



# Advancing Racial Equity in Youth Diversion:

An Evaluation Framework Informed by Los Angeles County

# Acknowledgments

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We wish to thank to following people and organizations who helped to generate the content included here and without whose guidance and input this report would not have been possible: Alejandro Haezaert and Vanessa Petti, California Conference for Equality and Justice; Jessica Ellis, Centinela Youth Services; Kim McGill, Youth Justice Coalition; Nicole Brown and Josh Green, Urban Peace Institute; Jelani Hendrix and Angela Johnson Peters, Social Justice Learning Institute; Bikila Ochoa, Anti-Recidivism Coalition; Patricia Soung, Children’s Defense Fund; and Taylor Schooley and Celia Harris, Los Angeles County Office of Youth Diversion and Development. Human Impact Partners staff Ana Tellez and Amber Akemi Piatt also provided instrumental feedback on this report.

We deeply appreciate the time and energy of the youth and caretakers who generously shared their experiences of participating in diversion programs.

Graphic design and copyediting: Cozette Lehman and Janna R. White.

This project was supported by generous funding from The California Endowment.

## Suggested Citation

Human Impact Partners. June 2019. Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed By Los Angeles County. Oakland, CA.

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## About Human Impact Partners

Human Impact Partners (HIP) brings the power of public health to campaigns and movements for a just society through research, advocacy, capacity building, and field building. Our mission is to transform the policies and places people need to live healthy lives by increasing the consideration of health and equity in decision making.

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# About This Evaluation Framework

In 2017, Los Angeles County established an Office of Youth Diversion and Development to advance a collaboratively designed pre-booking diversion initiative that prevents youth from getting formally arrested or referred to probation during encounters with law enforcement. Human Impact Partners and the Los Angeles (LA) County Office of Youth Diversion and Development (YDD) partnered to develop this evaluation framework to assess and prevent racial inequities in this program.

LA County's pre-booking diversion program is part of a broader effort to reduce mass incarceration of Black and Brown youth<sup>i</sup>. In LA County and across the US, Black and Brown youth are arrested and detained by law enforcement at disproportionately greater rates compared to White youth. Organizing by local youth advocates and policy changes at the local, state, and national level have created opportunities for community-based pre-booking diversion in LA County to reduce the excessive and unfair criminalization and incarceration of Black and Brown youth and equitably improve outcomes for youth.

## What is pre-booking youth diversion?

Pre-booking youth diversion<sup>ii</sup> is a model of diversion in which a law enforcement officer refers a young person to a diversion program instead of recording a formal arrest or referring their case to probation. Officers agree not to record the arrest in the future as long as the young person completes a diversion program.

## Why We Need to Evaluate Youth Diversion for Racial Equity

*"We're kids, we're going to make mistakes, these things happen, and I shouldn't have to deal with having a record that early . . . These simple mistakes can affect your life forever."*

— **Valerie**, high school student and participant in a diversion program in LA County

Deep racial inequities permeate the justice system<sup>iii</sup> in the United States. While there's been a significant reduction in the overall number of youth arrested and incarcerated in the last 15 to 20 years, law enforcement agencies continue to disproportionately stop, arrest, and detain Black and Brown youth compared to White youth, which perpetuates and increases inequity in incarceration. For instance, in California the disparity in incarceration of Black and White youth increased by 30% between 2001 and 2015<sup>1</sup>. Law enforcement practices overwhelmingly harm Black and Brown youth, even though White youth are equally likely to report behaviors such as selling or using drugs<sup>2,3</sup>.

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<sup>i</sup> In this report, we use the terms "youth" and "young person" to refer to individuals under the age of 18. See page 5 for a discussion of the term "Black and Brown" and **Appendix D** for definitions of key terms.

<sup>ii</sup> Some practitioners use the term "pre-arrest," but we prefer "pre-booking" because officers may still physically arrest and transport youth to a police station as part of the diversion process.

<sup>iii</sup> We use the term "justice system" to encompass both the juvenile and adult justice systems.

Diversion is a promising practice for improving youth outcomes but evidence suggests that, without a clear commitment to equity in design and oversight, diversion programs may contribute to further inequity in youth justice system involvement<sup>4</sup>.

Various institutions, in LA County and beyond, are implementing a wide range of diversion practices as a way to reduce youth involvement in the justice system. It's important to evaluate whether these practices support Black and Brown youth or unintentionally funnel them into the justice system. While there are various forms of diversion, this report focuses on community-based, pre-booking diversion for youth — the model adopted by LA County's youth diversion planning committee.

## This Framework Is Guided by Six Critical Values

We developed this document by reviewing research and reports that describe and evaluate youth diversion programs and their outcomes, and by speaking with experts, youth, and youth caretakers in LA County. The promising practices we lift up in this report are drawn from traditional public health research evidence, and from the wisdom and experiences of stakeholders in LA County. Our research process was driven by six critical values:

### **Racial equity and justice**

Black and Brown youth shoulder the burden of inequitable contact with the criminal justice system, and we center their specific needs and strengths.

### **Youth leadership**

Youth bring personal knowledge and lived experience, and should be involved in all decisions that affect their lives.

### **Trauma- and healing-informed lens**

Youth behaviors often stem from traumatic experiences that are the result of divestment in marginalized communities.

### **Developmental lens**

Youth take actions, including exploring boundaries, asserting independence, and developing an identity and forms of expression, as part of their natural development.

### **Health instead of punishment**

Investing in the social determinants of health (e.g., education, jobs, income, housing, neighborhood resources) can both improve health and create environments for youth and their caretakers to thrive.

### **Systems-focused action**

Institutions and organizations, such as law enforcement agencies, diversion providers, and bodies charged with overseeing diversion programming, are important levers of change to dismantle systemic racial inequities.

## Why we center Black and Brown youth

Black and Brown youth bear unfair burdens of over-policing, community disinvestment, and contact with the justice system. To achieve equity, policymakers and other decision makers must recognize, act upon, and reverse injustices impacting people of color, while drawing upon the unique strengths and assets of these communities.

In this report, we use the term “Black and Brown” to describe people who are Black, Latinx<sup>iv</sup>, Indigenous, Middle Eastern, Arab, or South and Southeast Asian, or who have a mixed racial/ethnic background that includes any of the these groups. We recognize the experiences of Black and Brown people vary widely — in interactions with law enforcement and their broader lived experiences. Their experiences also vary depending on their intersecting identities, and where they live. For example:

- Light-skinned Black and Brown people who pass as White may receive less scrutiny than darker-skinned people
- Black and Brown people in low-income communities have different experiences than those in affluent areas
- Boys who are Black and Brown experience greater contact with the justice system than girls
- Black and Brown people who are undocumented or who have mixed-status families face an additional burden as justice system contact can lead to deportation

We don’t explicitly focus on Asian Pacific Islander (API) youth in this report because existing data from LA County and nationally indicate that API youth, as a whole, experience less contact with the justice system compared to White youth. Because there is vast diversity within API communities, specific ethnic groups of API youth may experience inequitable burdens of justice system contact. Law enforcement agencies and diversion program providers should collect and disaggregate data during encounters with API youth in order to identify, and then address, potential inequities.

Considerations of equity beyond racial/ethnic equity are critical to ensuring diversion programs do not perpetuate injustices. There are other equity issues that, while not the explicit focus of this report, are important for diversion programs to consider related to gender and sexual identity, youth involved in foster care, youth experiencing homelessness, youth with various immigration statuses, and more.

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<sup>iv</sup> Latinx is a gender-neutral alternative to Latino/a.

# What We Know about Youth Arrest and Youth Diversion in Los Angeles County

For years, a broad coalition of organizations in LA County have advocated against mass incarceration of Black and Brown youth, and for increased investment in youth development and decreased investment in the justice system and law enforcement<sup>5,6</sup>.

In response to this community advocacy — and in parallel with state and national efforts — a cross-sector collaborative in LA County has been working to reduce the incarceration and criminalization of youth. Efforts have included, for instance, the elimination of fines and fees charged to youth detained in county facilities, scaling back a law that allowed police to ticket youth for being off school grounds, and launching a public health approach to youth diversion<sup>7,8</sup>.

The development of LA County's youth pre-booking diversion initiative began when individuals from government agencies, youth advocacy organizations, and other community groups collaborated to create a vision and blueprint for this program<sup>5</sup>. This vision built upon decades of advocacy and evidence-based work on youth diversion and restorative justice by community-based organizations serving young people in communities most impacted by arrest and incarceration, including an innovative eight-year partnership between Centinela Youth Services (CYS) and the Los Angeles Police Department (LAPD) pioneering pre-booking diversion in California with strong outcomes.

In 2017, after the county's My Brother's Keeper initiative identified diversion as a key strategy<sup>9</sup>, the LA County Board of Supervisors formalized a collaborative youth diversion planning committee. This committee included youth impacted by the justice system, law enforcement agencies, and community stakeholders, and was facilitated by the Department of Public Health's Division of Chronic Disease and Injury Prevention. Over the course of a year, this committee developed a Roadmap for Advancing Youth Diversion in Los Angeles County<sup>8</sup>.

LA County's Juvenile Justice Coordinating Committee — the body responsible for distributing state funds intended to reduce youth crime — and the LA County Department of Mental Health then approved an initial allocation of approximately \$12 million each over 4 years to fund the creation and early implementation of YDD<sup>5</sup>.

## YDD coordinates a community-based, pre-booking diversion model to increase racial equity

YDD serves as the central coordinating body overseeing the countywide expansion of pre-booking diversion. A critical decision made by the diversion planning committee was to exclusively fund community-based organizations — rather than law enforcement or other criminal justice entities — to provide diversion programming. YDD is responsible for

allocating this funding to community-based diversion providers as well as providing them with training, technical assistance, and data-driven oversight.

YDD also convenes a collaborative steering committee to discuss research and evaluation findings, provide guidance and oversight, and work through implementation concerns, such as data sharing between providers and law enforcement agencies. The YDD Steering Committee includes youth members who help shape meeting agendas, participate in decision making, and share their experiences with the committee. Law enforcement representatives are also members of the committee, and hearing youth and community member perspectives has been impactful in building law enforcement buy-in for diversion.

LA County's youth diversion model is based in a public health and youth development framework<sup>8</sup>. YDD prioritizes support to community-based organizations that offer youth individualized, strengths-based care plans.

YDD is evidence-driven, and is working with partners to develop data collection plans, explore data to understand gaps in equity, and inform changes in practice. YDD sees their model as intentionally adaptable and responsive to community needs, and expects that law enforcement agencies and diversion providers will adjust their practices over time in order to increase successful diversion of Black and Brown youth.

## Key Stakeholders in Pre-booking Diversion

The youth diversion model in LA County is the product of collaborative engagement from representatives across a range of stakeholder groups:

- **Youth and caretakers<sup>v</sup>:** Youth who may be eligible for diversion from arrest and the adults in their lives who are responsible for their care.
- **Community-based diversion providers:** These providers are community-based nonprofit organizations that run diversion programs and are separate entities from law enforcement agencies.
- **Law enforcement agencies:** These agencies include city and county police departments, sheriffs, and other law enforcement entities.
- **Health departments:** The Office of Youth Diversion and Development of the LA County Health Agency is responsible for allocating funding, providing data-driven oversight, and facilitating collaboration related to diversion program development, implementation, and evaluation.
- **Youth advocacy organizations:** These community-based organizations have expertise in youth development, youth leadership, and the impact of the justice system on youth.

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<sup>v</sup> These individuals may include parents, foster parents, grandparents, aunts, uncles, older siblings, and other adults involved in youths' lives.



## The Five Main Touchpoints in Pre-booking Diversion

Law enforcement agencies, diversion providers, and other participating systems may introduce or exacerbate racial inequities in the pre-booking diversion process at any point of interaction with youth. These include when youth:



### 1. **Get stopped by a law enforcement officer**

Law enforcement may initiate an encounter with youth by stopping them or pulling them over. People in schools, group homes, stores, or other community spaces may also call police to intervene or to ask them to ticket or arrest youth. Excessive stops of Black and Brown youth introduce inequities prior to the point of diversion.



### 2. **Get referred by law enforcement to a diversion program**

After stopping youth, officers may use diversion eligibility guidelines or discretion to decide whether to refer youth to diversion, arrest them, or warn them. Officers may over- or under-refer Black and Brown youth to diversion programs.



### 3. **Enroll in a diversion program**

After youth are referred to diversion, youth and caretakers may go through intake processes with diversion program providers. Characteristics of the diversion program (e.g., whether located in a culturally responsive organization) and aspects of the intake process may make it harder for Black and Brown youth to enroll.



### 4. **Participate in and complete a diversion program**

Youth may engage in a variety of activities, services, and supports while participating in a diversion program. Programs may not match youth strengths or address barriers faced by Black and Brown youth and their caretakers, which may prevent them from fully engaging in or completing the program. Avoiding a record of arrest is often contingent on program completion, and inequities occur if law enforcement agencies are more likely to record the arrests of Black and Brown youth.



### 5. **Thrive after a program**

Youth who participate in diversion may experience lasting benefits. Inequities can occur if Black and Brown youth experience greater barriers to these benefits.

# Promising Practices across All Touchpoints

Below and in the following sections, we describe promising practices that can be used to ensure racial equity in pre-booking diversion. Here we describe practices that relate to all touchpoints, while we cover promising practices specific to each touchpoint in subsequent sections.

We developed these practices by synthesizing findings from interviews with stakeholders in LA County and research literature on youth diversion. We summarize promising practices, contributing factors, and key metrics for each touchpoint in **Appendix A**. We describe how we developed these practices, contributing factors, and metrics in **Appendix B**, and include the interview questions we developed for this project in **Appendix C**.

## Create collaborative decision-making structures that center Black and Brown youth voices and build youth leadership

All organizations and institutions that interact with youth — including diversion and youth development programs, school boards, youth commissions, law enforcement, and others — should ensure that youth have voice and power in shaping decisions that affect them. This means allocating multiple seats on decision-making boards to Black and Brown youth, and granting these youth voting power.

Local governments should also fund leadership programs that support youth in becoming even stronger advocates for themselves and their communities.

## Invest sustainable resources to support community-based youth diversion and development providers

*"Programs should be community based, owned, and operated. Often larger organizations drop into communities they have no roots in — often White led."*

— **Kim McGill**, Youth Justice Coalition

Local or state governments need to fund diversion providers so that they can provide individualized services to youth. In LA County, the launch of YDD as a coordinating body made it possible for the probation department and mental health department to allocate initial funds to support effective, equitable youth diversion. YDD is responsible for allocating these funds to community-based diversion providers.

Coordinating bodies like YDD should develop funding criteria that prioritize organizations rooted in Black and Brown communities, especially organizations that employ staff who are from these communities or who have previous involvement in the justice system.

To ensure community-rooted organizations receive funding to run diversion programs, coordinating bodies need to provide training and technical assistance and develop contract requirements that accommodate these organizations. As Kim McGill further shared with us, “Groups that have operated in the neighborhood and have the relationships and vision needed to do effective work don’t have the infrastructure or political relationships to compete for contracts. Furthermore, performance-based contracts block these smaller groups from participating because they don’t have the upfront resources to survive until they get reimbursed. Training and mentorship is essential to get resources to local groups, to assist them in building infrastructure, and to help them to succeed and grow.”

### Reduce burdens on youth and caretakers

Law enforcement agencies, diversion providers, and other participating systems need to reduce burdens on caretakers. Black and Brown caretakers often work multiple jobs, have employers who may not readily grant them time off, and are caretakers for other relatives. Law enforcement agencies should limit the demands on caretakers by not requiring their immediate consent or engagement when officers issue referrals, and providers should reduce burdens by meeting with caretakers when and where it’s convenient for them. Providers should also be open to — but not require — ongoing caretaker engagement while youth participate in their program.

Because transportation can be a significant barrier for Black and Brown youth, local governments or diversion providers should provide or subsidize transportation<sup>6,8</sup>. Specifically, local governments can give youth free public transit passes, which can help them access diversion as well as other support structures like school and youth development programs<sup>6</sup>.

### Track and ensure protected access to data

Coordinating bodies should work with law enforcement agencies and diversion providers to establish which data these agencies and providers need to collect and share back.

These data can reveal what’s working well and where Black and Brown youth are facing inequities, which can then inform how law enforcement and diversion providers can adjust their practices to address the causes of those inequities. Organizations that are overseeing or evaluating diversion need access to data on each touchpoint so that they can understand how well the diversion model is working and recommend strategies to improve equity.

While data collection and access is critical, law enforcement agencies, diversion providers, and evaluators should protect youths’ privacy, as discussed in Touchpoint 4.



## Touchpoint 1: Getting Stopped by a Law Enforcement Officer

*“How can we challenge police interaction to begin with? There’s a whole world of young people who may exhibit behaviors that are criminalized in some communities, but never trigger a police call or response.”*

— **Patricia Soung**, Children’s Defense Fund

In the model of pre-booking diversion, police initiate the diversion process. That is, police first stop youth — or come to a scene where youth are present, in response to a call — before considering whether to divert them.

### Law Enforcement Stops and Equity

*“Too often, the youth at risk of being further traumatized by interactions with police are from systematically over-policed and under-resourced communities, where investments in early childhood development, education, and economic development are spread thin.”*

— **Taylor Schooley**, YDD

Pre-booking diversion is a promising practice to reduce rates of arrest, but it’s operating on top of existing racial inequity in police stops (and calls to the police) — officers stop Black and Brown youth and adults much more often than White individuals<sup>10-12</sup>. For example, a recent *LA Times* investigation found that 28% of individuals stopped by the Los Angeles Police Department are Black, while Black individuals make up just 9% of the city’s population<sup>13</sup>. However, national surveys confirm<sup>13</sup> that youth of all racial/ethnic backgrounds are equally likely to report that they have participated in risky behaviors such as using or selling drugs<sup>2,3</sup>.

Some of the reasons police stop Black and Brown youth disproportionately include policy decisions to patrol Black and Brown communities more intensively (i.e., over-policing), laws that criminalize youth behaviors resulting from economic necessity (e.g., transit fare evasion), and explicit and implicit biases that lead to disproportionate criminalization<sup>6,14</sup>.

Schools may initiate police interaction. School administrators and teachers are much more likely to ask police to intervene in situations involving Black and Brown youth, and often do so for minor infractions<sup>15-18</sup>. Racial inequities are especially evident in schools with school-based police officers, those with “zero tolerance” discipline policies, and those that are under-resourced<sup>18,19</sup>.

The child welfare system may also initiate police interaction. For instance, staff working in foster care facilities may call the police and ask them to arrest youth living in these homes<sup>20</sup>. This affects racial equity because Black and Brown youth are overrepresented in the foster care system<sup>20-23</sup>.

### Valerie's story

Valerie, a 17-year-old high school student, planned to leave school early one day. She waited in front of the school for a friend who was still inside when a staff member brought her inside to the assistant principal, who proceeded to call the police. **When the officer arrived, the assistant principal said, "Give these girls a ticket." The officer gave her a ticket for loitering.**

Valerie felt disrespected by this encounter, saying, **"She didn't call me by my name, she called me 'girl' . . . She only sees us as ID numbers."** Valerie said she regrets skipping class but wishes that the people in schools would just talk to students and let them know it's okay to make a mistake.

Valerie's mom, Cinthya, was also upset by the school's decision to call the police. Cinthya wished the school would "call me in that moment, and I will go to the school and find what's going on and try to do something right there . . . But just to go and call the police and give [her] a ticket . . ."

Valerie's story is just one example of how institutions, like schools, may criminalize Black and Brown youth when a different response could be more constructive. For example, with additional resources or training, school staff may have been able to call Valerie's mom or sit down with Valerie to ask her why she left campus.

## Measuring Equity in Law Enforcement Stops

Working toward equity in this first touchpoint involves assessing whether law enforcement officers disproportionately stop Black and Brown youth compared to White youth. Ideally, the proportion of youth of each racial/ethnic identity stopped by law enforcement should match the proportion of youth of each racial/ethnic identity in the population. For example, if Black youth make up 20% of the youth population in the county, approximately 20% of youth stopped should be Black.

If data on calls to police or police stops are not available, stakeholders may instead look at arrest data to see if arrests of Black and Brown youth are proportionate with their population size.

Key metrics are summarized in **Table 1** on the following page.

**Table 1. Measuring Equity in Law Enforcement Stops of Youth**

Key Metrics	Potential Data Sources	Indicators of Racial Equity
<p>% of youth stops by race/ethnicity<sup>1</sup></p> <ul style="list-style-type: none"> <li>• Compare to % of youth of each racial identity in the population</li> <li>• Examine stops geographically to look for disproportionate contact in specific neighborhoods</li> </ul>	<p>Law enforcement agency data</p> <p>Racial and Identity Profiling Act (RIPA) data<sup>2</sup></p>	<p>Proportion of youth of each race/ethnicity stopped matches the proportion of youth of each race/ethnicity in the population</p>

<sup>1</sup> Race/ethnicity data is typically entered by officers based on their perception of youth’s race, and officers frequently miscode Latinx youth as White. This miscoding can artificially inflate the apparent frequency of stops of White youth and mask potential disparities between Latinx and White youth.

<sup>2</sup> As of April 2019, large police departments in California are required to report data on stops. The RIPA board has not announced when the data will be available to the public.

## Promising Practices to Reduce Inequities in Stops

Law enforcement agencies, local governments, and schools can implement the following practices to reduce inequities in law enforcement stops with guidance and input from youth, advocates, and health departments.

### End over-policing by law enforcement

Policymakers and law enforcement agencies need to examine policies and practices, training procedures, and cultural norms to identify and change factors that may be contributing to over-policing of Black and Brown communities. For instance, they may find that decisions to patrol particular neighborhoods, quotas for stops, calls from other systems, or attitudes of an agency’s leadership are leading to inequitable stops of Black and Brown youth, and change policies underlying these problems. Agencies should also address biases and attitudes of officers that may contribute to inequitable stops of Black and Brown youth.

Government agencies should examine existing laws to see why law enforcement officers are stopping Black and Brown youth and consider whether law enforcement intervention is the most appropriate or constructive response<sup>14</sup>. For example, status offenses (i.e., behaviors such as truancy that are only criminalized when applied to youth) and behaviors resulting from underlying inequities (e.g., fare evasion) should be decriminalized.

## Interrupt the school-to-prison pipeline

Policymakers, schools, and community stakeholders should work to interrupt the school-to-prison pipeline by addressing youth behaviors through non-punitive approaches, such as restorative justice, that have been shown to reduce reliance on police<sup>24</sup>.

Government agencies may need to allocate resources to support schools adequately, advance positive school discipline, provide training to teachers and staff, and implement restorative models. Stakeholders must explicitly focus on racial equity when intervening to interrupt the school-to-prison pipeline<sup>25</sup>.

## End foster care facilities' reliance on police

As with schools, foster care facilities may benefit from additional resources to develop ways of addressing youth behaviors without relying on police. Decision makers may pair these resources with policies that encourage alternative de-escalation techniques or referrals to diversion<sup>20,23,26</sup>. Training on conflict resolution and trauma-informed practices may also increase staff members' ability to address behaviors within the facility and increase law enforcement's ability to refer youth to diversion.



## Touchpoint 2: Getting Referred by Law Enforcement to a Diversion Program

*"I guess I just got lucky. I don't know how it works. I don't know how kids are chosen."*

— **Valerie**, high school student and participant in a diversion program in LA County

Law enforcement protocols for determining whether to refer youth to diversion typically involve several steps, and vary widely from agency to agency. Los Angeles Police Department (LAPD)'s diversion referral process is shown below as an example.

### LAPD's diversion referral decision-making process

After a stop, LAPD officers transport youth to a station, where they evaluate whether youth are eligible for diversion based on predetermined criteria, including:

- Youth's age
- Type and severity of the alleged offense<sup>vi</sup>
- Youth's prior arrests and diversion attempts
- Other factors such as whether a serious injury occurred

If youth are eligible for diversion, officers call the youth's caretakers, who are required to arrive at the station within an hour. After caretakers arrive, officers give youth and caretakers an agreement form that describes the benefits of diversion as well as the requirements for participating. If youth and caretakers sign the agreement, officers complete a form to refer youth to a designated community-based diversion provider.

<sup>vi</sup> We use the term "alleged offense" because youth being considered for diversion have not gone through a legal process to determine whether they actually broke a law. In defining severity of offenses, felonies involving a firearm or other weapon are generally considered the most serious offenses, while status offenses and some misdemeanors are often considered low-level or minor offenses. Law enforcement officers often have discretion in classifying each alleged incident.



## Diversion Referrals and Equity

Referral to diversion represents a gateway for youth to access community-based supports and services that fit their needs and strengths better than arrest and punishment, which, in contrast, can initiate or exacerbate a trajectory of long-term harm. Ensuring that diversion from arrest is available for all youth is critical to achieving racial equity.

### Law enforcement may under-refer Black and Brown youth

Advocates and researchers alike have noted that law enforcement officers are more likely to arrest Black and Brown youth instead of diverting them<sup>4,27-30</sup>.

Several factors inform law enforcement decisions leading to the under-referral — intentional or unintentional — of Black and Brown youth. One potential source of inequity is when agencies' eligibility criteria exclude youth with prior arrests or youth who have allegedly committed serious offenses — youth arrest records may be reflective of structural inequities such as over-policing, and officers are more likely to classify the same alleged offense as a felony rather than a misdemeanor when committed by Black youth versus White youth<sup>4</sup>.

Other influential factors affecting decisions to refer include officers' knowledge of and comfort with diversion programs, implicit and explicit biases, perceptions of youth's attitude or age<sup>vii</sup>, and assumptions about caretakers' ability to engage — and many of these factors may disproportionately impact Black and Brown youth<sup>27,28,31,32</sup>. Officers may also consider the preferences of the person who called the police — such as school or foster care facility staff members — when deciding whether to divert youth.

Finally, some agency protocols, such as LAPD's, require caretakers to quickly come to a police station before an officer issues a referral, which creates barriers for caretakers who are unable to leave work, work multiple jobs, or have limited access to transportation.

### Over-referring Black and Brown youth may lead to net widening

A second concern is that law enforcement officers will use pre-booking diversion to “widen the net” and divert youth whom they may have otherwise released with a warning<sup>4</sup>.

Net widening is problematic because participation in diversion programming may label youth as “offenders,” increasing their chances of further contact with the justice system in the future<sup>4</sup>. The risk of net widening increases when jurisdictions use a young person's past diversion programming participation in criminal justice decisions.

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<sup>vii</sup> Officers consistently overestimate the age of Black youth<sup>33</sup>.

Net widening may be more likely to occur if agency protocols target typical adolescent behavior or low-level alleged offenses for diversion, since some of these incidents should be addressed through a simple warning or connection to supportive services without law enforcement contact.

### **Net widening in Florida following a civil citation program**

In Florida, law enforcement officers may issue a civil citation to youth instead of arresting them. A study evaluating Florida's civil citation program found that, over the long term, the total number of youth arrested and cited didn't increase in most counties following implementation<sup>30</sup>. However, several counties did see short-term increases in arrests plus citations, and five of the 60 counties showed long-term increases.

These findings suggest pre-booking diversion programs may lead to net widening and that looking at time trends in law enforcement contacts with youth across jurisdictions can reveal which agencies may need to revisit their referral protocols.

## **Measuring Equity in Law Enforcement Referrals to Diversion**

Assessing the outcome of each law enforcement stop can illuminate where law enforcement personnel may introduce racial inequity. This type of data requires recording accurate information about youth's race/ethnicity and type of alleged offense for each stop.

If data show, for instance, that officers disproportionately arrest Black and Brown youth for a specific serious alleged offense, but refer White youth to diversion for the same alleged offense, this indicates that Black and Brown youth are being under-referred to diversion. Similarly, if officers tend to warn and release White youth for a low-level alleged offense, but refer Black and Brown to diversion for this same alleged offense, this suggests that Black and Brown youth are being over-referred and net widening will occur.

Looking at trends over time in the total number of referrals and arrests can reveal the extent of net widening<sup>30</sup>. For instance, if the combined total of referrals and arrests increases over time, net widening may be occurring.

Metrics for assessing equity at this touchpoint are summarized below in **Table 2** on the following page.

**Table 2. Measuring Equity in Law Enforcement Referral of Youth to Diversion**

Key Metrics	Potential Data Sources	Indicators of Racial Equity
<p>% of youth, by race/ethnicity, that officers stop and warn with no further intervention, refer to pre-booking diversion, and arrest</p> <p>Break data out by level (status, misdemeanor, felony) and type (non-violent, violent, etc.) of alleged offense</p>	<p>RIPA board<sup>1</sup></p> <p>Law enforcement agencies<sup>2</sup></p> <p>Providers<sup>3</sup></p>	<p>Youth of all racial/ethnic backgrounds are referred to diversion by law enforcement officers for serious alleged offenses, arrested for only very serious alleged offenses, and stopped without further intervention for minor/status alleged offenses at similar rates</p>
<p>Time trends in total number of arrests plus referrals, by youth race/ethnicity</p>	<p>Law enforcement agencies<sup>2</sup></p>	<p>The sum of arrests and referrals — especially of Black and Brown youth — decrease or remain stable over time</p>

<sup>1</sup> The Racial and Identity Profiling Act (RIPA), passed in 2015, mandates that law enforcement agencies in California collect data on all stops, including the reason for a stop and any actions taken during the stop, as well as the characteristics of individuals they stop. Once publicly available, this data source may be useful in evaluating equity in pre-booking diversion referrals.

<sup>2</sup> In most cases, law enforcement agencies would have to start collecting and sharing data on the number and characteristics of youth they stop and divert. Some agencies, including LAPD, are starting to collect this data.

<sup>3</sup> Providers could compare the alleged offenses of youth referred to their program by youth's race/ethnicity.

## Promising Practices to Reduce Inequities in Referrals

Law enforcement agencies can implement the following promising practices in partnership with community stakeholders and health departments to mitigate potential inequities in referrals. These practices include developing clear eligibility criteria, reviewing decisions to arrest youth eligible for referrals, training officers about diversion and youth development, and completing referrals during stops.

### Divert youth with serious alleged offenses and prior records and warn youth with low-level alleged offenses

Law enforcement agencies can increase equity by creating graduated eligibility criteria, which means referring youth who have allegedly committed serious offenses to diversion and releasing youth who have allegedly committed low-level offenses with a warning.

This practice helps diversion providers focus their resources on supporting youth who will benefit most from their programs — that is, youth who have allegedly committed serious offenses<sup>4,34,35</sup>.

In addition, agencies should offer diversion even when youth have a record of arrest or previous referrals to diversion. Doing otherwise could exclude Black and Brown youth from diversion opportunities because they are more likely to have been previously stopped or arrested by law enforcement due to inequitable practices such as over-policing<sup>4</sup>.

### Implement policies and practices that limit individual interpretation and biases

Agencies should develop clear protocols for diversion referral decision making to decrease the influence of factors that could be driven by racial bias, such as officers' perception of youth's age or attitude or their assumptions about their caretakers' likelihood to engage<sup>27</sup>.

For example, agencies can:

- Develop eligibility criteria that are as objective as possible, such as youth's actual age, the type of offense they allegedly committed, and whether they caused an injury to someone that required immediate medical attention
- Require officers to divert all youth who meet the eligibility criteria

### Develop processes for review and accountability

Agencies should also require officers to justify their decision whether to refer youth and review these decisions. One LA County-based law enforcement agency developed a tracking system where officers must record the reason why they did not refer youth eligible for diversion. The agency plans to analyze the data in aggregate, looking for patterns in diversion of youth by geography and race/ethnicity.

#### Florida reviews law enforcement officers' referral decisions

In Pinellas County, FL, officers divert<sup>viii</sup> 93% of all youth who are eligible, and officers credit the process of reviewing officers' referral decisions for this success<sup>36</sup>. Specifically, when officers decide to arrest a young person who is legally eligible for diversion, they must complete a form describing why. The state's Juvenile Assessment Centers then review this form, with the option to override an officer's decision if they find an arrest was unjustified.

Although data on racial equity is not available at the county level, state-level statistics show that officers in Florida divert 58% of eligible Black youth, 65% of eligible Latinx youth, and 57% of eligible White youth. This data must be interpreted with caution, however, because only minor alleged offenses are eligible for diversion in Florida.

<sup>viii</sup> Florida uses civil citations as an alternative to arrest. Youth receiving a civil citation are required to report to a diversion program where they receive a needs assessment and complete requirements such as community service.

Diversion program providers can play a role in reviewing referrals to prevent net widening. For instance, program staff can read referral and arrest files to look for red flags such as arrests for minor incidents as well as violations of youth's civil rights.

One provider said that when their organization sees cases they deem too minor for diversion — such as arresting a youth who “twerked” at a dance for sexual assault — they push law enforcement agencies to drop individual cases or change the agency's protocol on responding to low-level alleged offenses.

## Inform officers and staff in other systems about diversion programs and youth development

*“If you just roll [diversion] out without buy-in, you will get a minimal amount of referrals and lots of racial disparities.”*

— **Jessica Ellis**, Centinela Youth Services

Law enforcement agencies should train officers about diversion and work to build their buy-in for the practice. Specifically, agencies should inform officers about the organizations that offer diversion, the services these organizations provide to youth participating in diversion, and the protocol for completing a diversion referral. Law enforcement agencies or diversion providers can also share success stories of youth who have completed diversion to increase officer buy-in.

Health department staff or diversion providers can provide training to shift officers' and others' (e.g., school or foster care facility staff) assumptions about youth behavior and youth development. Officers are more likely to divert youth — and staff in other systems are more likely to be supportive of diverting youth — when they understand youth make mistakes as part of their typical development and when they realize their perceptions of youth's behaviors or attitudes aren't good predictors of youth's success in a diversion program.

Law enforcement officers share that they learn best through the following ways:

- Announcements during roll call (a short assembly at the beginning of each shift)
- Tools, such as flowcharts, that clearly point out criteria and steps for diversion
- Leadership and modeling from fellow officers as examples to draw upon
- Participating in collaborative processes with youth and community stakeholders to design diversion models in their jurisdictions (e.g., deciding on eligibility criteria)

## Building a working relationship with law enforcement agencies

Centinela Youth Services (CYS), a youth diversion provider, has developed an effective process of getting law enforcement agencies on board with referring youth to their program.

Because law enforcement agencies are hierarchical, CYS starts by meeting with upper agency leadership, then command staff, then patrol officers last. CYS also works with each agency to determine their primary contact within the agency, which gives CYS opportunities to encourage them to start referring more youth than they were initially comfortable with, and to hold the agency accountable.

Many diversion providers may not find this process feasible due to staff capacity or strained relationships with law enforcement agencies. In these cases, health department staff may play more of a role in building law enforcement buy-in.

## Reduce burdens on caretakers

*“For poor youth and families, the ability to just show up seems like it would cause a disparity in penalties and outcomes.”*

— **Patricia Soung**, Children’s Defense Fund

Law enforcement agencies can reduce burdens on caretakers and youth by completing the referral process during the stop (instead of transporting youth to a station and giving caretakers limited time to pick up their children). This practice may also reduce youth stress and trauma that could result from being transported to a station.

In LA County, one complexity has been variations in whether officers must release youth into the custody of a caretaker following a referral to diversion. Some agencies don’t have a way of identifying a young person that doesn’t include booking or don’t think it’s feasible to wait at the scene until a caretaker arrives to provide consent, so they bring youth to a police station. Stakeholders are currently exploring what resources or protocols could support officers in staying at the site of the stop when referring youth to diversion.

If completing referrals in the field is not feasible, agencies should implement other practices to reduce burdens, such as asking caretakers for consent over the phone or identifying alternative means for positive identification that do not result in booking a young person’s information into a database discoverable by background check.



## Touchpoint 3: Getting Enrolled in a Diversion Program

*“Just to explain what options they have as kids, as parents . . . I thought the only option was to go to court and pay whatever it was. Finding a way, maybe through school, sending information, what are the options?”*

— **Cinthya**, caretaker of a participant in a diversion program in LA County

Enrollment in a community-based diversion program typically consists of an intake process where program staff introduce the program to youth and caretakers, assess the youth’s strengths and needs, and work with the youth and caretaker to develop a plan for the youth’s participation in the program (referred to as a “care plan” in this document).

### Enrollment and Equity

Getting enrolled in diversion requires resources and energy on the part of youth and caretakers and may introduce barriers that prevent youth, including Black and Brown youth, from enrolling. Data from LA County<sup>ix</sup> and Nebraska show that 10–25% of youth referred to pre-booking diversion never enroll<sup>37</sup>.

Providers introduce barriers to enrollment when they require youth and their caretakers to come to their site during limited, inflexible hours<sup>38</sup>. Providers or law enforcement agencies may also fail to adequately communicate with youth about their eligibility<sup>29</sup>. Also, if law enforcement agencies don’t share youth’s contact information with providers, providers can’t reach out to youth.

### Measuring Equity in Enrollment

Getting referred to diversion by law enforcement doesn’t guarantee that youth will enroll in a diversion program. Youth and caretakers may decline diversion, they may be unable to complete the intake process, or they may be unaware of the opportunity if providers are unable to contact them. In addition, some providers may have eligibility criteria that exclude some youth from participating.

Collecting and analyzing data related to enrollment can reveal where Black and Brown youth are dropping off in the enrollment process and the underlying causes, as summarized in **Table 3** on the following page.

<sup>ix</sup> One diversion provider stated they are unable to contact about 25% of the youth referred to them. If the referring law enforcement agency also contacts youth, the proportion decreases to 10%.

**Table 3. Measuring Equity in Youth Enrollment in Diversion Programs**

Key Metrics	Potential Data Sources	Indicators of Racial Equity
% of youth and caretakers by race/ethnicity declining officer referral to diversion (and reason for doing so)	Law enforcement agencies <sup>1</sup>	Of those referred, equal proportions of youth across racial/ethnic groups enroll in diversion
% of youth by race/ethnicity referred whom provider cannot contact	Providers <sup>2</sup>	
% of youth by race/ethnicity contacted by provider who do not enroll (and reason for not doing so)		
% of youth by race/ethnicity deemed ineligible by provider (and reason for ineligibility)		

<sup>1</sup> Law enforcement agencies would have to start collecting and sharing this data.

<sup>2</sup> Providers may have to start collecting more detailed data on youth whom they are unable to enroll.

## Promising Practices to Reduce Inequities in Enrollment

Diversion providers and law enforcement agencies can implement the following practices, with oversight from community stakeholders and health departments, to mitigate potential inequities at this touchpoint.

In short, providers can ensure youth and caretakers understand diversion and their eligibility, reduce barriers to the intake process, and work with youth and caretakers to develop an individualized care plan. Law enforcement agencies can provide relevant information to providers and inform youth of their eligibility.



## Use multiple forms of communication in appropriate languages to educate youth and their caretakers and inform youth of their eligibility

*“With the Latino community, our first language is not English. Sometimes, we just don’t read things. I was lucky to open that envelope and read what options he has. A lot of people don’t do it.”*

— **Homey Mom**, caretaker of a participant in a diversion program in LA County

Diversion providers and law enforcement agencies should implement the following practices to ensure caretakers and youth know they are eligible, understand what diversion is, and experience minimal fear and uncertainty about diversion:

- Proactively inform caretakers and youth about diversion programs before an arrest occurs, such as through school and social media
- Inform youth and their caretakers of youth’s eligibility in person, while issuing the referral (law enforcement)
- For youth being referred, provide diversion programs with youth names, contact information, and arrest files for the relevant incident (law enforcement)
- Use multiple forms of communication to contact youth and caretakers, including phone, mail, and text messages
- Contact and communicate with youth and caretakers in their primary language
- Explain the program to youth and caretakers and address their fears and concerns (providers)

## Meet when and where it’s convenient for youth and caretakers

*“[The case manager] was flexible on the schedule and times we were able to meet.”*

— **Homey Mom**, caretaker of a participant in a diversion program in LA County

Providers should reduce burdens on caretakers related to transportation and limited time by meeting where the caretaker and youth are most comfortable, and scheduling the meeting around caretakers’ and youth’s availability<sup>38</sup>.

## Use healing-informed practices to assess strengths and needs

*“It’s important to develop truly strengths-based, healing-responsive assessment tools that empower young people as agents in their own diversion plan. Providers should be empowered to recognize both signs of trauma and strong protective factors so they can connect youth to activities and services that meet individual interests and needs without stigmatizing or pathologizing them.”*

— **Taylor Schooley**, YDD

Youth entering diversion may have already experienced trauma. Staff should avoid retraumatizing or stigmatizing youth and offer services to address the trauma thoughtfully throughout the intake process.

### **Youth of color experience excess trauma, but benefit from tailored approaches**

Black and Brown youth experience disproportionate adversities, including financial hardship, parental incarceration, community violence, and discrimination<sup>39,40</sup>. Early life stress can lead to physical, mental, and behavioral outcomes<sup>41</sup> and negatively impact the health of Black and Brown youth<sup>42</sup>. Diversion providers and youth development organizations can begin to address these impacts through strengths-based, community-driven, and culturally rooted programs<sup>43-45</sup>).

## **Develop an individualized, strengths-based care plan with youth and caretakers**

*"It wasn't forcing me, everything was voluntary, I gave my consent."*

— **Daniel**, student and participant in a diversion program in LA County

Youth should have significant leadership and voice in determining what's included in their care plan, and providers should work with youth — and caretakers when appropriate — to create an individualized plan. For instance, providers can ask youth questions about their immediate goals and what they want for their future.

Care plans should also acknowledge and build on youth's strengths<sup>8</sup>. A YDD staff member reflected, "[Ideally], programming is youth led and based in youth strengths and 'protective factors,' rather than seeing deficits or 'risk factors' as the main focus."

Providers should offer services that address trauma, as this can increase youth's ability to complete diversion, improve their mental health, and avoid future contact with the justice system<sup>4,37</sup>. These services should never be mandated, however. One provider candidly stated that, otherwise, "services can miss the mark culturally. They may be rammed down people's throats in ways that don't feel fair." To counter this, her organization is more flexible: "If families say therapy is against their religion, for instance, we'll work around that. We don't force anything."



## Touchpoint 4: Participating in and Completing a Diversion Program

*"[The case manager] was on my side. He said it's messed up kids have to go through all of this because they made a mistake. It made me feel good that we have other people that have that same mindset that it's not fair . . . He [also] was really friendly."*

— **Valerie**, high school student and participant in a diversion program in LA County

Youth must typically meet or make substantial progress toward goals in their care plan to successfully complete a diversion program. When youth are unable to complete a program, law enforcement officers often enter a record of the youth's arrest for the alleged offense, which may then be used to file or sustain a charge that leads to further justice system involvement for the youth.

### Equity in Program Participation and Completion

Diversion program completion rates range from 70% to 90%, but are as low as 50% in some places<sup>34,37,46</sup>. Black and Brown youth may be less likely to complete programs for many reasons<sup>47</sup>.

A program's design can have a significant influence on youth's ability to participate. For example, providers may hold the program far from where youth live, limit their programs to regular business hours, and mandate services for youth or caretakers<sup>38,48</sup>. Programs that take a punitive approach (e.g., requiring payment of fees or admission of guilt) create barriers for Black and Brown youth, especially those from low-income backgrounds<sup>4</sup>. Additionally, programs may not be culturally tailored or staffed by case managers whom youth can relate to<sup>38,49,50</sup>.

Youth's individual circumstances may also make participation difficult — for instance, youth who are experiencing homelessness or are in the foster care system may find it especially difficult to get to a program site.

With clear implications for equity, this is another touchpoint where diversion providers have the opportunity to address barriers. When Black and Brown youth have a realistic opportunity to complete diversion programs, they may avoid stigmatization and deeper involvement with the justice system.

# Measuring Equity in Program Engagement and Completion

Looking at whether youth are able to access services and fulfill care plan goals tells providers if youth are engaging in and completing diversion programs. Providers can also look at youth’s satisfaction with the program to see how well it fits with youth interests.

To measure equity in program engagement and completion, diversion providers should conduct thorough evaluations of their programs, services, and care plans and draw comparisons according to youth characteristics.

Stakeholders should also look at the outcome of the arrest that led youth to be referred to diversion — for example, law enforcement should be no more likely to record the initial arrests of Black and Brown youth unable to complete a program than White youth unable to complete.

See **Table 4** for a summary of suggested metrics for this touchpoint.

**Table 4. Measuring Equity in Program Engagement and Completion**

Key Metrics	Potential Data Sources	Indicators of Racial Equity
% of youth by race/ethnicity completing care plan goals or program	Providers <sup>1</sup>	Equal proportions of youth across racial/ethnic groups complete their care plan goals; are offered each type of service; access services they are connected to; and express high satisfaction with the program
% of youth by race/ethnicity connected to supportive services who are able to access those services at least once during the program		
Youth’s satisfaction with program, by race/ethnicity		
% of youth by race/ethnicity whose initial arrest is not recorded	Law enforcement agencies <sup>1</sup>	Agencies should record initial youth arrests in equal proportions across racial/ethnic groups

<sup>1</sup> Providers and law enforcement agencies may need to begin collecting this data.

## Promising Practices to Reduce Inequities in Engagement and Completion

Diversion providers should work with youth, advocates, and health departments to implement programs that are responsive to youth and caretakers' needs, maximize youth's ability to complete the program, and help youth who have difficulty completing the program to avoid a record of the arrest they're being referred for.

### Use a restorative, non-punitive approach

Research suggests that youth are more likely to complete diversion programs that are based in restorative practices that aim to repair harm and relationships than programs that are punitive<sup>50,51</sup>. Youth participating in restorative justice programs are also less likely to have future arrests or charges than youth participating in other types of diversion programs<sup>4,35,50</sup>.

#### **Daniel valued the diversion program's restorative approach**

Daniel is a high school freshman who enjoys playing sports, like lacrosse, at school.

Daniel participated in a community-based diversion program after his middle school called the sheriff to come give him a ticket. He liked that everything in the diversion program was voluntary, and said it's important that diversion programs "try not to guilt trip or force anybody to say anything they don't want to say."

A difficult aspect of the program was "having to constantly discuss [what happened] in an open room . . . having issues stare at you while you just confess."

Daniel also shared, "After a while I actually got into it and I wanted to change myself . . . I really benefited. If I hadn't gone to that program, things could have gotten way worse. The reason I got the ticket was a different issue, but I think if I hadn't have gone to it I would have gotten another ticket or continued doing what put me there in the first place."

He also noted the program helped him have more conversations with his mom, who came to a few sessions with him.

## Ground programs in youth's communities

*"The ideal network of diversion providers is one that is countywide and includes organizations with strong ties to the communities they are serving and that are run and led by people from the community whenever possible."*

— **Taylor Schooley**, YDD

Diversion programs should be held in the neighborhoods where Black and Brown youth live, and led and staffed by people who are reflective of youths' communities and cultures<sup>38,52</sup>. Staff from the local community can help ensure programs are culturally responsive and meet youth's needs.

Providers can adopt an even more participatory approach by hiring former Black and Brown participants or young Black and Brown adults who have had contact with the justice system and can serve as relatable mentors.

## Hire staff skilled in youth and caretaker engagement

*"[The case manager] was very helpful, a good listener, good advisor."*

— **Homey Mom**, caretaker of a participant in a diversion program in LA County

Diversion providers should hire staff skilled in youth and caretaker engagement and provide ongoing training in areas such as cultural humility and motivational interviewing.

Youth and caretakers described the value and impact of working with a case manager who was friendly, patient, supportive, and flexible. These qualities helped youth and caretakers stay engaged in the program and ultimately complete it.

## Invite caretakers to participate, and offer supports

*"One of my favorite activities was when we had time to write on pieces of paper about what was most important to me. We put our thinking in a jar and then read them together. [My son] could see we care and realize 'they love me.'"*

— **Homey Mom**, caretaker of a participant in a diversion program in LA County

Diversion programs that involve caretakers are among the most successful at reducing recidivism, and can also help youth and caretakers strengthen their relationships<sup>35,53</sup>.

Caretakers appreciate being included in some diversion program activities because it can help them develop a better understanding of what their child is experiencing in their lives and give them an opportunity to connect emotionally.

Providers should not require caretaker participation as this could exclude youth whose caretakers work multiple jobs or have other competing responsibilities such as caregiving. Providers should also make sure it's okay with youth if their caretakers join.

Based on caretakers' needs and interests, diversion providers can also help them access resources such as workforce development programs, government benefits, and legal advocacy. Providers can help caretakers navigate the process of enrolling in these programs and advocate on caretakers' behalf.

## Connect youth to supportive services and opportunities for growth

Diversion providers should connect youth to other programs and services depending on their interests and needs, such as art classes, tutoring, and youth leadership or organizing programs. Youth leadership opportunities may be especially valuable as they can help youth develop a sense of empowerment while improving conditions in their communities<sup>6</sup>.

Providers should also help youth address underlying needs that could otherwise interfere with their completion of the program. For example, programs can connect youth who are experiencing homelessness to services that provide food and housing.

### **Youth experiencing homelessness and youth in foster care require specialized care**

A high proportion of justice-involved youth have experienced homelessness in their lives or are in the foster care system. For example, among a sampling of youth confined in juvenile "camps" and similar placements such as group homes in LA County, approximately 15% had experienced homelessness and 32% had been in foster care<sup>54</sup>.

Youth who lack stable housing or who are in the foster care system face significant barriers to enrolling and participating in diversion programs, such as changing contact information or unreliable access to transportation.

In addition, many of these youth may have been exposed to multiple traumatic experiences and need extra support to resolve their history of trauma and meet underlying needs like housing<sup>23</sup>.

Representatives from health departments, child welfare systems, and other government agencies could form specialized care teams to collaboratively address the comprehensive needs of youth engaged in multiple systems and experiencing multiple adversities, like homelessness<sup>20</sup>.

## Adjust care plan as needed

As youth's needs and capacities change over time, youth and case managers may need to work together to adjust their care plan and goals. For instance, case managers and youth might determine partway through the program that they can decrease the length or frequency of their meetings<sup>38</sup>. Or, they might agree to change one of the initial goals they set during intake or to add a new goal.

Allowing for adjustment of goals may increase youth's benefit from a program as well as their ability to successfully complete it.

## Develop an exit strategy to maintain a sustainable connection with youth

*“Youth development needs to be ongoing and permanent. It can be music, a sport, a boys and girls club, and that can shift over time based on a young person’s development and interests.”*

— **Jessica Ellis**, Centinela Youth Services

Providers should work with youth to plan for their transition out of the program. In some cases, providers and youth may decide to continue ongoing, infrequent check-ins for a period of time following youth’s completion of the program.

Diversion providers can also support youth’s development by connecting youth to opportunities such as creative arts and organizing programs<sup>38</sup>. Ideally, providers will make these connections early on while the youth is actively engaged in their program so these activities form a bridge as youth transition out of the diversion program.

## Establish a protocol to guide response to youth unable to complete

*“Given the evidence of what works to support healthy and successful youth, every young person who substantially completes their individualized goals for diversion should be able to have their participation considered successful, with no criminal or arrest record sustained.”*

— **Taylor Schooley**, YDD

Providers should develop a protocol for responding to youth who are unable to complete their program in order to reduce the chances that a youth’s arrest is processed. The appropriate response should depend on the reasons youth didn’t complete the program.

For youth who have made progress toward the goals in their care plan but are unable to continue, providers can consider their participation substantially complete (see below). If hardships or health needs created insurmountable barriers to participating or completing a program, providers should refer youth to another diversion provider that can address underlying needs, or refer the youth to an intensive treatment program. In relatively rare cases, such as if the youth refuses to participate in the program, providers may need to refer youth back to law enforcement. However, in nearly all cases, providers ideally will be able to accommodate youth needs or refer them to an organization that can.

Law enforcement agencies should also develop a protocol for determining when to record an arrest for youth they divert. For instance, agencies may decide not to record low-level alleged offenses, regardless of whether youth complete a diversion program.



### **Completion looks different for every young person**

Providers may consider youth's participation "substantially complete" when the youth has made clear progress toward meeting their goals. For example, a young person and her case manager may have set goals for her to participate in an art class, go through a restorative justice process, and improve her relationship with her caretaker. If she participated in the restorative justice process, tried the art class, went to family counseling at least once, and felt ready to leave the diversion program, the case manager could consider her participation in the program complete.

### **Limit sharing of individually identifiable youth treatment and completion information**

Diversion providers and law enforcement agencies should develop a clear protocol for sharing data about youth enrolled in diversion.

Ideally, providers will not share the details of a youth's care plan, such as the type of services they were receiving or the number of sessions they attended, with law enforcement agencies or other justice system entities such as the district attorney's office. This type of data is protected by confidentiality statutes in many cases and could be used to unintentionally or intentionally reduce future opportunities for diversion or leniency.

In some cases, providers may need to share whether specific youth are actively enrolled in the program or are considered incomplete so that law enforcement agencies can determine whether to process the original arrest for which they were referred to diversion. More work is needed to better understand when and how this kind of information should be shared.



## Touchpoint 5: Thriving after a Diversion Program

*“Invite kids to do things. Give them someone to talk to . . . A lot of kids don’t want to go to college, they’re so set on that they don’t want to go to college. But why? Have those conversations with them. Have more resources — have more field trips, visit schools.”*

— **Valerie**, high school student and participant in a diversion program in LA County

The goals of diversion go beyond ensuring that youth complete program requirements. Avoiding future arrest as well as achieving broader wellness goals, like improving mental health and strengthening social skills and communication skills, can be important for eliminating future contact with the justice system and general long-term success.

### Equity in Thriving after the Program

Black and Brown youth may be less likely to benefit from the long-term goals of diversion program completion if their environments don’t provide them with the necessary supports to thrive.

In general, programs with a high prevalence of White youth are more effective at preventing further contact with the justice system than programs serving Black youth<sup>55</sup>. This is troubling because it suggests that diversion may be failing in its primary goal — to keep youth from being locked up. Beyond re-arrest, Black and Brown youth may also be less likely to experience other potential benefits of diversion related to wellness or school engagement.

Numerous systemic injustices form barriers to youth’s success after diversion. Over-policing of Black and Brown youth plays a significant role in inequities in reinvolvement with the justice system. Decades of government disinvestment likewise hinders the educational and social success of Black and Brown youth<sup>56</sup>. Advocates note that youth in LA County are “trapped in under-resourced schools” that fail to prepare youth for college and are left without safe, supervised spaces where they can spend time after school<sup>6</sup>. In addition, the justice system and inequitable workplace policies disproportionately deprive Black and Brown youth of caretakers and potential mentors<sup>18,39</sup>.

# Measuring Equity in Thriving after a Program

Diversion providers can measure youth outcomes after a program through short- and long-term follow-up evaluations, and combine these with data from law enforcement agencies. For racial equity to be possible, youth of all racial backgrounds will show improvement in key outcome areas and will avoid contact with the justice system at equal proportions. Suggested metrics for assessing racial equity after a program are summarized in **Table 5**.

**Table 5. Measuring Equity in Thriving after a Program**

Key Metrics	Potential Data Sources	Indicators of Racial Equity
% of youth by race/ethnicity with short- and long-term improvement in areas identified as goals in their care plan post-diversion	Providers	Equal proportions of youth across racial/ethnic groups show improvement in key areas and don't have further contact with the justice system
% of youth with short- and long-term improvement in areas targeted by program (e.g., mental health, educational engagement and/or completion, job placement, social skills and connections)	Providers	
% of youth who aren't re-arrested, don't have subsequent petitions filed, and don't have subsequent petitions sustained	Law enforcement agencies	

## Promising Practices to Reduce Inequities after a Program

Youth who are no longer in a diversion program may experience long-term benefits of diversion, which may be built upon or diminished by a youth's environment. To ensure long-term outcomes are equitable, diversion providers and local governments can invest in the following promising practices.

### Hire former Black and Brown participants

Diversion providers should hire former participants as mentors or as other program staff. Employing former participants can benefit these individuals directly — youth who are employed can build financial resources, gain skills that can be used toward future jobs, and

more easily avoid unlawful activities<sup>38</sup>. Not surprisingly, youth in LA County and elsewhere call for investment in youth jobs and pathways to employment<sup>6,38,52,57</sup>.

## Invest in Black and Brown youth and their communities

Local governments should fund resources to support youth's healthy growth, including high school dropout prevention and college preparation programs, opportunities to engage in arts and culture, jobs/skills training, and pathways to employment<sup>6,8</sup>. Governments should invest these resources equitably, focusing on Black and Brown communities.

### Reinvesting in health instead of punishment

As Kim McGill shared with us, “As people push to change the justice system and win major advances in diversion, decriminalization, and decarceration, it’s essential to also focus on divestment. For more than 50 years, social services and youth and community development have been gutted and public funds have been overwhelmingly shifted toward suppression. In most jurisdictions, more than 50% of tax revenue goes to law enforcement. At the county level, sheriffs, District Attorneys, and probation budgets dominate. Even as crime rates have dropped to their lowest levels since the 1950s, system budgets continue to grow. This has exploded the costs of suppression as well. For example, in LA County juvenile halls and Probation camps — with populations down by more than 50% while budgets continue to climb — it now costs as much as \$400,000 to detain one young person! Public safety must include youth and community development. Jobs, youth centers, arts and recreation, and health services are essential to building and maintaining safe communities. **It is essential to balance budgets through system divestment as we push for diversion, decarceration and decriminalization. Now the only investments that working class communities of color get more than others are policing and jails.**”

The American Public Health Association similarly calls for governments to “fund programs that meet human needs, promote healthy and strong communities, and reduce structural inequities (economic, racial, and social) — such as employment initiatives, educational opportunities, and affordable housing—including by using resources currently devoted to law enforcement<sup>14</sup>.”

In sum, diverting funds previously allocated to law enforcement and the justice system to health-promoting resources demonstrates a tangible commitment to promoting health instead of punishment<sup>14,38,52,58</sup>.

## Meet basic needs of Black and Brown caretakers

Because the health and social outcomes of caretakers and youth are intrinsically connected, government agencies should ensure that the basic health and social needs of caretakers are met<sup>6,59</sup>. This includes reducing adult incarceration and addressing the social determinants of health — through ensuring affordable and quality housing, food security, and livable wages.

As jurisdictions build out their youth diversion initiatives, coordinating bodies should assist diversion providers with developing partnerships with organizations and government agencies that provide resources for adults, such as job training and placement in high-wage industries, legal advocacy, and housing.

# Conclusions

Pre-booking diversion is a promising practice to reduce youth arrests, including arrests of Black and Brown youth. Law enforcement agencies and diversion providers must work in partnership with health departments, youth advocacy groups, and youth and caretakers to ensure that diversion processes and programs are designed to maximize equity at each of the five touchpoints discussed in this report.

In order for pre-booking diversion to be equitable, policymakers and law enforcement must reduce how often they stop Black and Brown youth, refer Black and Brown youth whom they would have otherwise arrested to diversion, and support diversion providers' outreach.

Diversion providers must likewise design their outreach, enrollment processes, and overall programs to reduce burdens on Black and Brown youth and their caretakers. Providers need to implement culturally tailored programming that is individualized, flexible, and strength based, and connect youth to activities and services that match their interests and needs. Providers need to help Black and Brown youth complete their program and develop protocols for supporting youth unable to do so.

Local governments and health departments have critical roles as well, including ensuring that organizations grounded in Black and Brown communities are provided with sufficient funding to run individualized diversion programs. These institutions are also responsible for creating conditions that help youth and their caretakers thrive before, during, and after participating in diversion — including investing in social determinants of health such as education and livable wages.

# References

1. *Fact Sheet: Black Disparities in Youth Incarceration*. Washington, DC: The Sentencing Project; September 2017. Accessed May 31, 2019.
2. *Results from the 2013 National Survey on Drug Use and Health: Summary of National Findings*. Rockville, MD: Substance Abuse and Mental Health Services Administration; 2014.  
<https://www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NSDUHresults2013.pdf>. Accessed May 31, 2019.
3. Floyd LJ, Alexandre PK, Hedden SL, Lawson AL, Latimer WW, Giles N. Adolescent Drug Dealing and Race/Ethnicity: A Population-Based Study of the Differential Impact of Substance Use on Involvement in Drug Trade. *Am J Drug Alcohol Abuse*. 2010;36(2):87-91. doi:10.3109/00952991003587469
4. Schlesinger T. Decriminalizing racialized youth through juvenile diversion. *Future Child*. 2018;28(1). doi:10.1353/foc.2018.0003
5. Soung P, Best M. *Juvenile Justice Crime Prevention Act in Los Angeles: A Case Study on Advocacy & Collaborative Reform*. Los Angeles, CA: Children's Defense Fund – California; 2018.  
<https://www.cdfca.org/wp-content/uploads/sites/4/2019/01/juvenile-justice-crime-prevention-act-in-los-angeles.pdf>. Accessed May 9, 2019.
6. *Building a Positive Future for LA's Youth*. Los Angeles, CA: Violence Prevention Coalition, LA For Youth, Youth Justice Coalition; 2016.  
<https://www.acesconnection.com/g/los-angeles-aces-connection/clip/las-youth-building-a-positive-future-reimagining-public-safety-with-an-investment-in-youth-development-pdf>. Accessed May 9, 2019.
7. Advances in Juvenile Justice Reform | California. National Juvenile Justice Network website. <http://www.njjn.org/our-work/juvenile-justice-reform-advances-california>. Accessed April 23, 2019.
8. *A Roadmap for Advancing Youth Diversion in Los Angeles County*. Los Angeles, CA: Countywide Criminal Justice Coordination Committee Youth Diversion Subcommittee, The Los Angeles County Chief Executive Office; 2017. Accessed May 31, 2019.
9. L.A. County MBK Initiatives. County of Los Angeles website.  
<https://www.lacounty.gov/mbk-initiatives/>. Accessed May 20, 2019.
10. Geller A, Fagan J, Tyler T, Link BG. Aggressive Policing and the Mental Health of Young Urban Men. *Am J Public Health*. 2014;104(12):2321-2327. doi:10.2105/AJPH.2014.302046
11. Pierson E, Simoiu C, Overgoor J, et al. *A Large-Scale Analysis of Racial Disparities in Police Stops across the United States*. Stanford, CA: Stanford Computational Policy Lab; 2019.  
<http://arxiv.org/abs/1706.05678>. Accessed May 9, 2019.
12. Ayres I, Borowsky J. *A Study of Racially Disparate Outcomes in the Los Angeles Police Department*. Los Angeles, CA: American Civil Liberties Union of Southern California; 2008.  
<https://www.aclusocal.org/en/racial-profiling-lapd-study-racially-disparate-outcomes-los-angeles-police-department>. Accessed May 9, 2019.
13. Chang C, Poston B. "Stop-and-frisk in a car:" Elite LAPD unit disproportionately stopped black drivers, data show. *LA Times*.

<https://www.latimes.com/local/lanow/la-me-lapd-traffic-stops-20190124-story.html>.  
Published January 24, 2019. Accessed April 8, 2019.

14. *Addressing Law Enforcement Violence as a Public Health Issue*. Washington, DC: American Public Health Association; 2018.  
<https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/law-enforcement-violence>. Accessed May 9, 2019.
15. Anyon Y, Jenson JM, Altschul I, et al. The persistent effect of race and the promise of alternatives to suspension in school discipline outcomes. *Child Youth Serv Rev*. 2014;44:379-386. doi:10.1016/j.childyouth.2014.06.025
16. Geller A, Fagan J. Police Contact and the Legal Socialization of Urban Teens. *RSF J Soc Sci*. 2019;5(1):26-49. doi:10.7758/RSF.2019.5.1.02
17. Skiba RJ, Arredondo MI, Rausch MK. *New and Developing Research on Disparities in Discipline*. Bloomington, IN: The Equity Project at Indiana University; 2014.  
[http://www.indiana.edu/~atlantic/wp-content/uploads/2014/04/Disparity\\_NewResearch\\_Full\\_040414.pdf](http://www.indiana.edu/~atlantic/wp-content/uploads/2014/04/Disparity_NewResearch_Full_040414.pdf). Accessed May 31, 2019.
18. Harris C, Ortenburger M, Santiago F, Tellez A, Heller J. *Juvenile Injustice: Charging Youth as Adults Is Ineffective, Biased, and Harmful*. Oakland, CA: Human Impact Partners; 2017.  
<https://humanimpact.org/hipprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/>. Accessed May 31, 2019.
19. Latimore TL, Peguero AA, Popp AM, Shekarkhar Z, Koo DJ. School-Based Activities, Misbehavior, Discipline, and Racial and Ethnic Disparities. *Educ Urban Soc*. 2018;50(5):403-434. doi:10.1177/0013124517713603
20. *Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice*. Washington, DC, and Boston, MA: Center for Juvenile Justice Reform, Robert F. Kennedy Children's Action Corps; 2012.  
[http://www.courts.ca.gov/documents/Multi\\_system\\_youth.pdf](http://www.courts.ca.gov/documents/Multi_system_youth.pdf). Accessed May 31, 2019.
21. *Racial Disproportionality and Disparity in Child Welfare*. Washington, DC: United States Children's Bureau; 2016.  
[https://www.childwelfare.gov/pubpdfs/racial\\_disproportionality.pdf](https://www.childwelfare.gov/pubpdfs/racial_disproportionality.pdf). Accessed May 31, 2019.
22. Herz DC, Dierkhising CB. Our New Data on Dual System Youth Show Deep Collaboration, More Info Is Crucial. *Juv Justice Inf Exch*. 2019.  
<https://jjie.org/2019/03/11/our-new-data-on-dual-system-youth-show-deep-collaboration-more-info-is-crucial/>. Published March 11, 2019. Accessed May 20, 2019.
23. McCroskey J, Herz D, Putnam-Hornstein E. *Crossover Youth: Los Angeles County Probation Youth With Previous Referrals to Child Protective Services*. Los Angeles, CA: Children's Data Network; 2017. <http://www.datanetwork.org/wp-content/uploads/CrossoverYouth.pdf>. Accessed May 20, 2019.
24. González T. Socializing Schools: Addressing Racial Disparities in Discipline Through Restorative Justice. In: Losen DJ, ed. *Closing the School Discipline Gap: Equitable Remedies for Excessive Exclusion*. New York, NY: Teachers College Press; 2015.
25. Gregory A, Huang FL, Yolanda A, Eldridge G, Downing B. An Examination of Restorative Interventions and Racial Equity in Out-of-School Suspensions. *Sch Psychol Rev Bethesda*. 2018;47(2):167-182. doi:10.17105/SPR-2017-0073.V47-2
26. Baynes-Dunning K, Worthington K. Responding to the Needs of Adolescent Girls in Foster Care. *Georget J Poverty Law Policy*. 2012;20:321.
27. Ericson RD, Eckberg DA. Racial Disparity in Juvenile Diversion: The Impact of Focal



- Concerns and Organizational Coupling. *Race Justice*. 2016;6(1):35-56. doi:10.1177/2153368715594848
28. Leiber MJ, Johnson JD. Being Young and Black: What Are Their Effects on Juvenile Justice Decision Making? *Crime Delinquency*. 2008;54(4):560-581. doi:10.1177/0011128707308857
  29. Knauf AS. Community roots: A short-lived diversion program steers East African youth away from the criminal justice system. *The Stranger*. <https://www.thestranger.com/juvie/2017/07/19/25297030/community-roots-a-short-lived-diversion-program-steers-east-african-youth-away-from-the-criminal-justice-system>. Published July 19, 2017. Accessed May 31, 2019.
  30. Nadel MR, Pesta G, Blomberg T, Bales WD, Greenwald M. Civil Citation: Diversion or Net Widening? *J Res Crime Delinquency*. 2018;55(2):278-315. doi:10.1177/0022427817751571
  31. Development Services Group, Inc. Diversion Programs. Literature review. Washington, DC: Office of Juvenile Justice and Delinquency Prevention; 2017. [https://www.ojjdp.gov/mpg/litreviews/Diversion\\_Programs.pdf](https://www.ojjdp.gov/mpg/litreviews/Diversion_Programs.pdf). Accessed May 31, 2019.
  32. Champion DJ. *The Juvenile Justice System: Delinquency, Processing, and the Law*. 3rd ed. Upper Saddle River, NJ: Prentice Hall; 2001.
  33. Goff PA, Jackson MC, Di Leone BAL, Culotta CM, DiTomasso NA. The essence of innocence: Consequences of dehumanizing Black children. *J Pers Soc Psychol*. 2014;106(4):526-545. doi:10.1037/a0035663
  34. Seroczynski AD, Evans WN, Jobst AD, Horvath L, Carozza G. Reading for Life and Adolescent Re-Arrest: Evaluating a Unique Juvenile Diversion Program. *J Policy Anal Manage*. 2016;35(3):662-682.
  35. Baliga S, Henry S, Valentine G. *Restorative Community Conferencing: A Study of Community Works West's Restorative Justice Youth Diversion Program in Alameda County*. Oakland, CA: Impact Justice, Community Works West; 2017. [https://impactjustice.org/wp-content/uploads/CWW\\_RJreport.pdf](https://impactjustice.org/wp-content/uploads/CWW_RJreport.pdf). Accessed May 31, 2019.
  36. *Stepping Up: Florida's Top Juvenile Pre-Arrest Diversion Efforts*. St. Petersburg, FL: Caruthers Institute; 2018. <http://caruthers.institute/wp-content/uploads/2018/06/FINAL-201816063.pdf>. Accessed May 31, 2019.
  37. Wylie LE, Hobbs A. *Nebraska Juvenile Diversion Programs 2012-2015*. Omaha, Nebraska: University of Nebraska-Omaha; 2016. <https://www.jjinebraska.org/s/Diversion-Report.pdf>. Accessed May 17, 2019.
  38. Fazal SM. *Safely Home: Reducing Youth Incarceration and Achieving Positive Youth Outcomes for High and Complex Need Youth through Effective Community-Based Programs*. Harrisburg, PA: Youth Advocate Programs Policy & Advocacy Center; 2014. <http://safelyhomecampaign.org/Safely-Home-Report>. Accessed March 8, 2019.
  39. Slopen N, Shonkoff JP, Albert MA, et al. Racial Disparities in Child Adversity in the U.S. *Am J Prev Med*. 2016;50(1):47-56. doi:10.1016/j.amepre.2015.06.013
  40. Purewal Boparai S, Marie T, Aguayo E, et al. Adversity and academic performance among adolescent youth: a community-based participatory research study. *J Adolesc Fam Health*. 2017;8(1).
  41. Bethell CD, Newacheck P, Hawes E, Halfon N. Adverse Childhood Experiences: Assessing The Impact On Health And School Engagement And The Mitigating Role Of Resilience. *Health Aff*. 2014;33(12):2106-2115. doi:10.1377/hlthaff.2014.0914

42. Schilling EA, Aseltine RH, Gore S. Adverse childhood experiences and mental health in young adults: a longitudinal survey. *BMC Public Health*. 2007;7(1). doi:10.1186/1471-2458-7-30
43. Brody GH, Chen YF, Kogan SM, et al. Family-centered Program Deters Substance Use, Conduct Problems, and Depressive Symptoms in Black Adolescents. *Pediatrics*. 2012;129(1):108-115. doi:10.1542/peds.2011-0623
44. Hanson JL, Gillmore AD, Yu T, et al. A Family Focused Intervention Influences Hippocampal-Prefrontal Connectivity Through Gains in Self-Regulation. *Child Dev*. October 2018. doi:10.1111/cdev.13154
45. Miller GE, Brody GH, Yu T, Chen E. A family-oriented psychosocial intervention reduces inflammation in low-SES African American youth. *Proc Natl Acad Sci*. 2014;111(31):11287-11292. doi:10.1073/pnas.1406578111
46. *Everychild Restorative Justice Centers: Executive Summary*. Hawthorne, CA: Centinela Youth Services. <http://laschoolboard.org/sites/default/files/Tab%201.%20CYS%20Executive%20Summary.pdf>. Accessed May 31, 2019.
47. de Beus K, Rodriguez N. Restorative justice practice: An examination of program completion and recidivism. *J Crim Justice*. 2007;35(3):337-347. doi:10.1016/j.jcrimjus.2007.03.009
48. Mears DP, Kuch JJ, Lindsey AM, et al. Juvenile Court and Contemporary Diversion: Helpful, Harmful, or Both? *Criminol Public Pol*. 2016;15(3):953-981. doi:10.1111/1745-9133.12223
49. Tiano S. In California, Data Shows a Widening Racial Gap as Juvenile Incarceration Has Declined. *The Chronicle of Social Change*. <https://chronicleofsocialchange.org/analysis/california-data-shows-racial-gap-widened-juvenile-incarceration-declined>. Published November 28, 2017. Accessed May 31, 2019.
50. Farn A. *Improving Outcomes for Justice-Involved Youth through Evidence-Based Decision-Making and Diversion*. Washington, DC: Center for Juvenile Justice Reform, Georgetown University McCourt School of Public Policy; 2018. <http://cjjr.georgetown.edu/wpcontent/uploads/2018/07/Improving-Youth-Outcomes-at-Referral.pdf>. Accessed May 31, 2019.
51. Jeong S, McGarrell EF, Hipple NK. Long-term impact of family group conferences on re-offending: the Indianapolis restorative justice experiment. *J Exp Criminol*. 2012;8(4):369-385. doi:10.1007/s11292-012-9158-8
52. *Beyond Bars: Keeping Young People Safe at Home and Out of Youth Prisons*. Washington, DC: National Collaboration for Youth; 2016. <https://www.aecf.org/resources/beyond-bars/>. Accessed February 28, 2019.
53. Schwalbe CS, Gearing RE, MacKenzie MJ, Brewer KB, Ibrahim R. A meta-analysis of experimental studies of diversion programs for juvenile offenders. *Clin Psychol Rev*. 2012;32(1):26-33. doi:10.1016/j.cpr.2011.10.002
54. *Unhidden Figures*. Los Angeles, CA: Children's Defense Fund – California; 2018. <https://www.cdfca.org/wp-content/uploads/sites/4/2018/12/unhidden-figures.pdf>. Accessed May 31, 2019.
55. Wong JS, Bouchard J, Gravel J, Bouchard M, Morselli C. Can At-Risk Youth Be Diverted From Crime?: A Meta-Analysis of Restorative Diversion Programs. *Crim Justice Behav*. 2016;43(10):1310-1329. doi:10.1177/0093854816640835
56. Rothstein R. *The Making of Ferguson: Public Policies at the Root of Its Troubles*.

Washington, DC: Economic Policy Institute; 2014.

<http://www.epi.org/publication/making-ferguson/>. Accessed December 7, 2015.

57. *Juvenile Justice Crime Prevention Act: Program Effectiveness Report*. Oakland, CA, and Los Angeles, CA: Resource Development Associates, Youth Justice Coalition; 2018.

58. Platform. The Movement for Black Lives website. <https://policy.m4bl.org/platform/>. Accessed May 17, 2019.

59. *Family Resources*. In: Shonkoff JP, Phillips DA, eds. *From Neurons to Neighborhoods*. Washington, DC: National Academy Press; 2000.

<https://www.ncbi.nlm.nih.gov/books/NBK225540/>. Accessed May 17, 2019.

# Appendix A: Evaluation Framework Summary Table

Touchpoint	1) Getting stopped by a law enforcement officer	2) Getting referred by law enforcement to a diversion program	3) Getting enrolled in a diversion program	4) Participating in and completing a diversion program	5) Thriving after a diversion program
<p>Key metrics</p> <p><i>Note: Stratify all data by youth race/ethnicity</i></p>	<p>% of youth stops by race/ethnicity</p> <ul style="list-style-type: none"> <li>• Compare to % of youth of each racial identity in the population</li> <li>• Examine stops geographically to look for disproportionate contact in specific neighborhoods</li> </ul>	<p>% of youth whom officers stop and warn with no further intervention, refer to pre-booking diversion, and arrest</p> <ul style="list-style-type: none"> <li>• Break data out by level and type of alleged offense</li> </ul> <p>Time trends in total number of arrests plus referrals, by youth race/ethnicity</p>	<p>% of youth and caretakers declining officer referral to diversion</p> <p>% of youth referred whom provider cannot contact</p> <p>% of youth contacted by provider who do not enroll</p> <p>% of youth deemed ineligible by provider</p>	<p>% of youth completing care plan goals or program</p> <p>% of youth connected to supportive services who access those services at least once during program</p> <p>Youth's satisfaction with program</p> <p>% of youth whose initial arrest is not recorded</p>	<p>% of youth with improvement in areas identified as goals in their care plan</p> <p>% of youth improvement in areas targeted by program</p> <p>% of youth who aren't re-arrested and don't have subsequent petitions filed or sustained</p>
<p>Factors that can contribute to inequities</p> <p><i>(SI=identified through stakeholder interview; LR=identified through literature review)</i></p>	<p>Over-policing and surveillance of youth of color by law enforcement (LR, SI)</p> <p>Community and systems' reliance on police to address youth behavior (LR, SI)</p>	<p>LEA<sup>1</sup> eligibility criteria and requirements for caretaker involvement (LR, SI)</p> <p>Officers' knowledge of diversion; implicit or explicit biases; perceptions of youths' attitude or age (LR, SI)</p> <p>Officer decisions to classify alleged offenses in relation to eligibility criteria (LR, SI)</p>	<p>Providers or LEAs may not reach out to youth or caretakers using their preferred method of contact or language (LR, SI)</p> <p>Referral/intake process may place a burden on youth or caretakers (LR, SI)</p> <p>LEAs may not give providers lists of eligible youth (SI)</p>	<p>Program design, including staffing, overall philosophy, cultural responsiveness, geographic location, and hours (LR, SI)</p> <p>Youth's individual circumstances (e.g., access to transportation and stable housing) (LR, SI)</p>	<p>Government divestment from Black and Brown neighborhoods that limits access to supportive resources (LR, SI)</p> <p>Criminal justice system workplace policies that negatively affect Black and Brown caretakers (LR)</p>

<sup>1</sup> LEA is an abbreviation for law enforcement agency

Touchpoint	1) Getting stopped by a law enforcement officer	2) Getting referred by law enforcement to a diversion program	3) Getting enrolled in a diversion program	4) Participating in and completing a diversion program	5) Thriving after a diversion program
Promising practices to reduce inequities  <i>(Stakeholders in parentheses may initiate these practices)</i>	Across all touchpoints: <ul style="list-style-type: none"> <li>• Create collaborative decision-making structures that center Black and Brown youth voices and build youth leadership (All organizations and institutions that interact with youth)</li> <li>• Invest sustainable resources to support community-based youth diversion and development providers (Local or state governments)</li> <li>• Reduce burdens on youth and caretakers (LEAs and providers)</li> <li>• Track and ensure protected access to data (Coordinating bodies, LEAs, and providers)</li> </ul>				
	End over-policing by law enforcement (LEAs, local and state governments)  Interrupt the school-to-prison pipeline (Schools, local and state governments)  End foster care facilities' reliance on police (Foster care facilities, local and state governments)	Divert youth with serious alleged offenses and warn youth with low-level alleged offenses (LEAs)  Implement policies and practices that limit individual interpretation and biases (LEAs)  Develop processes for review and accountability (LEAs)  Inform officers and staff in other systems about diversion programs and youth development (LEAs, providers, health departments)  Reduce burdens on caretakers (LEAs)	Use multiple forms of communication in appropriate languages to educate youth and their caretakers and inform youth of their eligibility (LEAs, providers)  Meet when and where it's convenient for youth and caretakers (Providers)  Use healing-informed practices to assess strengths and needs (Providers)  Develop an individualized, strengths-based care plan with youth and caretakers (Providers)	Use a restorative approach (Providers)  Ground programs in youth's communities (Providers)  Hire staff skilled in youth and caretaker engagement (Providers)  Invite caretakers to participate (Providers)  Connect youth to supportive services and opportunities for growth (Providers)  Adjust care plan as needed (Providers)  Develop an exit strategy (Providers)  Establish a protocol to guide response to youth unable to complete (Providers)  Limit sharing of individually identifiable youth treatment information (Providers)	Hire former Black and Brown participants (Providers)  Invest in Black and Brown youth and their communities (Local and state governments)  Meet basic needs of Black and Brown caretakers (Local and state governments)

## Appendix B: Research Methods

We began our work on this report by searching out and reviewing articles and reports on youth diversion programs, especially those that reported the outcomes for Black and Brown youth. We focused our search on articles about pre-booking and pre-arrest diversion programs.

We interviewed a range of stakeholders as part of this project, as summarized in **Table 6**.

We interviewed youth who had participated in an LA county-based diversion program and caretakers of these youth to ask them about their experiences with the program and the referral process. We also asked them for their recommendations on what could be done differently.

We also spoke to staff from other organizations that are close advisors to YDD, including diversion providers, youth advocacy organizations, and youth development programs. We asked these staff what we should look at when evaluating racial equity in pre-booking diversion, and what they think might make it harder for Black and Brown youth to access and complete diversion programs.

We also interviewed staff from YDD about their insights on promising practices for diversion. We spoke to an officer from an LA county-based law enforcement agency about what their agency is doing to increase equity in diversion.

**Table 6. Who We Interviewed**

Stakeholder Type	Number of Individuals Interviewed
Youth	2
Caretakers	2
Diversion provider program staff	3
Youth development program staff	3
Youth advocacy organization staff	4
YDD staff	1
Law enforcement officers	1
<b>TOTAL</b>	<b>16</b>

# Appendix C: Data Gathering Tools

## Youth Interview Questions

Population: Youth ages 9–17 who have participated in a diversion program in LA County (ages 9–12 must have caregiver present during interview).

Consent process: Case manager asks youth and caregivers if they want to participate. If yes, give them consent form, and send the completed forms to Human Impact Partners.

### Introduction/icebreaker (5 minutes)

So before we get into the questions about the diversion program, I was hoping you could tell me a little about yourself.

- How are you today?
- What are you into? What do you like? What are you proud of?

### Experiences with diversion program (5–10 minutes)

As I mentioned before, this project is trying to understand the experiences of youth who have participated in diversion programs to see how these programs should be designed and run in the future. We'd like to start by asking you about what it was like for you to participate in this program.

- Can you talk a little about what it was like to be in this program?
- What did you like best about the program? What did you not like as much? Possible probes:
  - What kinds of activities or services did you participate in, and what did you like about them? Not like?
  - Can you tell me a little about the staff you interacted with you most in the program? What were they like?
    - Probe: How was that helpful or unhelpful?
  - Sometimes programs ask parents or guardians or family members to be part of the program. Was that the case with you? If so, how were your family members or other guardians involved in the program?
    - Probe: How was that helpful or unhelpful?
- What made it challenging for you to participate in or complete the program?
- What made it easier for you to participate or complete?
- What recommendations would you have for programs like this in the future? What should they do? What should they not do?

### Program impacts (5–10 minutes)

Next, we'd like to hear from you how this program has affected you.

- How have you, or your life, changed as a result of the program?
  - What are some specific ways you have benefited or changed?
    - Can probe on: school, mental/emotional health, family relationships, way you see yourself or the world

### Enrollment/intake (5–10 minutes)

Now we'd like to talk about how you got enrolled in the program. How would you describe the experience of getting enrolled in the diversion program?

- What was difficult about the enrollment or intake process?
- What made it easier?
- What could have been better?
- What would you suggest be done differently?

### Referral to diversion by law enforcement/probation (5–10 minutes)

Now we'd like to talk more about your experience with the law enforcement or probation officer who referred you to a diversion program. Keep in mind that you don't need to tell me the details of what happened that led to this interaction. I'm not here to judge or understand that part, just how the law enforcement officer interacted with you.

Think back to the interaction you had with a law enforcement or probation officer where they decided to refer you to a diversion program. Can you talk about your experience with the referral?

- Can you walk us through what happened with the officer, step by step? How did you feel during this interaction?
- What went well during your interaction with the officer? Did he or she do or say anything that you appreciated or thought was helpful or kind?
- What could have been better during the referral process?
- What would you suggest be done differently in the future?

### Big-picture solutions (5–10 minutes)

Lastly, we'd like to hear your thoughts about what could be done to improve the lives and experiences of youth in LA in general.

- What are the top things that decision makers could do to improve your life and your community?



## Caregiver Interview Questions<sup>2</sup>

Population: Caregivers of youth who have participated in a diversion program.

### Introduction/icebreaker (5 minutes)

So before we get into the questions about the diversion program, I was hoping you could tell me a little about yourself and your child.

- What are some of your child's greatest strengths or abilities? What are you most proud of?
- Could you tell me about your relationship to [diversion program name]?
  - Probe to gain understanding about whether they are a parent, other family member, or other guardian.

### Enrollment/intake (5–10 minutes)

As I mentioned before, this project is trying to understand the experiences of the caregivers of youth who have participated in diversion programs to see how these programs should be designed and run in the future. We'd like to walk through your experience with the diversion program from start to finish. We'd like to start by talking about how your child [or other appropriate term, depending on relationship] got enrolled in the program.

How would you describe the experience of enrolling your child in the diversion program?

- What was difficult about the enrollment or intake process?
- What made it easier?
- What could have been better? What would you suggest be done differently?

### Experiences with diversion program (5–10 minutes)

Next, we'd like to hear about what it was like for you while your child was participating in this program.

- Can you talk a little about what it was like for your child to be in this program?
- What do you think are some of the strengths or positive aspects of this program?  
What are some of its weaknesses?
  - Can you tell me a little about the staff you interacted with you most in the program? What were they like?
    - Probe: How was that helpful or unhelpful?
  - Sometimes programs ask caregivers or other family members to be part of the program. Was that the case with you? If so, how were you involved in the program?
    - Probe: How was that helpful or unhelpful?
- What made it challenging for you to support your child to participate in or complete the program?

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<sup>2</sup> This interview guide is also available in Spanish. Please contact us if you would like to use it.

- What made it easier for you to support your child to participate or complete?
- What recommendations would you have for programs like this in the future? What should they do? What should they not do?

### Program impacts (5–10 minutes)

We'd also like to hear from you how this program has affected your child. How has your child, or your child's life, changed as a result of the program?

- What are some specific ways your child has benefited or changed?
  - Can probe on: school, mental/emotional health, family relationships, way they see themselves or the world

### Referral to diversion by law enforcement/probation (5–10 minutes)

Now we'd like to talk more about your experience with the law enforcement or probation officer who referred your child to a diversion program. Keep in mind that you don't need to tell me the details of what happened that led to this interaction. I'm not here to judge or understand that part, just how the officer interacted with your child.

Did you interact directly with the law enforcement or probation officer who decided to refer your child to a diversion program?

- *[If yes:]* Can you talk about your experience with the referral?
  - Probe: Can you walk us through what happened with the officer, step by step? How did you feel during this interaction?
  - What went well during your interaction with the officer? Did he or she do or say anything that you appreciated or thought was helpful or kind?
- *[If no:]* How did you find out your child was eligible to participate in diversion?
  - Probes: Did you receive a phone call? A letter? Who contacted you — law enforcement or the diversion program provider?
  - *[If a letter, probe into what happened when they received it:]*
    - Did you open the letter right away? Why or why not?
    - Was it clear from the letter what you needed to do next?
- What could have been better during the referral process?
- What would you suggest be done differently in the future?

### Big-picture solutions (5–10 minutes)

Lastly, we'd like to hear your thoughts about what could be done to improve the lives and experiences of youth in LA County in general.

- What are the top things that decision makers could do to improve the lives of youth in your community?

## Program Staff Interview Questions

Population: Diversion program directors or case managers.

### Diversion and racial inequities (20–25 mins)

We would like to better understand the full process of diversion as well as the points of contact where racial inequities may be introduced.

- First, can you walk us through your understanding of the process of diversion in LA County?
  - What are the points of contact for youth?
  - Who are the decision makers and what criteria do they use to decide?
- Where do you think there might be “cracks” in the diversion process that youth of color might be slipping through?
  - Probe on each point of contact for the youth as interviewee described above (e.g., law enforcement officer decides to divert youth to program, diversion program contacts youth/family, youth enrolls in program, youth engages in program, youth completes program, etc).
- How would you define “success” in terms of equitable opportunities for youth of color in diversion? That is, what exactly are we hoping to see in the data that would suggest there is racial equity?

### Best practices in diversion programming (25–30 mins)

We know you have been a leader in developing diversion programs, so I'd like to learn more about your program. I'm particularly interested in what your program does to meet the needs of youth of color and youth who may have more barriers to participation.

- What do you see as some of the most critical components or aspects of your program or organization?
- What are some things your organization does to help make sure that all youth, especially youth of color, have the opportunity to engage in, complete, and benefit from your program?
  - Probes: What do you credit for the high enrollment/engagement/completion rates of youth in your program? What's working well?
- What role do youth play in helping determine both their own care plan, and what the diversion program looks like more broadly?
- How are caregivers or other family members involved in the program or care plan?
- What do you look for when hiring staff who will work directly with youth?
  - Probes: background, skills, training, lived experience, values, etc.
  - What ongoing training do they receive?
- In an ideal world, what else would you like to be able to do? Are there additional components or practices you would like to be able to implement in the future?
  - What barriers are there to implementing these practices?

## Law Enforcement Officer Interview Questions

Population: Officers who work within law enforcement agencies that are making some pre-arrest referrals of youth to diversion programs (ideally agencies making a lot of these referrals).

### Background/icebreakers (5–10 minutes)

- How long have you been in the field and what motivated you to have a career in law enforcement?
- How have you been involved in pre-arrest diversion for youth?
- What's your vision for youth diversion? What's your dream version of what a program like this might look like?

### Best practices to promote equity (15–20 minutes)

We know that law enforcement agencies in LA are working hard to implement the practice of pre-arrest diversion. As mentioned earlier, we're working with YDD to see how to promote equity in access to these programs for youth in LA, especially for youth of color.

What are some of the things that agencies that you know of are doing so that all youth can have access to pre-arrest diversion programs?

- Again, keeping equity in mind, what eligibility or suitability criteria should an agency use to determine whether or not a youth should be referred to a diversion program?
- What should the referral process look like? In other words, what should officers think about when making this decision, and what steps should they take?
  - What should be in a written protocol to guide their decision making?
- What should be done to increase the chance that youth will successfully enroll in the diversion program?
  - How should the youth or their caretakers be informed?
  - What do you think is the best way for them to get connected with the provider?
- How should an agency track data on equitable access to diversion opportunities?
  - How often should the agency look at the demographics of youth who are being diverted?
  - How often should the agency look at other characteristics like whether youth are in foster care?
  - Who should review decisions to refer to diversion, arrest, or warn youth?
- How should officers be informed or trained about youth diversion or other youth issues?
  - Are there specific trainings on issues such as trauma-informed practices, youth development, implicit bias, or other related issues?

### Organizational capacity (10–15 minutes)

We understand that it's one thing to know what works well and another thing to have the capacity to fully implement best practices. One of the questions we are interested in is how

we can ensure that law enforcement agencies have the capacity to implement the practices and policies that help promote equity in youth diversion.

You mentioned some policies and practices that help promote equity including . . . [*list a few*]. What is helpful, or what makes it easier, to implement these practices?

- How well-prepared or well-equipped do you think most agencies are to do pre-arrest diversion work?
- What is still needed in order to more fully implement the practices that you know work?
- Additional probes:
  - What could other organizations, like providers, YDD, or a central coordinating office, do to make it easier to implement equitable practices?
  - What training would make it easier to implement these practices?
  - What level of buy-in from officers at various levels within the agency would make it easier to implement these practices?
  - What kind of champions might be most effective at pushing for the use of pre-arrest diversion?

What are some challenges in implementing practices that can promote equity in pre-arrest diversion?

- Probe on each step of the referral decision-making process they mentioned above
- What could help overcome these challenges?
  - What could law enforcement agencies do?
  - What could YDD or other stakeholders do?

### Closing (10 minutes)

- Stepping back for a moment, what (other) recommendations do you have related to arrests or diversion for youth?
  - What are policies or practices you would like to see implemented?
- More generally, how can we effectively improve social outcomes for youth of color?
- Do you have any last thoughts before we close?

# Appendix D: Key Definitions and Abbreviations

## **Black and Brown**

People who are Black, Latinx, Indigenous, Middle Eastern, Arab, or South and Southeast Asian, or who have a mixed racial/ethnic background that includes any of these groups. We recognize the experiences of Black and Brown people vary widely — in interactions with law enforcement and their broader lived experiences. Their experiences also vary depending on their intersecting identities, and where they live. See page 5 for additional context and discussion.

## **Care plan**

An individualized plan for youth's participation in a diversion program that providers, youth — and sometimes caretakers — develop collaboratively. This plan includes youth's goals for their participation and specific activities and services they intend to participate in.

## **Caretakers**

Adults who are responsible for youth's care, which may include parents, foster parents, grandparents, aunts, uncles, older siblings, and other adults involved in youths' lives.

## **Latinx**

A gender-neutral alternative to Latino/a.

## **Net widening**

Broadly, net widening is a term used to describe systematic increases in contact with law enforcement or the justice system. In pre-booking diversion, net widening occurs when officers refer youth to diversion whom they would have otherwise released with a warning.

## **Office of Youth Diversion and Development (YDD)**

The health department office that oversees pre-booking diversion in LA County.

## **Pre-booking diversion**

Pre-booking youth diversion is a model of diversion in which a law enforcement officer refers a young person to a diversion program instead of recording a formal arrest or referring their case to probation. Officers agree not to record the arrest in the future as long as the young person completes a diversion program. Some practitioners use the term "pre-arrest," but we prefer "pre-booking" because officers may still physically arrest and transport youth to a police station as part of the diversion process.

## **YDD**

See Office of Youth Diversion and Development above.

## **Youth**

Individuals under the age of 18.