

## OYDD Frequently Asked Questions

### ***Why is it important to keep young people in their communities and out of the juvenile justice system?***

The harmful effects of system-involvement on the health and well-being of young people has been well documented. In addition to the negative effects of missing school and being removed from families and community, any involvement from arrest to incarceration can have life-long consequences. Students who become system-involved are more likely not to obtain their high school diplomas and have increased rates of incarceration. The negative impacts increase as a youth goes deeper into the system. For example, a youth who goes through the court process and is incarcerated has a higher likelihood of recidivism than a youth who is arrested, and a youth who is arrested has a higher likelihood of recidivism than a youth who is diverted. It is important to note that these negative consequences are not shared equally among all children, as a disproportionate number of those who become system-involved are children of color, children with disabilities, girls, youth who identify as lesbian, gay, bisexual, transgender, or queer, and children in the child welfare system.

### ***What is pre-arrest diversion?***

When a youth is stopped by police, there are other options outside of arrest and formal system-involvement that police officers may use to address the needs of the youth and the community. When an officer elects to use one of these alternatives to arrest, this is termed pre-arrest diversion. Police officers may counsel and release youth and they may also refer youth to community based programs to address their particular needs.

### ***Why should youth be treated differently than adults?***

Youth typically age out of the behaviors that prompt them to be in conflict with the law without any formal intervention. The science around adolescent brain development demonstrates that youth who, in a charged setting, are impulsive and don't think about long term consequences of their actions, will grow out of this stage of development. Being arrested or detained actually interrupts a young person's normal development and further increase their chances of reentering the juvenile and criminal justice systems than if there had been no intervention at all.

### ***Why is pre-arrest diversion better for public safety?***

Evidence has repeatedly shown that providing community-based services instead of arresting and incarcerating youth improves outcomes for youth and increases public safety. As noted

above, the deeper that youth penetrate the juvenile justice system, the higher the rate is of future offenses and adult crimes. In addition, the outcomes, specifically recidivism rates, are better for pre-arrest versus post-arrest diversion programs.

### ***How does the cost of diversion compare to the cost of arrest and incarceration?***

Diversion programs can cost from \$800 to \$4500 per youth, depending on the individual needs of each young person.<sup>1</sup> In comparison, it can cost anywhere from \$6,300 and up to more than \$20,000 per year<sup>2</sup> in some counties for each youth on probation and more than \$300,000<sup>3</sup> per year to lock up a youth in state facilities.

### ***Why will the Offices of Youth Development and Diversion (OYDD) be housed under the Department of Health Services or the Department of Public Health?***

The youth who come into contact with the juvenile justice system must be understood in a public health context. Adolescence is a time of massive transformation and change and often underlying health issues are brought to the forefront during this time. Instead of criminalizing adolescent behavior, this is the window of opportunity to work with youth doing targeted, meaningful, and individualized interventions that will support their transition into healthy adults. Specifically, youth with mental health disorders and disabilities are overrepresented in the juvenile justice system and they should not have to enter the system in order to get services and supports.

In addition to the potential health issues that children may bring with them to the front door of the juvenile justice system, any involvement in the juvenile justice system itself is associated with disruption of healthy youth development and can have long lasting negative effects on other determinants of health. Placing the OYDD under the Department of Public Health puts the focus back where it belongs: on a youth's healthy development. As such, the Department of Public Health is the appropriate place to spearhead this diversion effort. Because the field of public health touches all areas of life, it is well suited to bring together diverse stakeholders and coordinate diversion services to address the many needs of our youth while continuing to center health and wellbeing of youth and families. In addition, with a foundation and emphasis

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<sup>1</sup> *Juvenile Diversion Guide: Holding Youth Accountable While Reducing Juvenile Justice System Involvement in California*, Fight Crime Invest in Kids, March 2018,

<https://strongnation.s3.amazonaws.com/documents/403/836f2d21-1a25-422b-8809-d3db04ffed94.pdf?1521754410&inline;%20filename=%22Juvenile%20Diversion%20Guide.pdf%22>

<sup>2</sup> sujatha baliga, Sia Henry, Georgia Valentine, *Restorative Community Conferencing, A study of Community Works West's restorative youth justice diversion program in Alameda County*, 2017, [https://impactjustice.org/wp-content/uploads/CWW\\_RJreport.pdf](https://impactjustice.org/wp-content/uploads/CWW_RJreport.pdf)

<sup>3</sup> Center on Juvenile and Criminal Justice, "Costs Rise Amid Falling Populations at California's Division of Juvenile Justice," February 2018, [http://www.cjcj.org/uploads/cjcj/documents/costs\\_rise\\_amid\\_falling\\_populations\\_at\\_californias\\_division\\_of\\_juvenile\\_justice.pdf](http://www.cjcj.org/uploads/cjcj/documents/costs_rise_amid_falling_populations_at_californias_division_of_juvenile_justice.pdf)

on using data, the Department of Health Services or the Department of Public Health will be able to work with data from various systems and effectively use data to measure outcomes and success.

***How is pre-arrest diversion different than other diversion programs and how does the OYDD intersect with the diversion work already being done by probation departments?***

Diversion programming can be understood in terms of different offramps. There are many different points in time on a child's journey when they can take an offramp that will guide them down a path away from system-involvement. The first set of offramps are available through schools and community-based organizations prior to any contact with police. Once a youth does have contact with a police officer, the OYDD Pilot programs will coordinate the second set of offramps in the form of pre-arrest diversion programs. A third set of offramps available to youth are post-arrest diversion programs coordinated through county probation departments, programming which already exists in some counties. The OYDD Pilot should be viewed as the coordinating agency for all diversion programs and services. As the coordinating agency, it will manage diversion program funding, collect and analyze data, coordinate MOUs with law enforcement agencies and community-based organizations, develop best practices, and provide training and technical assistance to community-based organizations.