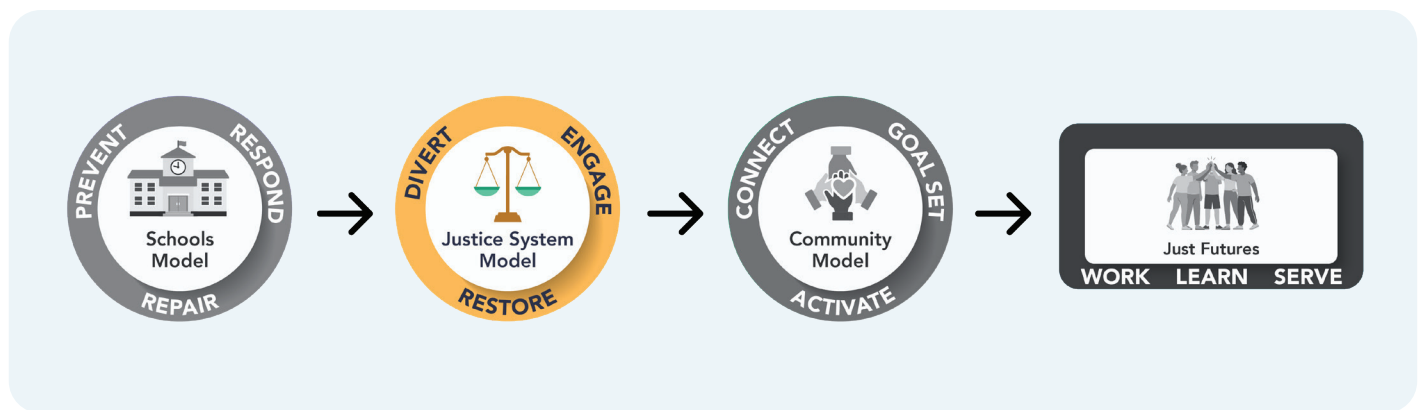


Divert, Engage, Restore: A Model for the Justice System



When a young person enters the criminal legal system, the **Justice System Model: Divert, Engage, Restore** reduces the likelihood of future encounters and the long-term harm of exposure by diverting eligible youth from formal justice-system involvement, engaging them in individualized community-based supports, and restoring harm through restorative practices. The Justice System Model is designed to address the circumstances and factors that contributed to a youth's referral while strengthening protective factors and supporting the needs of people who have been harmed. The aim is to hold youth accountable in ways that help them grow, build stronger connections to their families and communities, avoid deeper involvement in the criminal legal system, and restore people and communities.

Since 2021, NCRC has collaborated with the San Diego County District Attorney's (SDCDA) Office through the Juvenile Diversion Initiative (JDI). JDI is an early intervention diversion program run by the SDCDA. Incorporating restorative justice principles, the goal of the program is to keep youth out of the criminal justice system while addressing the circumstances, needs, and underlying factors that contributed to their referral. Instead of filing criminal charges against youth who commit misdemeanors and many felony offenses, youth have the option to participate in the JDI program with their family or caregiver. Lasting up to six months, youth are provided with "therapeutic services, pro-social skill-building opportunities, education support, as well as restorative justice community conferencing to ensure participants are supported, and the needs of victims are addressed." Youth participation is voluntary, and if they complete the program, they have the option to seal their arrest records. SDCDA **collaborated** with the National Conflict Resolution Center to facilitate the process of engaging diverted youth and supporting them through the program.

¹ Examples of offenses that may be eligible for JDI include certain forms of burglary, theft, vandalism, and vehicle theft, which may be charged as felonies depending on the circumstances. Certain serious or violent felony offenses are not eligible for JDI, including offenses listed under California Welfare and Institutions § Code 707(b), felony sex offenses, human trafficking offenses, and other felonies determined to pose a serious risk to public safety.

² <https://ncrconline.com/mediation-conflict-resolution/community-services-san-diego/restorative-practices/district-attorney-juvenile-diversion-initiative/>

Justice System Model: Divert, Engage, Restore



The Justice System Model is built on diverting youth from the criminal legal system, engaging youth through supportive activities, and restoring the harm done to individuals and communities. The aim of the justice system model is to lower the risk of long-term harms from system impact and reduce the likelihood of recidivism. While diversion can happen along a spectrum from less to more formal, this model involves an intermediary organization that can receive diverted youth through a formal diversion process. The intermediary organization can assess risk and needs and develop a plan to ensure diverted youth meet the expectations of their diversion and have their cases closed without further justice system interaction. The formal diversion process is limited in duration to avoid over-exposure to and involvement in a diversion program.

Engagement addresses the risk factors and needs of diverted youth. This can involve mental health and substance use services, education advocacy, and pro-social activities. Engaging youth through these supports increases belonging and resilience and reduces the likelihood of future justice system involvement. By engaging youth around their risk factors and needs, the justice system model aims to address the underlying causes of justice system involvement.

Restoring justice is critical for accountability and repairing harm for individuals and communities. Persons harmed or surrogates are invited to participate in a restorative practice such as a restorative conference with the diverted youth. Persons harmed should never be required to participate in a restorative practice, and in some cases there will not be a person harmed or a surrogate who agrees to participate. Nevertheless, restorative justice is a necessary part of the justice system model.

DIVERT

NCRC receives referrals from the SDCDA and assigns case managers to each youth. Case managers then contact the youth and their families to discuss JDI and gauge their interest in participating. From July 2, 2021, to May 31, 2026, 2589 cases have been referred to NCRC from SDCDA. Of these, 2070 (80%) agreed to participate in JDI. As of October 31, 2023, the majority of youth referred to JDI were Hispanic and male, and the most common offense was battery.³

ENGAGE

Helping youth successfully close their cases means engaging them in ways that address their needs. Engagement requires planning and coordination, collaboration with community partners that can provide the necessary services, and working with schools to ensure youth can get or stay on track.

RESTORE

Because JDI is a pre-file diversion program grounded in restorative justice principles, the program considers the needs of the person harmed alongside those of the youth referred to diversion. In the words of an NCRC employee, "restorative justice is really just as much for the person harmed as the youth that caused the harm." NCRC has a dedicated Victim Outreach Coordinator to reach out to the person harmed early in the JDI process to explain the program, ask about any out-of-pocket expenses resulting from the incident, and gauge their interest in participating in a restorative justice conference. In a JDI case where the person harmed is a juvenile, they can also receive services based on mini-case plans, if they wish to do so, including pro-social or wellness activities, counseling, and educational support.

³ SANDAG Criminal Justice Research Division. 2024. San Diego County District Attorney Juvenile Diversion Initiative Annual Report 2023. <https://www.sandag.org/-/media/SANDAG/Documents/PDF/data-and-research/criminal-justice-and-public-safety/evaluation-services/juveniles/jdi-annual-report-2023.pdf>. The 2023 data in the SANDAG report is the most recent demographic and offense data that CR+E had access to for this evaluation.

Integrate, Collaborate, Lead

A multi-institutional framework with distinct but overlapping models of youth engagement requires different approaches to partnerships between an organization like NCRC and the institutions it supports. A community-based organization will take on different roles and develop different relationships as they work across schools, the justice system, and the community. Integrating, collaborating, and leading are ways of engaging that show up in each of the models. However, each represents a dominant mode of engaging with a particular model.

Community-based organizations that serve as intermediaries between the justice system and support services, families, and people harmed will collaborate with these different stakeholders. Rather than introducing programming to another setting, intermediary organizations work with them to meet their requirements or access their services. When working with the justice system, an intermediary organization will have to shape its programming to help youth satisfy the conditions imposed on them by the justice system. Collaboration with the justice system means not only adapting to the justice system but also helping the justice system understand how best to support diverted youth, hold them accountable, and restore harm. An intermediary organization must collaborate with community organizations to incorporate their expertise and resources into the diversion program and ensure they fulfill the program's aims.

