

Pre-Arrest Diversion for Juveniles – The Right Choice

Executive Summary

There is growing awareness at the state, national and now international level, that pre-arrest diversion, also known as deflection or civil citation, is a valuable tool to address non-violent juvenile criminal activity and the factors that contribute to juvenile crime. Pre-arrest diversion is the practice by which law enforcement officers connect individuals, who otherwise would have been eligible for criminal charges, to community-based treatment and/or services in lieu of arrest, thereby diverting them from the justice system into the community.¹ In this process, an assessment is a critical component to surface contributing factors, such as mental health and substance use, that need to be addressed as part of a whole person response.

The value of these programs to the juvenile, their family, and the community has been comprehensively researched and documented. Research studies have revealed a reduction in juvenile crime, a reduction in recidivism, an increase in community safety, and an effective way to ensure equal justice across all segments of the community. These programs also reduce the collateral consequences of an arrest for minor offenses that often limit the future opportunities for the youth and restrict their ability to develop into productive and self-sufficient adults.² Cost studies have clearly documented a significant savings in taxpayer expense when pre-arrest diversion programs are implemented.

Juvenile pre-arrest diversion programs have over a twenty-year history of implementation and success. The robust history of successful implementation and strong research validation to the effectiveness of this model raises the question of why this effective strategy is not available to juveniles in every jurisdiction across the country.

Background and Benefits

Since the 1990's, the nation has shifted from an incarceration-heavy approach towards juvenile offenders to one that tries to keep them out of the criminal justice system.³ Research indicates that by diverting low-risk youth early in the juvenile justice process, for instance at the initial

¹ NORC at the University of Chicago, Center for Health and Justice at TASC and Bureau of Justice Administration. *Report of the National Survey to Assess First Responder Deflection Programs in Response to the Opioid Crisis*. (2021)

² Moise, Simonsen, Kearl. Fines & Fees Justice Center.

State Strategies to Address the Needs of Criminal Justice-Involved Youth Impacted by Collateral Consequences. (Feb 2023)

³ National Juvenile Justice Network. *Reducing Youth Arrests: Prevention and Pre-Arrest Diversion*. (2019)

http://www.njjn.org/uploads/digital-library/Reducing%20Youth%20Arrests%20Prevention%20and%20Pre-Arrest%20Diversion%20Jan%202020_1.pdf

Hyden and Greenhut. R Street, How Juvenile Justice “Deflection” Programs Reduce Crime and Save Money. (Sept 2022)

point of contact with law enforcement, is better at reducing recidivism than formal court proceedings.⁴ Such an approach reduces the taxpayer burden of paying for court costs, law enforcement time handling juvenile cases, and juvenile justice system processing. This refined approach relies heavily on assessing needs, linking youth with community services, and holding the youth accountable for their behavior by employing education, sanctions, restorative justice, community service and similar interventions. This approach provides for linkage to needed mental health and substance use intervention or treatment services when appropriate and facilitates connections to other community services when warranted. Research has shown that pre-arrest diversion programs for juveniles yield positive results in terms of public safety and fiscal policy.

The benefits and value of pre-arrest diversion to juveniles, their families, and the community are well documented. This approach creates a new and more effective pathway of intervention to address the complex issue of juvenile crime. This comprehensive community approach is available to all juveniles and their families, no matter the geographic location within the jurisdiction.

Early identification and intervention with the juvenile creates a pathway for positive behavior change before a serious pattern of problem behavior is established. An effective pre-arrest diversion program utilizes evidence-based tools and strategies that have proven effective with juveniles. A formal structured program also provides the best opportunity to ensure equal justice is applied to all participants regardless of gender, race, ethnicity, or income. This approach also reduces the collateral consequences of an arrest on the juvenile which may include limiting access to education, the workplace, housing, and other future life opportunities.

In addition, these programs serve the best interests of the community, individual and taxpayers. Pre-arrest diversion and deflection programs have the added benefits of:

- Breaking the costly cycle of justice system involvement for eligible individuals;
- Increasing cross-sector collaboration to create new pathways to community-based behavioral health services;
- Enhancing relations between community members and law enforcement;
- Decreasing crime, incarceration, and recidivism rates;
- Lessening the burden on the justice systems;
- Improving public health and safety;
- Reducing the burden on individuals who commit non-violent, low-level offenses;
- Saving taxpayer dollars⁵

⁴ National Juvenile Justice Network, (2019) *Reducing Youth Arrests: Prevention and Pre-Arrest Diversion*. p. 11, [https://www.njjn.org/uploads/digital-library/Reducing Youth Arrests](https://www.njjn.org/uploads/digital-library/Reducing%20Youth%20Arrests);
Smith, Christi M. R Street Policy Study- *When Arrests Isn't Best: Creating A Culture of Police-Led, Pre-Arrest Diversion*. R Street Shorts, No. 118, (September 2022) www.rstreet.org

⁵ Police, Treatment and Community Collaborative. (PTACC). PTACC One-Pager. (2023) PTACCollaborative.org

The National Governors Association in 2023 published a report encouraging states to develop non-punitive, trauma-informed approach that is supported by key stakeholders as the key to reducing collateral consequences for justice-involved youth.⁶ Pre-arrest diversion for juveniles fulfills that mandate.

How Juvenile Pre-Arrest Diversion Works

When implemented properly, juvenile deflection strategies for low-risk offenders can achieve a balance of public safety and utilization of public resources given that they can reduce crime, offer second chances and limit expenditures on public safety.⁷ In 2019, the Office of Juvenile Justice and Delinquency Prevention estimated that 700,000 juvenile arrests are made each year, with only a fraction (44,000 or 18%) involving serious violent crime such as murder, robbery, and aggravated assault. Many of these offenses are minor violations which can introduce juveniles to the criminal justice system and a life-long cycle of crime and punishment that can be difficult to escape.⁸

Pre-arrest juvenile diversion programs offer a uniquely different approach. The process of juvenile pre-arrest diversion is not complex and often begins with the local or state juvenile justice authority being willing to try this new approach to traditional processing. This approach must include engagement with law enforcement, the justice system, and community service partners who offer needed social services and treatment options that are identified in the assessment process.

A well-thought-out program design ensures that continuous updates and program feedback are put in place to ensure continued support from law enforcement and community policy makers.

A comprehensive program design addresses the following:

- Creation of a community advisory group that includes key justice system partners
- Selection of community group/provider to serve as program administrator
- Determine list of offenses eligible for a pre-arrest diversion
- Selection and implementation of a validated assessment tool
- Development of policy and procedures and an operations manual that establish timeframes for action, intervention pathways, forms, data to be collected, equity of

⁶ National Governors Association. *State Strategies to Address the Needs of Justice-Involved Youth Impacted by Collateral Consequences*. (2023) <https://www.nga.org/publications/state-strategies-to-address-the-needs-of-justice-involved-youth-impacted-by-collateral-consequences/>

⁷ Hyden and Greenhut; R Street. *How Juvenile Justice “Deflection” Programs Reduce Crime and Save Money*. (Sept 2022)

⁸ Office of Juvenile Justice and Delinquency Prevention. *Estimated Number of Juvenile Arrests*. (2019) <https://www.ojjdp.gov/ojstatbb/crime/qa05101.asp>; Hyden and Greenhut; R Street. *How Juvenile Justice “Deflection” Programs Reduce Crime and Save Money*. (Sept 2022)

implementation, accountability for each step of the intervention, and procedures to follow when a youth chooses to disengage from the program or commits a new offense

- Intervention options for the youth that may include community service, restorative justice, educational webinars/classes on issues such as anger management, and linkage to mental health and substance use disorder treatment when indicated in the assessment
- How staff, law enforcement, and providers will be trained and regularly updated on program refinements
- Establishment of an ongoing advisory board of key partners that will meet at least quarterly to review procedures, address implementation issues that surface, and utilize program data and evaluation results to modify and enhance the program design
- Establishing procedures on how the community at-large will be informed about the value of pre-arrest diversion for juveniles and the positive results to the community
- Evaluating and documenting the cost-savings of this approach.

A key component when creating an effective pre-arrest diversion program is to develop, implement, and utilize a data collection system that assures quality program data is generated. Data can be collected on performance, processes, utilization, fidelity to the program model, and outcomes and used for a wide variety of purposes from analyzing participant characteristics to determining whether program goals are being met. Such data can also be used to guard against unintended consequences such as “net-widening.”⁹

Evaluation and Outcomes

Research consistently has revealed that community-based interventions are more effective and less costly than more traditional juvenile justice system processing that includes detention, probation and residential care and custody. In a meta-analysis of studies looking at the effects of police-initiated diversion programs to prevent delinquency, overall findings indicated that diversion was associated with lower rates of recidivism and future delinquent behavior.¹⁰

Data shows that states that have increased the number of youths in juvenile facilities have not necessarily experienced a decrease in crime during the same time. In contrast, community-based programs conducted outside the juvenile justice system have been shown to reduce reoffending by 22 percent.¹¹ Throughout the country reductions in the use of incarceration and out-of-home placement have resulted in better outcomes, both in public safety and behavior

⁹ Seacrest, Logan. R Street. *Policy Study Data-Driven Deflection: A Systems Approach to Reducing Juvenile Arrests*. No. 290. p. 10. (June 2023) www.RStreet.org

¹⁰ Wilson, D.B., et al. *Police-Initiated Diversion for Youth to Prevent Delinquent Behavior: A Systematic Review*. (2019) <https://crimesolutions.ojp.gov/ratedpractices/86>

¹¹ Petteruti, Walsh, Velazquez. *Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*. (May 2009)

change with juvenile offenders. This result is contingent on adequate and effective community-based services and supports to serve young people and families in contact with the juvenile justice system.

In Iowa, pre-charge diversion programs provide a standardized structure to keep low-risk youth out of the juvenile justice system. A key component is to ensure these youth have equal access to the benefits of diversion. Youth in pre-charge diversion had lower recidivism (11.4%) compared to youth served by Juvenile Court Services (29.5%).¹²

In Miami-Dade County, Florida, the average cost for a youth in a civil citation program was \$1,351 to a high of \$3,561 for post-arrest diversion services. The average cost per youth in the civil citation program is lower than the cost of other diversion programs because for these youth, justice staff do not have to perform internal processes that a formal arrest requires such as booking. An evaluation study revealed that the financial impact on the local justice community because of this program was a net annual savings of \$20.3 million, and juvenile arrests would only have declined by seven percent over the period rather than 41 percent.¹³

Florida is one of a number of states where statewide implementation of juvenile pre-arrest diversion programs, known in Florida as Civil Citation, has been successful. Florida Statute (F.S. 985.12) authorizes judicial circuits to establish juvenile civil citation and other similar prearrest diversion programs. Presently there is statewide coverage with a program in all 67 counties. The Florida Department of Juvenile Justice outlines the advantage of said program:

- Keeps youth that pose little threat to public safety out of the system
- Reduces cost of processing youth for misdemeanors
- Frees up resources to focus on more serious and violent offenses
- Serves equitable percentages of eligible minority youth

The Department reports civil citation is more cost-effective than formally processing a youth in the court and juvenile justice system and offers youth an opportunity to receive sanctions, treatment, and to make reparations without receiving a delinquency record that may interfere with educational, work, and military service opportunities for many years into the future. The extremely low recidivism rate (4%) for youth who participate in civil citation is an important indicator of the remarkable success of this approach.¹⁴

¹² Iowa Department of Human Rights. *Pre-Charge Diversion Statewide Results FY 2015-2022*. (2023) humanrights.iowa.gov/cjjp/pre-charge-diversion

¹³ Miami Dade. (n.d.) *Juvenile Services Department Cost Analysis*. <https://www.miamidade.gov/juvenileservices/library/JSD-Cost-Analysis-Final-Report.pdf>

¹⁴ Florida Department of Juvenile Justice. *Civil Citation and Other Alternatives to Arrest FL Department of Juvenile Justice*. (2021-2022)

Resources

The Civil Citation Network (CCN) is the nationally recognized leadership group promoting the implementation and evaluation of juvenile (and adult) pre-arrest diversion/deflection programs. The CCN website (www.civilcitationnetwork.com) contains a wide variety of materials including: model programs for juvenile and adult pre-arrest diversion, valuable resources and tools that guide communities on how to implement pre-arrest diversion programs, examples of forms and procedures, maps of national, international and Florida-based initiatives, and a large collection of research and informational articles on the value, policy benefits, and cost savings of this approach.

The Civil Citation Network also offers consultation to jurisdictions that want to explore or implement juvenile or adult pre-arrest diversion programs. The CCN is actively engaged in efforts to link program evaluation initiatives through the establishment of a data collaborative that will generate additional data on program effectiveness, value to communities and taxpayers, and the impact on recidivism. For more information or to contact the Civil Citation Network, email CCN at info@CivilCitation.com.

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