diversion initiatives to the community includes recognizing and utilizing community resources, identifying gaps and unmet needs, and adapting evidence-based practices to the local realities. By taking the community context seriously, diversion initiatives will better suit youth in the community and the efforts are more likely to sustain through political shifts.

⁴⁴ Taylor et al., "LA County Department of Youth Development - Diversion Program Process and Implementation Evaluation."

⁴⁵ Juvenile Justice Policy and Data Board, "Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth."

INVEST IN COMMUNITIES AND BUILD CAPACITY

Community-led diversion programs call on the community to take leadership roles in the juvenile justice system. For communities to be successful in this process, they require substantial direct investment that will allow them to develop the required infrastructure and capacity. Government agencies need to prioritize initiatives that promote community capacity and in so doing address social determinants of health which include employment initiatives, education, affordable housing, livable wages, and food security. Appropriated monies can help jurisdictions tailor programs to communities' needs.⁴⁶ Investing in community well-being, safety, and capacity reduces the risk factors that lead to youth involvement in the justice system. In this way, supporting community-led diversion can ultimately prevent system involvement in the first place.

Invest Broadly in Community Development

- Reallocate funds from incarceration, arrest, supervision, and detention into community-based programming
- Provide young people the support they need to be productive and thriving members of society
- Emphasize the potential to invest in community wellbeing, public safety, and crime reduction through diversion programs
- Remove barriers to and expand usage of existing services and infrastructure

Develop Community-Based Alternatives to the Juvenile Justice System

- Develop community-based alternatives to out-of-home placement
- Position services close to home
- Hire, train, and support community coaches, intervention workers, and local peacebuilders

Support Community-Based Organizations

- Develop a network of community-based organizations
- Build community capacity through community education and training
- Directly fund community-based organizations

Invest Broadly in Community Development

Funding for juvenile justice programs typically comes from a state entity. **Reallocating funds from incarceration, arrest, supervision, and detention into community-based programming** is an important way that system actors and institutions can invest in communities and capacity building. Reallocation is an effort to lessen the burden on the criminal legal system and invest in community-based organizations and community leadership to support youth and their communities. In Los Angeles County, for example, the Youth Justice Working Group identified \$75 million dollars that could be reallocated from supervision, detention, and incarceration to community-based programming.⁴⁷ New York's Close to Home legislation in 2012, aimed at closing youth prisons and keeping youth in their communities, included an initial state appropriation of up to \$41.4 million dollars annually.⁴⁸ Similarly, in 2014, the state of Kentucky passed legislation that allocated 25 percent of the savings from reduced use of out-of-home placements to fund grants for establishing community-based programs that provide an alternative to out-of-home placement.⁴⁹

⁴⁶ Models for Change Juvenile Diversion Workgroup, "Juvenile Diversion Guidebook"; Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County"; Center for Children's Law and Policy, "Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation"; Violence Prevention Coalition Greater Los Angeles, LA For Youth, and Youth Justice Coalition, "Building a Positive Future for LA's Youth: Re-Imagining Public Safety for the City of Los Angeles with an Investment in Youth Development."

⁴⁷ W. Haywood Burns Institute, "Los Angeles County: Youth Justice Reimagined. Recommendations of the Los Angeles County Youth Justice Working Group."

⁴⁸ Weissman, Ananthakrishnan, and Schiraldi, "Moving Beyond Youth Prisons: Lessons from New York City's Implementation of Close to Home."

⁴⁹ The Pew Charitable Trusts, "Kentucky's 2014 Juvenile Justice Reform."

Diversion initiatives can also connect with governmental departments and agencies related to public health and education that can financially support diversion programming focused on youth development, health equity, and violence prevention. One strategy for expanding funding for diversion initiatives is through healthcare financing. Healthcare financing is the process of getting paid for services that an organization or provider offers through direct billing to health insurance or through collaborative partnerships with healthcare entities.⁵⁰ Diversion services that often overlap with services covered under healthcare financing include preventative services, culturally and linguistically appropriate services, behavioral health services, home & community-based services, and general medical services (including health education and general well-care visits). With the expansion of Medicaid and the Affordable Care Act, there are opportunities for financing diversion initiatives that focus on youth health and well-being.

One strategy for bolstering funding for community-based programs is to **emphasize the potential to invest in community wellbeing, public safety, and crime reduction through diversion programs**. Providing at-risk youth with support for their wellbeing, educational outcomes, and job readiness is an investment not only in the youth's future but in the community's future, as well.⁵¹ Investment in community can therefore play an important role in prevention. For example, the Young Women's Freedom Center uses funding to train community members to engage in street-based outreach to support community members as a means of preventing potential encounters with the legal system.⁵²

PROVIDING AT-RISK YOUTH WITH SUPPORT FOR THEIR WELLBEING, EDUCATIONAL OUTCOMES, AND JOB READINESS IS AN INVESTMENT NOT ONLY IN THE YOUTH'S FUTURE BUT IN THE COMMUNITY'S FUTURE, AS WELL.

Community-led diversion programs should **provide young people the support that they need to be productive and thriving members of society**. Diversion programs can invest in youth well-being instead of punishment by investing in things that impact social determinants of health, such as education, jobs, family income, housing, healthcare, and neighborhood infrastructure. This helps support an environment where youth and their families can flourish. Community safety should be defined as more than policing or law enforcement.⁵³ Instead, it should center the many things that make a neighborhood safe such as good jobs and schools, access to nutritious food, healthcare, housing, and safe environments in which youth have the opportunity to develop, learn, and play.

Community investment can also be successful by **removing barriers to and expanding the usage of existing services and infrastructure**.⁵⁴ For example, partnerships with schools and local Parks and Recreation departments can be developed to expand the use of their facilities (during holidays, weekends, or under-utilized times) by enabling community-based organizations to provide services to youth at those sites. Investing and expanding access to transportation can also have a substantial impact on youth involvement in diversion programs. Difficulties with transportation are one of the biggest barriers for youth and caregiver involvement in diversion programs and the ability to access resources and services. Providing free and subsidized transportation to youth and caregivers would remove a significant barrier. Furthermore, free access to public transportation for youth can help decrease truancy, increase school attendance, increase family income, and prevent youth criminalization.⁵⁵

⁵⁰ National Harm Reduction Coalition, "Harm Reduction Is Healthcare." The National Harm Reduction Coalition has a free online course on healthcare financing for organizations working on harm reduction. While not explicitly a part of diversion and juvenile justice efforts, the harm reduction course is helpful for understanding healthcare financing and how organizations that work on health-related issues can incorporate healthcare financing into their streams of regular funding.

⁵¹ Juvenile Justice Policy and Data Board, "Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth."

⁵² "Young Women's Freedom Center."

⁵³ "National Collaboration for Youth, "Beyond Bars: Keeping Young People Safe at Home and Out of Youth Prisons."

⁵⁴ "Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County"; Violence Prevention Coalition Greater Los Angeles, LA For Youth, and Youth Justice Coalition, "Building a Positive Future for LA's Youth: Re-Imagining Public Safety for the City of Los Angeles with an Investment in Youth Development."

Develop Community-Based Alternatives to the Juvenile Justice System

Partners within and outside of the community should work together to **develop community-based alternatives to out-of-home placement** for youth who would benefit from them. These support programs can take different forms such as individual or group counseling, family therapy, mentoring, social skills training, behavior management, parent training, and vocational and life skills training. Not only are such alternatives more beneficial for the youth themselves, but they also tend to reduce recidivism and be more cost-effective. For youth accused of low-level offenses, for example, alternatives to probation can reduce the likelihood of being redirected to the juvenile justice system for a technical violation of probation conditions. Support for these alternatives must come from both system actors and community members. Systems and intermediary organizations, for example, can fund or develop organizations where they do not currently exist.

IN EVERY COMMUNITY, THERE ARE INDIVIDUALS WITH A WEALTH OF KNOWLEDGE AND STRONG RELATIONSHIPS WITHIN THEIR COMMUNITIES.

Programs and services are most effective when they are **positioned close to home**. Such positioning helps to maintain and strengthen relationships with family and community. These ties are crucial for youth to develop skills navigating relationships, receive and reciprocate support, and develop an understanding of the impact of their behavior on others. Where there are not adequate services, however, youth may be placed out-of-home so that they and their families can receive services not available in the community. Where out-of-home placement is necessary, it should be placed close to home and promote family and community participation as much as possible.

In every community, there are individuals with a wealth of knowledge and strong relationships within their communities. These trusted and respected community leaders can be included in the diversion process in more formal capacities and employment. By **hiring, training, and supporting community coaches, intervention workers, and local peacebuilders**, diversion programs will better serve youth through culturally relevant programming and positive adult role models that share similar life experiences and cultural backgrounds.⁵⁶ Furthermore, these individuals can act as mediators and provide a local level of intervention and de-escalation that promotes public safety through local community capacities, while also reducing the burden of local law enforcement. For example, the Arches Transformative Mentoring Program utilizes Credible Messenger mentors in a group mentoring model with young adults on probation.⁵⁷ The program includes an interactive journaling curriculum with a focus on cognitive-behavioral principles. To help spread the Credible Messenger approach, the Credible Messenger Justice Center maintains a Neighborhood Mentoring Bank where community-based organizations can find Credible Messengers when they are looking to hire them at their agency.⁵⁸

Support Community-Based Organizations

Developing a broad base of community programs will ensure that if a community program becomes defunct there will be others that can absorb the displaced youth. If there are gaps in service in the community, efforts should be made to create programming that fills those gaps. Organizations should **develop a network of community-based organizations** that the partners can use to share information, resources, and decision-making power. A network

⁵⁵ Violence Prevention Coalition Greater Los Angeles, LA For Youth, and Youth Justice Coalition, "Building a Positive Future for LA's Youth: Re-Imagining Public Safety for the City of Los Angeles with an Investment in Youth Development."

⁵⁶ Center for Children's Law and Policy, "Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation"; Violence Prevention Coalition Greater Los Angeles, LA For Youth, and Youth Justice Coalition, "Building a Positive Future for LA's Youth: Re-Imagining Public Safety for the City of Los Angeles with an Investment in Youth Development."

⁵⁷ "Arches Probation."

⁵⁸ "Credible Messenger Justice Center."

of partners with shared resources and goals facilitates negotiations and relationship-building with system partners. For example, the Arts for Healing and Justice Network (AHJN) connects over a dozen community-based organizations in Los Angeles. AHJN provides training and support to community-based organizations working with system-impacted youth, promotes collaboration between organizations, and facilitates relationships between organizations and the juvenile legal system.⁵⁹

System partners, philanthropists, and local universities ought to provide sustained funding, training, and technical assistance for local community organizations to facilitate the development of youth programming. **Community education and training builds community capacity** which, in turn, allows the community to take more leadership in the diversion process. To better prepare and empower communities and community-based organizations to take on leadership in youth diversion, capacity building and training related to management, finances, ethics, child/youth protection, youth development, and supervision should be provided.⁶⁰

There are many organizations that have the required experience and expertise that can work with communities and systems to train stakeholders. Local universities and colleges, for example, can play an important role in education and training, as well as with research, data collection, and evaluation of programming.⁶¹ For example, in Pine County, MN, community members were given the opportunity to receive training in restorative justice practices and take active roles as surrogate victims in restorative justice conferences. The training was facilitated by partners at the Center for Restorative Justice and Peacemaking at the University of Minnesota along with the Director of Probation and Juvenile Diversion. Finding local organizations that offer this training is ideal, as they will have a better understanding of the local community, but regional or national organizations also have expertise and resources that can be used to build community capacity. All diversion initiative partners should also be trained in cultural competency and awareness of potential biases in diversion opportunities.⁶²

TO BETTER PREPARE AND EMPOWER COMMUNITIES AND COMMUNITY-BASED ORGANIZATIONS TO TAKE ON LEADERSHIP IN YOUTH DIVERSION, CAPACITY BUILDING AND TRAINING RELATED TO MANAGEMENT, FINANCES, ETHICS, CHILD/YOUTH PROTECTION, YOUTH DEVELOPMENT, AND SUPERVISION SHOULD BE PROVIDED.

One national organization working to build community capacity is Impact/Justice, which uses research to support restorative justice diversion programs. In particular, Impact/Justice has developed a Diversion Toolkit for Communities to build pre-charge restorative justice diversion programs.⁶³ Through this toolkit, communities learn the best practices, steps, and principles to develop, implement, and maintain restorative justice diversion programs led by communities. This toolkit is broken into three steps. The first step, "Establish a Foundation," discusses how organizations and individuals who wish to implement restorative justice diversion programs need to have strong understanding, engagement, and self-reflection with the realities of implicit bias, inequity, power, and privilege. Furthermore, those developing and implementing restorative justice initiatives should honor the indigenous origins of restorative justice. The second step, "Build the Program," helps organizations and individuals to understand program fit as well as who in the community and within the system can support, fund, and engage in this work.

⁵⁹ "Arts for Healing and Justice Network."

⁶⁰ Violence Prevention Coalition Greater Los Angeles, LA For Youth, and Youth Justice Coalition, "Building a Positive Future for LA's Youth: Re-Imagining Public Safety for the City of Los Angeles with an Investment in Youth Development."

⁶¹ Diversion Workgroup, "Community-Based Diversion System Plan."

⁶² Farrell, Betsinger, and Hammond, "Best Practices in Youth Diversion: Literature Review for the Baltimore City Youth Diversion Committee."

⁶³ Impact/Justice, "A Diversion Toolkit for Communities by the Restorative Justice Project."

The final step, “Sign-up for Training,” encourages and provides information to communities and individuals to receive the Restorative Community Conferencing training through Impact/Justice. Impact/Justice has supported and partnered with many communities and system partners to implement successful restorative justice diversion programs across the country.

Directly funding community-based organizations provides service providers more autonomy and a more streamlined process of supporting youth. One way to directly fund community-based organizations is through departments of youth development or central coordinating sites that can receive and disburse funding from state or other funding bodies. These qualified intermediary organizations may have the capacity to manage government contracts and distribute sub-contracts. Enabling community-based organizations to award sub-grants to smaller, ground-level organizations is another way to incentivize collaboration and build capacity.

ONE WAY TO DIRECTLY FUND COMMUNITY-BASED ORGANIZATIONS IS THROUGH DEPARTMENTS OF YOUTH DEVELOPMENT OR CENTRAL COORDINATING SITES THAT CAN RECEIVE AND DISBURSE FUNDING FROM STATE OR OTHER FUNDING BODIES.

In New York City, for example, Community Connections for Youth (CCFY) developed the South Bronx Community Connections (SBCC) community-led diversion program. SBCC was a pilot program for community-led diversion funded by a New York State Division of Criminal Justice Services grant seeking innovative approaches to youth crime and delinquency.⁶⁴ CCFY facilitates connections and collaboration between juvenile legal system stakeholders and local neighborhood organizations to implement this model of community-led diversion.⁶⁵

The SBCC program funded Site Coordinators at five neighborhood organizations and facilitated weekly Site Coordinator Team meetings that brought the neighborhood organizations together. This enabled the five organizations to engage as a team, welcoming intra-site participation and collaboration on neighborhood-wide events. In addition to funding dedicated Site Coordinators and Community Coaches, sub-grants were also used for organizational capacity building activities, the delivery of positive youth development programs, and neighborhood improvement projects.

This direct funding of community-based organizations helps remove common bureaucratic barriers to implementing programming and staffing. The SBCC program implemented weekly meetings between site coordinators at neighborhood organizations, provided one-on-one support for site coordinators, provided crisis response support, and trained community coaches on positive youth development. The SBCC program also provided operational capacity building support in areas such as grant management, organizational governance, fundraising, strategic planning, and human resources. This type of collaboration supports youth participation in multiple neighborhood organizations. The SBCC program found that youth involvement in multiple organizations was associated with longer program participation, which kept them engaged in positive youth development.⁶⁶

Direct investment in community development can have lasting impact on youth and general community wellbeing. By investing in capacity-building, infrastructure, and youth development in communities, young people’s needs are better supported, and communities can take leadership in addressing youth needs. Finally, this investment in community development can prevent system involvement in the first place and address social determinants of health.

⁶⁴ Community Connections for Youth, “South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations.”

⁶⁵ Community Connections for Youth.

⁶⁶ Community Connections for Youth.

PRIORITIZE YOUTH DEVELOPMENT AND LEADERSHIP

Positive youth development programs offer the opportunity for supportive growth and development for youth. These programs involve relationships with caring adults, positive peer relationships, and self-esteem building efforts. They also provide the opportunity for youth to learn and cultivate new skills or foster potential talents. Programs that support young people in establishing healthy and productive relationships are likely to be more effective. This may include sports, arts, environmental projects, STEM education, and youth leadership. Such programs not only support the youth but have also been associated with reductions in recidivism.

Skill-Building Programs

- Help youth learn to be independent
- Provide youth vocational training and job placement

Mentorship

- Provide mentoring relationships to young adults

Elevate Youth to Leadership Roles

- Involve youth as leaders in community organizations and neighborhood improvement projects
- Involve youth in decision-making processes related to juvenile justice and diversion initiatives

Skill-Building Programs

Skill-building programs typically provide instruction, practice, and incentives that support youth to enhance their skills and ability to participate in prosocial behaviors.⁶⁷ Educational support can include things like tutoring, enrichment activities that foster students' interests or strengths, and GED completion programs. Life skills programming, in general, **helps youth learn how to be independent** and learn some of the hidden curriculum of life. This can include financial literacy, self-management, self-esteem building, leadership development, healthy relationships and social skills, and drug and alcohol resistance.

The Arts for Healing Justice Network (AHJN), for example, focuses on youth's artistic interests and abilities. AHJN is a network of agencies in Los Angeles that provide arts engagement and education to support individual healing through creative expression, community building and cohesion, and social change. These agencies provide workshops and events around creative writing, spoken word, music, digital media, dance, theater, and visual arts. Youth involved in AHJN have demonstrated "increased confidence in reading aloud, increased empathy, willingness and ability to cooperate, and hopefulness about their own future."⁶⁸ In addition to arts education, AHJN also provides training to staff involved in youth diversion and probation, collaborates with nonprofits and systems agencies, and engages in advocacy work in the city and county by championing the arts as essential for community and youth well-being and inclusion. AHJN is an example of positive youth development that provides young people the opportunity for creative practices and a supportive community.

SUPPORT WITH EMPLOYMENT AND JOB PLACEMENT IS PARTICULARLY IMPORTANT BECAUSE THERE IS OFTEN BIAS TOWARD AND LIMITED EMPLOYMENT OPPORTUNITIES FOR THOSE WHO HAVE BEEN INVOLVED WITH THE JUSTICE SYSTEM.

⁶⁷Lipsey et al., "Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice"; Hayek, "Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults"; Bennett, Haley, and Showalter, "Collaborative Outcomes from the Youth Justice and Employment Community of Practice"; Development Services Group, Inc, "Diversion from Formal Juvenile Court Processing"; Juvenile Justice Policy and Data Board, "Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth"; Lipsey, "The Primary Factors That Characterize Effective Interventions with Juvenile Offenders"; Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations."

⁶⁸"Arts for Healing and Justice Network."

Vocational preparation programs – which can include counseling, training, and job placement – are also important components of diversion. Setting youth up for success as young adults by providing them vocational training and job placement is one of the best efforts to keep them from coming back in contact with the justice system. Support with employment and job placement is particularly important because there is often bias toward and limited employment opportunities for those who have been involved with the justice system. Furthermore, utilizing incentive-based approaches, rather than sanction-based, is more effective for youth behavior change.

B-360's diversion program, for example, which draws on Baltimore's rich culture of dirt biking, was built out of the need for "programmatically solutions to non-violent offenses and direct investment in Black communities" and the need to "create better pathways in STEM/careers with local talent."⁶⁹ Youth learn technical STEM skills that allow them to fix and repair bikes through B360's curriculum, and they also have a safe place to ride their bikes. Instructors at B-360 are hired due to their own talents and knowledge of dirt biking and mechanics that they can utilize to support youth development and vocational training. B-360's work has increased public safety and employment opportunities, improved education outcomes, and decreased youth arrests and incarceration.

Mentorship

Many programs **provide a mentoring relationship to young adults** in order to support them in effectively handling a variety of situations and life challenges. This can be with the young person's family, or if this is not an option, "efforts are made to connect [youth] with a caring adult who is willing to invest in the success of the person."⁷⁰ Mentoring has proven to be particularly effective at reducing recidivism. Drawing upon existing support systems in a youth's community for mentorship can be most effective since they may share a common background and experience. Mentors can play an important role in supporting youth in skill building interventions, serving as role models and providing guidance to youth.

THE [IDEAL] MENTORSHIP RELATIONSHIP IS ROOTED IN A BETTER UNDERSTANDING OF YOUTH EXPERIENCES, GREATER TRUST AND INVESTMENT IN A SHARED COMMUNITY, AND INCREASED ENGAGEMENT WITH LOCAL SERVICES AND PROGRAMS.

Credible messengers are one such example of mentoring used in juvenile justice interventions. The Credible Messenger approach is a model of restorative justice that connects justice-involved and at-risk young people with a credible messenger who is a specially trained adult, often a returned citizen (a person who was previously incarcerated) with relevant life experiences, who shares a common background with the youth.⁷¹ Credible messengers have been formerly justice-involved, have experienced a meaningful transformation to change their own lives, and have a desire to help younger people from their own communities. Credible messengers are leaders in their neighborhoods who have shared experience with the justice system, often as returned citizens, and are youth advocates. In one evaluation of this mentoring model, participants were less likely to be reconvicted and reported a close and supportive relationship with their credible messenger mentors.⁷²

⁶⁹ "B-360: Youth and Young Adult Development Through Dirt Bike Culture."

⁷⁰ Hayek, "Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults," 13.

⁷¹ "Credible Messenger Justice Center."

⁷² Lynch et al, "Arches Transformative Mentoring Program: An Implementation and Impact Evaluation in New York City."

A core belief of the Credible Messengers movement is that “communities have within them transformative resources to lift up justice-involved people in a comprehensive and positive way.”⁷³ In their mentorship role, credible messengers may lead group discussions and help youth work through their own thoughts, attitudes, and behaviors that contributed to their system-involvement. Because credible messengers and youth have shared backgrounds, the mentorship relationship is rooted in a better understanding of youth experiences, greater trust and investment in a shared community, and increased engagement with local services and programs.⁷⁴

Credible messengers are the foundation for Youth Advocate Programs, Inc. (YAP), a national non-profit supporting system-involved youth in nearly 150 communities across 35 states and the District of Columbia. YAP Advocates are credible messengers that work with youth and their families to implement individualized interventions and meet any system obligations to avoid further system involvement.⁷⁵ An evaluation of YAP by the John Jay College of Criminal Justice found that YAP lowered the number of youth in secure confinement and increased the number of youth living in their community through reductions in recidivism. Moreover, the longer youth were involved in YAP, the more likely they were to be living in their community after leaving the program. Evidence also suggests that YAP is most effective with youth who are at greatest risk of being system-impacted, such as youth with prior out-of-home placements and/or a status offense, misdemeanor, or felony disposition.⁷⁶

Elevate Youth to Leadership Roles

Involving youth as leaders in community organizations and neighborhood improvement projects helps them develop positive identities and build positive peer support networks.⁷⁷ Youth who are put in leadership positions are more likely to stay engaged in pro-social community activities beyond the initial system mandate. For the best outcomes, **youth should be involved in decision-making processes related to juvenile justice and diversion initiatives.** A formalized way to do this is by allocating a number of seats on advisory boards for youth and by providing formal avenues for youth to build leadership skills.⁷⁸ Young people’s experiences and perspectives are vital for creating meaningful, youth-centered interventions as well as building their voices and leadership skills. Programs taking this approach can facilitate youth engagement and develop youth leadership abilities by providing stipends for supplemental, non-mandated activities that require youth to take on a leadership role.

YOUNG PEOPLE’S EXPERIENCES AND PERSPECTIVES ARE VITAL FOR CREATING MEANINGFUL, YOUTH-CENTERED INTERVENTIONS AS WELL AS BUILDING THEIR VOICES AND LEADERSHIP SKILLS.

The experience of youth in Kansas illustrates the importance of youth leadership. In 2016, Kansas Senate Bill 367 passed and was intended to reduce youth incarceration and reinvest in community-based alternatives. While some progress has been made to reduce youth incarceration through this bill, young people impacted by system involvement have not had a voice in determining how this reinvestment in their communities should happen. Additionally, youth of color in Kansas are still disproportionately impacted and overrepresented in terms of system involvement. Based in Kansas, the Progeny program, part of the youth leadership organization Destination Innovation, is a youth/adult partnership focused on reimagining the youth justice system and reinvesting in

⁷³ “Credible Messenger Justice Center.”

⁷⁴ “Credible Messenger Justice Center.”

⁷⁵ “Youth Advocate Programs, Inc.”

⁷⁶ Evans and Delgado, “YAP helps to keep youth out of secure facilities and living in their communities.”

⁷⁷ Violence Prevention Coalition Greater Los Angeles, LA For Youth, and Youth Justice Coalition, “Building a Positive Future for LA’s Youth: Re-Imagining Public Safety for the City of Los Angeles with an Investment in Youth Development”; Kroboth, Boparai, and Heller, “Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County”; Decker, “A Roadmap to the Ideal Juvenile Justice System”; LA County DYDD, “Designing Youth Diversion & Development in Los Angeles County.”

⁷⁸ Coalition for Juvenile Justice, “Youth Partnership: A Call to Action for State Advisory Groups.”

community-based alternatives. Progeny brings together youth who have been impacted by the juvenile legal system and offers them the space to create alternatives to incarceration, engage in restorative practices, and demand policy that better aligns with youth and their family.

In their *Invest Don't Arrest Kansas Campaign*, Progeny aims to stop the school-, foster care-, and victim-to-prison pipeline through their incorporation of young people as leaders in their organizing and development programming. Youth involved in Progeny have had the opportunity to train public defenders on how best to work with youth and participate in visioning sessions where they are free to share their experiences, what they and their communities need, and where reinvestment should be directed. In these visioning sessions, youth have shared that money should be invested in helping meet basic needs, including affordable housing, food, clothing, and healthcare as well as job opportunities and training; that they want positive and safe opportunities for growth in fun and healthy activities as well as opportunities for mentorship; their desire for quality education for themselves and their families, including parenting education, money management, health education, and social-emotional skill development; and their interest in helping system-involved youth, including improving the foster care system, decreasing the use of electronic monitoring and probation, and having more opportunities for restorative justice. Overall, Progeny believes that young people should be invested in and should be at the table making decisions about their futures.

Another organization working to elevate youth leadership is The Young Women's Freedom Center (YWFC), a California-based organization focusing on ending the criminalization and incarceration of young women and trans youth of all genders through organizing, advocacy, and policy work. Their work utilizes transformative justice processes and community-based alternatives to invest in young people, their families, and their communities. YWFC takes a holistic approach that meets young people where they are by providing support, mentorship, training, employment, and advocacy. Their mission is to build personal and collective power and leadership of young people who have been directly impacted and inspire them to create positive and lasting change in their lives and communities. In practice, they invest in young people by providing sacred space, access, and support for healing, transformation, and building confidence and agency. Young folks who have completed their program are up to 85% less likely to recidivate while 90% maintain employment and reach educational goals. Their advocacy and organizing work focus on investing in alternatives to youth incarceration, reducing the presence of probation and law enforcement in the lives of young people, diversion programming that is community-based and centers young people's self-determined goals, preventing separation and supporting reunification of families, and replacing existing systems, policies, and legislation to end incarceration and criminalization.

In sum, youth leadership and development must be central components of diversion programs. Diversion efforts can most successfully do this by providing youth with programming that encourages skill-building and independence, often with the support of mentoring relationships. Finally, elevating youth to leadership roles and involving them in the decision-making process is critical for creating effective diversion initiatives as well as for setting up youth to be leaders in their community.

ENGAGE FAMILIES OF SYSTEM-INVOLVED YOUTH

Institutional settings, whether state institutions or other forms of out-of-home placement, interrupt the relationship between youth and their families (understood as any people youth consider part of their family regardless of biological or legal relation).⁷⁹ Family members and other supportive adults exert a strong influence on a young person's behavior. Research suggests that involving family in the diversion process leads to better youth outcomes.⁸⁰

Include Families in Every Step of the Process

- Utilize a broad definition of family
- Encourage youth-family connections
- Empower families to participate in goal setting, determining a plan of action, and creating individual plans for youth
- Treat families as experts and meaningfully include them in decision making

Support and Invest in Families

- Provide support and services to caregivers and families as part of the diversion process
- Ensure affordable and quality housing, living wages, and food security through community and government agencies
- Work with community-based organizations that work directly with families
- Create dedicated full-time staff positions that engage directly with families

Include Families in Every Step of the Process

To best serve youth, **a broad definition of family should be utilized** by service providers and stakeholders. For many youths, families are chosen and include people who are not biologically or legally related to them. Adopting a broad definition of family increases the opportunity for supportive and caring adults to be involved in the diversion process. For example, the concept of a chosen family can be very helpful for LGBTQ youth who often face lack of support and rejection from their biological family. and youth well-being and inclusion. AHJN is an example of positive youth development that provides young people the opportunity for creative practices and a supportive community.⁸¹

Youth-family connections should be encouraged within diversion programming. Regular and meaningful connections between diverted youth and their families allows the people with the longest-standing commitment to youth well-being to be involved in supporting them. By supporting regular engagement between youth, their families, and their community, youth have more opportunities to participate in prosocial activities, build empathy, and strengthen social connections. In order for families to be meaningfully included, however, they need to have a clear understanding of the diversion process and diversion services. Families should have access to standardized materials explaining what to anticipate as they become involved in diversion. Once families are involved, their needs and concerns should be heard and taken into consideration throughout the process.

THERE IS A HIGHER LIKELIHOOD OF SUCCESSFUL OUTCOMES FOR THE DIVERTED YOUTH WHEN A FAMILY IS INVOLVED IN THE DECISION-MAKING PROCESS AND THE INTERVENTIONS REFLECT THE FAMILY MEMBER'S CONCERNS AND PRIORITIES.

⁷⁹ The Annie E. Casey Foundation, "Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative."

⁸⁰ Teigen, "Principles of Effective Juvenile Justice Policy," 201; The Annie E. Casey Foundation, "Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative."

⁸¹ Thomeer, Paine, and Bryant, "Lesbian, Gay, Bisexual, and Transgender Families and Health."

Families should be empowered to participate in goal setting, determining a plan of action, and creating individual plans for youths. Understanding families' perspectives, needs, and priorities includes service providers and diversion programmers adapting to meet families when and where it is most convenient and comfortable for them. This can include accommodating families' work commitments with regard to meeting times, providing appropriate language services, and working hard to maintain contact with families through multiple means.⁸² There is a higher likelihood of successful outcomes for the diverted youth when a family is involved in the decision-making process and the interventions reflect the family member's concerns and priorities.⁸³

On a more structural level, many decisions about what happens to system-involved youth are made by system actors. **Families should be treated as experts and should be meaningfully included in decision-making.** By treating families as experts, system and organizational actors acknowledge and honor the knowledge and commitment that families have to diverted youth. Including families in meaningful ways strengthens relationships between youth, their families, and the juvenile justice system. For example, families could be invited to serve on local advisory boards or to participate in system improvement processes.

Youth Advocate Programs, Inc. (YAP) is an example of centering families in support of system-impacted youth. YAP empowers families through co-designing an individualized strengths-based plan to keep youth in their homes and balance system mandates while ensuring that families have "voice and choice."⁸⁴ The assessment of needs, strengths, interests, and goals is conducted for the family as well as for the youth. Supportive networks of formal and informal supports based in the community are formed to engage the whole family, and opportunities for the family and the youth to give back to the community are identified with the support of YAP staff.

Support and Invest in Families

Caregivers and families of youth should receive support and services as part of the diversion process. Coaching parents and offering them education and support to build skills for raising their youth is an important element of diversion programming.⁸⁵ The goal is to empower parents to better understand their child, the child's behavior, and how to support the child's needs. Families should be offered counseling, peer support groups, and other proven interventions, such as the Strengthening Families Program curriculum, which can help strengthen and stabilize the family situation.⁸⁶ Offerings should allow families the flexibility to adopt what works best for their particular circumstances. These interventions, and family engagement overall, can help resolve familial conflict and strengthen the relationship between a youth and their family. Furthermore, efforts should be made to develop partnerships with organizations and government agencies that support adults, including job training, job placement in high-wage industries, housing support, and legal advocacy. **Communities and government agencies should ensure affordable and quality housing, living wages, and food security** as the absence of these basic needs negatively impact youth and their family, and increase the likelihood of system involvement.

⁸² Mendel, "Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice"; Decker, "A Roadmap to the Ideal Juvenile Justice System."

⁸³ Decker, "A Roadmap to the Ideal Juvenile Justice System"; The Annie E. Casey Foundation, "Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative."

⁸⁴ Youth Advocate Programs, "What We Do: Direct Services."

⁸⁵ Development Services Group, Inc, "Diversion from Formal Juvenile Court Processing."

⁸⁶ Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations."

⁸⁷ The Annie E. Casey Foundation, "Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative"; Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations."

⁸⁸ Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations."

People and agencies developing diversion initiatives should also **work with community-based organizations that work directly with families**. In order to ensure that family members are brought into the process, systems and community-based organizations should **create dedicated full-time staff positions that engage directly with families**. People in these positions can help build and sustain family support networks and act as advocates for families.⁸⁷ Furthermore, creating more paid positions in a community helps build capacity and investment in communities. The South Bronx Community Connections program, for example, provided stipends to family members who volunteered for activities such as outreach, event support, and public speaking.⁸⁸ This helped build family members' leadership skills and involvement. Parent leaders were later hired by the New York City Department of Probation to serve as Parent Peer Coaches and went on to support other families involved in the juvenile justice system.

In sum, families know youth the best and can play a critical role in a young person's success in diversion. For this reason, families should be included in goal setting and decision making throughout the entire process. Diversion initiatives should also provide support and services, such as counseling, skill-building, and employment resources, to families themselves so that they are better suited to support their young person.



TRACK, ANALYZE, AND REPORT DATA

Community-led diversion initiatives should track, analyze, and report data related to the process and impact of their programming. Such data collection and analysis provide feedback that can help improve programs and can also be crucial in applying for additional funding opportunities.

Engage in Participatory Research with Community

- Involve community members and youth as much as possible in data collection and analysis

Conduct Process and Outcome Evaluations

- Conduct regular process and outcome evaluations of diversion initiatives
- Develop program logic models, establish protocol for data collection and reporting, and set goals related to key indicators
- Look beyond traditional measures of diversion

Collect Data on Indicators of Inequality

- Commit to collecting and using data that are explicit about race, ethnicity, gender, and other indicators of inequality
- Attend to racial and ethnic equity through robust data and evaluation practices

Engage in Participatory Research with Community

Data collection and analysis should involve community members and youth as much as possible. This leads to better data since it incorporates local knowledge into the research process, thus validating information gathered about the community's needs and experiences. It furthermore helps build community capacity, expands career preparation, and gives community members and youth more ownership over the results and how they are used. Partnering with local universities to train youth and community members to collect and analyze data is one way to further empower different community stakeholders to support this work.

One component of the Young Women's Freedom Center (YWFC) is the Freedom Research Institute, which uses participatory, community-driven research to collect and analyze data to tell community members' own stories, become experts in the field of justice reform, and identity and promote their own solutions.⁸⁹ Through the Freedom Research Institute, YWFC provides opportunities and training in research to young people who have been system-impacted. This is a model of research known as youth participatory action research. The research institute relies on a collaborative model of research and flips the traditional power dynamics that are so often present in research and the process of knowledge production on and about system-impacted youth and communities. By giving those most impacted by these systems the platform, opportunity, and training to produce knowledge, they help shift the narrative about who can be considered an expert and voice of influence. YWFC has published reports on such topics as the joys and challenges of young motherhood;⁹⁰ the experiences of system-impacted cis and trans young women, trans young men, and gender-expansive youth in San Francisco;⁹¹ and how women, girls, and trans/gender non-conforming folks navigate multiple government systems including healthcare, housing, the legal system, and the job market.⁹² As leaders in the field, YWFC embodies a commitment to transformation by building capacity, leadership, and power in communities and with directly impacted youth.

⁸⁹ Young Women's Freedom Center, "Freedom Research Institute."

⁹⁰ Roman and Victor, "When Young Moms Thrive: Reimagining Child Care, Community, and Young Motherhood."

⁹¹ Melendrez, "Through Their Eyes: Stories of Reflection, Resistance, and Resilience on Juvenile Incarceration from San Francisco Cis and Trans Young Women & Girls, Trans Young Men and Boys and Gender Expansive Youth."

⁹² Melendrez and Young Women's Freedom Center, "A Radical Model for Decriminalization: Centering the Lives of San Francisco System-Involved Women and TGNC People: A Participatory and Decolonizing Model."

⁹³ Serrano et al., "Towards Community Rooted Research and Praxis."

PARTNERING WITH LOCAL UNIVERSITIES TO TRAIN YOUTH AND COMMUNITY MEMBERS TO COLLECT AND ANALYZE DATA IS ONE WAY TO FURTHER EMPOWER DIFFERENT COMMUNITY STAKEHOLDERS TO SUPPORT THIS WORK

Another example of youth involvement in data collection and analysis is the Brothers, Sons, Selves (BSS) Safety and Youth Justice Project, a youth participatory action research project in South Central Los Angeles.⁹³ BSS included youth in creating research questions, collecting and analyzing data, and reporting findings that supported policy recommendations to reduce youth system involvement, expand career preparation, improve mental health services, and create youth decision-making bodies. This required access to resources such as university research skills, tools, and funding.

Conduct Process and Outcome Evaluations

Conducting regular process and outcome evaluations of diversion initiatives can ensure the programs are being successfully implemented as planned and provide feedback on adjustments that can be made. Evaluations support tracking important information such as who participates, rates of completion, feelings of satisfaction, and future system involvement. Tracking and reporting data back to stakeholders also builds confidence, and therefore trust, in diversion initiatives. This includes being transparent with data and working with community partners on data collection and monitoring processes.⁹⁴ For example, the Los Angeles County's Division of Youth Diversion and Development publishes public data dashboards on diversion outcomes such as referrals to diversion and care plan goals (e.g., school-related, mental health, conflict resolution).⁹⁵

Process and impact evaluations can help ensure that target populations are reached and diversion is used appropriately and equitably with positive outcomes such as reduced recidivism. As part of the evaluation process, **programs should develop program logic models, establish protocols for data collection and reporting, and set goals related to key indicators** that will illustrate outcomes and impact.⁹⁶ Data should also be used to strategize changes to programming, understand emerging needs and challenges, and be as accessible as possible to all stakeholders. For example, the South Bronx Community Connections community-led diversion program was developed with the aid of a rigorous evaluation conducted by the John Jay College of Community Justice.⁹⁷ In preparing the evaluation, the program developed a theory of change, a logic model, and an online database that would provide the data for the process and outcomes evaluations.

The best community-led diversion initiatives will also **look beyond traditional measures of diversion** such as recidivism rates by including broader individual and community development outcomes and success stories. For example, Community Works West's pre-charge Restorative Community Conferencing program in Alameda County,

PROCESS AND IMPACT EVALUATIONS CAN HELP ENSURE THAT TARGET POPULATIONS ARE REACHED AND DIVERSION IS USED APPROPRIATELY AND EQUITABLY WITH POSITIVE OUTCOMES SUCH AS REDUCED RECIDIVISM.

⁹⁴ Taylor et al., "LA County Department of Youth Development - Diversion Program Process and Implementation Evaluation."

⁹⁵ W. Haywood Burns Institute, "Los Angeles County: Youth Justice Reimagined. Recommendations of the Los Angeles County Youth Justice Working Group."

⁹⁶ Farrell, Betsinger, and Hammond, "Best Practices in Youth Diversion: Literature Review for the Baltimore City Youth Diversion Committee"; Models for Change Juvenile Diversion Workgroup, "Juvenile Diversion Guidebook"; Center for Children's Law and Policy, "Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation"; Teigen, "Principles of Effective Juvenile Justice Policy."

⁹⁷ Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations."

California reported sizable reductions in recidivism *as well as* high rates of satisfaction including 91 percent of persons harmed and 94.9 percent of responsible youth.⁹⁸ Moreover, the program combines data on recidivism and participant satisfaction with stories from youth and people harmed. This approach to data collection and reporting is important for capturing the broad impacts of community-led diversion and can be very effective at getting buy-in and maintaining support for juvenile diversion.

Stories of a successful restorative process or the testimony of a youth leader can be incredibly powerful alongside indicators such as crime and recidivism rates. Qualitative data such as narratives, interviews, or observations should be valued alongside quantitative measures, since both types of data capture meaningful yet distinct experiences and outcomes. Whether qualitative or quantitative, a broad range of indicators can be used to determine the success of community-led diversion. These might include individual youth successes such as schooling completed, skill development, or work attained, as well as community-level successes such as increase in community safety or wellbeing. Youth and other community stakeholders should work together to determine and define indicators of successful diversion in their community. External evaluators and funding agencies should honor and respect these community-defined indicators of success in their assessments of programmatic impact.

Collect Data on Indicators of Inequality

Organizations and stakeholders involved in diversion should **commit to collecting and using data that are explicit about race, ethnicity, gender, and other indicators of inequality** in the juvenile justice system. Data should be disaggregated at each decision-making point in the juvenile justice system to identify where inequalities are produced and perpetuated. This data can help illuminate and address inequities, address potential causes for those disparities, and offer avenues for improving equity in diversion and the justice system more broadly.

DATA SHOULD BE DISAGGREGATED AT EACH DECISION-MAKING POINT IN THE JUVENILE JUSTICE SYSTEM TO IDENTIFY WHERE INEQUALITIES ARE PRODUCED AND PERPETUATED.

Data collection and evaluation are especially important for improving racial equity in diversion programs. **Robust data and evaluation practices that attend to racial and ethnic equity are critical** for making sure that diversion programs do not simply perpetuate the already widespread racial disparities and injustices in the criminal legal system.⁹⁹ Data collection, analysis, and reporting is important at all stages of diversion programming, from initial development to continuous quality improvement. This prioritization of data collection and evaluation of programming can help determine the impact and outcomes of the program, both intentional and unintentional, as well as opportunities for improvement or changes. It is also critical for avoiding net widening, which is the involvement of youth in diversion programs who would otherwise not have been subject to sanctions in the absence of diversion programs.

Human Impact Partners and the Los Angeles County Office of Youth Diversion and Development developed an evaluation framework for specifically assessing and preventing racial inequities in a pre-booking diversion initiative

⁹⁸ baliga, Henry, and Valentine, "Restorative Community Conferencing."

⁹⁹ Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County"; The Annie E. Casey Foundation, "Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative"; Center for Children's Law and Policy, "Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation"; Decker, "A Roadmap to the Ideal Juvenile Justice System"; Mears et al., "Juvenile Court and Contemporary Diversion."

¹⁰⁰ Kroboth, Boparai, and Heller, "Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County."

in Los Angeles County.¹⁰⁰ This evaluation framework is guided by six critical values which include racial equity and justice, youth leadership, trauma- and healing-informed lens, developmental lens, health instead of punishment, and system-focused action. The evaluation framework assesses the different points of interaction with youth, key metrics for understanding racial equity at those different touchpoints, and potential data sources to get that information.

Overall, community-led diversion benefits greatly from regular practices of tracking, analyzing, and reporting data on the process and impact of its efforts. Ideally, research should be structurally built into diversion initiatives through dedicated positions and processes that can conduct process and impact evaluations, as well as collect data on indicators of inequality. Furthermore, participatory research with community members will lead to better understanding of the data while also building community capacity and leadership in the process.



APPENDIX A: BEST PRACTICES IN JUVENILE DIVERSION

The above framework for community-led diversion focused on the connection between community and diversion. As a result, there are many aspects of diversion that were not covered or were only dealt with indirectly. However, developing community-led diversion programs requires understanding diversion, more generally, and the best practices in juvenile diversion apart from the specifics of community engagement. This appendix is meant to help readers gain a broader understanding of diversion that can compliment the development of community-led diversion programs.

Diversion programs serve a variety of purposes – avoiding stigma, encouraging positive youth development, lowering legal system costs – and include a wide variety of processes that aim to minimize youth involvement in the juvenile justice system. There are many guides and best practices frameworks for developing effective diversion programs, but few national standards.¹⁰¹ Diversion as part of the formal or informal processing of youth limits or avoids altogether adversarial processes that can unfold during formal proceedings.¹⁰²

In general, informal processing of youth leads to significantly better outcomes in comparison to formal processing. Research illustrates that youth who have been formally processed are more likely to be re-arrested, incarcerated, and engage in violence.¹⁰³ They are also less likely to graduate high school and they tend to have lower perceptions of opportunities than youth who have been informally processed.

Diversion may include programs that are an alternative to the filing of a court petition and that refer the child to counseling or other social services as opposed to out-of-home placement or other system involvement.¹⁰⁴ Diversion can also occur after a petition is filed, also known as deferred adjudication.¹⁰⁵ Informal processing occurs when a family member, school figure, police officer, prosecutor, or probation officer determines that the youth should be diverted, thereby avoiding the filing of a petition with the court, also known as pre-file diversion.¹⁰⁶

One model of informal processing is civil citation, which empowers police to exercise discretion to dismiss or divert youth, often contingent upon the youth admitting guilt.^{107, 108} With informal processing, there is thus no record of adjudication. However, if a youth does not meet the conditions of the diversion, a case that was informally processed may result in formal processing and adjudication.¹⁰⁹ There are, therefore, many diversion points across the juvenile justice system, including pathways back into the system if conditions for successful completion of a diversion program are not met by the youth.

¹⁰¹ Farn, "Improving Outcomes for Justice-Involved Youth through Evidence-Based Decision-Making and Diversion"; Models for Change Juvenile Diversion Workgroup, "Juvenile Diversion Guidebook"; Seroczynski et al., "Reading for Life and Adolescent Re-Arrest."

¹⁰² Mears et al., "Juvenile Court and Contemporary Diversion."

¹⁰³ Cauffman et al., "Crossroads in Juvenile Justice."

¹⁰⁴ Sliva and Plassmeyer, "Effects of Restorative Justice Pre-File Diversion Legislation on Juvenile Filing Rates."

¹⁰⁵ Augustine et al., "The Impact of Felony Diversion in San Francisco"; Bryan, "Diversion in the Juvenile Justice System."

¹⁰⁶ Augustine et al., "The Impact of Felony Diversion in San Francisco"; Sliva and Plassmeyer, "Effects of Restorative Justice Pre-File Diversion Legislation on Juvenile Filing Rates."

¹⁰⁷ Mears et al., "Juvenile Court and Contemporary Diversion"; Nadel et al., "Civil Citation."

¹⁰⁸ Even a youth's lack of interaction with the justice system might be considered a form of diversion. If, for example, youth engage in delinquent behavior where police are absent because of decisions to not police a particular community as much as another or to not place police officers in a school reducing the chance that delinquency will be criminalized, then the delinquent youth are effectively diverted from the juvenile justice system (Annie E. Casey Foundation 2020).

¹⁰⁹ Sliva and Plassmeyer, "Effects of Restorative Justice Pre-File Diversion Legislation on Juvenile Filing Rates."

Youth diversion is a juvenile justice intervention. There are two main components of a juvenile justice intervention.¹¹⁰ The first is a supervisory component that consists of some structure for monitoring or controlling youth behavior, such as probation. Probation is the most common disposition of juvenile cases.¹¹¹ Probation can take on a support role, placing strong emphasis on individualized services and case management. Probation officers, who often take on the role of case manager, ideally receive training related to brain development, trauma, moral decision-making, and impulsivity. Probation officers have a unique role with systems-involved youth because they often serve as a mentor, surrogate parent, or life coach. Ideally, probation officers get to know youth well and guide them toward success. Supervision can, however, create conditions for diverted youth to be re-involved in the formal juvenile legal system. Youth who violate probation requirements, such as failing a drug test or missing school, may find themselves placed in a more adversarial process and even face confinement, even if they have not broken any laws.¹¹²

The second main component of a juvenile justice intervention is treatment that supports positive behavioral changes including activities and/or services such as counseling, mentoring, or restorative justice. Mental health care is especially common since the majority of justice-involved youth are determined to have mental health needs and mental health diversion programs tend to reduce recidivism.¹¹³ While treatment under supervision is typical, it is also possible to divert youth to treatment without a supervisory component or any risk of reinvolvement in the juvenile justice system.

One tool that systems can use when making decisions about diversion is a disposition matrix. Disposition matrices are structured decision-making tools that can be developed for specific juvenile justice systems in order to determine the level of supervision and services that will lead to the best outcomes for youth. A disposition matrix should be developed with input from all relevant stakeholders in order to receive the full benefit of its use in practice.¹¹⁴ This means that disposition matrices are not one-size-fits all but rather unique to the specific community that they are used in. For instance, communities should help determine whether a youth qualifies for civil citation rather than arrest, diversion to probation, behavioral support services, and so on.

Ideally, diversion programs and processes are designed to meet the needs of the specific community, and they should connect youth with a broader range of community resources. Youth may be diverted to community-based programs for services or to fulfill diversion requirements.¹¹⁵ For this reason, there is a wide range of what diversion can actually look like between communities. A key goal and benefit of successful diversion programs is that they help “[maintain] youth connectedness and engagement in the community by keeping the youth in their environment.”¹¹⁶ By diverting youth away from institutional settings and towards community-based settings, there is less risk of the stigma and impact of system involvement.¹¹⁷

Best practices in juvenile diversion will incorporate both structured approaches and flexible design to meet the needs of specific communities. The following best practices for youth diversion should be considered when developing, planning, or evaluating a diversion program.

¹¹⁰ Lipsey et al., “Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice.”

¹¹¹ The Annie E. Casey Foundation, “Leading with Race to Reimagine Youth Justice: JDAI’s Deep-End Initiative.”

¹¹² The Annie E. Casey Foundation.

¹¹³ Applegarth, Jones, and Holliday, “Promising Services for Justice-Involved Youth”; Bryan, “Diversion in the Juvenile Justice System.”

¹¹⁴ Lipsey et al., “Juvenile Justice System Improvement: Implementing an Evidence-Based Decision-Making Platform.”

¹¹⁵ Bryan, “Diversion in the Juvenile Justice System.”

¹¹⁶ Youth.gov, “Diversion Programs.”

¹¹⁷ Development Services Group, Inc, “Diversion from Formal Juvenile Court Processing.”

Use structured decision-making tools and protocol to guide decisions about sanctions or discharge from supervision. A disposition matrix is a tool that can be developed locally and used for structured decision making.¹¹⁸ For example, the St. Louis City Family Court uses a dispositional matrix that combines the severity of the offense and risk to the community to make diversion decisions about formal supervision, probation, and confinement. According to the Annie E. Casey Foundation, the data-driven tool reduced placements by more than 70 percent.¹¹⁹

Only divert youth who would have otherwise received a more severe sanction to avoid net widening. Diversion involving supervision or treatment should be reserved for youth facing more severe sanctions such as arrest or detention. Diversion should not be used for youth who would not be subject to formal sanctions if diversion programs had not existed. Focusing diversion on youth who would otherwise not receive a sanction is known as net widening.¹²⁰

Use written diversion agreements. Program objectives, expectations, and conditions should be explicitly articulated in written agreement between youth, family, and diversion programs. The agreements can outline the details of the program plan, including the timeline for completion, both the rewards for completion and graduated sanctions if the objectives are not met, and verification that youth and their family have the right to refuse diversion.¹²¹

Provide timely referrals. The faster a youth is diverted, the sooner they can begin receiving necessary services and support.¹²²

Provide judges with treatment plans prior to adjudication. When cases come before a judge, providing the judge with an informed treatment plan prior to adjudication increases the use of alternative sanctions.¹²³

Provide predictable daily or weekly routines. Predictable routines increase the chances that youth or their families will participate in support programs and meet expectations or obligations.¹²⁴

Set clear goals and expectations. Setting clear goals and expectations for youth and their families will increase the chances that they will meet expectations and obligations.

Create an action plan. A clear plan of action for youth and their families helps ensure that they meet expectations and obligations.

Prepare a crisis plan. Having a plan with stability measures in the event that there are conflicts or crises can help ensure that single events do not lead to cascading problems.¹²⁵

¹¹⁸ Lipsey et al., "Juvenile Justice System Improvement: Implementing an Evidence-Based Decision-Making Platform."

¹¹⁹ The Annie E. Casey Foundation, "Leading with Race to Reimagine Youth Justice: JDAI's Deep-End Initiative."

¹²⁰ Nadel et al., "Civil Citation."

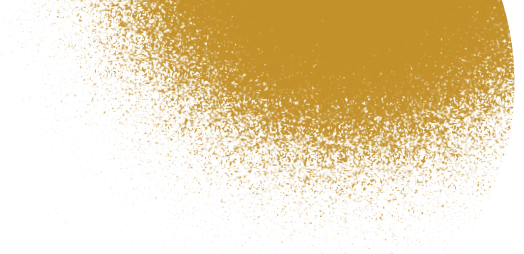
¹²¹ Farrell, Betsinger, and Hammond, "Best Practices in Youth Diversion: Literature Review for the Baltimore City Youth Diversion Committee"; Models for Change Juvenile Diversion Workgroup, "Juvenile Diversion Guidebook"; Center for Children's Law and Policy, "Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation."

¹²² Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations."

¹²³ Applegarth, Jones, and Holliday, "Promising Services for Justice-Involved Youth."

¹²⁴ Decker, "A Roadmap to the Ideal Juvenile Justice System."

¹²⁵ Decker.



Where capacity for restorative justice is limited, use randomized selection for diversion to restorative justice programs. Randomization when appropriate helps make the process more equitable by reducing the potential for discrimination in the diversion process.¹²⁶

Reduce the length of probation or court supervision for non-serious offenders. Lengthy supervisory periods increase the chances a youth will violate the conditions for supervision, which increases justice involvement and may lead to out-of-home placement.

Use graduated sanctions to encourage compliance with supervision conditions when a youth fails to meet those conditions. To be effective, graduated responses should be certain, immediate, proportionate, fair, and tailored to the individual youth.¹²⁷

Engage youth quickly and intensively following arrest. Rapid and repeated contact supports participation in diversion programming.¹²⁸

Provide individual case planning. Individual case planning is necessary for identifying appropriate supports and services based on the youth's particular strengths and available supports and opportunities in the community.

¹²⁶ Fair and Just Prosecution, "Building Community Trust: Restorative Justice Strategies, Principles and Promising Practices." For example, the San Francisco District Attorney has used randomized computer selection to choose which cases are sent to a restorative justice diversion program based on existing capacity.

¹²⁷ Center for Children's Law and Policy, "Graduated Responses Toolkit: New Resources and Insights to Help Youth Succeed on Probation."

¹²⁸ Community Connections for Youth, "South Bronx Community Connections: An Innovative Approach to Diverting Youth from Juvenile Justice Involvement Using a Positive Youth Development Framework Built on the Strengths of Grassroots Faith and Neighborhood Organizations." The Community Connections for Youth's South Bronx Community Connections program found that multiple contacts during the first month of engagement after arrest lowered the likelihood of future involvement in the justice system.

APPENDIX B: HISTORICAL AND SOCIAL CONTEXT

The principles and strategies for community-led diversion detailed in this report are grounded in a set of guiding values and a robust research literature on their effectiveness. There is also a broader historical and social context that underlies the urgent need for community leadership. This appendix is meant to provide additional background for readers who might be unfamiliar and that can be used in support of community-led diversion.

Juvenile court was founded on the basis of protecting youth from adult court and advancing the “best interests” of youth in addition to punishing them.¹²⁹ The language of juvenile court – “adjudication” and “disposition” as opposed to “conviction” and “sentencing” – and its emphasis on social welfare over adversarial processes for determining guilt reflects a focus on the responsible youth rather than on the offense.¹³⁰ This is due to the special status of youth in American jurisprudence, which holds juveniles less responsible and culpable for their actions, on the one hand, and more capable of rehabilitation, on the other.¹³¹

Within the context of youth’s special status in the legal system, the process of diverting youth from the juvenile legal system was given federal backing in the 1960s. This decision was based on the premise that reducing exposure to formal delinquency proceedings would limit the stigma attached to youth facing delinquency cases.¹³² In 1967, the President’s Commission on Law Enforcement and Administration of Justice encouraged the development of juvenile diversion programs on the basis that processing a youth in court would do more harm than good.¹³³

Yet trends in juvenile justice beginning in the 1970s were a stark departure from the ideal of the state as a stern but benevolent surrogate-parent steering young people away from the legal system toward productive lives. The number of incarcerated youths rose by 45 percent between 1975 and 1995. During this time, more retributive approaches such as trying youth as young as 13 years old as adults, isolating youth in custody, and tranquilizing youth to control behavior spread.¹³⁴ The idea of a growing population of juvenile super predators buttressed this punitive turn despite the fact that only about six percent of juvenile arrests were for violent crimes during this period.¹³⁵ Federal, state, and city resources were directed toward more police in poor neighborhoods and heightened school security, which further criminalized youth in these communities.¹³⁶

Not all trends during this period were punitive. In North America, restorative justice emerged from informal justice experiments during the 1970s as a response to the retributive character of the justice system.¹³⁷ Restorative justice is “a process whereby parties with a stake in a specific offense collectively resolve how to deal with the aftermath of the offense and its implications for the future.”¹³⁸ Victim-offender mediation, a form of restorative justice, was

¹²⁹ Mears et al., “Juvenile Court and Contemporary Diversion,” 955–56.

¹³⁰ Mears et al., 955–56.

¹³¹ Gonzalez, “The State of Restorative Justice in American Criminal Law”; Suzuki and Wood, “Is Restorative Justice Conferencing Appropriate for Youth Offenders?”

¹³² Mears et al., “Juvenile Court and Contemporary Diversion.”

¹³³ Seroczynski et al., “Reading for Life and Adolescent Re-Arrest.”

¹³⁴ Weissman, Ananthakrishnan, and Schiraldi, “Moving Beyond Youth Prisons: Lessons from New York City’s Implementation of Close to Home.”

¹³⁵ Rovner, “Youth Justice By The Numbers.”

¹³⁶ Sharkey, Torrats-Espinosa, and Takyar, “Community and the Crime Decline.”

¹³⁷ Dzur, “Restorative Justice and Civic Accountability for Punishment.”

¹³⁸ Marshall, “Restorative Justice,” 5.

formally introduced to the criminal justice system in Ontario, Canada in 1974 and was later replicated in Elkhart, Indiana.¹³⁹ Because youth are considered less culpable, there has been a legislative preference for adopting restorative justice laws for juveniles as opposed to adults, though both populations have increasingly had the option to participate in restorative programs.¹⁴⁰

Despite the growth of restorative practices, the dramatic increase in incarceration along with increasingly punitive juvenile justice legislation, harsh treatment of incarcerated youth, and the failure of a massive wave of “juvenile super predators”¹⁴¹ (a racist trope aimed at predominantly Black youth) to materialize, encouraged resistance and reform.¹⁴² These reform efforts have been bolstered by our continually improving knowledge of adolescent brain development and research on juvenile behavior, the positive effects of rehabilitative treatment and social supports, and the negative impacts of system involvement, particularly incarceration.¹⁴³ The understanding that minor delinquency is developmentally normal for youth, youth are most likely to grow out of behavior that can lead to system involvement without risk to the community, and desistance from crime is a fundamental aspect of the transition to adulthood has become increasingly commonplace.^{144,145}

Between 2000 and 2020, the one-day count of youth held in juvenile legal system facilities fell by 77 percent from 108,800 on a typical day to 25,000.¹⁴⁶ Likewise, from 2005 to 2020, there has been a 68 percent decline in detention admissions, an 80 percent decline between 1999 and 2020 of youth committed for delinquency offenses, and an 80 percent decline in arrests since 1996.

Since the mid-2000s, diversion has become prominent in juvenile justice reform efforts, though with widely varying approaches and standards.¹⁴⁷ Over 30 states have laws providing for diversion or have codified diversion policies.¹⁴⁸ The Annie E. Casey Foundation reports that the Juvenile Detention Alternatives Initiative’s (JDAI) reform strategies have been adopted by over 300 jurisdictions around the country affecting roughly 10 million youth.¹⁴⁹ According to the Casey Foundation, jurisdictions that reported following JDAI strategies reduced days of juvenile detention by 1.4 million in 2016 compared to pre-JDAI reforms. They also reported a nearly 60 percent reduction in youth being committed to state custody in JDAI sites and a 50 percent reduction in the daily population in detention facilities in both rural and urban jurisdictions across all regions of the country.¹⁵⁰ Along with reductions in detention, JDAI sites reported large reductions in juvenile crime. Finally, there is substantial evidence that diversion reduces recidivism.¹⁵¹

¹³⁹ Hansen and Umbreit, “Regenerative Justice, beyond Restoring,” 100.

¹⁴⁰ Gonzalez, “The State of Restorative Justice in American Criminal Law”; Suzuki and Wood, “Is Restorative Justice Conferencing Appropriate for Youth Offenders?”

¹⁴¹ Bogert and Hancock, “Superpredator.”

¹⁴² Lipsey et al., “Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice”; Weissman, Ananthakrishnan, and Schiraldi, “Moving Beyond Youth Prisons: Lessons from New York City’s Implementation of Close to Home.”

¹⁴³ Lipsey et al., “Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice”; Walker and Herting, “The Impact of Pretrial Juvenile Detention on 12-Month Recidivism”; Weissman, Ananthakrishnan, and Schiraldi, “Moving Beyond Youth Prisons: Lessons from New York City’s Implementation of Close to Home.”

¹⁴⁴ The Annie E. Casey Foundation, “Leading with Race to Reimagine Youth Justice: JDAI’s Deep-End Initiative.”

¹⁴⁵ Hitlin and Kramer, “Intentions and Institutions.” The decision to desist is, in part, a result of negative consequences as well as internal motivation, cognitive changes, the social monitoring of behavior, and perceived social support. These suggest a holistic, community-based process that supports the developmentally typical life course trajectory away from delinquency by boosting youths’ self-esteem and sense of self-worth and their awareness of the moral implications of their behavior. The perceived legitimacy of the justice system by system-involved youth is also an important driver of desistance, which may be increased by diversion away from punitive processes.

¹⁴⁶ Rovner, “Youth Justice By The Numbers.”

¹⁴⁷ Seroczynski et al., “Reading for Life and Adolescent Re-Arrest.”

¹⁴⁸ Bryan, “Diversion in the Juvenile Justice System.”

¹⁴⁹ The Annie E. Casey Foundation, “Timely Justice: Improving JDAI Results Through Case Processing Reforms”; The Annie E. Casey Foundation, “Leading with Race to Reimagine Youth Justice: JDAI’s Deep-End Initiative.”

¹⁵⁰ The Annie E. Casey Foundation, “Leading with Race to Reimagine Youth Justice: JDAI’s Deep-End Initiative.”

¹⁵¹ Applegarth, Jones, and Holliday, “Promising Services for Justice-Involved Youth.”

Incarceration, by contrast, increases the chances that youth will continue to engage in delinquency, even when they are incarcerated for a very limited duration. For instance, a recent study of pretrial detention found that pretrial detention increased the likelihood of recidivism among first time and limited repeat offenders, with only slightly higher likelihood as length of incarceration went up.¹⁵² There is an urgent need for meaningful change due to mounting evidence of harms from system involvement on school attainment, employment, and mental health along with the lasting stigma from a criminal record.¹⁵³ Moreover, the cost of incarcerating a young person is many times greater than diverting them. According to a report by the National Conference of State Legislatures, incarcerating a young person costs an average of \$588 per day compared to \$75 per day for diversion.¹⁵⁴

The growth of diversion has coincided with an increase in rehabilitative efforts and social supports evident in the spread of specialized courts like youth, drug, and mental health courts that focus on youths' needs and other forms of behavioral and social supports.¹⁵⁵ Risk and needs assessment tools are also increasingly used to guide decisions by using information about youth to determine their risk of reoffending or continued delinquency and identifying factors that could reduce that risk through appropriate supervision and intervention.¹⁵⁶ However, critics have pointed to potential harms in framing youth as risks to communities. Trauma-informed approaches that recognize the signs and symptoms of trauma and try to avoid retraumatizing both clients seeking services and staff who provide those services have also become widely adopted as research increasingly supports their use.

Diversion is often led by state agencies such as schools, police departments, district attorney offices, and courts. However, there has been expanded use of community-based programs who provide a constellation of services and restorative approaches as part of their diversion efforts.¹⁵⁷ The growing number of community-based organizations supporting youth since the 1990s, driven initially by federal funding for community organizations after years of cutbacks, has made community involvement more practicable.¹⁵⁸ Nearly three-quarters of youth-serving programs that were surveyed by the National District Attorneys Association are engaged with local communities that provide clinical or other intervention services, facilitate community service requirements, or conduct oversight through a community advisory group, or some combination of these approaches. Among surveyed programs, community engagement is associated with more opportunities for diversion throughout the juvenile justice system, more opportunities for behavioral change, more interaction with victims, and better outcomes such as reduced incarceration. As the evidence grows, it increasingly supports the demand for greater community involvement in developing and maintaining diversion programs.

Community-based approaches to supporting system-impacted youth have developed and spread more widely in recent decades. For example, Multisystemic Therapy (MST) reflects the recognition that emotional and behavioral problems are largely social-ecological in nature.¹⁵⁹ MST emphasizes the importance of family for supporting youths' well-being and the need to treat youth at home and in the community rather than in out-of-home placements. MST supports caregivers and builds their capacity to care for youth and collaborate with others who are part of youths' social environment. Treating youths in community means involving peers; engaging school and other community members to define and support treatment aims; structuring treatment to conform to families' needs and schedules; and having the capacity to respond to unanticipated crises, which requires small caseloads for multi-therapist teams. Treating youth at home and in the community helps to keep them involved in treatment. MST is an

¹⁵² Walker and Herting, "The Impact of Pretrial Juvenile Detention on 12-Month Recidivism."

¹⁵³ Aizer and Doyle, "Juvenile Incarceration, Human Capital, and Future Crime"; Fritzon et al., "Understanding the Relationships between Trauma and Criminogenic Risk Using the Risk-Need-Responsivity Model"; Hansen and Umbreit, "Regenerative Justice, beyond Restoring"; Mueller-Smith and Schnepel, "Diversion in the Criminal Justice System"; Eren and Mocan, "Juvenile Punishment, High School Graduation, and Adult Crime."

¹⁵⁴ Bryan, "Diversion in the Juvenile Justice System."


¹⁵⁵ Lipsey et al., "Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice."

¹⁵⁶ Decker, "A Roadmap to the Ideal Juvenile Justice System."

¹⁵⁷ Weissman, Ananthkrishnan, and Schiraldi, "Moving Beyond Youth Prisons: Lessons from New York City's Implementation of Close to Home."

¹⁵⁸ Sharkey, Torrats-Espinosa, and Takyar, "Community and the Crime Decline."

¹⁵⁹ Henggeler, "Efficacy Studies to Large-Scale Transport."



effective treatment for youth with serious antisocial behaviors and has been shown to reduce recidivism and incarceration, particularly when there is high-fidelity to treatment processes. Today, there are hundreds of MST programs, indicating a growing recognition of the importance of community engagement in supporting system-involved youth.

Despite decades of reform and falling arrests and rates of incarceration, there are serious challenges to further reductions in youth system involvement. For one, maintaining progress has proven difficult and in some cases there has been significant backsliding following gains in diversion. The Annie E. Casey Foundation found that some Juvenile Detention Alternatives Initiative (JDAI) sites increased the number of youth in detention after years of declines largely by increasing length of stay.¹⁶⁰ In other words, by keeping youth in detention for longer periods of time, the number of youth in detention gradually increases despite fewer youth being incarcerated. Moreover, although there have been significant declines in youth incarceration, the likelihood of confinement remains high since much of the decline has been due to falling youth crime rates. According to the Casey Foundation, the likelihood of confinement was nearly as high in 2017 as 2015 for a young person who was found to have committed a crime. Nearly 70,000 youth were placed in juvenile facilities in 2017.

Persistent racial and ethnic disparities in the juvenile justice system are another major challenge for ongoing efforts to create a more just system. Youth of color are over-represented at every level of system involvement. Nationally, Black youth are over four times more likely and Tribal youth over three times more likely to be in custody than white youth.¹⁶¹ White youth are also nearly 30 percent more likely to have their cases diverted than Black youth.¹⁶² The disproportionate impact on youth of color increases as you move toward the “deep end” of the juvenile justice system that includes court ordered residential institutions as well as transfers to the adult system. Black youth are 50 percent more likely to be detained than white youth if they are referred to juvenile court and 58 percent more likely to be committed when they have been adjudicated delinquent.¹⁶³ White youth, by contrast, are more likely to receive probation or other sanctions that do not involve incarceration.

Many efforts to reduce disparities have generated little progress even as overall numbers of youth of color in detention have fallen at roughly similar rates to white youth. While more recent efforts have targeted racial and ethnic disparities with some success, there needs to be greater attention to what does and does not work. Understanding these disparities – which youth are disproportionately impacted – is key to building partnerships with communities that are most impacted by unnecessary exposure to the juvenile justice system.

Diversion, behavioral and social support, and restorative justice led by communities and driven by a strong evidentiary basis are the foundation for a more just juvenile justice system. Justice depends on institutional conditions that support individual capacities and collective communication and cooperation.¹⁶⁴ These outcomes are rarely achieved through adversarial processes, which instead lead to disparate outcomes.¹⁶⁵ Community-engaged diversion can succeed in many different types of communities – wealthy and poor, urban and rural, predominantly white and predominantly youth of color – with careful planning and flexible implementation. Shifting the landscape and framework of juvenile justice towards community-led diversion requires an understanding of these historical systems, legacies, and processes that have taken power away from communities.

¹⁶⁰ The Annie E. Casey Foundation, “Timely Justice: Improving JDAI Results Through Case Processing Reforms.”

¹⁶¹ The Annie E. Casey Foundation, “Leading with Race to Reimagine Youth Justice: JDAI’s Deep-End Initiative”; Rovner, “Youth Justice By The Numbers.”

¹⁶² Rovner, “Youth Justice By The Numbers.”

¹⁶³ Rovner.

¹⁶⁴ Gonzalez, “The Legalization of Restorative Justice: A Fifty-State Empirical Analysis.”

¹⁶⁵ Schiff and Hooker, “Neither Boat nor Barbeque.”

APPENDIX C: BUILDING A NEW PARADIGM IN YOUTH JUSTICE

On June 5th, 2023, the Applied Research Center for Civility (ARCC), a joint effort of the National Conflict Resolution Center (NCRC) and the University of California San Diego (UCSD), organized a one-day conference in San Diego, California to discuss the future of community-led juvenile diversion around the country. Support from the Annie E. Casey Foundation and the UCSD Division of Extended Studies helped bring dozens of people from around the country working for youth justice to participate in wide-ranging conversations about how to increase the leadership of communities in diverting young people away from the juvenile legal system.

The conference theme, Community-Led Juvenile Diversion: Building a New Paradigm in Youth Justice, focused attention on the role of communities in shaping juvenile diversion programs and the importance of partnerships between juvenile legal systems and the communities they impact.

Nate Balis, Director of the Juvenile Justice Strategy Group at the Annie E. Casey Foundation, gave a keynote address. Three speaker panels throughout the day gave a diverse group of system and community organization leaders an opportunity to reflect on their experience working in and with community members, youth, and their families to reduce youth interactions with the juvenile legal system. The first panel featured representatives of the juvenile legal system (listed alphabetically):

- Angela Albertus, Program Director, Juvenile Justice, National District Attorney's Association
- Terry Fawcett, MSE, Probation Director, Pine County, MN
- Judge Carlyn McGee Hicks, County Court Judge District 1, Hinds County, MS
- Scott MacDonald, former Chief Probation Officer, Santa Cruz County, CA
- Abdul Malik, CBI Citywide Director, New York City Department of Probation

The second panel brought together leaders of organizations working with communities and juvenile legal systems (listed alphabetically):

- Julia Arroyo, Executive Director, Young Women's Freedom Center, CA
- Marquette Atkins-Woods, Founder and Executive Director, Destination Innovation, Inc., Wichita, KS
- Elida Ledesma, Executive Director, Arts for Healing and Justice Network, Long Beach, CA
- Jaquita Monroe, Senior Associate, Annie E. Casey Foundation
- Brittany Young, Founder and CEO, B-360, Baltimore, MD

And the third panel included key figures involved in the San Diego District Attorney's Juvenile Diversion Initiative (listed alphabetically):

- Breea Buskey, MS, Program Manager, Alternative Juvenile Justice, National Conflict Resolution Center
- Sunny Chang, Youth Program Manager, Outdoor Outreach, San Diego, CA
- Steven P. Dinkin, President, National Conflict Resolution Center
- Monica Felix, LCSW, Supervisor of Behavioral Health Programs, Rady Children's Hospital, San Diego, CA
- Lisa Weinreb Delgadillo, Esq., Chief of the Juvenile Branch of the San Diego District Attorney's Office, Deputy District Attorney

The panels were followed by a breakout session that gave attendees an opportunity to share ideas about the future of community-led diversion in the United States. In addition, attendees submitted questions and comments online throughout the day. Conference attendees came from a wide range of backgrounds and included community-based organization leaders and staff, government staff, justice system employees (e.g., judges, probation officers, prosecutors), mentors, activists, foundation staff, community or family members, school or university faculty and staff, formerly justice involved people, social services staff, and youth.

BELOW, WE DESCRIBE THE MAJOR THEMES AND IDEAS THAT EMERGED OVER THE COURSE OF THE DAY.

Key Takeaways

Diversion

Diversion is a partnership between the juvenile legal system, such as prosecutors, and communities that requires trust and shared responsibility for youths' wellbeing.

Partnerships can help communities understand what juvenile legal system representatives (e.g., prosecutors, judges) want to see from young people and the organizations that support them.

Diversion should be culturally relevant. Youth and community voices should be included in planning for diversion programs.

Diversion should be broad and far reaching. Diversion programs can and should include life skills, mentorship, work, and job readiness.

Diversion should focus on families. Families are dealing with a wide range of issues and need access to services.

Accountability is important to diversion, both for youth and for the adults who create the conditions that youth have to navigate, but metrics need to be different than punitive measures.

The aim should be pre-arrest diversion, prevention, and, ideally, an end to the need for diversion in any form.

The Juvenile Legal System

Diversion saves the juvenile legal system resources.

Community-led diversion has to be embedded in the culture of juvenile legal systems in order for it to persist through changes in leadership or the political context. Community-led diversion programs cannot be tethered to individuals who believe in them but may eventually leave or be removed from their positions.

Legislation that supports community-led diversion can be more resistant to changing political environments.

The juvenile legal system needs to be structured in a way that allows figures like probation officers to spend more time with youth to do more impactful work, for example by limiting caseloads.

Need to reform juvenile legal systems to end more punitive processes such as mandatory minimum sentences where they exist.

Resources can be shifted away from probation toward the community.

Need to prioritize policies for sharing data between organizations and system partners.

Need to collect data on racial disparities in juvenile justice and use legislation to mandate data collection, if necessary.

Youth, Family, and Community

Community partners can help overcome resistance to diversion through engaging with people who are directly impacted. They can help shift the culture in the community to match the work being done with youth.

Allow young people to be young people but also teach them how to advocate and share their voice.

It is important to distinguish between service providers and the community.

Communities are powerful and resilient, including young people.

Mentorship and coaching are passed on from generation to generation and need to be cultivated.

Safe houses that are available 24 hours a day, 7 days a week can support youth who need a safe place to go outside of regular diversion programming.

Community-Based Organizations

Training and help should be available to community-based organizations to submit applications for funding and other opportunities available through public or private organizations.

Community-based organizations need help speaking the language of the juvenile legal system and funding sources.

Community-based organizations should be able to hire young people to work with the community. They have to provide alternatives to criminalized behavior that many young people engage in to survive.

Networking organizations can increase the capacity of organizations to support youth and work with juvenile legal systems. Coordinating organizations can connect youth to services and facilitate funding through sub-awards to community-based organizations working directly with youth.

Getting recognition for a community-based organization from other prominent organizations like a research university or large foundation can help maintain support from system leaders when system leadership changes.

Memoranda of understanding between community-based organizations and juvenile legal systems can ensure ongoing support when system leadership changes.

Getting Buy-In

We need to share more stories of success in juvenile diversion and challenge the equation of justice with punishment. At the same time, youth should not have to share their trauma to get support.

Advocates for community-led diversion need to educate resistant stakeholders about the process as well as critical issues like adolescent brain development.

Building trust between communities and juvenile legal systems is an ongoing process and requires constant engagement with stakeholders and community partners.

Prevention

Supporting diverted youth can have positive multi-generational effects as positive outcomes are passed on to their children as they age into parenthood.

Prevention efforts typically do not have enough resources even though we know how to identify youth at risk of system involvement. Funding and policy changes should focus on prevention.

Ensuring people have resources like housing and healthcare can prevent system involvement.

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