DIVERSION and JUVENILE JUSTICE

States lead on juvenile justice reform

NFWL 2019 Annual Conference
San Antonio, Texas
November 18, 2019
Pew and PSPP

The Pew Charitable Trusts is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public, and stimulate civic life.

Pew’s public safety performance project (pspp) works with states to advance data-driven, research-informed, fiscally sound policies and practices in the criminal and juvenile justice systems.
Backdrop: Less crime, less commitment

National juvenile commitment rate and violent crime rate declines, 1997-2015

Note: Violent crime arrests include those for murder, robbery, and aggravated assault

Backdrop: Less crime, less commitment
Research: Support for a developmental approach

National Academy of Sciences
Reforming Juvenile Justice: A Developmental Approach

“In general, multifaceted community-based interventions show greater reductions in rearrests than institutional programs.”

* * *

“There is no convincing evidence … that confinement of juvenile offenders beyond the minimum amount needed for [providing sufficiently intense services], either in adult prisons or juvenile correctional institutions, appreciably reduces the likelihood of subsequent offending.”
Motivation: Variation among states
Motivation: Racial and ethnic disparities

Relative commitment rates by race/ethnicity, 1997-2015

- Black
- Hispanic
- American Indian
- White
- Asian

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pewtrusts.org
Motivation: Opportunities denied

- Employment
- Education
- Military Enlistment
- License to Drive
- Firearm Possession
- Family Relationships
- Housing
- Credit
- Public Benefits
- Adoption
- Registry restrictions
- Immigration
## Utah Findings: Diversion v. Prosecution

Recidivism lower for youth diverted on first charge of misdemeanor, status

<table>
<thead>
<tr>
<th>Year</th>
<th>% First Intake Resulting in a Nonjudicial - New Charge within 3 Years</th>
<th>% First Intake Resulting in a Petition - New Charge within 3 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>40%</td>
<td>49%</td>
</tr>
<tr>
<td>2009</td>
<td>39%</td>
<td>49%</td>
</tr>
<tr>
<td>2010</td>
<td>36%</td>
<td>51%</td>
</tr>
<tr>
<td>2011</td>
<td>36%</td>
<td>49%</td>
</tr>
<tr>
<td>2012</td>
<td>36%</td>
<td>48%</td>
</tr>
</tbody>
</table>

*Source: pewtrusts.org*
### Utah findings: Youth removed from home

**Most youth in state custody not there for felonies**

<table>
<thead>
<tr>
<th>Offense on JJS Community Placement disposition</th>
<th>Offense on JJS Secure Placement disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Felony</td>
<td>- Felony</td>
</tr>
<tr>
<td>- Misdemeanor</td>
<td>- Misdemeanor</td>
</tr>
<tr>
<td>- Status/Infraction</td>
<td>- Status/Infraction</td>
</tr>
<tr>
<td>- Contempt</td>
<td>- Contempt</td>
</tr>
</tbody>
</table>

- **Offense on JJS Community Placement disposition**
  - Felony: 36%
  - Misdemeanor: 24%
  - Status/Infraction: 4%
  - Contempt: 2%

- **Offense on JJS Secure Placement disposition**
  - Felony: 19%
  - Misdemeanor: 29%
  - Status/Infraction: 2%
  - Contempt: 50%
Utah findings: Racial and ethnic disparities

Racial, ethnic disparities grew at deeper levels of system involvement

![Bar chart showing racial and ethnic disparities in various youth populations and dispositions in Utah in 2015.](chart.png)

- **Utah Youth Population 2015**
- **New Intakes 2015**
- **Probation Dispositions 2015**
- **JJS Community Placement Dispositions 2015**
- **JJS Secure Care Dispositions 2015**
- **DCFS Placement**

**Legend:**
- Blue: White Non-Hispanic
- Green: Hispanic
- Cyan: Black/African American non-Hispanic
- Other: Other Race/Ethnicity

Source: pewtrusts.org
Utah Solutions: H.B. 239
Diversion expansion central to Utah’s 2017 data-driven juvenile justice reform bill

- Limit secure detention use
- Standardize and expand diversion
- Augment responses to non-compliance
- Restrict probation length
- Narrow placement eligibility
- Strengthen supervision and treatment
- Keep low-level school offenses out of court
- Heighten oversight
- Reduce time in placement
- Expand restorative justice
- Revise transfer to adult system
- Reinvest in community and EBPs

Utah Solutions: H.B. 239
Diversion expansion central to Utah’s 2017 data-driven juvenile justice reform bill
Utah Results: Diversion doubles
Diversion from formal court proceedings rose after HB 239

Proportion of juvenile intakes diverted from formal court proceedings, 2015-18

- 28% in 2015
- 17% in 2016
- 22% in 2017
- 55% in 2018

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State legislators embrace juvenile diversion

- Mandating diversion
  - Promoting mandatory or presumptive deflection and diversion for certain offenses (KS, UT, SD, KY, HI)

- Shifting jurisdiction
  - Removing certain offenses from court jurisdiction and making them non-arrestable (UT)
  - Implementing the use of civil citations for certain behaviors (FL, SD)

- Redirecting system resources
  - Creating incentive funds (SD)
  - Reinvesting savings from placement reductions (KS, UT)

- Protecting confidentiality
  - Restricting use of information shared as part of the diversion process (TN, UT)

- Promoting collaborative stakeholder models
  - Creating multidisciplinary teams to collaborate on response to youth behavior (KY, KS)
  - Requiring development of school-justice partnerships to reduce flow of school-based behaviors to law enforcement and courts (GA, KS)