



'Second Chances' and the Discretion to Divert: Differing Pathways through the Juvenile Justice System

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Background The provision of effective reentry services for young people leaving incarceration is a key rationale behind the Second Chance Act (SCA). Around 100,000 juveniles leave secure detention each year, and their recidivism rates are high. However, only a small proportion of young offenders commit the most serious crimes. Many more reenter society without completing the journey through the juvenile justice system. Extensive discretion throughout the system means that many young people are never formally processed and may instead be diverted to programs and services to prevent further delinquency, or simply released with no further intervention.

Research suggests that youth respond better to interventions delivered outside the criminal justice system, particularly those focused around community and family contexts. Further, dealing with the bulk of nonserious cases informally frees up court and corrections resources to focus on more serious offenders. Formal processing of juveniles has been shown to be considerably less effective than diversion to programs and services. Yet the proportion of juvenile cases going through the courts is increasing, driven considerably by low-level public order and other minor offenses. Further, many of the cases that are diverted are dismissed with no referral to reintegrative programs.

Approach Using data on juvenile arrests and diversions, and information gathered from fieldwork in the Washington, D.C. metro area, I examine the extent to which local policies and practices align with existing evidence on the effectiveness of diversion. Key findings are as follows:

1. Diversionary practices are highly variable, with different exit points from the juvenile justice system in different jurisdictions;
2. While a substantial proportion of low-level juvenile offenders are diverted, there is the potential for more cases to be informally processed;
3. Programs are often limited to first or second time offenders;
4. Threats to the success of diversion programs include a lack of clear, evidence-based goals and difficulties in data sharing and tracking of recidivism.

Policy Recommendations and Relevance Based on the prior research and my own preliminary investigations, I make the following recommendations for research and practice:

1. Researchers need to investigate the extent of the variability in diversion programs to better understand which elements work best and for which types of offenders.
2. Practitioners, from law enforcement and court agencies, need to improve standards for data collection to better understand who gets diverted and who gets arrested, and why.
3. Improved procedures for data sharing between agencies is needed to ensure diversion is fairly applied and its effectiveness can be measured. Juveniles' privacy should be balanced with the need for data that improves the services that are provided to them.

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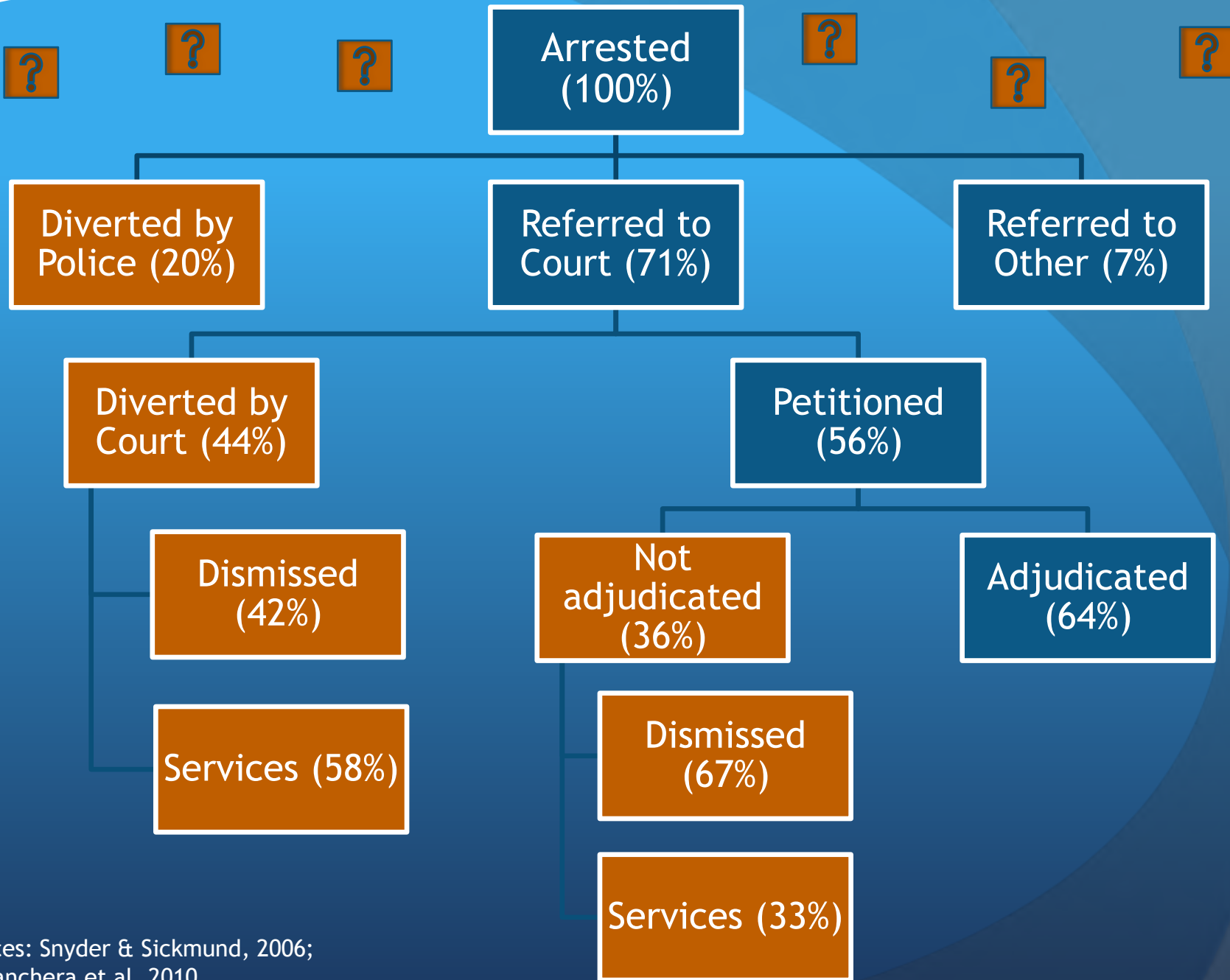
Congressional Briefing on Juvenile Justice, Washington D.C., October 26, 2010

Presentation Outline

- Aim: Overview of diversion policy, practice, and problems
- Current research and statistics on diversion
- Models of diversion in the local area
- Barriers to effective diversion
- Preliminary conclusions and recommendations

Diversion and the Second Chance Act

- Many juveniles re-enter from informal processing rather than formal processing
- Only a small proportion of young people commit the most serious crime
- Extensive discretion in juvenile justice system by law enforcement and courts



Sources: Snyder & Sickmund, 2006;
Puzzanchera et al. 2010

Research on Diversion

- Youth respond better outside the criminal justice system
- Importance of community and family
- Diversion frees up resources for more serious offenders
- Formal processing is worse for youth than doing nothing, and even worse than diversion to services
- Diversion is effective for repeat offenders
- But how does it work?

Sources: Lundman, 1993; Shelden, 1999; Petrosino, Turpin-Petrosino & Guckenberg, 2009

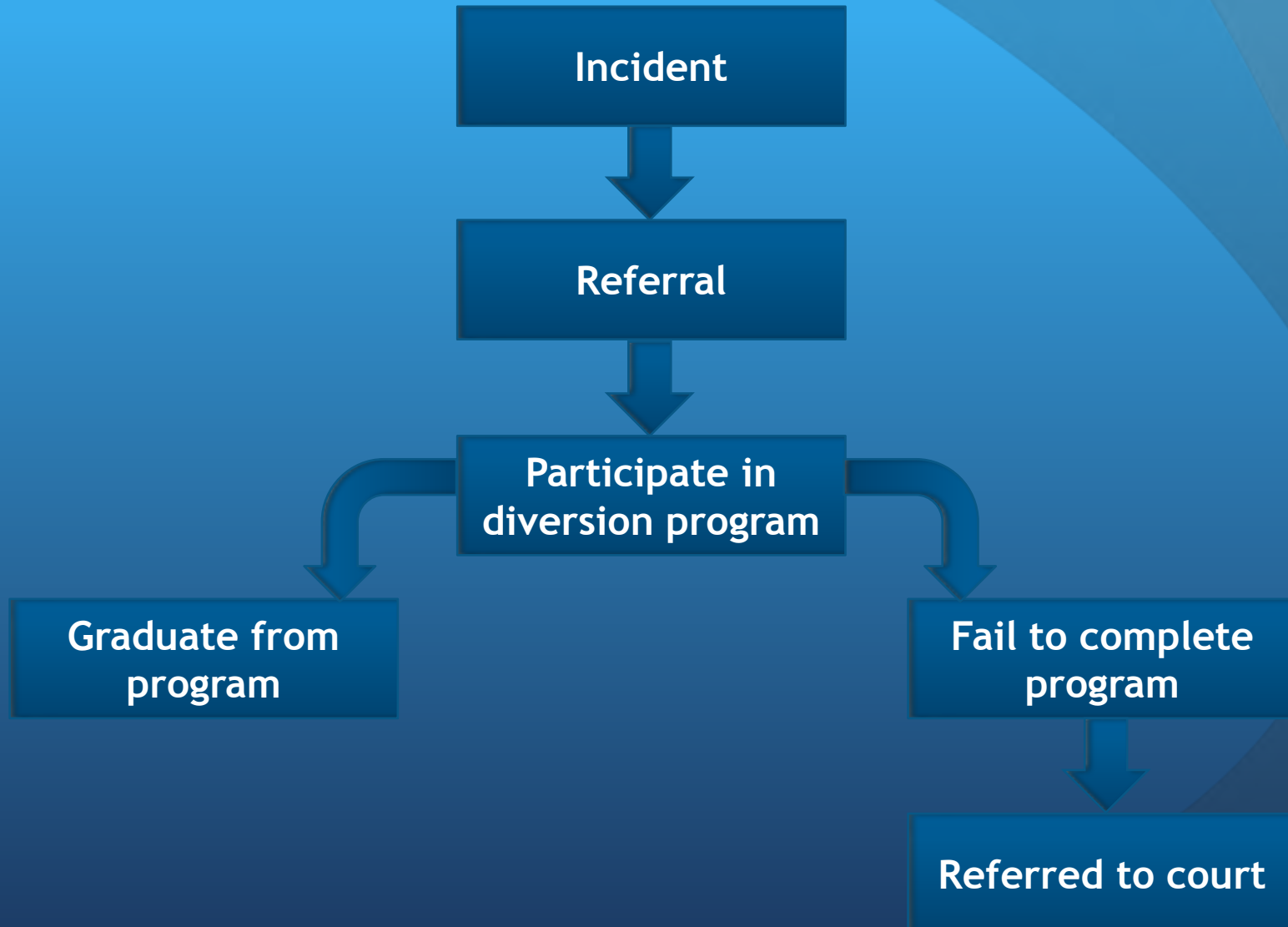
Model 1: Court-Based Diversion



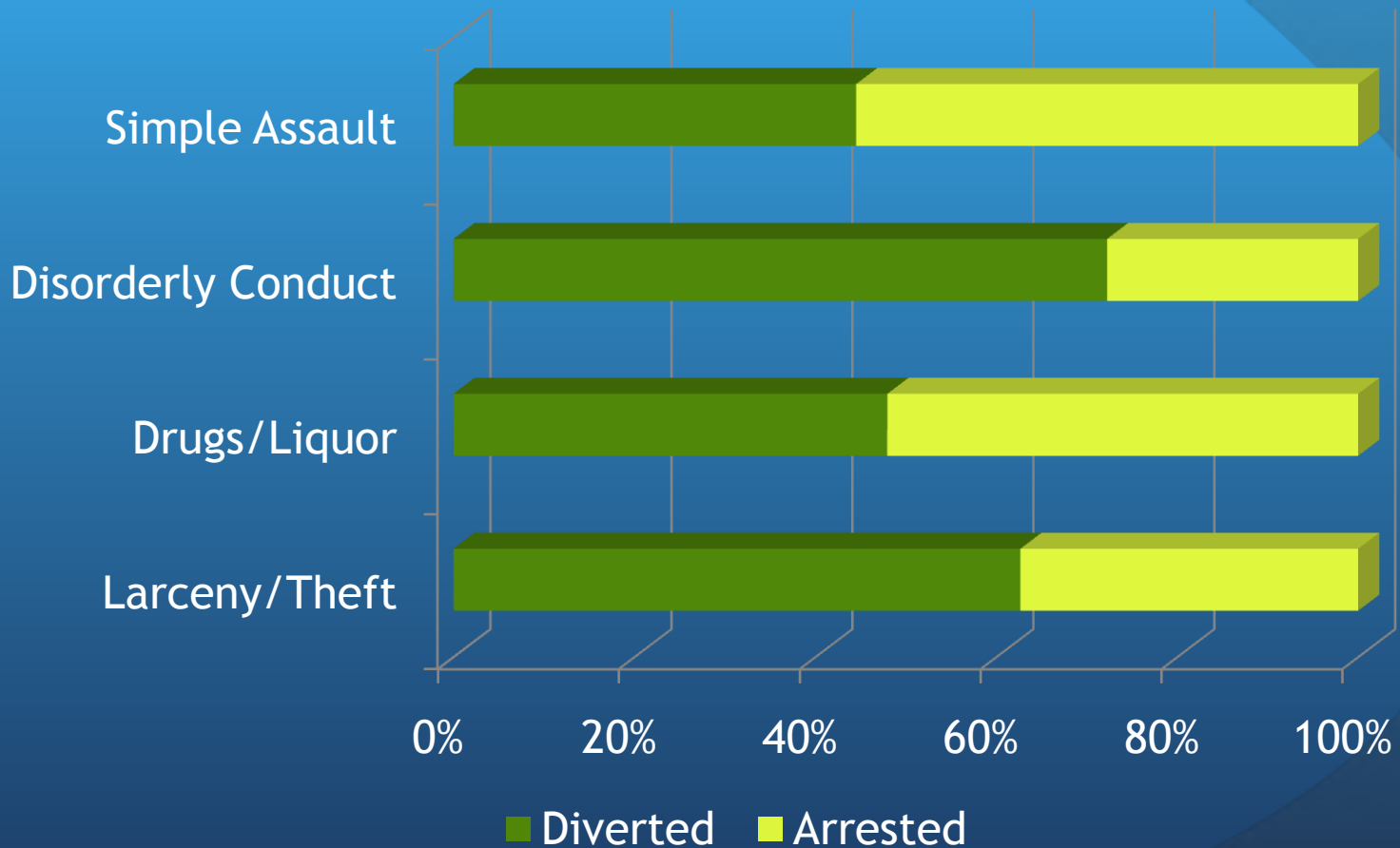
Model 2: Post-Arrest Diversion



Model 3: Informal Pre-Arrest Diversion



Scope for Expansion of Diversion Programs?



Barriers to Success in Diversion

- Which diversion models work best?
- First-time offenders or multiple opportunities to divert?
- Restrictions on information sharing, record keeping, and knowledge
- Legal restrictions and time limits lead to “net widening”

Conclusions and Recommendations

1. Researchers - need to unpack variable practices - which models work best?
2. Practitioners - better data collection and standards - who gets diverted and why?
3. Processes for sharing data - balance privacy with welfare and assistance for young people

Thank You

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