



# Juvenile Diversion Guide

Holding Youth Accountable while Reducing Juvenile Justice System Involvement in California

## Acknowledgements

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## Introduction

Juvenile diversion programs offer youth the opportunity to avoid involvement in the juvenile justice system and the negative associated impacts. This Juvenile Diversion Guide highlights **research** on juvenile diversion, descriptions of **six key elements** of diversion programs, discussion of **ten types** of diversion programs, and **three case studies** of local partnerships in Fresno, Los Angeles, and Napa Counties that are diverting youth away from the justice system.

## The Risks of Juvenile Justice Involvement

Youth in the juvenile justice system have high rates of poor outcomes in re-offending, high school graduation, employment, and more.<sup>1</sup> For many youth, keeping them from entering the juvenile justice system in the first place, or advancing deeper within the system once involved, can be more effective for youth outcomes and less costly to local and state governments than processing youth through the court and placing them in secure facilities or out-of-home placements such as foster care or congregate care. Research shows that juvenile justice system involvement could actually do “more harm than good” for youth who are at low-risk for re-offending.<sup>2</sup>

Involvement in the juvenile justice system can leave lasting impressions on youth, especially those who have never crossed into the delinquency system before. First-time offenders with few risk factors generally can be better served by keeping them out of congregate care settings and away from youth who have committed more serious or frequent crimes so that they do

not learn and become influenced by more problematic behaviors and become typecast as delinquents.<sup>3</sup>

Justice system involvement, even just being arrested, has significant impact on a youth’s education and future. One study found that a “first-time arrest during high school nearly doubles the odds of high school dropout, while a court appearance nearly quadruples the odds of dropout.”<sup>4</sup> Further, one natural experiment, reviewing incarceration tendencies of randomly-assigned judges, showed that youth in custody later dropped out of school more often and committed more adult crimes than those not in custody, even after taking into account youth characteristics and the type of offense.<sup>5</sup>

## Juvenile Diversion as an Alternative

Juvenile diversion programs offer a valuable alternative. Diversion to effective local youth programs can more effectively reduce the rate of re-offending for many youth. A recent meta-analysis of diversion research found that youth traditionally processed through the juvenile justice system are one-third more likely to re-offend than diverted youth who received diversion programming.<sup>6</sup> One study in Florida found that low-risk youth who were diverted had less risk of recidivism than similar youth placed on probation or in confinement.<sup>7</sup> Other studies have proven that participation in rigorous family-coaching programs—which can be part of a diversion program or a condition of probation—rather than out-of-home placements can cut re-offending in half or more.<sup>8</sup>

Many of the youth that police have contact with are not repeat or serious offenders, and those that are should be handled appropriately. Yet many youth engage in less serious crimes—and may be acting out due to a recent acute trauma, dealing with serious mental health issues or a developmental disorder, or going too far in teenage risk-taking. Addressing the needs of these youth is critical to their success and often does not need to be accomplished through the traditional justice system where the court determines whether charges are true and then decides a disposition, but rather can be accomplished through juvenile diversion programs. These critical interventions can be provided by police officers, probation officers, the district attorney, and the court, at different points in the justice process, often in coordination with community-based organizations.

## **Juvenile Diversion Also Can Save Money**

Diversion programs also can be cost-effective by keeping youth out of the more expensive juvenile justice system. The Washington State Institute for Public Policy found that one high-quality diversion program produced a net savings of over \$10,000 per youth served, although cost-effectiveness varied among other diversion programs.<sup>9</sup>

## **Legal Basis for Juvenile Diversion**

The California Welfare and Institutions Code (WIC) lays the legal groundwork for juvenile diversions at many points of contact in the justice system. WIC 626 allows for

diversions by law enforcement officers and says that, when contact is made, a youth may be (a) released or (b) referred to counseling or diversion services and ends by stating, “In determining which disposition to make, the officer shall prefer the alternative which least restricts the youth’s freedom of movement, provided that alternative is compatible with the best interests of the youth and public safety.”<sup>10</sup>

Two other sections of WIC allow for diversions by probation stating, “probation departments may engage in activities designed to prevent juvenile delinquency” (WIC 236)<sup>11</sup> and “in lieu of filing a petition,” provide an informal form of supervision limited to six months to “adjust the situation that brings the minor within the jurisdiction of the court” (WIC 654).<sup>12</sup> When a case reaches the district attorney, WIC 653.5 affords the prosecutor an avenue for diversion by allowing them to refer the youth back to probation for informal supervision per WIC 654.<sup>13</sup> Under WIC 625.3, diversions may be restricted for many offenses that involve the use of a firearm.<sup>14</sup>

## **What is Juvenile Diversion?**

Juvenile diversion aims to prevent, after a youth comes into contact with law enforcement, a youth’s entrance into, or increased involvement in, the juvenile justice system.

The focus of this Juvenile Diversion Guide is on **formal pre-adjudication diversion**—before the youth’s case goes to court and a charge is adjudicated to be true or not true (guilty or not guilty in the adult system). If a charge is found true, the court can provide

post-adjudication diversion; however, that is beyond the scope of this guide.

When a youth successfully completes a pre-adjudication diversion program, minimal to no record of system involvement remains,<sup>15</sup> and the youth is redirected away from deeper involvement in the justice system, including additional court orders, probation supervision, placement in foster or congregate care, and confinement in secure detention.

Diversion practices vary depending on their timing and approaches. The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) recognizes six main components of juvenile diversion programs:<sup>16</sup>

1. **Informal and Formal Processing**
2. **Points of Contact**
3. **Target Population**
4. **Structure**
5. **Setting**
6. **Types of Intervention**

## **Informal and Formal Processing**

Informal diversion occurs during initial police contact, at the discretion of the law enforcement officer, and typically includes counseling about future consequences, and then release with no conditions or release with a referral to community-based services. Formal diversion is more structured and occurs after a youth is detained or arrested and includes a justice component (i.e., accountability) paired with a supportive element (i.e., therapeutic services) and

tends to require an admission of guilt and a signed contract to participate voluntarily in diversion programming. The very earliest opportunity for a formal diversion begins when a youth is detained or arrested (but the arrest is not recorded and the youth does not receive a booking number), and continuing opportunities arise all the way through adjudication.

A signed diversion contract outlines the individualized consequences and services a youth will receive based on the offense committed and specific needs of the offender and the victim. Consequences can include various forms of community service, restitution, letters of apology, written essays and more. Services can include restorative practices, counseling and therapy, behavior modification, mentoring, tutoring, job skills training and more.

Formal diversion includes a justice component paired with ongoing support for the youth. The justice component can range from continued police involvement to probation supervision and court involvement short of adjudicating a youth as delinquent. Through the support component the youth is provided with services and resources needed to aid success of a diversion. Often, these services are provided in partnership with community-based providers, as law enforcement agencies may not have the capacity to provide therapeutic or other appropriate services.

## Points of Contact for Diversion

Formal pre-adjudication diversions can occur along a spectrum of involvement in the juvenile justice system starting with initial contact with a police officer, when a youth is detained or arrested, the arrest is formally booked, the case is referred to probation for processing, the case is referred to the district attorney to file a petition, or in court prior to an adjudication. If no diversion happens by this point, then the juvenile court will adjudicate the case. Opportunity exists for post-adjudication diversion if the court deems it appropriate.

A critical point of contact for diversion is before booking. A youth can be detained and handcuffed (which is discouraged unless necessary for safety), but if the detainment is never formally recorded and the youth does not receive a booking number, then technically a youth was only detained and not arrested. What is significant about a pre-booking diversion is that a youth's record remains clean for high school graduation, future college and career purposes, as well as job applications, grant programs, and more. In these cases, the criminal charges are often put on hold as the youth participates in a diversion program. If the youth successfully completes the diversion program, the charges are never filed. If the youth does not successfully complete the diversion, then the charges are generally referred to probation and the youth receives a booking record. Most diversions after this point are post-booking and are generally probation-led.



*Points of Contact for Diversion in Blue.*

## Target Populations

While many youth who come into contact with law enforcement can benefit from the opportunity of juvenile diversion, diversion programs often target specific populations of youth, including **first-time offenders** and youth who commit **low-level offenses**, such as:

- **Infractions:** loitering, driving and vehicle code offenses, transit fare evasion
- **Status Offenses:**<sup>17</sup> truancy, underage drinking, curfew violation, runaway
- **Misdemeanor Offenses:** drug usage, vandalism, petty theft
- Sometimes **Low-Level Felonies:**<sup>18</sup> non-707(b) offenses including burglary, assault, robbery, weapons

## Structure, Setting, and Types of Juvenile Diversion Programs

Diversion programs vary in structure, setting, and intervention type. Some programs can be more structured and include specific criteria for youth to be accepted into the program such as a referral, a risk and needs assessment, being within a certain age range, having limited delinquency history, and committing certain types of offenses. Highly structured programs often have systems of incentives and graduated sanctions to help motivate and manage the youth's participation. Diversions also take place in either a justice setting (i.e., specialized court) or a non-justice setting (i.e., community).

Juvenile diversion programs can be grouped into several categories based on the structure, setting and type of intervention provided, ranging from specialty courts and restorative justice to

intensive case management and specialized prevention, intervention and mentoring programs—although diversion programs often have elements of several interventions. While some of these practices can be applied as prevention strategies prior to contact with law enforcement, this guide focuses on diversion after contact with a law enforcement officer. Below are descriptions of ten types of diversion programs:

1. **Teen/Youth/Peer Courts**
2. **Juvenile Mental Health Courts**
3. **Restorative Justice Interventions**
4. **Truancy Prevention and Intervention Programs**
5. **Mentoring Programs**
6. **Gang Prevention and Intervention Programs**
7. **Intensive Case Management with Comprehensive Coordinated Personalized Services**
8. **Wilderness Camps**
9. **Vocational/Job Skills Training**
10. **Other Contract-Based Diversion Programs**

### 1. Teen/Youth/Peer Courts

Teen Courts (also called Youth Courts and Peer Courts) are specialized informal court programs that hold youth accountable for their actions while diverting them from the juvenile system by providing appropriate dispositions for youth who have admitted to a charge. Though they operate outside of the formal judicial system, teen courts are

set up like traditional court proceedings, yet with other young people, not adults, filling the roles of prosecutor, defense attorney, jury, and often judge. OJJDP identifies four standard models of a teen court, which are the adult judge model, the peer jury model, the youth judge model and the youth council model. Regardless of the model, “dispositions should be designed to address needs of the victim/community, be based on restorative justice principles, and promote positive youth development.”<sup>19</sup> Teen court penalties often include community service, restitution, apology letters, and classes to improve life skills and victim awareness.

### **California Examples of Teen/Youth/Peer Courts**

Community Youth Courts – Alameda and Contra Costa Counties

[http://www.communityyouthcourts.com/Community\\_Youth\\_Courts/Home.html](http://www.communityyouthcourts.com/Community_Youth_Courts/Home.html)

- Castro Valley Youth Court
- Dublin Unified School District Youth Council
- Eden Township Youth Court
- Tri Valley Youth Court

Downey Unified School District Teen Court – Los Angeles County

<http://www.dusd.net/columbus/teen-court/>

Riverside Police Youth Court Program – Riverside County

[https://www.riversideca.gov/rpd/youthcrt/yc\\_facts.htm](https://www.riversideca.gov/rpd/youthcrt/yc_facts.htm)

Ukiah Police Department Teen Peer Court – Mendocino County

<http://ukiahpolice.com/news/hot-topics/teen-peer-court/>

## **2. Juvenile Mental Health Courts**

Juvenile Mental Health Courts are voluntary specialized courts that provide supervised treatment for mentally ill youthful offenders through the use of graduated sanctions and incentives. Operating within the judicial system, these programs can be utilized pre- or post-adjudication and “use a multidisciplinary team approach to develop and monitor treatment plans and compliance, as well as provide necessary treatment to youth. Team members could include district attorneys, public defenders, mental health providers, and case managers or probation officers.”<sup>20</sup> Youth who agree to the terms and conditions of Juvenile Mental Health Court must attend regular hearings to provide a judge with status updates. If the youth is following their treatment plan, they can receive rewards. If they are not adhering to their plan, the judge can impose sanctions.

### **California Examples of Juvenile Mental Health Courts**<sup>21</sup>

Court for Individualized Treatment of Adolescents (CITA) – San Joaquin County

- <https://www.sjgov.org/WorkArea/DownloadAsset.aspx?id=27023>
- <https://www.sjgov.org/department/prob/juvenile-services> (“Reconnect” dropdown menu)

Family Behavioral Health Court (FBHC) – Fresno County

<http://www.co.fresno.ca.us/departments/public-defender/juvenile-delinquency/juvenile-specialty-courts>

Juvenile Mental Health Court – Los Angeles County

- [http://pd.co.la.ca.us/juv\\_mentalhealth.html](http://pd.co.la.ca.us/juv_mentalhealth.html)

- <http://www.lacourt.org/division/juvenile/JV0033.aspx>

### 3. Restorative Justice Interventions

Restorative Justice (RJ) is an intervention that is often utilized within a variety of juvenile diversion programs. RJ is an alternative criminal justice practice that focuses on accountability for the harm done by criminal misbehavior rather than on punishment for the laws and rules that were broken, and on mediating and repairing the harm a youth caused to the victim and the community. According to the Restorative Schools Vision Project, “True accountability comes about when those who cause harm separate themselves from their harmful behaviors, gain empathy and insights into why harmful acts occurred, and then resolve to make things right. Those who are harmed and those who cause harm are given a voice and an opportunity to heal.”<sup>22</sup>

RJ interventions are non-adversarial and include the offender, the victim, and community stakeholders all working together to resolve the incident while also “transforming the traditional relationship between communities and government in responding to crime.”<sup>23</sup> RJ programs are generally voluntary in nature because they begin with the youth acknowledging and taking responsibility for their misbehavior and the harm it caused to the victim and the community. Common features among RJ models include, “an emphasis on community-based sanctions, a nonadversarial and informal process, and decision-making by consensus.”<sup>24</sup> OJJDP highlights some common Restorative Justice models, including: Victim-Offender

Mediation and Conflict-Resolution Programs, Family Group Conferences, Victim-Impact Panels, Circle Sentencing, and Community Reparative Boards.

#### California Examples of Restorative Justice Interventions

Centinela Youth Services (CYS) Everychild Restorative Justice Center – Los Angeles County  
<https://www.cys-la.org/about>

Hayward Police Youth Diversion Program – Alameda County  
<https://www.hayward-ca.gov/police-department/public-services/youth-family-services-bureau/youth-diversion-program>

Reedley Peace Building Initiative (RPBI) – Fresno County  
<http://rpbi-reedley.org> – **SEE CASE STUDY #1 ON PAGE 14**

Restorative Community Conferencing (RCC) – Alameda and San Francisco Counties  
<http://communityworkswest.org/program/rcc/>

Vacaville Police Juvenile Diversion Program – Solano County  
<http://www.ci.vacaville.ca.us/departments/police-department/police-services/youth-services>

### 4. Truancy Prevention and Intervention Programs

Truancy, or unexcused absence from school, is a status offense for youth under age 18. The goals of truancy prevention and intervention programs are to improve school attendance, student grades, and graduation rates. According to OJJDP, “Given the multiple factors that can lie at the

root of truancy, prevention and intervention programs need to integrate both school and community resources to best address these factors.”<sup>25</sup> Truancy prevention and intervention often include elements of other juvenile diversion programs. Truancy programs can broadly be categorized as court-based programs that adopt specialized court models like Truancy Court, school-based programs that frequently utilize adult mentoring, and community-based programs that connect youth, sometimes referred by police officers, to coordinated services overseen by case management.

### **California Examples of Truancy Prevention and Intervention Programs**

Garden Grove Truancy Reduction Center (TRC) – Orange County  
<http://www.bgccg.org/programs/truancy-reduction-center.html>

San Francisco Truancy Court – San Francisco County  
<http://sfdistrictattorney.org/truancy-prevention-intervention>

Truancy Reduction Intervention Program (TRIP) – Orange County  
<https://www.cspinc.org/Juvenile%20Diversion%20Services>

## **5. Mentoring Programs**

Mentoring is not only widespread as a prevention strategy, it is also often an element of formal diversion programs. Formal and informal mentoring programs connect youthful offenders and at-risk youth with positive adult role models and constructive programming in order to reduce risk factors and promote pro-social

behaviors. Informal mentoring happens when a youth has an ongoing and unstructured relationship with a supportive adult such as a coach, teacher, faith leader, or family friend, who provides guidance and support without being coordinated through a formal mentoring program. Formal mentoring programs are coordinated by schools, after-school programs, faith-based institutions, community-based organizations, and other youth serving agencies such as Big Brothers Big Sisters of America. Formal programs provide volunteer or paid mentors for youth and commonly offer mentor training, mentor match guidance, and monitoring of relationships. Five main models of mentoring identified by OJJDP are community-based mentoring, school-based mentoring, group mentoring, e-mentoring, and peer mentoring.<sup>26</sup>

### **California Examples of Mentoring Programs**

El Monte Police Department Teaching Obedience Respect Courage and Honor (T.O.R.C.H.) Academy – Los Angeles  
<http://www.ci.el-monte.ca.us/244/TORCH---Teaching-Obedience-Respect-Coura>

Fresh Lifelines for Youth (FLY) Court Appointed Friend and Advocate (CAFA) Mentor Program – Santa Clara, San Mateo, and Alameda Counties  
<http://flyprogram.org/our-programs/mentor/>

Sacramento Sheriff’s Community Impact Program (SCIP) Youth Diversion Programs – Sacramento County  
<https://sacscip.org/programs/>

## 6. Gang Prevention and Intervention Programs

While gang prevention programs aim to keep youth from joining gangs in the first place, gang intervention programs try to remove a youth from a gang before they commit their first or more serious crimes. Once a youth enters a gang, their risk factors increase as their involvement in crime and violence deepens. At this point, similar to the Operation Ceasefire model developed in Boston, gang intervention programs may become structured in a consequences and opportunities approach, where gang members are highly targeted and specially notified that they risk intensive and continuous police supervision and monitoring, while at the same time being provided with moral support from respected community leaders and access to services, resources and other opportunities to get youth out of the gang and back on track.

### California Examples of Gang Prevention and Intervention Programs

Operation Peacekeeper (Stockton, CA) – San Joaquin County  
<https://www.crimesolutions.gov/programdetails.aspx?id=51>

Santa Ana Police Gang Reduction and Intervention Partnership (GRIP) – Orange County  
<https://www.sausd.us/Page/20346>

## 7. Intensive Case Management with Comprehensive Coordinated Personalized Services

Traditional case management provides a youth with a case manager who helps them

navigate the existing systems of support and services. Intensive case management for high-risk youth—which can be offered in combination with comprehensive services—is individualized, highly structured, and integrates the services determined by a collaborative, community-based team and is defined within a unified plan of care.

Comprehensive coordinated services in a diversion program are often strength-based mental and behavioral health services “wrapped around” youth in the community with the goal of avoiding a more restrictive setting. These services are generally family-centered, culturally relevant, and individualized to the youth’s needs rather than making a youth enroll in a set of predetermined treatment programs. Services can be trauma-informed and delivered through collaborative decision-making processes designed to keep children in the least restrictive environment. Services can also be flexible to meet the changing needs of youth and their families.

### California Examples of Intensive Case Management with Comprehensive Coordinated Personalized Services

Centinela Youth Services (CYS) Juvenile Arrest Diversion Program (JADP) – Los Angeles County  
<https://www.cys-la.org/about> – **SEE CASE STUDY #2 ON PAGE 17**

Community Assessment and Resource Center (CARC) – San Francisco County  
<https://www.huckleberryyouth.org/juvenile-justice-diversion/>

Youth Accountability Team (YAT) – Riverside County  
<http://www.murrietaca.gov/services/police/programs/yat.asp>

## 8. Wilderness Camps

Wilderness Camps (also called Challenge Programs or Wilderness Therapy Programs) remove youth from the routines and struggles of their daily lives and take them into a natural environment such as the forest, mountains, desert, or a river setting. Once there, youth participate in outdoor activities that are physically and mentally challenging to begin addressing problem behaviors. Though there are no standard outdoor settings, eligibility requirements, program lengths, or therapeutic goals, OJJDP lists some key components of Wilderness Camps including, “therapeutic camping, rock climbing, wagon train trips, overnight solo experiences, alternative schools, individual and group therapy sessions, and family counseling.”<sup>27</sup>

Boot Camps, though they may appear to be similar, have significant differences in their underlying youth frameworks for growth and change. Boot camps are typically held in a military-style environment where youth perform some physical labor and participate in team building exercises.

## 9. Vocational/Job Skills Training

Vocational and job skills training programs provide youth, especially those who may be disconnected from school and/or out of work, the opportunity to get back on track with their education or gain work skills and on-the-job training. Employment preparation programs can help address school commitment and failure issues, negative peer influences, and feelings of isolation by building up basic skills competencies, providing opportunities for trainings, and introducing youth to the job market and a

daily workplace. By supporting career and other job skills, youth begin to develop and sharpen the traits that employers look for.

Vocational programs vary in structure and cost and run along the spectrum from career courses incorporated into a high school or summer program to subsidized employment, internships and job placement services.<sup>28</sup>

## 10. Other Contract-Based Diversion Programs

Most diversion programs begin when a youth signs a diversion contract that outlines the consequences and services the youth will receive. While diversion programs can often be grouped into thematic categories, many times a diversion is based solely on an individualized diversion contract that lays out specific consequences and services for the youth based on the type of offense committed and the individual needs of the offender and/or their victim. Consequences can include various forms of community service, restitution, letters of apology, written essays and more. Services can include restorative practices, counseling and therapy, behavior modification, mentoring and more.

### California Examples of Other Contract-Based Diversion Programs

Clovis Police Department Diversion Program – Fresno County

<http://www.ci.clovis.ca.us/Departments-Services/Police-Department/Youth-Services>

Napa Police Department Youth Diversion Program – Napa County

<https://www.cityofnapa.org/508/Youth-Diversion-Program> – **SEE CASE STUDY #3 ON PAGE 21**

San Ramon Police Department Juvenile  
Diversion Program – Contra Costa County  
[http://www.sanramon.ca.gov/cms/One.aspx?  
portalId=10826130&pageId=11977758](http://www.sanramon.ca.gov/cms/One.aspx?portalId=10826130&pageId=11977758)

Seaside Police Youth Diversion Program –  
Monterey County  
[http://www.ci.seaside.ca.us/260/Youth-  
Diversion-Program](http://www.ci.seaside.ca.us/260/Youth-Diversion-Program)

## **Conclusion**

Youth whose misbehavior rises to the level of criminal but doesn't cross the serious felony threshold are often better served and have better outcomes through juvenile diversion practices. Critical to the success of these diversion programs are cross-agency collaborations and partnerships with community-based organizations to help build needed capacity and lower costs to law enforcement. Juvenile diversions can lead to better outcomes for youth, their families, and the community.

## **CASE STUDY # 1: Restorative Justice in Fresno County**

Fresno County has long been a leader in the development of restorative justice across the nation as an alternative to overly focusing on punishment rather than offender rehabilitation and community healing. It is currently home to two very strong and widely recognized juvenile restorative justice efforts: one in the City of Fresno, called Community Justice Conferencing (CJC) and one in Reedley, about 30 miles south of Fresno, called the Reedley Peace Building Initiative (RPBI).<sup>29</sup>

### **Fresno Community Justice Conferencing (CJC)**

In 2008, Fresno County’s Victim Offender Reconciliation Program (VORP) and the Center for Peace Making and Conflict Resolution (“the Center”) at Fresno Pacific University, together with other community leaders, developed a systemic referral and conferencing system for court-involved youth based on restorative justice principles and processes. In 2009, Community Justice Conferencing (CJC) was launched, allowing juvenile justice authorities to assign substantial sentencing authority to the community in a carefully designed restorative process administered by the Center with guidance from VORP and oversight by the courts. Restorative justice represents a philosophical shift—a new way of thinking and acting that provides an alternative to punitive justice. It is a big conceptual umbrella that includes restorative justice principles and practices in many contexts, such as school discipline, domestic and work-place conflicts, group living settings, etc. It includes processes that repair the harm caused by offensive behavior, violations, and injustices.

CJC is a pre-adjudication diversion that begins with a referral from the court, primarily based on a list of non-violent offenses including misdemeanors and some felonies with court approval. CJC brings the offender and their family, the victim, and all willing stakeholders together in a carefully facilitated process to repair the harm done by the youth by recognizing the injustices and searching for agreements that will restore equity as much as possible and clarify future intentions. This is far from a permissive approach. Instead it is an empowering approach where a youth is held accountable for his or her actions, while receiving support and being guided through a process to learn from their mistakes, make restitution to the victim, and avoid re-offending. It teaches valuable life lessons through consequences that are agreed upon by both the offender and the victim such as community service, writing a letter of apology, attending substance abuse and/or mental health treatment, and learning life skills. At the end of the CJC process, when a youth has successfully fulfilled their contract, the charge is dismissed, leaving them with no criminal record.

One challenge to CJC’s efforts is the high volume of court cases that creates a delay of up to eight months before the court makes a referral to CJC. This delay creates missed opportunities and often makes the final outcomes less satisfactory. By the time the cases are finally referred to CJC, the parties may be less interested in participating in the mediation because of the long delay. This time lapse can be especially detrimental to the victims because often they have already found closure by their own means or in discussing the incident again so many months later

they may feel re-victimized.

The CJC model serves youth with criminal charges, which may have a negative impact in contrast to other diversions that keep youth out of the criminal justice system altogether. Reedley's RPBI is one model that initially does not arrest a youth and bypasses the court.

## **Reedley Peace Building Initiative (RPBI)**

The Reedley Peace Building Initiative (RPBI) is a restorative justice process modeled from Fresno's Victim Offender Reconciliation Program (VORP). In July 2009, hit hard by violent felony, youth crimes, and gang violence, the West Coast Mennonite Central Committee (WCMCC) and the Reedley Police Department (RPD) began working together to plan a restorative justice process for dealing with juvenile crime. The close partnership created between RPD and the Mennonite church allowed for increased participation from faith-based organizations who have not typically been partners with law enforcement in program collaborations. With participation from a cross section of churches, community organizations, neighbors, and governmental agencies, using VORP as its model and with training of mediators by the Center for Peace Making and Conflict Resolution at Fresno Pacific University, RPBI was launched in the fall of 2011 as a criminal justice alternative designed to serve victims and juvenile offenders in the Reedley community.

RPBI is a flexible and beneficial option for youth who commit low-level crimes such as vandalism, graffiti, theft, curfew violations and minor physical altercations. The goal of

RPBI is to create personal accountability for the harm done to a victim and ultimately redirect youth from further involvement in the justice system. In many cases, the consequences through RPBI include community service, monetary restitution, an apology letter, substance or mental health counseling, self-help and life skills courses or other programs. The benefit for stakeholders is that a relationship with the victim can be created or repaired, and for the offender, a criminal charge is not reflected on their record.

The Reedley Police Department is heavily invested in and committed to RPBI. All sworn officers have been trained in RPBI. When making contact with a youth, an officer has the authority to direct the criminal case into the RPBI program instead of the traditional court system. Internally, the RPBI process has been integrated within the RPD. The support services division commander (a lieutenant) works in partnership with a full time project manager employed by the WCMCC. An administrative sergeant oversees the monthly caseload, and a victim services community service officer and a restorative justice coordinator work directly under the administrative sergeant and determine which cases are eligible for RPBI services.

Once a case is directed to RPBI, a volunteer mediator is selected from the community panel who then takes responsibility for mediation and drafting of a contract between the victim and the offender. RPD officers and staff have direct contact with community members and volunteer mediators to determine the direction and best possible outcomes for youth. The youth is monitored for compliance and also supported until the contract is successfully

completed and the charges are dropped. If the youth fails to complete the contract, the charges are then placed back into the court system for further processing.

RPBI has included schools almost from the beginning. In 2012, Kings Canyon Unified School District (USD) joined with the RPD and WCMCC as partners and implemented restorative justice as a complement to its already existing restorative discipline process. Kings Canyon USD provides funding for an on-site restorative justice coordinator who manages the caseload of juvenile crimes occurring on a school campus. This is in addition to an assigned RPD juvenile detective who works closely with the WCMCC's restorative justice coordinator. Cases sent to RPBI by police officers in the community are kept separate from the cases that are referred from a school. (In Fresno USD, several high schools can refer cases to CJC without processing through the court).

One of RPBI's strengths is that it is a pre-arrest diversion that occurs during the initial contact between a police officer and a youth who has committed a misdemeanor or low-level felony. During the initial contact, the officer has the authority to direct the youth into the RPBI process instead of the traditional court process. This early intervention maximizes the opportunity to effectively work with youth before they are pulled into the criminal justice system and facilitates a timely restorative justice process.

RPBI extensively uses community resources, including volunteers as mediators, as opposed to paid staff mediators. Upon acceptance as a mediator into the RPBI team, individual mediators

receive 16 hours of conflict resolution training, hosted and paid for by RPD and WCMCC. As of 2017, the qualified mediator list for RPBI has grown to over 50 participants.

RPBI engages the entire town to create a range of community service options for youth to fulfill their contracts, with the list of partners continuing to grow. Community service options, which help hold youth accountable, are agreed upon between the offender and the victim and are documented in the contract that both parties sign. The Reedley community has responded by providing an array of service options and voluntary supervision of youth while completing their required hours. Many youth stay positively connected to their victims and community members they encounter in their community service who continue to support them long past the time their contracts are successfully fulfilled.

According to Lt. Marc Ediger in the Reedley Police Department, the "Reedley Peace Building Initiative continues to demonstrate a successful practice of addressing juvenile crime and disruption through mediation with offenders, victims, stakeholders and families [and] is a systems change that continues to save money, save time and save lives."

Between implementation in 2011 and 2017, RPBI has helped 160 victims find justice and offered 388 juveniles a pre-arrest diversion. Overall, 97% of RPBI participants completed the diversion and just 2% of those re-offended. Additional positive outcomes include RPD reporting a 75% reduction in juvenile felonies and a 40% reduction in juvenile misdemeanors.

## **CASE STUDY #2: Centinela Youth Services' Juvenile Arrest Diversion Program (JADP) – Los Angeles**

The Juvenile Arrest Diversion Program (JADP) is a police-level pre-arrest diversion program established in 2012 in Los Angeles that is run by Centinela Youth Services (CYS) in partnership with the Los Angeles Police Department (LAPD) and other jurisdictions in Los Angeles County. JADP is the most recent in a string of successful diversion programs from CYC and is one of the first of its kind in California.<sup>30</sup>

Centinela Youth Services (CYS) began in 1975 in Los Angeles County when a group of caring police officers in the Inglewood Police Department wanted to do more than arrest the kids they were coming into contact with; they wanted to provide services or links to services. The program they developed was a post-arrest diversion based in Inglewood that quickly spread to other jurisdictions. After years of providing successful youth programs, in 2011, CYC received a \$1 million grant from the local Everychild Foundation to open the Everychild Restorative Justice Center (ERJC) in Inglewood to help divert youth from the justice system through intensive case management, community-based interventions that include Wraparound services, and legal and education rights advocacy. A year later, with a new \$1 million Title II grant from the Board of State and Community Corrections (BSCC), CYC launched the second ERJC near two LAPD precincts in South Los Angeles with the highest juvenile arrest rates: the 77th Street Station and the Southeast Station. The second ERJC is home to JADP, a program that was inspired by the Juvenile

Assessment Center in Miami-Dade, Florida. A third ERJC has since opened in the San Fernando Valley. Together the three sites serve youth referred by LAPD and several other municipal and school police departments in the surrounding area.

JADP is a pre-arrest diversion program that takes place after a youth is detained but before an arrest is formally recorded into the system and receives a booking number.<sup>31</sup> When a youth is detained, though this can feel like an arrest, as long as there is no booking number, then technically an arrest didn't happen. This is significant because once a booking number is recorded, then the youth's arrest is formally in the system which can impact academics, employment, and more.

JADP receives referrals for pre-booking diversion from city police, sheriff's deputies, school police, and other local law enforcement officers. When a youth is picked up by a law enforcement officer and brought into a police station to complete their police report and get witness statements, the youth can be detained for up to 6 hours before being transferred to juvenile hall or released into the custody of their parents or guardians.<sup>32</sup> During this 6-hour window, if a CYC referral is determined to be appropriate and agreed upon by the youth and their parent or guardian, then an Agreement for Diversion is signed by law enforcement, the parent or guardian and the youth and then the youth is released to their parent or guardian while a referral is sent to CYC. CYC receives the diversion referral and tries to schedule an initial intake phone screening to gain official enrollment within ten business days. If the initial screening finds the youth to be high risk, then a more in-depth in-person

screening is scheduled to conduct an evidence based bio-psycho-social assessment to identify the underlying causes of the behavior and needs for services. This assessment meeting takes place at a location convenient and comfortable for the family: in the home, at school, in CYs offices, or at a local community center. It is important that the location is not a barrier to access for low-income parents struggling with transportation issues. When referring a youth to JADP, the police officer still completes a crime report and collects witness statements up front so that if a youth fails the diversion program, the youth can be booked within the six-month time limit set by the statute of limitations.

When JADP launched, it initially provided pre-arrest diversion for first-time offenders only, for a more limited range of misdemeanors and felonies due to reticence from law enforcement and prosecutors. After three years of program success, that reluctance faded and the collaborative partners requested the program be expanded to include first-, second- and third-time offenders for a wide range of misdemeanors and some low-level felonies. Now, CYs will only expand JADP to new jurisdictions if partner agencies agree to not limit referrals to only status offenses and first-time offenders.<sup>33</sup> This requirement has not been a barrier to expansion, as JADP has spread to 11 of 22 stations in the LAPD and six additional jurisdictions: Compton School Police Department, El Segundo Police Department, Hawthorne Police Department, Huntington Park Police Department, Inglewood Police Department, and Inglewood School Police Department.

The pre-arrest program operates in a way that helps address racial, ethnic, and economic disparities. All police departments that partner with CYs on JADP must agree to divert all eligible youth first, and then arrest second. This means that police officers do not even consider arresting youth unless the incident rises to the level of a violent-, gun- or sex-related crime, which can reduce unconscious bias disparities as use of diversion is uniformly applied across various populations of youth. To ensure the program is following this protocol and avoiding bias, police leadership continuously examine the department's CompStat data to make sure youth are consistently getting referred to JADP instead of being arrested and booked.

JADP utilizes CYs's nationally recognized, evidence-based restorative justice program, Victim Offender Restitution Services (VORS), to coordinate a meeting between the offender and the victim that aims to repair the harm caused and make amends for the incident. The agreements between the responsible youth and the victim may include community service, graffiti removal, letters of apology, monetary restitution or other creative solutions. Youth at higher risk of recidivism are provided intensive clinical case management support for up to six months, including a comprehensive coordinated individualized treatment plan which may include any combination of substance abuse treatment, mental health services, connections to local youth development and mentoring, job training and placement, services for their parent or caregiver, and more.

The diversion program must be completed within the six-month time limit set by the

statute of limitations, so that if the youth fails the program, the justice system can still book and file on the arrest. If the youth successfully completes the terms of their agreement, then the arrest is dropped and never booked. If the youth does not complete the diversion, the arresting officer files their report and the arrest is formally booked and moves forward into the justice system.

Police officers and staff from other partnering agencies and community-based organizations receive training from CYS around youth mental health models and why youth act the way they do to help partners understand some of the fundamentals of youth development and trauma, which both impact a youth's impulse control. There is a focus on Adverse Childhood Experiences (ACEs), trauma-informed services, brain development, and systemic disparities (i.e., disproportionate rates of arrests and school suspensions and expulsions for youth of color or special education students for comparable offenses).

To support youth in their diversion and address the deeper issues driving their risky behaviors, CYS runs an in-house clinical case management team that does bio-psycho-social risk assessments, motivational interviewing, treatment plan incentives, trauma-informed practices, and intensive clinical case management. Depending on a youth's case plan and needs, CYS will decide when to partner with outside organizations for services they cannot provide in-house, including therapeutic services, substance abuse treatment, mentoring, tutoring, and job training. Youth referred to local CBOs for mental health treatment can receive

evidence-based therapies including Multisystemic Therapy (MST), Functional Family Therapy (FFT), and Aggression Replacement Training (ART).

When referring youth for services, CYS checks a youth's health insurance and then finds a provider as close as possible that meets certain program quality and insurance standards. If a youth has private insurance, CYS can help with the co-pay if needed. If a youth needs to enroll in Medi-Cal, CYS will refer them to the proper assistance to help the youth enroll.

While long-term funding is a challenge for CYS, current funding for JADP comes mainly through grants from foundations combined with federal, state and county funds. In addition to outreach to other local foundations, CYS received a \$1 million grant from the Everychild Foundation specifically for JADP. The first three-year Title II grant for the JADP program from the Board of State and Community Corrections (BSCC) was renewed for another four years because of the initial success of the pre-arrest diversion program. CYS also receives state Juvenile Justice Crime Prevention Act (JJCPA) funds and other county funds from the Dispute Resolution Program Act (DRPA). The diversion partnership with the Inglewood Police Department received California Gang Reduction, Intervention and Prevention (CalGRIP) funding up until the end of 2017. All partnering police departments budget for officers and pay for their own time.

The multiple partners involved in JADP maintain their relationships through the Juvenile Arrest Diversion Program Collaborative, a formal partnership formed by CYS to get input and upfront buy-in from the ground up, and to work through

important decisions together. Once the Los Angeles Police Chief agreed to pilot JADP in South Los Angeles, implementation of the program required police to change and rewrite procedures for the arrest process for juveniles, which was one set of early decisions made by the Collaborative. JADP Collaborative members include all partnering police departments, the district attorney's office, the public defender's office, probation, the juvenile court, the Department of Children and Family Services, local school districts, youth legal advocacy groups like Public Counsel, and more. The Collaborative meets every other month and is co-chaired by the LAPD and CYS.

JADP Collaborative partners have formal agreements—in the form of MOUs, agreements, regulations, and other guidelines—that define the relationship and the roles and responsibilities of everyone involved. This ensures that key policies are consistent.

Only 8% to 11% of youth who complete the diversion program are re-arrested within one year compared to more than 30% of youth receiving the normal justice process in Los Angeles County.<sup>34</sup> JADP can save money, costing an average of \$800 per low-risk youth compared to annual cost of nearly \$6,300 for a youth on probation in Los Angeles County. The cost for high-risk youth in JADP averages \$4,000 compared to the cost for placement in a juvenile hall or camp, which is considerably higher at over \$247,000 a year.<sup>35</sup>

### **CASE STUDY #3: Napa Community Youth Diversion Program**

The Napa Community Youth Diversion Program is a pre-adjudication diversion established in 1999 as a police-led partnership to provide community-based services for youth arrested for low-level crimes and other youth at risk of delinquent behavior.<sup>36</sup> The program collaborates with multiple agencies and community partners, including local police, probation, the courts, schools, county mental health, and community-based counseling services. The goal is to address issues for at-risk youth at the earliest point of contact with law enforcement to curtail negative behaviors before they lead to criminal offenses. Some of the program's keys to success are to treat everybody as an individual and meet them where they are, utilize a "do whatever it takes" approach, and focus on the youth's contact with the justice system as a family issue.

The diversion structure focuses on three main elements: accountability for the offense, changing problem behavior, and supporting positive activities and choices. All youth are held accountable for their actions, whether they are referred before an arrest or have been arrested and formally booked into the system. For youth who have been arrested, when there are charges pending, the youth likely has more of an incentive for success in the diversion program, which results in the charges being dropped. Regardless of whether an arrest has been made, youth who enter the diversion program sign an individualized diversion contract. In the contract, which can last from 3-12 months, the youth agrees to appropriate consequences such as

performing a certain number of community services hours, regular drug testing, paying restitution to the victim, writing essays on relevant topics and/or a letter of apology, and other community projects.

All youth who are accepted into the program attend a one day seminar where they participate in team building exercises that include physical activities and group discussions, while also addressing risk factors that contributed to the incident and any related problem behaviors. Next the youth is provided a treatment plan and appropriate services to help modify the problem behaviors that got them into trouble in the first place. Services are provided by the Napa Police Department, local community partner Aldea Children & Family Services, and an array of other public agencies and community-based organizations, and include theft awareness workshops, alcohol and drug prevention services, conflict resolution skills development, gang diversion programs, self-esteem and goal setting curricula, anger management classes, and a variety of individual and family therapy services.<sup>37</sup> The program provides specific evidence-based practices, including Aggression Replacement Training (ART) and Trauma-Focused Cognitive Behavioral Therapy (TF-CBT). Further support and oversight come from intensive case management services that help manage the unique needs of each youth and provide them with individualized treatments as well as coordinate family coaching and parenting classes. The diversion specialist also provides one-on-one Wraparound-type counseling and mentoring. These interventions and other services are primarily covered by Medi-Cal or a youth's private insurance.

Finally, the youth is set up with positive activities and opportunities to help them thrive, which are provided through the truancy prevention program for students and parents. The positive activities are determined and progress is measured based on what was agreed upon by the youth, the parents, and the diversion specialist in the diversion contract. The program's community partnerships not only help provide mental and behavioral health interventions, they also provide opportunities for the youth to take part in pro-social growth activities based on what the youth enjoys, like playing sports or participating in theater. For older youth, activities can also include getting a driver's license, preparing a resume to get a job, or applying to college.

The program has found that there is a greater impact on the youth's success if the family is also involved. This begins with coordinated family sessions where a youth and their family sign a family contract that focuses on the family's core values. Partners meet youth and families wherever they are located through home visits, school visits, and other community-based services. The program provides parenting classes through the Parent Project, encourages family connectedness through shared meals, and works with the Salvation Army for additional support. It also sets up outings that can result in positive family interactions. When necessary, the program helps parents get their kids into residential treatment programs, which are facilities where youth with serious emotional and behavior problems receive intensive therapy while temporarily living outside of their home.

The Napa Community Youth Diversion Program serves nearly 600 youth each year and could serve more youth from around the county with more resources. In addition to serving youth in the City of Napa, the diversion specialist also receives referrals from around Napa County. When the program launched many years ago, it received a matching grant from the federal Department of Justice. That grant funding has since expired. Currently, the only funding that the Napa Police Department utilizes to run the Youth Diversion Program is to pay for the full-time diversion specialist, who coordinates the program, reviews all juvenile cases to find eligible youth before they get sent to probation, organizes fundraisers for back-to-school shopping and "shop with a cop" during the holidays, and more.

The program internally reports a success rate of over 90% of youth who complete the diversion stay out of the juvenile justice system and don't end up with a criminal record.

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