

DEFINITIONS

DEFLECTION,

Also known as pre-arrest diversion, deflection includes early interventions that redirect youth away from formal justice system involvement and towards needed services. Deflection can include decisions by school staff to manage behavioral issues in the classroom or school instead of through an arrest; law enforcement officers counselling and releasing youth without taking them into custody; civil citation programs; or alternative first responder programs such as mobile behavioral health or crisis response units.

DIVERSION

Diversion occurs when school staff or law enforcement officers refer youth to youth justice intake and the youth is diverted away from formal adjudication. Examples of diversion are case closure without a petition, Deferred Prosecution Agreements (DPAs), consent decrees, or other community-based diversion programs like teen courts or restorative justice programs.

Deflection Can...



DECREASE RECIDIVISM:

Deflecting and diverting low-risk youth reduces recidivism more than arrest and formal court processing.¹



DECREASE COLLATERAL

CONSEQUENCES: Petitioning youth to court imposes negative consequences beyond those intentionally imposed as sanctions.² Deflection and diversion ensure youth avoid unintentional consequences.



DECREASE COSTS: Deflection and diversion, with or without supportive services, is more cost-effective than traditional court processing.³

Best Practices

Provide opportunities for school staff, law enforcement officers, intake workers, district attorneys and judges to positively and meaningfully interact with diverse groups of youth while: 1) working toward a common goal, 2) participating on equal status, 3) getting to know each other as individuals, 4) in a space supported by community and agency leadership.⁴

- Example: Community events collaboratively hosted and attended by law enforcement, youth serving agencies, and youth such as community meals, night out events, or friendly sports matches.
- Why this works: helps to reduce implicit bias by providing positive experiences with diverse youth and reducing unintentional reliance on stereotypes or automatic associations.

Develop policies, procedures, and eligibility requirements that use objective and measurable criteria.⁴

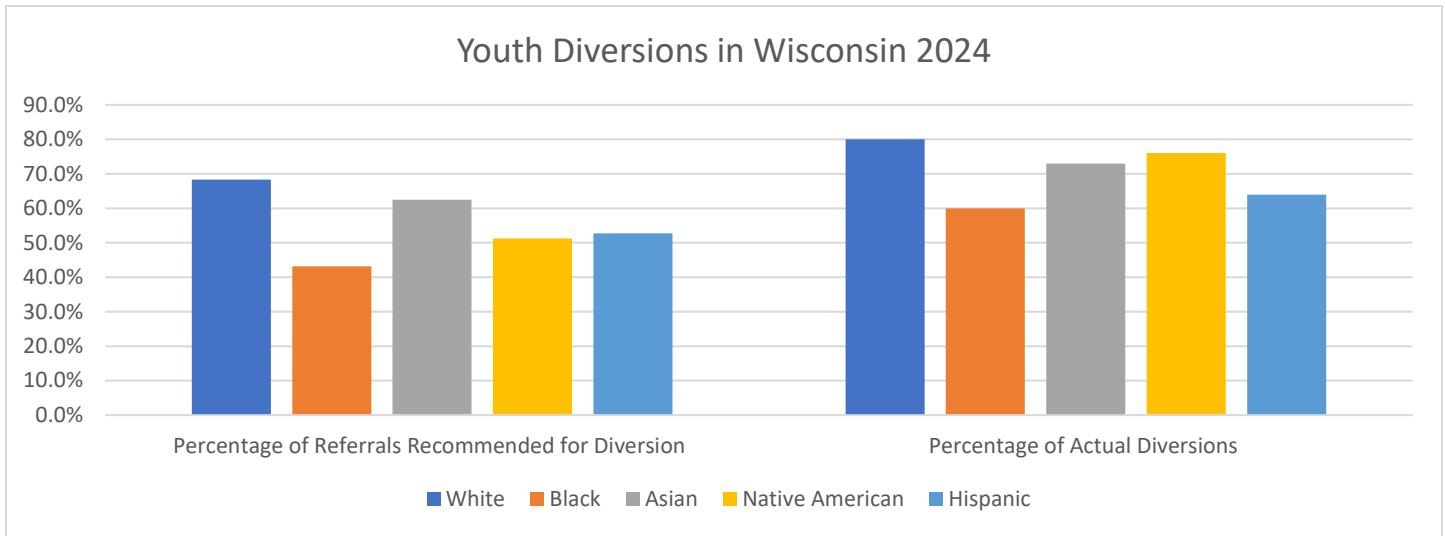
- Example: connect deflection or diversion decisions to objective criteria such as risk/needs assessments, offense severity, or offense type (violent/nonviolent). An example may be automatically diverting low-risk non-violent offenders. Identify and exclude consideration of factors that do not impact risk of re-offense and disproportionately impact minority youth.
- Why this works: ensures consistent decision-making criteria for all youth, regardless of race and bypasses or disrupts the expression of implicit biases in decision-making.

Remove identifiers and demographics from documents used to make and review deflection and diversion eligibility decisions.

- Example: remove or redact youth names, race, ethnicity, and gender from their risk/need assessments or case history files when reviewing diversion eligibility.
- Why this works: eliminates the impact of implicit bias from decisions by removing triggers for automatic associations and stereotypes leading to more objective outcomes.

Governor's Juvenile Justice Commission

Ethnic and Racial Disparities Subcommittee



2024 Key Takeaways

- More youth were diverted than recommended for diversion by an intake worker.
- Disparities remained unchanged for Black youth, improved for Asian youth, remained consistent for Hispanic youth, and slightly worsened for Native American youth.
- White youth are most likely to be recommended for diversion programming.
- Hispanic youth are more likely than Black youth to be diverted, but less likely than youth of other races.
- After being referred to the youth justice system, Black youth are most likely to have their cases recommended for and to receive a petition. Black youth are much less likely than White youth to be recommended for or enrolled in diversion programming.

Data Disclaimers and Context

- Referrals recommended for diversion are those where court intake staff recommended the District Attorney close the case or set up a Deferred Prosecution Agreement (DPA).
- Actual diversions include youth referred for legal processing but handled without the filing of a formal petition.
- Current data systems do not track distinct youth or cases through the system.

Resources Diversion and deflection programming that matches the intervention and services to the youth's risk to reoffend, targets assessed criminogenic needs, and is tailored to the youth's learning style, motivation, abilities, and strengths can provide youth with the resources needed to successfully complete programming and avoid future involvement in the criminal justice system. Grants may be available through the Wisconsin Department of Justice to fund program implementation and expansion <https://www.wisdoj.gov/Pages/Grants/grants.aspx>.

References: 1. Mendel, Richard A., "Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice," August 2022. 2. Wisconsin State Public Defenders, "Collateral Consequences of Juvenile Delinquency Proceedings: A Guide for Juvenile Court Professionals." 3. Washington State Institute for Public Policy "Benefit-Cost Results Juvenile Justice," updated December 2023. 4. Miller, Andrea L., "[The Evolving Science on Implicit Bias: An Updated Resource for the State Court Community](#)," National Center for State Courts (NCSC), 2021.

Data Sources: Arrest data (Wisconsin Department of Justice), referral data (Wisconsin Department of Children and Families), petition data (Wisconsin State Courts).