



"Upstream" Interventions, Prevention Efforts and Services

❌ FICTION

The most effective way to deal with juvenile delinquency is to lock offenders up.

✅ FACTS

Since the 1990s, the nation has shifted from an incarceration-heavy approach toward juvenile offenders to one that tries to keep them out of the criminal justice system and provide counseling, training and rehabilitation services instead. These innovative programs are yielding positive results in terms of public safety and fiscal policy. [1]

DIVERSION

Diversion is generally considered to be a formalized effort to divert someone who is already in the criminal justice system. **It can also include pre-arrest diversion** such as civil citations and co-responder or community programs that apply to juveniles. **The goal is to find service-based alternatives to the traditional justice system. Pre-arrest diversion and pre-court diversion** involve a decision to address delinquent conduct without involving a young person formally in the court system. [1]

Compared with youth who are diverted, youth who are arrested and formally petitioned in court have a far higher likelihood of subsequent arrests and school failure. [2]

Compelling research finds that **formal involvement in the justice system tends to undermine rather than enhance public safety and to reduce young people's future success**. Studies find that youth diverted from the justice system:

- Have far lower likelihood for subsequent arrests
- Are less likely to be incarcerated
- Commit less violence
- Have higher rates of school completion and college enrollment
- Earn higher incomes in adulthood [3]

Recent reform efforts have showcased promising strategies, including:

- Funding to support diversion programming and to create new diversion pathways.
- Efforts to contact and engage parents/guardians and other family members.
- Reducing imbalances in diversion opportunities in-state by requiring jurisdictions to develop diversion options, or by setting standard guidelines for diversion.
- Creating new mechanisms to assist and support youth who might otherwise fail diversion and have their cases formally petitioned in court.
- Creating ongoing oversight boards to review progress and recommend adjustments and further policy and practice reforms.[4]



Due to neuroplasticity (the ability of the brain to change), adolescents are susceptible to lasting neural alterations in response to environmental conditions, especially the harsh conditions of juvenile confinement; **however, they may also be more amenable than adults toward redirection and rehabilitation**. To capitalize on adolescents' unique rehabilitative potential, the primary objective of juvenile justice reform should be to strengthen and support redirection and rehabilitative efforts that are developmentally appropriate for youth and reinforce individual existing strengths and contributions.[5]



Children's Code Reform Task Force

Undertaking Thoughtful Reform

Legislative Resource

One-Page Info Sheet
(Both sides)

FOOTNOTES

[1] Pre-arrest diversion is called “deflection,” and can allow police interactions with youth to be treated as public health opportunities in which mental health interventions and/or substance abuse assistance are provided through deflection rather than a criminal record. This approach can provide a bevy of benefits without many downfalls. Deflection can also include myriad community-based services for juveniles. *How Juvenile Justice “Deflection” Programs Reduce Crime and Save Money*, (2022)

<https://www.rstreet.org/wp-content/uploads/2022/09/Final-Short-No.-116.pdf>

[2] *Diversion, A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice*, p. 1, (2022)

<https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf>

[3] Id.

[4] Id, p. 3

[5] *Juvenile confinement exacerbates adversity burden: A neurobiological impetus for decarceration*, (2022)

<https://www.frontiersin.org/journals/neuroscience/articles/10.3389/fnins.2022.1004335/full>

ADDITIONAL RESOURCES

1. *What the juvenile justice system can learn from child welfare reforms*, (2024)

<https://sanantonioreport.org/what-the-juvenile-justice-system-can-learn-from-child-welfare-reforms/>

2. *Arts-Based Programs and Arts Therapies for At-Risk, Justice-Involved, and Traumatized Youths (Literature Review: A product of the Model Programs Guide)*, 2021

<https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/arts-based-programs-and-arts-therapies-risk-justice-involved-and-traumatized#d5si57>

3. *Art As An Alternative: Adverse Childhood Experiences, Probation, and Informal Diversion in New Mexico's Juvenile System*, 2022

<https://www.nmvoices.org/wp-content/uploads/2022/07/Art-as-Alternative-Rpt-web.pdf>

4. *Performance Report Card: Fourth Quarter, FY24 (CYFD)*

https://www.nmlegis.gov/Entity/LFC/Documents/Agency_Report_Cards/690%20CYFD%20FY24_Q4_Report%20Card%20FINAL.pdf

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