



Statewide Youth Diversion Report 2025



WASHINGTON STATE MINORITY
AND JUSTICE COMMISSION



STATEWIDE YOUTH DIVERSION REPORT 2025

Molly Gough and Frank Thomas, Editors

Thank You

The Minority and Justice Commission Youth Justice Committee would like to thank the Commission and its Co-chairs, Justice Mary Yu and Judge Veronica Galván, for supporting this work and empowering the Committee to conduct research to advance a better understanding of youth criminal diversion in Washington State. The Committee would also like to thank the law school organizations whose students contributed to researching and writing this report: Seattle University School of Law, Gonzaga University School of Law, and the University of Washington School of Law Race and Justice Clinic. Lastly the Commission is thankful for our continued partnership with the Washington State Center for Court Research and the expertise they bring to the study and discussion of diversion.

About the Cover Art

In 1998, Tori Cole created the design “Justice is all inclusive” for the Minority and Justice Commission for the cover of its 1998 Annual Report.

According to the artist, “In the piece ‘Justice is all inclusive,’ I used my art to give society a colorful window by which to explain and hopefully realize the necessity for justice to be inclusive to all.”

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Executive Summary

This report by the Minority and Justice Commission's Youth Justice Committee aims to illuminate the use of diversion practices and programs in Washington State. The goals of the Committee are to expand the ways that youth can be diverted away from youth justice involvement, review the types and utilization of detention alternatives in Washington, leverage and increase the use of diversion beyond those achieved through the Juvenile Detention Alternative Initiative (JDAI), and shift the paradigm of youth justice from corrections/"rehabilitate" to one that is trauma informed, restorative, and positively transformative. The Committee intends for this report to serve as a centralized composite resource for understanding the state of diversion programming in Washington State and identifying opportunities for equitable expansion.

Report Outline

Section I introduces the topic of diversion and defines common terminology used in diverted youth cases.

Section II reviews nationwide research on the outcomes of youth diversion, which generally show positive outcomes for the individual youth and public safety for the wider community. The literature also addresses nationwide efforts to increase diversion as an alternative to youth incarceration.

Section III examines the specific channels for funding diversion in Washington programs. It will compare that funding to the much higher cost of our carceral system, and it will identify barriers to increased diversion investment.

Section IV reviews statutory diversion data, both pre and post file, from the Washington State Center for Court Research (WSCCR) to examine barriers related to accessing diversion and racial and the presence of ethnic disparities in diversion.

Section V reviews youth diversion program frameworks utilizing a case study methodology that focuses on how these frameworks address the needs of youth who might otherwise be subject to prosecution. The evidence supports a conclusion that addressing the root causes of crime by youth both improves the outcomes for that youth and offers more sustainable public safety for the rest of the community.

Section II - Review of National Literature:

Part 1 explores the expansion of trauma-informed youth diversion programs and their role in enhancing public safety outcomes. Research consistently shows that diversion is more effective than formal court processing, resulting in lower recidivism rates and improving educational and life outcomes. Nevertheless, racial and ethnic disparities persist in who receives diversion opportunities.

Part 1 also highlights effective diversion models that address the root causes of youth behavior—such as poverty, mental health struggles, and systemic racism—ensuring youth receive the necessary resources to succeed. There are successful models that could be implemented in Washington State, emphasizing that effective diversion is not just about reducing detention rates but providing meaningful, long-term support that addresses these underlying causes.

In alignment with evidence-based best practices that truly prioritize youth wellbeing in practice, youth legal systems should adopt and operate under the following principals:

- **Diversion is the superior default response for most youth**, reserving formal court processing only for cases where youth pose significant and immediate risks to public safety. This includes expanding eligibility criteria beyond first-time and minor offenses, recognizing that diversion can be effective for youth with more serious offending histories.
- **Racial equity requires specific focus in diversion implementation** acknowledging that general reforms without specific attention to disparities, will likely perpetuate inequities. This requires collecting detailed data on diversion decisions by race and ethnicity, training staff on implicit bias, improving family outreach methods, and identifying and revising policies that disproportionately exclude youth of color.
- **Investment in evidence-based diversion models yields better return for both individual youth outcomes and public safety.** The models described in this section of the report utilize evidence-based techniques that address underlying trauma and developmental needs rather than merely controlling behavior. These include credible messenger mentoring, restorative justice, family-focused therapies, and wraparound care that provide comprehensive support.
- **The most effective programs prioritize eliminating structural barriers to diversion** that disproportionately affect marginalized youth, including restrictions limiting eligibility to first-time offenders, admission-of-guilt requirements, and financial obligations that many families cannot meet.
- **States can build community capacity for diversion delivery** by partnering with and funding community-based organizations, particularly those with deep roots in neighborhoods most impacted by the legal system. This approach not only increases diversion effectiveness but also strengthens community resources that can prevent system involvement in the first place.
- **Implementing ongoing state-level evaluation and oversight is essential** to track diversion outcomes. It is imperative to identify and document implementation challenges, while committing to improving programs based on evidence and stakeholder feedback.

Part 2 of this section examines efforts across the United States to expand access to youth diversion programs as an alternative to incarceration. It highlights the efforts of several states that have implemented reforms that prioritize diversion over formal court involvement and also discusses key trends in expanding access to diversion. Drawing on reliable data from *The Sentencing Project* and various state reports, the findings reveal promising trends toward expanding youth diversion opportunities and highlights areas of growth in implementing diversion programs.

Based on analysis of available national reporting, we identified four key trends in diversion initiatives across the country:

1. Mandatory Diversion Policies:

- One significant development is the implementation of mandatory diversion policies in various states.
- Utah diverted 64% of youth cases in 2023 due to legislative changes that made diversion the default for many offenses.
- Kentucky saw an increase in diversion rates from 41% in 2013 to 60% in 2020, demonstrating the impact of policy-driven reforms.
- Washington State has taken an even more expansive approach by broadening diversion eligibility to include certain felony offenses, ensuring that more youth can access rehabilitative alternatives rather than being subjected to formal court proceedings.

2. Raising the Minimum Age for Juvenile Court Jurisdiction:

- Numerous states are reassessing the minimum age for juvenile court jurisdiction.
- 15 states have established or raised their minimum age requirements since 2016, and eight now prohibit prosecution for most offenses under age eleven.
- Setting a minimum age for criminal jurisdiction automatically diverts youth under those age thresholds.
- Internationally, the most common minimum age of criminal responsibility is 14 years old. In the United States, however, only 26 states have established a minimum age of prosecution.

3. Federal Support for Diversion Expansion:

- Between 2000 and 2022, youth incarceration in the United States declined by 75%, reflecting a national shift toward rehabilitative alternatives.
- Substantial federal funding has reinforced this movement to rehabilitative efforts, with \$494 million allocated in 2022 for youth justice programs, including diversion initiatives.
- These investments underscore the crucial role of the federal government's support for reducing reliance on incarceration.

4. Addressing Worsening Racial and Ethnic Disparities:

- While diversion access has increased significantly in the last decade, the disparities between ethnic and racial groups have only worsened.
- In 2019, 52% of nationwide delinquency cases involving white youth led to diversion, compared to just 40% for Black youth and 44-48% for Latinx, Tribal, and Asian American youth.
- Justifications for this disparity lack empirical support.
- Research consistently shows that intake workers are less likely to refer youth of color than similarly situated white youth, even when accounting for the severity of the offense.
- Despite the growth of diversion programs, persistent racial and ethnic disparities underscore the need for reform to ensure equitable access for all youth.

Section III - Review of State-Level Investment Channels:

This section examines the different funding channels for youth diversion programs in Washington State. Review of available information indicates that funding for diversion programs is primarily provided by individual counties rather than at a state level. State level funding is a small discretionary portion of overall court budgets and is almost exclusively utilized for court-involved youth rather than diversion.

Since diversion is not a one-size-fits-all approach, young people should have access to a variety of services and opportunities that best meet their needs. In recognition of the diverse experiences of youth, diversion program funding should also be varied and flexible. However, due to the lack of dedicated state funding for diversion programs, especially when compared to investment of the youth carceral system, programs are often limited by the lack of committed financial resources. To provide meaningful support for youth and to reduce youth incarceration, state investment in diversion programs must be increased.

Increased state investment must also include victim services. Many costs incurred by victims of crime are not currently covered by state level funding. Research from the Alliance for Safety and Justice, Crime Survivors Speak, shows that young people of color from lower income communities experience the most crime putting them at higher risk of continued victimization. The task of improving youth legal systems for all participants requires not only advocacy for diversion opportunities, but also exploring the question of who is most impacted and how supports/resources are allocated for both victims and respondents, and to identify with specificity where there might be room for improvement.

Section IV - Youth Diversion Program Gap Analysis:

Key Findings

- Consistent with state law, formal diversion decisions are influenced by a youth's referral history and the severity of their current charge.
- *Two or more prior referrals*, regardless of the charge, is the strongest predictor of whether a youth receives a formal diversion. The second strongest predictor is *charge severity* for youth with one or no prior referrals, followed by *one prior referral* for youth with a misdemeanor charge.
- The impacts of these predictors on the probability of diversion are not equal across racial/ethnic groups, suggesting that either race and ethnicity inform diversion decisions or that locally-known confounding information is introduced but not recorded in available data.
- Race/ethnicity differences in diversion decisions can be identified with high certainty in several jurisdictions, making these jurisdictions ideal sites for further research on local diversion practices.

Opportunities for youth diversion are on a continuum of informal to formal responses to juvenile law violations (e.g., “counsel and release,” or contracting with youth via formal diversion agreements). State law guiding diversion programs allow courts considerable discretion in local operations; an offense leading to counsel and release in one jurisdiction may lead to a formal diversion agreement, or prosecution in another. By extension, local variation in practice affects data, as an event that goes unrecorded in one jurisdiction may be added to a statewide data management system in another.

There is limited and imprecise data available regarding the full scope of a diversion continuum. Coupled with varying local court practices, obtaining an accurate snapshot of diversion across the state is difficult. As such, it is well-suited for context analysis in order to identify gaps in knowledge regarding diversion practices across the state. This research supports strategic planning toward a statewide development of shared definitions, systematic data collection, and consistent information reporting.

Using court data representing all juvenile court referrals made between 2017 and 2023, analysis addressed the following three questions:

- Given a referral to juvenile court, what factors are most predictive of whether a youth receives a formal diversion agreement?
- Do predictors of a formal diversion affect racial and ethnic groups equally?

- In which jurisdictions do court data present racial and ethnic differences in formal diversion practices with the highest degree of statistical certainty?

Consistent with state law, local formal diversion decisions were informed by youths' referral history and the severity of their current charge. The strongest predictor of whether a youth received a formal diversion was referral history, specifically two or more prior referrals, regardless of charge. Each predictor's impact on diversion chances were not equal across racial/ethnic groups, suggesting that either race and ethnicity inform diversion decisions, or introduce confounding information known locally, but not recorded in available data. Locales with data providing the clearest signal of race/ethnicity differences in chances of diversion were identified as ideal sites for further research on local practice.

With formal diversion data representing one piece of a broader continuum, this report offers insights into county-level and statewide formal diversion practices and sets the groundwork for future research concerning the full scope of youth diversion.

Section V - Categorizing Various Youth Diversion Program Frameworks:

This section identifies and defines various types of diversion program frameworks currently in operation around Washington State. In many counties, particularly those with more resources, multiple frameworks may be used, often with different variations. This section is not intended to rank or judge the efficacy of any framework, but rather to serve as an informational resource.

In addition to the four formal frameworks, a fifth framework, school-based diversion, is detailed as an alternative to court or prosecutor-initiated diversion actions for incidents occurring on school campuses. School-based diversions are used as an alternative to initiating criminal legal action against a youth for relatively minor incidents of in-school misconduct, as well as constructive alternatives to punitive action within schools such as in-school suspension or exclusion from school either temporarily or permanently.

Based on our analysis of available information and interviews with local juvenile court officials, we have identified four general frameworks for diversion programs in Washington:

1. Community Accountability Board (CAB) Diversion:

- This model has been utilized since the 1970s, although some jurisdictions have moved away from it.
- In this framework a probation counselor receives diverted cases from the prosecuting attorney's office and, after reviewing the case and meeting with the youth, sends the youth to meet with the CAB to determine the terms of the diversion agreement.
- CABs are normally comprised of volunteers from the community. Probation counselors are often members of the CAB themselves.

- The model allows for community input regarding diversion agreement structures.
- *Example Jurisdiction:* Skamania County, WA.

2. Probation Counselor Diversion

- A framework in which a probation counselor has complete discretion over a youth's diversion terms.
- The probation counselor creates a diversion agreement after meeting directly with the youth.
- The services available to the youth through diversion are highly dependent on the resources of the county. This framework is typically observed in smaller counties, but is present in counties of all sizes.
- *Example Jurisdiction:* Douglas County, WA.

3. Community Partnered Diversion

- A framework in which a probation counselor leads the diversion, but refers youth to organizations with community connections which focus on integrating youth back into the community.
- Connections to community providers differ based on factors such as age, gender, race, the nature of the offense, and/or familial situations.
- Typical of mid- and large-sized counties with better-resourced community organizations, however some smaller jurisdictions also utilize community connections programs.
- *Example Jurisdiction:* Spokane County, WA.
- *Atypical Spotlight Jurisdiction:* Yakama Nation.

4. Community Diversion

- A framework that utilizes a community organization in place of a probation counselor.
- Referrals for diversion are sent directly from a prosecutor's office to a community group which then handles all aspects of the youth's diversion.
- Enables youth to completely avoid interacting with the juvenile court system, thereby eliminating collateral and counterproductive consequences of youth court involvement.
- Youth can meet community diversion coordinators in culturally-tailored spaces.
- The framework tends to exist primarily in larger population counties. In these counties, other frameworks may also operate in parallel.
- *Example Jurisdiction:* Our Sisters' House, Pierce County, WA.
- *Atypical Spotlight Jurisdiction:* Restorative Community Pathways, King County, WA.

5. Additional Framework: School-Based Diversion

- School-based diversion programs seek to decrease school violence through implementing an in-school diversion program to prevent future disciplinary action.
- Instead of initiating law enforcement contact, school-based diversion programs prioritize building connections between students and staff at the school site while also incorporating community partners.
- Programs typically utilize student-centered agreements and case management in lieu of formal diversion agreements to keep youth engaged in school.
- Programs prioritize intentional relationship-building with peer groups and mentorship while also teaching accountability through skills development.
- Referrals are submitted through school counselors or administrators.
- *Example Program:* RISE, Spokane Public Schools.

Recommendations

Research

- 1. Washington State should establish a dedicated research position in the Washington State Center for Court Research to develop a youth diversion program performance management system that routinely reports on the full scope of informal and formal diversion activities across the state.**

Currently, no state public entity in Washington has a dedicated function or mandate to document and analyze the administrative and substantive impacts of the various youth diversion programs statewide. Given the extensive gaps in the state's knowledge of diversion actions that fall outside of the purview of the statutory diversions captured by state-level data, Washington should seek to establish ongoing research within the Washington State Center for Court Research (WSCCR) in order to capture the full breadth of diversion activities employed by counties in the state.

- 2. The Washington State Center for Court Research's youth diversion researcher should conduct in-depth case studies of sites identified in its gap analysis to research underlying causes of race and ethnicity differences in formal diversion programs. Findings from this research should clarify local operational practices, including flows of information that affect youth diversion decisions.**

Future research can leverage the empirical gap analysis and framework categorization undertaken in this report to further in-depth analysis of various jurisdictional sites to evaluate the ways that program design, jurisdictional autonomy and individual decision-making impact racial and ethnic differences between various diversion programs. Research into the veracity and causal sources of racial differences observed in the gap analysis should be conducted to understand the extent of racial differences in the totality of diversion actions taken in various jurisdictions, with the identified case study sites prioritized for further inquiry.

- 3. The Washington State Center for Court Research, with the Supreme Court Minority and Justice Commission's Youth Justice Committee and other stakeholders, should develop a data infrastructure conducive to multi-site youth diversion program outcome evaluation.**

At present, state actors for juvenile court systems utilize a wide variety of definitions for formal and informal youth diversion activities and record keeping and documentation practices in their respective jurisdictions, leading to lessened reliability when conducting empirical analysis across jurisdictions in the state. Future research endeavors should prioritize a reliable and sustainable data infrastructure that will better facilitate multi-site youth outcome evaluation.

4. Conduct additional research to determine whether other diversion frameworks are operating in Washington State.

Because of Washington's non-unified court system, and with the predominant investment in youth diversion coming from the individual counties, no finite list of program frameworks exists in Washington State. Additional research should be conducted to catalog and categorize all of the existing youth diversion program frameworks in each of Washington's 39 counties.

5. Conduct research to compare efficacy of all various youth diversion frameworks in Washington State on public safety and youth recidivism, program administrability and fiscal impacts.

At present, state officials and the public may only make inferential observations about the disparate impacts of various program frameworks. More research is needed to understand the impacts of different diversion frameworks on effectiveness of program outcomes, financial and administrative efficiency, and access issues impacting court-involved youth participation. Research should consider disparate resourcing across jurisdictions and weigh findings relative to the availability of resources. Research results regarding diversion must be examined in comparison to the outcomes that follow juvenile court prosecutions and incarceration.

6. Investigate opportunities for collaboration and promotion of school-based and other upstream diversion programs.

Upstream interventions, such as alternatives to formal diversions, legal or disciplinary action stemming from school and home settings, can improve community connections for justice-involved youth while mitigating caseload impacts on juvenile courts, prosecutors, and court probation counselors. More research should be conducted to evaluate the feasibility and cost-effectiveness of state investment and support for expanded youth diversion outside of traditional criminal legal settings.

Reform

7. Reduce barriers to accessing funds for community-based diversion programs by modifying the 'evidence-based' and 'promising program' requirements within the Juvenile Justice Block Grant.

Since 1997, only 6 evidence-based programs (EPBs) have been approved and benefit from Juvenile Justice Block Grant funding, and application of EBPs vary widely by county. Modifying the evidence-based and promising program requirement and dedicating funds for diversion programs will increase availability for youth.

- 8. Support the increased need for court-based advocates, community advocates, civil legal aid for victims of sexual assault, domestic violence, and those in need of other protection orders, as well as specialized supports/advocates for child victims who experience or witness abuse, trauma and/or violence.**

There are currently significant access issues for individuals accessing the Crime Victims Compensation Program. In addition, there are significant limitations on what offenses are eligible for the program (e.g. property offenses are not eligible). Due to the complex nature of accessing the funds victims often need to utilize the support of advocates.

Investment

- 9. Fund community-based providers directly to engage in pre-filing diversion opportunities statewide and provide concrete services. Expand the definition and eligibility of community-based providers under the Juvenile Justice Block Grant.**

Most diversion programs offered in Washington are exclusively tied to the courts, leaving little-to-no money available for community-based programs that may be a more appropriate fit to respond to the youth's needs and goals. Community-based programs are better situated to address underlying needs for youth success due to strong community relationships and connections to additional services.

- 10. Intentionally invest in a statewide compensation and restitution fund that expands the types of costs covered by the Crime Victims Compensation Program.**

Many costs incurred by victims of crime are currently not covered by Washington State funding, thus leaving the victim to bear the burden. Expansion of covered costs should include the entirety of the costs associated with crimes such as robberies, theft, or property damage.

- 11. Specialized Programs for Vulnerable Victims: Fund specialized programs that serve diverted youth who are victims of trauma, abuse, or violence. These programs should provide both immediate support and long-term interventions to address the emotional and psychological impact of victimization for both children and youth in our communities.**

Most victims of crime come from already marginalized communities of color. According to the [Alliance for Safety and Justice, Crime Survivors Speak](#), young people of color from lower income communities experience the most crime putting them at higher risk of continued victimization. To decrease future criminal behavior, treatment interventions and resources must be easily accessible and funded for those who need it most.

Section I: Introduction and Definitions

In 1996, 47% of all youth justice cases nationwide were handled informally, or *diverted* from the court system. In 2019, that number was 46%.¹ Put simply, the rate of diversion has remained low and flat for thirty years. And yet, in that same period, the evidence that diversion works—that it improves outcomes while decreasing racial and ethnic disparities—has grown by leaps and bounds.

This report seeks to address all aspects of youth diversion in Washington State, from the most recent research, the sources of funding for diversion, the disparities in its application, and case studies examining various youth diversion program frameworks.

Terminology

Before we begin, it is helpful to define a few terms. First, **diversion** refers to any informal resolution that interrupts the ordinary, formal prosecution of a criminal matter. A common example is a diversion agreement, whereby an individual agrees to meet certain conditions, usually over a period of time, after which the prosecutor will agree not to prosecute the case or, if the case has been filed, will agree to dismiss the case. The focus of diversion is rehabilitation rather than punishment. Some youth are diverted away from formal prosecution without entering into a diversion agreement, especially for conduct with little to no actual harm to others. In Washington, this is called a “counsel and release” diversion and involves a juvenile probation counselor.

By **youth diversion**, this report refers to diversion from the youth legal system, including detention and incarceration, in Washington. Currently, the youth legal system has jurisdiction over youth who commit an offense before the age of 18 and are charged before the age of 21, with the following exceptions:

- **Youth automatically treated as an adult:** if the youth is 16 or 17 and charged with committing a serious violent offense, or a violent offense with a particular history of violent offenses, or a rape of a child in the first degree, the adult criminal court has automatic and exclusive jurisdiction.²

¹ Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice (2022). The Sentencing Project. (citing Sickmund, M., Sladky, A., and Kang, W. (2021). Easy Access to Juvenile Court Statistics: 1985-2019). Among peer countries, that rate of juvenile cases diverted from the court system is often closer to 80% (citing Expand the Use of Diversion from the Juvenile Justice System (2020). The Annie E. Casey Foundation).

² RCW 13.04.030(1)(e)(v). A “serious violent offense” means murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, rape in the first degree, or any attempt, solicitation, or conspiracy to commit of the same. RCW 9.94A.030(47) (omitting assault of a child in the first degree, which can only be committed by an adult). A “violent offense” is defined by RCW 9.94A.030(58) and includes most offenses involving violence, including Class A felonies, manslaughter, kidnapping, arson, assault, extortion, robbery, drive-by shooting, and vehicular assault or homicide.

- **Discretionary decline:** if the youth is 15 and charged with a serious violent offense, or 14 or younger and charged with murder, or any age and charged with custodial assault while serving a minimum juvenile sentence to age 23,³ then the juvenile court *may* decline jurisdiction, which would transfer the case to adult criminal court.

Diversion from the juvenile justice system is mostly discretionary and can come at various stages of the juvenile legal system, each with a different pool of candidates involved in the diversion decision. The concept behind such diversion is as old as youth discipline itself. Just as diversion composes a wide variety of informal resolutions to youth criminal prosecution, the many policies and procedures that jurisdictions might describe as diversion come with varying degrees of formality, as well.

Pre-arrest diversion can occur before involving the police or, after a police response, through a warning. The decision for pre-arrest diversion may be made by school personnel or police or others with control over the youth. For example, when one student hits another student in school, school personnel may choose school discipline over a police response even though the conduct may constitute a crime. Similarly, a store security guard who catches a youth in shoplifting may demand a return of the item, counsel the youth, and then send them on their way. Such informal responses are a form of diversion, focused on changing the youth's behavior in place of punishment.

Pre-file diversion occurs after a case is referred to the prosecutor's office but where the prosecutor agrees to a resolution outside of the traditional adjudication process. Pre-file diversion can be either required by statute or can be discretionary:

- **Pre-file informal diversion** may be referred to as an "informal diversion" and is recognized in statute as "referred youth."⁴ An example is when law enforcement sends a referral to the prosecutor, the prosecutor refers the case to an informal community "diversion" response, which means that these youth are not entered into the statewide data system or complete a formal diversion agreement.⁵ For this type of pre-file informal diversion there is no court filing or formal diversion agreements.
- **Pre-file statutory diversion** is a more formal process for pre-file diversion. An example is a written diversion agreement with certain conditions for the youth to meet, after which the prosecutor will decline prosecution. Ordinarily, the prosecutor has discretion over pre-filing statutory diversion, while the juvenile court manages the diversion agreement and/or relevant services. Should the youth not complete the

³ In 2024, the Washington Legislature enacted [HB 2217](#), which changed the maximum age a youth can stay in a juvenile rehabilitation facility from twenty-one to twenty-three for certain offenses.

⁴ RCW 13.40.540.

⁵ For example: King County's RCP, FIRS, etc.

conditions of their diversion agreement, the juvenile court may return the case to the prosecutor, who may choose to file charges. For this type of pre-file diversion, diversion agreements are completed, and data is entered into the statewide data systems.

Post-file diversion occurs after charges are filed in juvenile court, usually through a diversion agreement. As such, the courts, defense counsel, and the prosecutor all may participate in post-filing diversion decisions.

- **Post-file statutory diversion** occurs when charges are filed but are ultimately dismissed after a youth completes a diversion (can be informal or statutory). An example is when law enforcement sends a referral to the prosecutor and the prosecutor initially files charges (or a case can be filed after a failed diversion). Through negotiations the court continues the filed case allowing time for completion of a statutory diversion agreement or an informal diversion. Upon completion of the agreement, the legal case is dismissed.

At each of these various stages, the youth has a right to counsel before waiving any constitutional rights, including in a custodial interrogation, detention, and evidentiary search.⁶ However, in Washington State, indigent youth are not provided a public defender for pre-file diversions.

⁶ RCW 13.40.740.

Section II: Youth Diversion National Literature Review

Enrique Fuller-Avalos and Catherine Mitri, Authors

Introduction

For decades, the youth legal system has relied on punitive measures that often exacerbate trauma and systemic inequalities rather than addressing the root causes of delinquent behavior. In response, a growing movement in the United States and internationally is shifting toward diversion programs prioritizing rehabilitation over punishment. While many jurisdictions have expanded diversion programs, the most effective initiatives focus on trauma-informed care and comprehensive support rather than merely reducing prosecution and incarceration rates. This report explores key diversion strategies that center youth well-being, improve long-term outcomes, and reduce recidivism. The findings underscore the urgent need to move beyond rhetoric and implement diversion programs that meaningfully invest in young people's futures.

Youth justice in the United States stands at a crossroads: continue relying on punitive measures that often exacerbate youth delinquency or embrace diversion programs that prioritize rehabilitation and long-term success. Despite overwhelming evidence supporting youth diversion as a more effective alternative to incarceration, only 46% of youth cases are diverted from formal court proceedings.⁷ In contrast, nations like Finland, New Zealand, and Norway boast diversion rates of up to 84%.⁸ This disparity highlights the limited emphasis on diversion in the U.S. youth legal system, where formal adjudication often takes precedence over rehabilitation.

Diversion programs are grounded in the belief that formal court processing and incarceration increase the likelihood of future criminal behavior, while alternatives such as diversion offer better long-term outcomes for youth.⁹ Research indicates that diversion reduces recidivism and helps youth develop empathy, repair harm, and take accountability for their actions through direct engagement with those affected.¹⁰

Despite their demonstrated effectiveness, diversion programs in the United States remain underutilized, and significant racial and socioeconomic disparities further limit equitable access.¹¹ However, a growing movement has emerged in recent years to expand and strengthen diversion programs, with various states across the country leading this reform. This section explores these efforts, examining state-level reforms, their efficacy, and ongoing challenges in achieving equitable implementation.

This section addresses two key research questions:

⁷ Mendel, R. (2024a, March 20). Protect and redirect: America's growing movement to divert youth out of the justice system. The Sentencing Project. <https://www.sentencingproject.org/publications/protect-and-redirect-americas-growing-movement-to-divert-youth-out-of-the-justice-system/>.

⁸ *Id.*

⁹ Office of Juvenile Justice and Delinquency Prevention (OJJDP). Archived | Diversion Programs I-Guide. (n.d.). <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/mpg-iguides/topics/diversion-programs/index.html>.

¹⁰ Mendel, R. (2024b, April 18). Protect and redirect: Best practices for juvenile diversion. The Sentencing Project. <https://www.sentencingproject.org/policy-brief/protect-and-redirect-best-practices-for-juvenile-diversion/>.

¹¹ *Supra* note 7.

1. How effective are youth diversion programs in improving outcomes for both individual youth and public safety?
2. What nationwide efforts exist to increase diversion access as an alternative to youth prosecution and incarceration?

These questions are examined using research from The Sentencing Project, a nonprofit organization that provides research, policy analysis, and advocacy on issues such as extreme sentences, youth justice, voting rights, and racial disparity.¹²

Part 1: Effect of Youth Diversion Programs on Improving Outcomes for Youth and Public Safety

Part I of this section explores the expansion of trauma-informed youth diversion programs and their role in enhancing public safety outcomes. Research consistently shows that diversion is more effective than formal court processing, lowering recidivism and improving educational and life outcomes. Yet racial and ethnic disparities persist in who receives diversion opportunities.

This report highlights effective diversion models that address the root causes of youth behavior—such as poverty, mental health struggles, and systemic racism—ensuring youth receive the necessary resources to succeed. It also presents successful models that could be implemented in Washington State, emphasizing that effective diversion is not just about reducing detention and prosecution rates but providing meaningful, long-term support that addresses these underlying causes.

Background: The Necessity of Trauma-Informed Diversion

Diversion represents a critical alternative to formal juvenile court involvement. It encompasses decisions to address delinquent conduct without involving a youth in the formal court system, occurring either through pre-arrest diversion (avoiding police involvement or arrest) or through diversion after referral to the youth legal system.¹³ This post-referral diversion occurs at two distinct points: pre-filing diversion (where a case is diverted before charges are formally filed with the court, such as in the [Choose 180 Program](#)) and post-filing diversion (where diversion occurs after filing but creates an “offramp” allowing youth to avoid adjudication and the consequences of conviction). However, the need for diversion is not simply

¹² *About Us*, The Sentencing Project (2024), <https://www.sentencingproject.org/about/>.

¹³ Mendel, R. A. (2022). *Diversion: A hidden key to combating racial and ethnic disparities in juvenile justice*. The Sentencing Project. <https://www.sentencingproject.org/reports/diversion-a-hidden-key-to-combating-racial-and-ethnic-disparities-in-juvenile-justice/>.

about keeping youth out of jail—it is about redirecting them toward opportunities that acknowledge and address their lived experiences.

Research has consistently shown that youth involved in the legal system are disproportionately impacted by trauma, and consequently, involvement in the system tends to produce worse outcomes for youth than diversion alternatives. Youth who are diverted from the legal system show:¹⁴

- Substantially reduced likelihood of subsequent arrests;
- Reduced probability of incarceration;
- Decreased rates of violent behavior;
- Higher rates of school completion and college enrollment; and
- Improved economic outcomes in adulthood.

Despite such compelling evidence favoring diversion, it remains underutilized in the U.S. compared to peer nations. This disparity reflects a persistent implementation gap between evidence and practice in American youth justice.

Research Findings: Effective Diversion Models

Reduced Recidivism and Increased Public Safety

Extensive research confirms that diversion programs produce better public safety outcomes than formal court processing.¹⁵ In the comprehensive “Crossroads” study conducted in 2021, researchers found that youth who were formally processed in court were “more likely to be re-arrested, more likely to be incarcerated, engaged in more violence [and] reported a greater affiliation with delinquent peers” than informally processed youth.¹⁶ This study examined more than 1,200 young people across multiple jurisdictions who were arrested for offenses with roughly equal likelihood of being diverted or formally processed.

Multiple studies demonstrate that getting arrested in adolescence substantially increases the likelihood of future legal system involvement while reducing success in school and employment.¹⁷ This evidence directly contradicts the notion that formal processing deters future misconduct. In a related analysis comparing youth from similar backgrounds, researchers found that youth who had been arrested were more likely to be arrested again within six months than their peers who had never been arrested despite similar self-reported delinquency levels.¹⁸ This

¹⁴ *Id.*

¹⁵ *See, e.g.,* Mendel (2022), *supra* note 13.

¹⁶ *Id.* at 7.

¹⁷ *Id.*

¹⁸ *See* Beardslee, J., Miltimore, S., Fine, A., et al. (2019). Under the radar or under arrest: How is adolescent boys' first contact with the juvenile justice system related to future offending and arrests? *Law and Human Behavior*, 43(4).

difference was particularly pronounced when comparing never-arrested youth with those formally processed in court.¹⁹

A meta-analysis by Wilson and Hoge found that “diversion was equally effective for youth assessed as low-risk and those assessed as moderate/high-risk.”²⁰ The meta-analysis included forty-five diversion evaluation studies reporting on seventy-three programs, involving over 14,000 diverted youth and nearly 19,000 youth processed through traditional legal systems.²¹ Importantly, the research found that intervention programs targeting medium/high-risk youth were actually more effective in reducing recidivism than those working with low-risk offenders (with medium/high-risk youth being 1.96 times less likely to reoffend compared to 1.69 times for low-risk youth).²² This evidence strongly suggests that expanding diversion opportunities to youth with more serious offending histories or higher assessed risk level should not diminish positive outcomes but rather, would likely enhance them.²³

In Ohio, a study showed diverted youth had 40% lower recidivism (22% versus 37%) compared to formally processed youth, even among those assessed as high-risk.²⁴ This evidence suggests that diversion is not merely a “lenient” approach but a more effective intervention strategy that produces measurably better public safety outcomes while avoiding the counterproductive effects of formal court processing.²⁵

Improved Life Outcomes for Diverted Youth

The benefits of diversion extend well beyond reduced recidivism. Research consistently shows diverted youth achieve better outcomes across multiple domains:

1. **Education Outcomes:** Higher rates of school completion and college enrollment.²⁶
2. **Economic Outcomes:** Higher earned incomes in adulthood and less reliance on public assistance.²⁷
3. **Behavioral/Social Outcomes:**²⁸
 - Better impulse control
 - Improved ability to suppress aggression
 - More positive perception of future opportunities
 - Less association with delinquent peers

¹⁹ *Id.* at 342-57.

²⁰ Wilson, H. A., & Hoge, R. D. (2013). The effect of youth diversion programs on recidivism: A meta-analytic review. *Criminal Justice & Behavior*, 40(5), 497-518. <https://doi.org/10.1177/0093854812451089>.

²¹ *Id.*

²² *Id.* at 509.

²³ Mendel, R.A. (2023), *Effective Alternatives to Youth Incarceration*. The Sentencing Project, p. 9-10. <https://www.sentencingproject.org/app/uploads/2023/06/Effective-Alternatives-to-Youth-Incarceration.pdf>.

²⁴ Mendel (2024a), *supra* note 7, at 14-15.

²⁵ Latessa, E. J., Lovins, B., & Lux, J. (2014). *Evaluation of Ohio's RECLAIM programs*. University of Cincinnati Center for Criminal Justice Research, p. 28.

²⁶ Mendel (2022), *supra* note 13, at 9.

²⁷ *Id.*

²⁸ Mendel (2024a), *supra* note 7, at 9.

In the Crossroads study, researchers compared outcomes for diverted versus formally processed youth on nineteen distinct measures, finding that formally processed youth did not achieve better outcomes on any measures.²⁹ These results imply that diversion avoids the stigmatizing effects of formal legal system involvement, which often derails normal adolescent development and educational progress.

Evidence of Efficacy Across Offense Types

Contrary to common assumptions that diversion should be limited to first-time or minor offenses, research supports its effectiveness regardless of offense severity or risk level.³⁰ The aforementioned meta-analysis by Wilson and Hoge found that **diversion was equally effective for youth across risk categories**, challenging the notion that higher-risk youth necessarily require more intensive interventions within the formal legal system.³¹

For instance, studies in Florida have found that youth offered civil citations in lieu of arrest are far less likely to be rearrested than those formally processed.³² Florida's civil citation program now operates statewide, serving two-thirds of youth apprehended for eligible offenses.³³ State data analyses consistently show that youth offered civil citations have significantly lower rates of re-entry into the legal system than those arrested and subsequently diverted, and dramatically lower rates than youth who were arrested and formally processed in court.³⁴ Notably, these positive outcomes hold true across different demographics and offense types, demonstrating that the benefits of diversion are not limited to certain groups of youth or minor infractions.³⁵

Similarly, evaluations of restorative justice diversion programs for youth accused of serious offenses (including felonies) demonstrate significantly reduced reoffending rates compared to traditional court processing.³⁶ In Alameda County, California, a restorative justice conferencing program that serves youth accused of serious crimes (62% charged with felonies) has shown remarkable results.³⁷ Youth who participated in this program were 44% less likely to reoffend within 18 months compared to a control group processed through traditional courts.³⁸ This program directly engages both the youth and the person harmed in a process focused on

²⁹ Cauffman, E., Beardslee, J., Fine, A., et al. (2021). Crossroads in juvenile justice: The impact of initial processing decision on youth 5 years after first arrest. *Development and Psychopathology*, 33(2), 700-713.

³⁰ Wilson & Hoge (2013), *supra* note 19.

³¹ *Id.*

³² Mendel (2024a), *supra* note 7, at 8-9.

³³ Wilson & Hoge (2013), *supra* note 20.

³⁴ Civil Citation And Other Alternatives To Arrest Dashboard (2021). Florida Department of Juvenile Justice. <http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/civil-citation-and-other-alternatives-to-arrest/cc-dashboard>.

³⁵ Pla, J. (2014). *Civil Citation Effectiveness Review*. Florida Department of Juvenile Justice.

³⁶ Nadel, M., Bales, W., Pesta, G. (2019). An assessment of the effectiveness of civil citation as an alternative to arrest among youth apprehended by law enforcement. *Florida State University*.

³⁷ *Id.*

³⁸ Baliga, S., Henry, S., & Valentine, G. (2017). *Restorative community conferencing: A study of Community Works West's restorative justice youth diversion program in Alameda County*. Impact Justice, p. 4.

accountability and healing rather than punishment, and it has proven effective even for cases involving significant harm.³⁹

Trauma-Informed Models with Demonstrated Success

- While the evidence clearly demonstrates the overall effectiveness of diversion across various youth populations, not all diversion approaches are created equal. The most successful programs recognize that simply avoiding court processing is at times the correct response to correcting youth conduct, and at other times may be insufficient for those youth who have more significant needs – effective diversion for some youth must address the underlying trauma and needs that often contribute to delinquent behavior. Several evidence-based programs models have emerged as particularly effective in creating trauma-informed approaches that reduce recidivism while supporting youth healing and development:

1. Credible Messenger Mentoring Programs⁴⁰

In this model, community members with lived experience in the legal system provide intensive support to youth and their families. The District of Columbia’s Department of Youth Rehabilitation Services (DYRS) has implemented a comprehensive Credible Messenger Initiative that assigns two mentors for every youth—one to the youth and another to the family. These mentors share many characteristics with participating youth, including understanding neighborhood dynamics and often having personal legal system involvement. This shared experience creates authenticity and trust that traditional service providers may struggle to establish.

The mentors work alongside correctional agency staff, participating in case planning and family team meetings. Following the introduction of this program, recidivism rates in D.C. decreased from an average of 35.8% in the six years before implementation to 21.5% in the subsequent period (fiscal years 2016 through 2021).⁴¹ Similar programs have been implemented in New York City and other jurisdictions with positive results. Of course, these recidivism rates should not be looked at in a vacuum and must be compared to recidivism rates that follow prosecution and incarceration.

2. Advocate/Mentor Programs

Programs like Youth Advocate Programs (YAP) assign and train community members to work intensively with youth and their families.⁴² These programs focus on building relationships between youth and supportive adults from their own communities who can serve as positive role models.⁴³ In Chicago, “Choose to Change,” a program combining YAP’s standard model with enhanced behavioral therapy delivered by trained therapists substantially reduced reoffending

³⁹ *Id.* at 5-6.

⁴⁰ *Id.*

⁴¹ *Id.* at 14.

⁴² Mendel (2024a), *supra* note 7, at 14-15.

⁴³ *Id.* at 15.

rates and improved school attendance and behavior.⁴⁴ An evaluation of this program found that violent crime arrests decreased by 48% during the program period and by 38% in the eighteen months following completion.⁴⁵ Participants also showed improved school attendance and reduced disciplinary incidents compared to a control group.⁴⁶ YAP programs serving justice-involved youth now operate in more than 100 sites nationwide,⁴⁷ with evaluations showing that 86% of participants remain arrest-free during program participation.⁴⁸

3. Family-Focused, Multidimensional Therapy Models

Programs such as Multisystemic Therapy (MST) and Functional Family Therapy (FFT) employ specially trained therapists who follow detailed protocols to identify and address factors that propel youth toward delinquent conduct.⁴⁹ These models have been implemented as diversion options in multiple jurisdictions, including in Connecticut, Pennsylvania, and Colorado, where courts refer youth to these programs in lieu of formal processing.⁵⁰

For example, in Philadelphia, the Juvenile Court has partnered with the Philadelphia Department of Human Services to implement MST as a diversion option for youth with serious behavioral problems who might otherwise face formal adjudication.⁵¹ Similarly, Connecticut's Court Support Services Division uses FFT as an alternative to formal processing for eligible youth, particularly those struggling with family conflict and behavior issues.⁵²

These models recognize that effective intervention requires engaging the entire family system rather than focusing solely on the youth.⁵³ MST therapists meet with youth and families in their homes and communities, working to identify problems across multiple domains (family, peer group, school, neighborhood) and develop targeted intervention strategies.⁵⁴ Studies show that MST programs for youth with serious offenses reduced long-term rearrest rates by 42%

⁴⁴ *Id.* at 15-16.

⁴⁵ University of Chicago Crime and Education Labs. (2020). Choose to change: Your mind, your game. Research Brief. <https://urbanlabs.uchicago.edu/attachments/e95d751f7d91d0bcfeb209ddf6adcb4296868c12/store/cca92342821ce6e7fdfee1e41f1547faa426a29872b437b816490c343c/Choose+to+Change+Research+Brief.pdf>.

⁴⁶ *Id.*

⁴⁷ Youth Advocate Programs, Inc. (2022). *Answering the call for more effective and equitable outcomes: 2022 Annual report*. As cited in Mendel, R. A. (2024). *Protect and redirect: America's growing movement to divert youth out of the justice system*. The Sentencing Project, p. 15.

⁴⁸ Evans, D., & Delgado, S. (2014). *Most high risk youth referred to youth advocate programs, inc. remain arrest free and in their communities during YAP participation*. John Jay College of Criminal Justice. <https://johnjayrec.nyc/wp-content/uploads/2014/11/yapfacts201401.pdf>.

⁴⁹ Mendel (2024a), *supra* note 7, at 16.

⁵⁰ Henggeler, S. (2015). Multisystemic Therapy: Clinical overview, outcomes, and implementation research. *Family Process*, 55(3), 514-528.

⁵¹ Urban Institute. (2018). *Implementing Juvenile Diversion Programs: Strategic Approaches*. Urban Institute Justice Policy Center.

⁵² Court Support Services Division. (2021). Annual Report 2020. State of Connecticut Judicial Branch.

⁵³ *Id.*

⁵⁴ Mendel (2024a), *supra* note 7, at 16.

compared to traditional interventions, and reduced out-of-home placements by 54%.⁵⁵ Similarly, FFT has been evaluated in seventy-five research studies, with many showing significantly lower recidivism than comparable youth receiving probation or other system interventions.⁵⁶

4. Cognitive Behavioral Therapy with Mentors for High-Risk Youth

Programs like Roca, Inc. engage youth and young adults living in violence-torn neighborhoods who are at extreme risk for future incarceration.⁵⁷ Roca's model consists of a four-phase intervention lasting up to four years, recognizing that trauma recovery requires sustained intervention.⁵⁸ This program operates in Massachusetts and Baltimore, targeting sixteen to twenty-four-year olds with histories of arrest, incarceration, violent behavior, or gang involvement.⁵⁹

What distinguishes Roca's approach is its "relentless outreach" strategy—youth workers persistently engage resistant youth, sometimes knocking on doors for months before youth agree to participate.⁶⁰ This persistence reflects an understanding that traumatized youth often distrust authority figures and institutions based on previous negative experiences. The program provides specialized cognitive behavioral therapy (Rewire CBT) designed specifically for traumatized youth who may struggle with traditional therapeutic settings.⁶¹ This approach is specifically designed for delivery, allowing youth workers to provide interventions during informal interactions when youth are receptive, rather than requiring adherence to rigid schedules that might create barriers to participation.⁶²

Youth workers deliver specialized cognitive behavioral therapy (Rewire CBT) designed specifically for traumatized youth in non-traditional settings while connecting them with education and employment services.⁶³

Despite working with extremely high-risk youth (80% with felony arrests, many involved in gangs), only 29% of Massachusetts participants were incarcerated within three years—far lower than comparison rates of 52-56% for similar young adults.⁶⁴ In Baltimore, 95% of participants avoided incarceration for new offenses during their first two years in the program,

⁵⁵ Multisystemic Therapy (MST) Research at a Glance (Full Version): Published MST Outcome, Implementation and Benchmarking Studies. MST Services Inc., as cited in Mendel, R. A. (2023). *Effective alternatives to youth incarceration*. The Sentencing Project, p. 17.

⁵⁶ FFT Research Table, as cited in Mendel, R. A. (2023). *Effective alternatives to youth incarceration*. The Sentencing Project, p. 16.

⁵⁷ Mendel (2023), *Supra* note 23.

⁵⁸ *Id.* at 17-18.

⁵⁹ (Hossain, F., & Wasserman, K. (2021). *Using cognitive behavioral therapy to address trauma and reduce violence among Baltimore's young men*. Roca Baltimore.

⁶⁰ Baldwin, M., & Zeira, Y. (2017). *From Evidence-based Practices to a Comprehensive Intervention Model for High-risk Young Men: The Story of Roca*. New Thinking in Community Corrections Bulletin, National Institute of Justice, NCJ 251171, p. 8-9

⁶¹ *Id.*; Hossain, F., & Wasserman, K. (2021). *Using cognitive behavioral therapy to address trauma and reduce violence among Baltimore's young men*. Roca Baltimore, p. 5-6.

⁶² *Id.*

⁶³ Roca. (2021). *Roca's impact: An update on external evaluation results*. <https://rocainc.org/wp-content/uploads/2021/12/Roca-Impact-1-pager.pdf>; Mendel (2023), *Supra* note 24.

⁶⁴ *Supra* note 23

despite 98% having prior arrest histories.⁶⁵ The program's success demonstrates the effectiveness of combining trauma-informed cognitive behavioral approaches with persistent, relationship-based engagement for youth traditionally considered "unreachable."⁶⁶

5. Diversionary Restorative Justice Interventions

Rather than emphasizing punishment, these programs focus on repairing harm through structured processes, bringing together the person harmed, the youth responsible, and community members.⁶⁷ One exemplary model is Impact Justice's Restorative Justice Project, which operates pre-charge diversion programs for youth accused of felonies and high-level misdemeanors in multiple jurisdictions nationwide.⁶⁸

The process typically involves three phases: (1) Preparation, where program staff build relationships with both the victim and the youth; (2) Conference, where all parties meet to discuss the harm caused and develop a plan for repair; and (3) Plan Completion, where the youth fulfills the agreements made during the conference.⁶⁹ Unlike traditional court processes that focus primarily on the youth's culpability, restorative justice centers on healing relationships and addressing the needs of everyone affected by the incident.⁷⁰

A 2017 evaluation of a restorative justice program in Alameda County found that participating youth were 47% less likely to be found delinquent within eighteen months than a randomly assigned control group.⁷¹ This approach addresses trauma by allowing youth to understand the impact of their actions and participate in solutions. It emphasizes accountability through healing relationships rather than punitive measures, addressing the underlying trauma while building community connections.⁷²

6. Wraparound Care as an Alternative to Incarceration

This model provides coordinated, individualized services for youth with complex needs who might otherwise face placement in residential facilities.⁷³ In Milwaukee, Wraparound Milwaukee serves over 1,000 children and adolescents annually, many involved in the legal system. What

⁶⁵ Roca Inc. website, as cited in Mendel, R. A. (2023). *Effective alternatives to youth incarceration*. The Sentencing Project, p. 18.

⁶⁶ Abt Associates (2021). *Implementation Evaluation of Roca Inc.*, as cited in Mendel, R. A. (2023). *Effective alternatives to youth incarceration*. The Sentencing Project, p. 18.

⁶⁷ Mendel (2023), *supra* note 23, at 19-20.

⁶⁸ Restorative Justice Project. Partnering with communities to address harm through dialogue: Diversion. Impact Justice, as cited in Mendel, R. A. (2023). *Effective alternatives to youth incarceration*. The Sentencing Project, p. 19.

⁶⁹ Impact Justice online toolkit, available at <https://rjdtoolkit.impactjustice.org/>, as cited in Mendel, R. A. (2023). *Effective alternatives to youth incarceration*. The Sentencing Project, p. 19.

⁷⁰ *Id.*

⁷¹ Baliga, S., Henry, S., & Valentine, G. (2017). *Restorative community conferencing: A study of Community Works West's restorative justice youth diversion program in Alameda County*. Impact Justice & Community Works.

⁷² Mendel (2023), *supra* note 23, at 20.

⁷³ U.S. Office of Juvenile Justice and Delinquency Prevention. (2014). *Wraparound process. Model Programs Guide*. https://www.ojjdp.gov/mpg/litreviews/Wraparound_Process.pdf; Mendel, R. A. (2023). *Effective alternatives to youth incarceration*. The Sentencing Project, p. 21.

distinguishes it as a model is its ability to provide a comprehensive alternative to detention or placement for youth who would otherwise be committed to correctional custody.⁷⁴

The program operates with a \$43 million budget drawn from multiple funding streams (Medicaid, child welfare, youth justice, mental health), which it uses to contract with a vast provider network covering everything from mental health and substance abuse treatment to camps, afterschool programs, emergency food assistance, and housing support.⁷⁵ Rather than imposing predetermined programs, care coordinators develop tailored service plans connecting youth with resources from a diverse provider network based on their specific needs.⁷⁶

Results from Wraparound Milwaukee show that participants experience substantial improvements in mental health and school attendance, with fewer placements into foster care or residential treatment.⁷⁷ Most significantly for youth justice outcomes, just 14% of court-involved youth participating in the program from 2012-2014 were rearrested, compared to 41% of youth on traditional probation.⁷⁸ Similar programs in Clark County, Washington and Birmingham, Alabama have shown comparable success in reducing recidivism while keeping youth in their communities.⁷⁹

What distinguishes Wraparound is its holistic, flexible approach addressing multiple life domains simultaneously—mental health, education, housing, and family support—rather than focusing narrowly on delinquent behavior. These programs recognize that trauma often manifests across various aspects of a young person's life, requiring comprehensive rather than compartmentalized interventions.⁸⁰

These programs demonstrate different but complementary approaches to effective diversion. What they share is a commitment to addressing underlying needs and trauma rather than simply punishing behavior, creating more sustainable behavioral change and better outcomes for youth, families, and communities.⁸¹

Conclusion: Beyond Rhetoric to Meaningful Action

The evidence presented in this section clearly demonstrates that diversion is not merely an alternative to formal court processing but a more effective approach. Diversion produces

⁷⁴ Kamradt, B. (2014). *Innovative approaches to measuring and monitoring outcomes for youth in systems of care – wraparound Milwaukee's model*. Powerpoint presentation to conference on "Expanding Access to Children's Behavioral Health Care Services."

⁷⁵ Wraparound Milwaukee. (2020). *2020 wraparound Milwaukee system of care year end report*.

⁷⁶ Mendel (2023), *supra* note 23, at 21-22.

⁷⁷ *Supra*, note 74

⁷⁸ Kamradt, B., & Goldfarb, P. (2015). Demonstrating Effectiveness of the Wraparound Model with Juvenile Justice Youth through Measuring and Achieving Lower Recidivism, as cited in Mendel, R. A. (2023). *Effective alternatives to youth incarceration*. The Sentencing Project, p. 21.

⁷⁹ Pullman, M. D., Kerbs, J., Koroloff, N., VeatchWhite, E., Gaylor, R., & Sieler, D. (2006). Juvenile offenders with mental health needs: Reducing recidivism using wraparound. *Crime and Delinquency*, 52, 375-397; Matthews, S. K., Krivelyova, A., Stephens, R. L., & Bilchik, S. (2013). Juvenile justice contact of youth in systems of care: Comparison study results. *Criminal Justice Policy Review*, 24(2), 143-165.

⁸⁰ Mendel (2023), *supra* note 23, at 21-22.

⁸¹ Mendel, R. A. (2023). *Supra* note 23, p. 24.

better public safety outcomes while improving youth life trajectories across educational, economic, and social domains. The most successful programs focus, for those youth who have the need, on addressing trauma, providing comprehensive support, and connecting youth with positive opportunities.

Despite compelling evidence, diversion remains underutilized in the American youth legal system, and racial disparities in diversion opportunities persist. These disparities are not explained by differences in offense severity and reflect systemic bias that must be explicitly addressed through intentional policies and practices.

In alignment with evidence-based best practices and in order to truly prioritize youth wellbeing in practice rather than merely in rhetoric, youth legal systems should meet the following elements:

- **Make diversion the default response for most youth**, reserving formal court processing only for cases where youth pose significant and immediate risks to public safety.⁸² This includes diverting cases beyond first-time and minor offenses, recognizing that diversion can be effective for youth with more serious offending histories.⁸³
- **Explicitly focus on racial equity in diversion implementation**, acknowledging that general reforms without specific attention to disparities will likely perpetuate inequities.⁸⁴ This requires collecting detailed data on diversion decisions by race and ethnicity, training staff on implicit bias, improving family outreach methods, limiting periods of diversion oversight, minimizing consequences for non-compliance, creating new mechanisms to assist and support youth who might otherwise fail, and revising policies that disproportionately exclude youth of color.⁸⁵
- **Invest in evidence-based diversion models** like those described in this report that address underlying trauma and developmental needs rather than merely controlling behavior.⁸⁶ These include credible messenger mentoring, restorative justice, family-focused therapies, and wraparound care that provide comprehensive support.⁸⁷
- **Eliminate structural barriers to diversion** that disproportionately affect marginalized youth, including restrictions limiting eligibility to first-time offenses, admission-of-guilt requirements, and financial obligations that many families cannot meet.⁸⁸
- **Build community capacity for diversion delivery** by partnering with and funding community-based organizations, particularly those with deep roots in neighborhoods

⁸² Mendel (2024a), *supra* note 7, at 27.

⁸³ Wilson & Hoge (2013), *supra* note at 20.

⁸⁴ Mendel (2022), *supra* note 14 at 26.

⁸⁵ *Id.* at 26-27.

⁸⁶ Mendel (2023), *Supra* note 23 at 24.

⁸⁷ *Id.*

⁸⁸ Schlesinger, T. (2018). Decriminalizing racialized youth through juvenile diversion. *Future of Children*, 28(1), 1-23.

most impacted by the legal system.⁸⁹ This approach not only increases diversion effectiveness but also strengthens community resources that can prevent system involvement in the first place.⁹⁰

- **Implement ongoing evaluation and oversight** to track diversion outcomes, identify implementation challenges, and continue improving programs based on evidence and stakeholder feedback.⁹¹

By implementing these recommendations, youth legal systems can move beyond rhetoric about prioritizing youth to adopting practices that actually do so. The growing movement toward diversion offers a promising path forward—but only if we commit to addressing the underlying trauma, developmental needs, and systemic inequities that lead youth to court involvement in the first place.⁹² Our youth deserve nothing less than a legal system that truly prioritizes their wellbeing and development over punishment and control.⁹³

Part 2: Survey of Nationwide Efforts to Increase Diversion Access as an Alternative to Youth Incarceration

State Reforms

Recognizing the benefits of youth diversion, several states have enacted legislation and policies to increase access to rehabilitative alternatives. These initiatives vary in scope but share a common goal: reducing formal court involvement while fostering positive youth development. States such as Kansas, New Hampshire, Michigan, Massachusetts, and South Dakota have led the charge in reshaping youth justice approaches and integrating diversion programs into their legal systems.

Kansas

In Kansas, the passage of Senate Bill 367 (SB 367) in 2016 marked a significant turning point in the state's approach to youth justice, and 2024 marks the eighth anniversary of this landmark legislation. SB 367 “re-envisioned the juvenile justice system” by requiring detention risk assessments, expanding alternatives to detention, and requiring diversion programs at intake - leading to substantial improvements across various facets of the system.⁹⁴

⁸⁹ Kroboth, L., Purewal Boparai, S., Heller, J. (2019). *Advancing racial equity in youth diversion: An evaluation framework informed by Los Angeles County*. Human Impact Partners.

⁹⁰ *Id.*

⁹¹ Mendel (2022), *supra* note 13 at 27.

⁹² *Id.* at 28.

⁹³ *Id.*

⁹⁴ Billinger, M. (2024, November 12). Kansas Juvenile Justice Oversight Committee 2024 Annual Report. JJOC Annual Reports -. <https://www.doc.ks.gov/juvenile-services/committee/jjoc-annual-reports>.

Further, the funds saved from reducing youth confinement are being reinvested into expanding evidence-based programs statewide, ensuring that all eligible youth can access services, regardless of the agency overseeing their case.⁹⁵ These efforts have resulted in a 26% reduction in juvenile case filings in 2024, continuing a broader trend of decline since the passage of SB 367.⁹⁶

Additionally, Kansas created a new diversion option, the Immediate Intervention Program. This program mandated diversion for first-time misdemeanor offenses, providing a structured pathway for youth to avoid formal court proceedings. In 2022, nearly 2,000 youth were referred to this program. Of those, 92% complied with their diversion agreements and avoided new convictions, thereby completing their program (Kansas Juvenile Justice Oversight Committee, 2022).⁹⁷ Similar efforts to expand diversion programs and reduce reliance on formal court processes are taking place in other states, furthering the national movement towards more rehabilitative approaches for youth justice.

New Hampshire

In recent years, New Hampshire has implemented 21 different youth diversion initiatives that align with four core philosophies: restorative justice, traditional diversion, teen courts, and mediation or counseling. Combined, these programs have contributed to a substantially improved completion rate of 86%.⁹⁸ New Hampshire has further propelled these programs by requiring police and courts to refer first-time youth offenders to diversion services.⁹⁹ Between 2018 and 2022, the state diverted 72% of youth referrals to behavioral health programs, resulting in a 50% reduction in delinquency cases over the same period.¹⁰⁰

Michigan

Michigan has also taken bold steps in reforming its youth legal system, notably through the enactment of comprehensive reforms aimed at expanding diversion eligibility and promoting more rehabilitative approaches. Most recently, Michigan's Court Administrative Office announced the new Status Offense Diversion Project grant program to support innovative

⁹⁵ Crime and Justice Institute. (2017, January 1). Kansas's Senate Bill 367: Comprehensive Reform Implementation Successes. Office of Justice Programs. <https://www.ojp.gov/library/publications/kansass-senate-bill-367-comprehensive-reform-implementation-successes#:~:text=Under%20Bill%20367%2C%20juvenile%20detention,length%20and%20time%20in%20custody.>

⁹⁶ *Id.*

⁹⁷ Kansas Juvenile Justice Oversight Committee. (2022). 2022 Annual Report. <https://www.doc.ks.gov/juvenile-services/committee>.

⁹⁸ Cannon, A. (2021, June). NH Juvenile Court Diversion Network. NH Court Diversion. https://nhcourtdiversion.org/wp-content/uploads/2021/06/NHJCDN_one-pager_6.21.pdf.

⁹⁹ *Id.*

¹⁰⁰ McCormack, A., Ribsam, J.E., & Sellars, J. (2023, May 26). *New Hampshire's juvenile justice transformation: Radically reducing the need for court, probation, placement, and confinement* [Conference session]. Coalition for Juvenile Justice National Conference, Washington, DC, USA.

projects that will divert low-risk youth involved in status offenses – for example, truancy, running away, or underage drinking – away from formal juvenile court proceedings and incarceration. This grant program, in partnership with the Michigan Department of Health and Human Services and the Michigan Committee on Juvenile Justice, will fund pilot programs at up to five juvenile courts, focused on community-based services to help youth avoid the criminal legal system.¹⁰¹

The new funding opportunity follows closely behind the recent bipartisan Justice for Kids and Communities bill package, which aims to enhance youth outcomes, strengthen public safety, and optimize the use of state resources.¹⁰² The package includes reforms that broaden the range of offenses eligible for diversion, eliminate most non-restitution fees and costs tied to youth justice involvement, limit program durations to three months, and introduce various other key changes.¹⁰³

South Dakota

In South Dakota, the Juvenile Justice Public Safety Improvement Act has set the stage for broader adoption of diversion as a default for nonviolent misdemeanors and status offenses.¹⁰⁴ This legislation, which passed in 2015, has resulted in a 50% increase in diversion rates and a doubling of successful program completions between 2016 and 2022.¹⁰⁵ Further, the law incentivizes courts to divert youth from formal adjudication **by offering financial rewards for successful diversion outcomes**, ensuring that more youth benefit from rehabilitative interventions rather than facing the consequences of incarceration.

Key Nationwide Trends in Diversion Expansion

Nationwide, youth legal systems are increasingly shifting toward diversion programs as a primary response to youth delinquency, recognizing their potential to reduce recidivism and promote rehabilitation. During the 2022 legislative session alone, 25 states considered more than 40 bills about youth diversion policies.¹⁰⁶ These developments are part of several key trends across the country regarding diversion initiatives.

¹⁰¹ Michigan Supreme Court. (2025, January 16). Juvenile Justice Reform Moves Forward with Status Offense Diversion Project. <https://www.courts.michigan.gov/news-releases/2025/january/juvenile-justice-reform-moves-forward-with-status-offense-diversion-project/>.

¹⁰² Salomon, N. (2023, December 14). Explainer: The significance of Michigan’s Justice for Kids and Communities Legislation. CSG Justice Center. <https://csgjusticecenter.org/2023/12/14/explainer-the-significance-of-michigans-justice-for-kids-and-communities-legislation/>.

¹⁰³ *Supra* note 7.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Juvenile Justice Legislation Database. (2022). <https://www.ncsl.org/civil-and-criminal-justice/juvenile-justice-legislation-database>.

1. Mandatory Diversion Policies

One significant development is the implementation of mandatory diversion policies in various states. Utah, for instance, diverted 64% of juvenile cases in 2023 due to legislative changes that made diversion the default for many offenses. Similarly, Kentucky saw an increase in diversion rates from 41% in 2013 to 60% in 2020, demonstrating the impact of policy-driven reforms.¹⁰⁷ In Washington, the first misdemeanor/gross misdemeanor is diverted (as well as some other misdemeanor offenses) and has taken an even more expansive approach by broadening diversion eligibility to include certain felony offenses, ensuring that more youth can access rehabilitative alternatives rather than being subjected to formal court proceedings.¹⁰⁸

2. Raising the Minimum Age for Juvenile Court Jurisdiction

In addition to expanding diversion eligibility, states are reassessing the minimum age for juvenile court jurisdiction. In 2016, only 18 states had established a minimum age for prosecuting children in delinquency court, with none setting it above 10 years old.¹⁰⁹ In the years since, 15 states have introduced or raised their minimum age requirements, and eight of them now prohibit prosecution for most offenses under the age of 11.¹¹⁰ These policies are important because raising the minimum age for proceedings, in effect, automatically diverts youth under those age thresholds.

There is still room to grow: internationally, the most common minimum age of criminal responsibility is 14 years old. In the United States, meanwhile, only 26 states that have established any minimum age of prosecution.¹¹¹ These reforms represent significant progress but also show an ongoing need for further systemic changes.

3. Federal Support for Diversion Expansion

Federal support has further propelled the expansion of diversion programs. Between 2000 and 2022, youth incarceration in the United States declined by 75%, reflecting a national shift toward rehabilitative alternatives.¹¹² Substantial federal funding has reinforced this movement, with \$494 million allocated in 2022 for youth justice programs, including diversion initiatives.¹¹³

¹⁰⁷ *Supra* note 8.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ National Justice Network. (2023, July). Charting U.S. Minimum Ages of Jurisdiction, Detention, and Commitment. https://nyjn.org/wp-content/uploads/Updated072524_Minimum-Age-Laws-for-Juvenile-Court-Jurisdiction-and-Confinement.pdf.

¹¹² Rovner, J. (2024, November 15). Youth justice by the numbers. The Sentencing Project. <https://www.sentencingproject.org/policy-brief/youth-justice-by-the-numbers/>.

¹¹³ Diversion in the Juvenile Justice System. (2022). <https://www.ncsl.org/civil-and-criminal-justice/diversion-in-the-juvenile-justice-system>.

These investments underscore the federal government's support for reducing youth's reliance on incarceration.

4. Worsening Racial and Ethnic Disparities

While diversion access has increased significantly in the last decade, the disparities among ethnic and racial groups have only worsened.¹¹⁴ In the United States in 2019, 52% of delinquency cases involving white youth led to diversion, compared to just 40% for Black youth and 44-48% for Latinx, Tribal, and Asian American youth.¹¹⁵ The justification for this disparity lacks support as the gap in diversion rates cannot be explained by the seriousness of offenses youth are accused of committing. Research consistently shows that intake workers are less likely to refer youth of color than similarly situated white youth, even when accounting for the severity of the offense (Center for Justice Innovation, 2022).¹¹⁶ Despite the growth of diversion programs, these racial and ethnic disparities underscore the need for reform to ensure equitable access for all youth.

Conclusion

The expansion of youth diversion programs represents a critical step toward a more equitable and effective legal system. Gradually, progress has been made throughout the country, in red states and blue, united by practical, common-sense reforms of the youth legal system. As we continue to gather more data and develop evidence-based approaches, support for diversion programs is likely to grow. The increasing recognition of their positive impact on reducing recidivism, promoting rehabilitation, and fostering long-term success for youth will strengthen efforts to implement these programs nationwide.

¹¹⁴ *Supra* note 13.

¹¹⁵ *Id.*

¹¹⁶ Center for Justice Innovation. (2022). Disparities in youth diversion – an evidence review. https://justiceinnovation.org/sites/default/files/media/document/2021/disproportionality_diversion_lit_review.pdf.

Section III: State-Level Diversion Investment Channels

Samaneh Alizadeh, Roxana Gomez and Liz Trautman, Authors

Introduction

This section focuses on four distinct state funding channels dedicated to local court services in Washington. The funding channels are available to fund diversion, however, no funds in these channels are specifically dedicated to diversion programs and the overall funds available are a small portion of overall court budgets. Rather these funds are discretionary, often used to balance year end budgets, and fund services for court involved youth. The identified funding channels include the DCYF block grant, Evidence-Based Programs (EBPs), Juvenile Detention Alternatives (JDAI), and victims' services funding.

The report also examines the level of funding for these services vs. overall carceral spending, the benefits and barriers to this funding structure, and further details recommendations to create more robust state-supported diversion options and victims' services funding for young people.

Executive Summary

In Washington funding for diversion programs is primarily provided by individual counties rather than at a state level. Diversion is not a one-size-fits-all approach and youth should have access to a variety of services and opportunities that best meet their needs. To achieve this goal, diversion program funding should also be varied and available, however the state does not dedicate funding for diversion programs, especially when compared to its investment in the youth carceral system. To provide supports for youth and reduce youth incarceration investment in diversion programs must be increased.

Additionally, to better meet the needs of victims who have been harmed, to keep communities safer, and reduce future harm, Washington State needs to invest in a sustainable well-resourced community restitution fund. This fund would address the shortcomings of the current state model to support victims of crime and could focus on crimes committed by a youth, who do not have any access to resources to pay restitution.

Funding Channels

Department of Children, Youth, and Families Block Grant

In 2009 the Washington State Legislature required all state dollars for juvenile courts from the Department of Children, Youth, and Families' (DCYF) Juvenile Rehabilitation (JR) to be administered as a block grant.¹¹⁷ This block grant is used for funding local juvenile court programs that are effective at reducing youth criminal behavior – priority for these funds is given

¹¹⁷ Washington State Department of Children, Youth & Families. (2023). *Report to the Washington State Legislature Juvenile Court Block Grant* (pp. 1–32). DCYF.
<https://dcyf.wa.gov/sites/default/files/pdf/reports/JuvenileCourtBlockGrant-2023.pdf>

to evidence-based programs (EBPs) and disposition alternatives diverting youth from confinement in JR. In accordance with RCW 13.06.020, approximately \$38 million is appropriated by the state county juvenile courts each biennium.¹¹⁸ The funding is administered by DCYF's JR program to 33 county juvenile court jurisdictions via a block grant formula overseen by a committee made up of juvenile court administrators and JR staff.

Disposition Alternatives

Disposition alternatives allow eligible youth who would otherwise be committed to JR to remain in the community and receive local services and supervision through the juvenile court. However, disposition alternatives are not a pre-file diversion service, youth who are eligible have already been found responsible of an offense and will have a record.

Disposition alternatives include:

- Chemical Dependency Mental Health Disposition Alternative (CDMHDA) – RCW13.40.165
- Special Sex Offender Disposition Alternative (SSODA) – RCW13.40.160
- Suspended Disposition Alternative (SDA – Option B) – RCW13.40.0357

In 2023 expenditures on disposition alternatives exceeded \$3 million with three-quarters of the disposition alternative dollars (73%) spent on SSODA.¹¹⁹

Disposition Alternatives Expenditures

Table 5: Disposition alternative expenditures for SFY 2023¹

Programs	CDMHDA	SSODA	SDA	Total
Costs	\$693,330	\$2,364,015	\$161,151	\$3,218,496

Table 5 represents program expenditure information as reported by the juvenile courts to JR for SFY 2023, July 1, 2022 – June 30, 2023. Three-quarters of disposition alternative dollars (73%) were spent on SSODA in SFY 2023.

Table 6 and Figure 2 provide information on disposition alternative expenditures from SFY 2018-2022. Overall expenditures have been relatively stable, until 2021, where a decrease began to occur.

Table 6: Expenditures for SFY 2018-2022

DA	2018	2019	2020	2021	2022
CDMHDA	\$1,355,238	\$1,221,567	\$1,325,613	\$969,282	\$662,937
SSODA	\$2,204,415	\$2,266,469	\$2,307,710	\$2,267,562	\$2,276,895
SDA	\$86,294	\$100,800	\$51,741	\$142,747	\$101,463
Total	\$3,645,947	\$3,588,836	\$3,685,064	\$3,379,591	\$3,041,295

¹ Expenditure information includes data as of September 6, 2023.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

Evidence-Based Programs

The Community Juvenile Accountability Act (CJAA) was passed in 1997 as an incentive for local communities to implement cost-effective interventions to reduce recidivism among youth offenders.¹²¹ In 1998 the Washington State Institute for Public Policy (WSIPP), in collaboration with the Washington Association of Juvenile Court Administrators (WAJCA) and JR identified programs that could cost-effectively reduce youth offender recidivism. EBPs are only available to youth who are determined to be moderate to high risk to reoffend and most courts do not do risk assessments for diverted youth, making EBPs available predominantly for adjudicated youth. Currently, there are five EBPs that receive block grant funding.

Current Evidence Based Programs:

- Coordination of Services (COS)
- Education and Employment Training (EET)
- Functional Family Therapy (FFT)
- Family Integrated Transitions (FIT)
- Multi-Systemic Therapy (MST)

In fiscal year 2023 over \$3 million was spent on evidence-based programs. Since the inception of EBPs WSIPP has conducted multiple reports on their efficacy, most notably in 2005 when the Legislature directed WSIPP to examine the cost vs. benefit for evidence-based programing in lieu of building two new prisons by 2020, and possibly another in 2023.¹²² According to the WSIPP report if Washington could, “successfully implement a moderate to aggressive portfolio of evidence-based options, then a significant level of prison construction can be avoided, saving state and local taxpayers about \$2 billion, and slightly lowering net crime rates.”¹²³

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

Evidence-Based Program Expenditures

Table 24: Expenditures by category for fiscal year 2023³

Programs	CJAA Expenditures	EBE Expenditures	Total Expenditures	Cost Per Participant
COS	\$304,707	\$168,293	\$473,000	\$1,080
EET	\$703,657	\$739,636	\$1,443,292	\$7,216
FFT	\$57,006	\$934,377	\$991,383	\$3,713
FIT	\$0	\$0	\$0	\$0
MST	\$2,000	\$487,124	\$489,124	\$12,228
Totals	\$1,067,369	\$2,329,430	\$3,396,799	\$3,583

Table 24 represents program expenditure information as reported by the juvenile courts to JR by program and by category – CJAA and Evidence-Based Expansion (EBE) for SFY 2023, July 1, 2022 – June 30, 2023. The cost per participant is calculated by dividing the total expenditures in SFY 2023 by the total number of starters in SFY 2023.

Table 25 and Figure 5 provide information on EBP expenditures from state fiscal years 2018–2022. Beginning in 2017, expenditures have steadily declined.

Table 25: Expenditures for state fiscal years 2018-2022

EBP	2018	2019	2020	2021	2022
WSART	\$1,474,875	\$1,456,840	\$926,829	\$501,397	-
COS	\$378,235	\$426,677	\$328,116	\$345,793	\$373,243
EET	\$606,123	\$697,836	\$1,099,116	\$1,119,031	\$1,227,804
FFT	\$1,488,687	\$1,358,068	\$1,357,869	\$1,057,057	\$957,925
FIT	\$222,526	\$33,931	\$57,926	-	-
MST	\$230,526	\$291,508	\$304,710	\$722,353	\$467,600
Total	\$4,400,498	\$4,264,860	\$4,074,565	\$3,745,632	\$3,026,572

Juvenile Court Block Grant Report: Table 24 & 25¹²⁴

Juvenile Detention Alternatives Initiative (JDAI)

JDAI was designed to provide youth involved in the youth legal system opportunities to develop into healthy, productive adults. JDAI is the largest youth legal system improvement initiative in the United States.¹²⁵ JDAI has 8 Core Strategies which were developed as the framework for implementation of the model. Implementation of strategies vary by jurisdiction.

8 Core Strategies

1. Collaboration & Leadership
2. Data-Driven Decisions
3. Reducing Racial and Ethnic Disparities
4. Objective Admissions

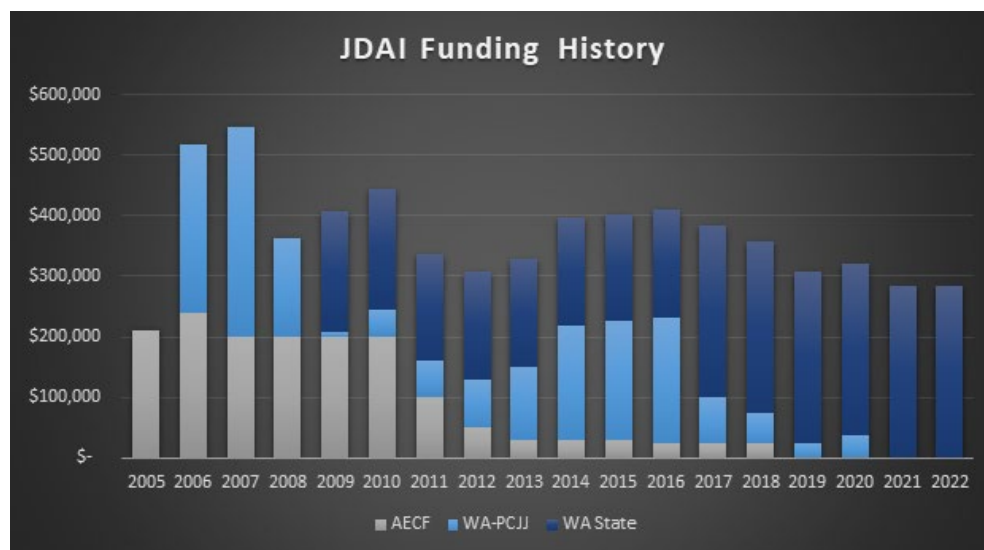
¹²⁴ *Id.*

¹²⁵ Office of Juvenile Justice. (n.d.). *Funding*. DCYF. Retrieved November 18, 2024, from <https://www.dcyf.wa.gov/practice/practice-improvement/ojj/jdai/jdai-infrastructure-support/funding>

5. Alternatives to Detention (ATDs)
6. Expedited Case Processing
7. Special Detention Cases
8. Conditions of Confinement

According to the Office of Juvenile Justice, “Of the \$566,000 identified in the biennial state budget for JDAI implementation, \$392,000 is passed through OJJ to the local JDAI jurisdictions to support local JDAI implementation. Funds are divided evenly among the JDAI sites and sites submit biennial implementation plans and budget narrative requests prior to contract execution. Each site also completes a Racial and Ethnic Disparities Reduction Plan in order to identify what changes need to be made to policy and practice in order to reduce racial and ethnic disparities in their local jurisdiction. The remaining state funds are used to support contracts with the Washington State Court Center for Research (WSCC) for data analysis and Cultures Connecting, LLC for training and to fund the JDAI state coordinator position within OJJ.

In addition to funding from the Annie E. Casey Foundation, the Washington State Legislature (beginning SFY 2009) and the Washington State Partnership Council on Juvenile Justice (beginning SFY 2006) have provided funding for JDAI expansion. Funding levels and sources are identified in the graph below. Historically, funding for JDAI has been provided by the Annie E. Casey Foundation, the Washington State Partnership Council and the Washington State Budget. Currently, the implementation of JDAI is fully supported through the Washington State Budget at \$283,000 per fiscal year.”¹²⁶



¹²⁶ *Id.*

As of December 2021, seven jurisdictions were implementing JDAI's 8 Core Strategies: Adams, Clark, King, Mason, Pierce, Snohomish, and Whatcom Counties.¹²⁷ According to OJJ each JDAI site receives \$28,000 per fiscal year for all detention alternatives enabled through the program.

Victim Services Funding

When discussing opportunities for upstream interventions and support for court involved youth, the victims of crime must also be included. The disruption and harm victims experience extend far beyond the date of any single criminal act and can have long lasting impacts on both victims and their families. The effects of the harm caused include but are not limited to financial costs. Many of these costs incurred by victims of crime are currently not covered by Washington State level funding, thus leaving the victim to bear the burden. When evaluating how to improve youth legal systems for all participants, advocate for diversion opportunities, and champion for change, we must look at who is most impacted, how supports/resources are allocated for both victims and respondents, and where there is room for improvement at the state level.

When it comes to victims of crime, the majority of victims come from already marginalized communities of color. According to the [Alliance for Safety and Justice, Crime Survivors Speak](#),¹²⁸ young people of color from lower income communities experience the most crime putting them at higher risk of continued victimization. The report determined that people of color are 15 percent more likely to be victims of crime.¹²⁹ In addition, the largest disparities in victimization relate to a person's age. Specifically, young people are the most common victims, with 18–24-year-olds experiencing crime at nearly twice the rate of any other age group. These young people are also most likely to live in an urban area, where residents are 50 percent more likely to experience crime than their peers in rural or suburban areas.¹³⁰ The results of one study found that the rate of victimization among individuals with family incomes of less than \$15,000 was over three times the rate of those with family incomes of \$75,000 or more.¹³¹ Statistically, being an individual who has committed violent crimes correlates with an elevated risk of later becoming a victim of violent crime. At the same time, violent crime victims have also been shown to be more likely than others to later engage in violence.¹³² It is also readily shown that

¹²⁷ Office of Juvenile Justice. (2022). *Washington State Juvenile Justice Report to the Governor & State Legislature* (pp. 1–141). Washington State Partnership Council on Juvenile Justice. <https://www.dcyf.wa.gov/sites/default/files/pdf/2022WA-PCJJgov.pdf>

¹²⁸ Alliance for Safety and Justice. (n.d.). Crime Survivors Speak. In *Alliance for Safety and Justice* (pp. 1–32). Alliance for Safety and Justice. Retrieved November 18, 2024, from <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² Delong, C., & Reichert, J. (2019, January 9). *The victim-offender overlap: Examining the relationship between victimization and offending*. Illinois Criminal Justice Information Authority. <https://icjia.illinois.gov/researchhub/articles/the-victim-offender-overlap-examining-the-relationship-between-victimization-and-offending>

Adverse Childhood Experiences (ACES) can lead to criminal behavior in adolescence and adulthood.¹³³ To decrease future criminal behavior, treatment interventions and resources must be easily accessible and funded for those that need it most. To address root causes, provide upstream supports, and reduce future harm, investment is needed in a sustainable compensation and restitution model that also increases access to resources to alleviate the burden placed on victims of crime.

Washington State currently has a crime victims compensation program funded by the federal Victims of Crime Act (VOCA). The [Washington State Crime Victims Compensation Program](#) (CVC) receives funding from the state General Fund and the Crime Victims' Compensation Account¹³⁴ in addition to federal VOCA funds. In Washington State, the CVC is housed within the Department of Labor and Industries (L&I). Individuals who have experienced physical injury or mental health trauma as the result of being the victim of a reported crime in Washington State¹³⁵ may be eligible to file a claim with L&I's CVC. The CVC may reimburse for medical/dental treatment, medication, health treatment, grief counseling, partial wage loss replacement, funeral expenses, expenses not covered by other insurance (such as medical co-pays and medical deductibles). That is, if families and victims have the means to cover the upfront costs associated with these expenses and the ability to take time off to access services for themselves or their children.

In Financial Fiscal Year (FFY) 2023, L&I received \$11.2 million in state funding, and in FFY 2024, L&I received \$12.8 million in state funding from the Crime Victims Compensation Program¹³⁶ These totals are for both youth and adult criminal legal systems for Washington State. According to the Washington State Partnership Council on Juvenile Justice's (PCJJ) [Report and Recommendations for Statewide Community Compensation](#), the CVC paid out approximately \$295,872 per year for the fiscal years between 2021-2023 specifically for youth offenses. This included approximately 69 claims at an average of \$4,288 each.¹³⁷

While the above state allocated funds cover much needed medical and associated expenses after the cost is incurred by the victim, it does not cover the entirety of the costs associated with crimes such as robberies, theft, or property damage. Specifically, the CVC will

¹³³ Reavis, J., Looman, J., Franco, K. A., & Rojas, B. (2013). Adverse Childhood Experiences and Adult Criminality: How Long Must We Live before We Possess Our Own Lives? *The Permanente Journal*, 17(2), 44–48. <https://doi.org/10.7812/tpj/12-072>

¹³⁴ A description of the CVC Account is available at (Washington State Office of Financial Management. (2020). *Account Detail | Office of Financial Management*. Wa.gov. <https://ofm.wa.gov/accounting/fund/detail/01F>

¹³⁵ Police report must be filed in order to qualify for reimbursement of qualified expenses.

¹³⁶ Washington State Supreme Court Gender and Justice Commission. (2024). *Crime Victim Services Work Group Report to the Washington State Legislature* (pp. 1–253). https://www.courts.wa.gov/subsite/gjc/documents/CVSWorkGroupReport_10.1.24.pdf

¹³⁷ State-Funded Community Compensation Program Report and Recommendations to the Governor and Legislature. (2024). In *DCYF* (pp. 1–58). Washington State Partnership Council on Juvenile Justice. https://www.dcyf.wa.gov/sites/default/files/pdf/PCJJ_CommunityCompReport.pdf

not pay for restitution for loss or damage to personal property, nor can it reimburse for crime scene clean up, identity theft, or secondary losses such as the need for a rental car, car seat replacement, or other property lost as a result of a theft of a vehicle. Those are simply costs that are not covered by the current state-funded CVC model and are unfortunately absorbed solely by the victims and their families.

In addition to the types of losses not covered by the CVC, there are also significant access issues when it comes to accessing CVC funding given that the circumstances vary, and the laws are rather complex. Many times, victims utilize the support of victim advocates to submit their applications for CVC funds after they have incurred the costs, occasionally have had to paid interest, and must wait to see if they will be compensated¹³⁸ in filed cases.

Currently, court ordered youth restitution for losses not covered by the CVC are the only consistent avenue across Washington State available to request reimbursement for victims and can typically only be ordered once a case has resolved by way of a guilty finding post-trial or through a plea agreement. Reimbursement through this process is not swift nor is it effective to meet the financial needs and restoration of victims harmed by youth in our state. In addition, in cases where restitution is ordered by a juvenile court, it is rarely actually collected to make the victim whole given the youth's inability to pay. The proposal for a state funded compensation fund not only will benefit victims of crime but also has a collateral benefit for youth offenders. The youth, many of whom do not have full-time jobs and also come from marginalized communities, will not be tied to large restitution orders they are never going to be able to fully pay off which in turn impact the sealing of their criminal record.

Our current system also fails to address any systemic state supported restitution or victim support models for diversion whether it is in a mandatory prefiling diversion referral or post filing¹³⁹ context. If a case is referred to diversion, restitution may be included in a diversion agreement with a probation counselor, but there is no official criminal court order to pay. The probation counselor can extend a respondent's diversion for an additional six months to pay off any outstanding restitution. If the youth has not paid the full amount of restitution by the end of the additional six-month period, then the youth shall be referred to the juvenile court for entry of a civil order establishing the amount of restitution still owed to the victim.

¹³⁸ CVC's average processing times are 25 days from receipt of application to eligibility decision and 18 days from receipt of a bill to payment. As reported in the Washington State Department of Labor and Industries' Victim Compensation Formula Grant annual performance report for the period October 01, 2022-September 30, 2023: Washington State Department of Labor and Industries. (2023). *Office for Victims of Crime, Victim Compensation Formula Grant Program, Annual Performance Measures Report, October 01, 2022 - September 30, 2023* (pp. 1–9). Washington State Department of Labor and Industries.

<https://web.archive.org/web/20241215063137/https://ovc.ojp.gov/states/vc-fy-2023-washington-annual-report.pdf>

¹³⁹ Juvenile Justice Act of 1977, RCW 13.40.080 (1977). <https://app.leg.wa.gov/RCW/default.aspx?cite=13.40.080>

This could also result in the youth “failing” their diversion agreement and having their case referred back to juvenile court. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the youth does not have the means to make full restitution over a shorter period. If restitution required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diverted youth and with the concurrence of the diversion unit to convert unpaid restitution into community service. These options for reimbursement to the victim are not guaranteed and can take decades if paid at all. The victim also is not provided with a victim advocate or legal liaison to assist with access to supports when a case is referred to diversion. This is a huge, missed opportunity to provide upstream services to those impacted by crime, and can prevent prosecutors from offering diversion to youth when restitution is an issue.

Local jurisdictions, such as King County, have attempted to assist victims of crime with restitution in a swifter manner in both a diversion and post filing landscape. Restorative Community Pathways (RCP) is a King County funded diversion program with a victim restitution compensation and support model built in. In every case that is referred, both the victim and the respondent are offered services and supports. This program is funded by the county through approval of the county council budget. Specifically, they have a community restitution fund allocated \$100K per year as long as the program is funded. Current funding is through 2025.

The restitution fund can pay for medical expenses, mental health care, damaged/lost property, or other associated expenses to assist both the victim and their family. In 2023, RCP distributed financial restitution to 46 harmed people at an average amount of \$1,240 each, and with an average turnaround time of 1-2 weeks between request and payment. For filed cases, King County also has approved a county level restitution fund for victims for approximately \$150K per year for restitution expenses that are not covered by the CVC for crimes committed by youth respondents and is guaranteed through 2025.

While these efforts to address the financial burden placed on victims and attempt to streamline advocacy and supports at a county level are a step in the right direction, these funding sources are not sustainable or guaranteed each year, nor do they address the issues of victim restitution and access to services for any jurisdiction outside of King County.

Proportionality Analysis

According to DCYF Government Affairs the Juvenile Rehabilitation Administration (JRA) within DCYF had a FY25 budget of \$154,630,000. Of that, \$18,213,000 (approximately 12%) goes to local juvenile courts through the Juvenile Justice Block Grant to cover local court services. This funding is used for basic court operations and for evidence-based programs for medium and high-risk youth (predominantly youth who have been adjudicated).

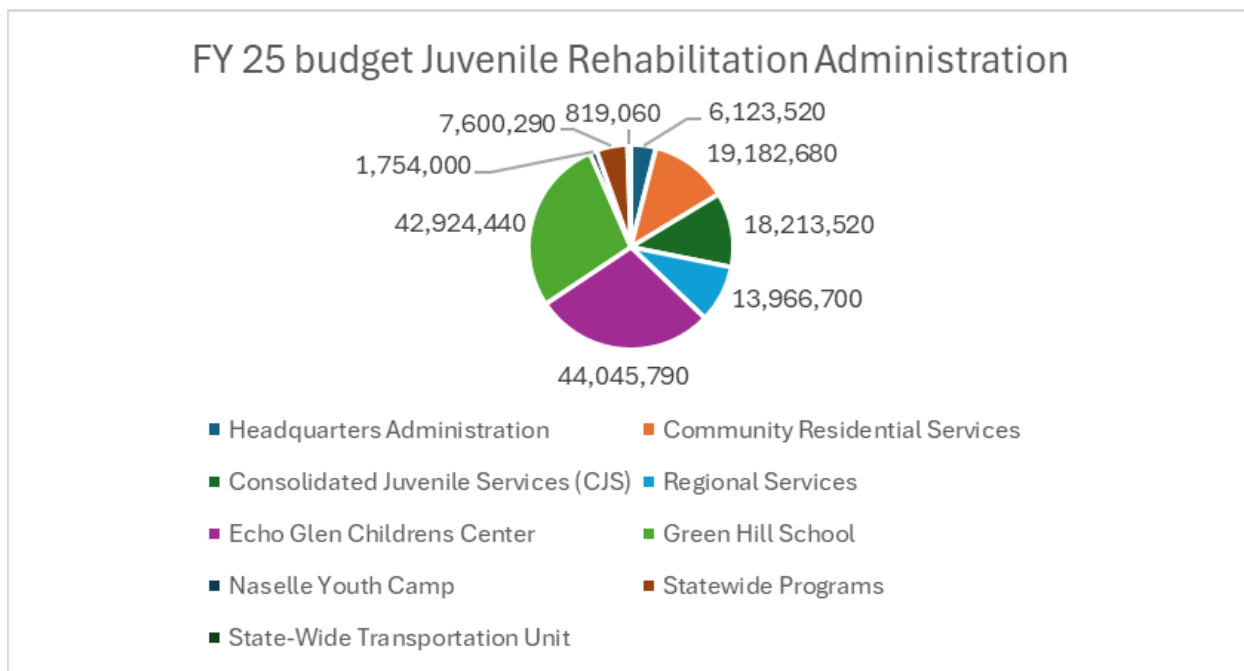


Figure compiled with DCYF Government Affairs data

While courts may use some block grant funds to cover their diversion programs, they are required by statute to provide services to youth on probation and disposition alternatives.¹⁴⁰ There is no dedicated funding for diversion in the state budget. Additionally, a portion of the block grant is reserved for “evidence-based practices,” which courts utilize for youth who have moderate to high risk factors on a risk assessment. Those programs have been evaluated for efficacy for adjudicated youth and youth post-release, but not for youth on diversion.

¹⁴⁰ Juvenile Offenders - Consolidated Juvenile Services Programs, RCW 13.06 (1969).
<https://app.leg.wa.gov/rcw/default.aspx?cite=13.06>

Since 2019, the overall JR budget has increased between 1% and 15% year over year, according to data shared by DCYF, while the block grant allocation has remained mostly flat (the legislature increased funding in FY 23 by \$500,000 per year). The disproportionality in funding carceral solutions has expanded as JR funding has increased with flat funding for the block grant.

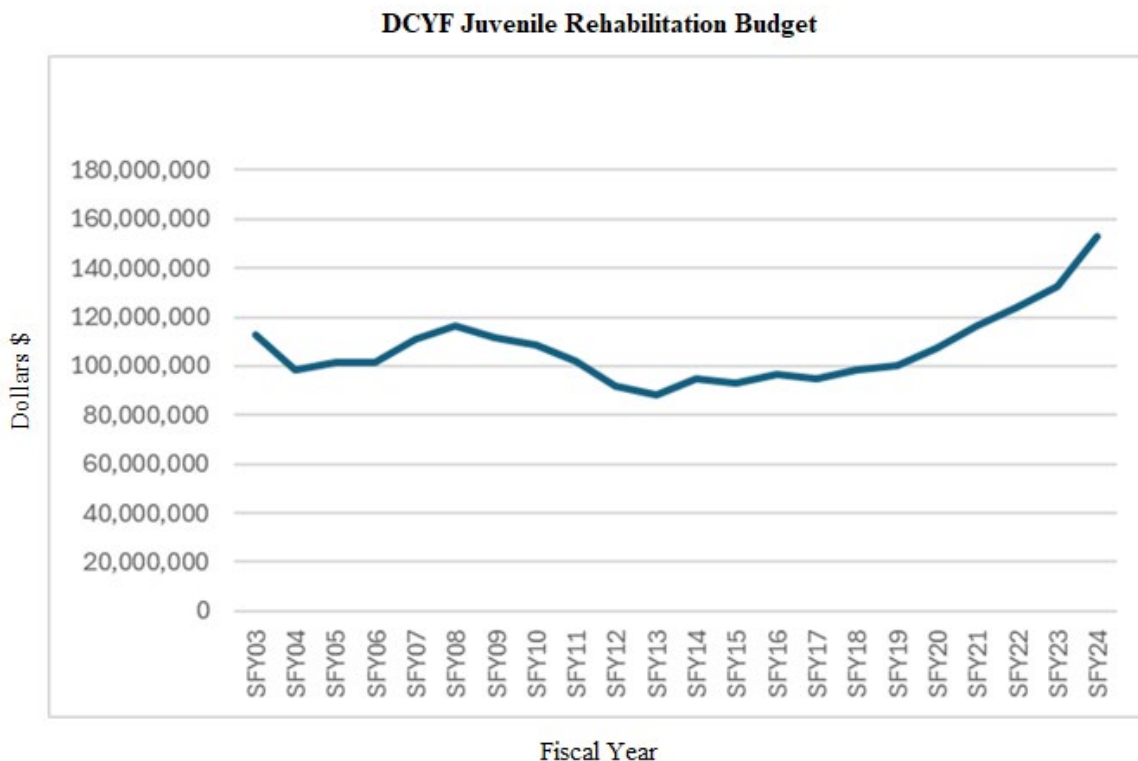


Figure compiled with DCYF Government Affairs data

Local county dollars are used to fund the vast majority of juvenile court budgets. It is beyond the scope of this report to determine what share of county funding is used on diversion programs versus other programs and operations but based on discussions with juvenile court administrators the amount of local funding available varies widely.

Benefits to Diversion Spending

WSIPP has examined diversion programs through a cost-benefit lens and found diversion overall to be much more cost-effective than traditional court processing. This is largely due to the lower recidivism rates for youth participating in diversion, which brings a host of individual and societal benefits. WSIPP has examined diversion with services, diversion without services, and a specific diversion model called the Adolescent Diversion Project, all in comparison to

traditional juvenile court processing and found a cost benefit of \$7,628,¹⁴¹ \$11,219,¹⁴² and \$25,854,¹⁴³ respectively. For each of these, there is a 99-100% chance that the program's benefits will exceed costs.

The picture becomes slightly more complicated when comparing diversion programs to simple release – that is, no intervention at all. In an analysis of diversion with services to simple release, there was a negative cost-benefit association, with the benefit minus cost coming out to -\$1,688.¹⁴⁴ And finally, the intervention of teen court had an even lower cost-benefit return when compared to diversion with no services.¹⁴⁵

It's important to note that WSIPP has not conducted outcome evaluations of diversion efforts or specific diversion programs, and there may be additional ways to understand the benefits of an intervention beyond a simple cost-benefit metric. This points to the need for better outcome tracking for diversion programs and dedicated and ongoing efforts to evaluate outcomes over time, as have been done for the Evidence-Based Programs that make up the bulk of services offered to youth on supervision and youth post-release.

Barriers and Limitations in Current Statewide Funding

Barriers to Increased Diversion Investment in Current Statewide Funding Mechanisms

As a non-unified court system, Washington juvenile and trial courts are funded and administered locally by each county or city; little funding is appropriated from the state budget. The state does not dedicate financial resources to pre-filing diversion, leaving juvenile courts to leverage their limited and discretionary county funding to offer pre-filing diversion programs, which affects the quality, consistency, availability and access to diversion programs based on geographic location, and which court a case is referred to. The lack of funding invested in “pre-file” diversion can prevent prosecutor's offices and courts from using creative diversion strategies, and from being able to proactively partner with community-based organizations and pay them for their community-based diversion work. The lack of available and diverse diversion resources may be one of the reasons why prosecutors choose not to divert more cases.

¹⁴¹ Washington State Institute for Public Policy. (2023a). *Diversion, no services (vs. traditional juvenile court processing)*. Wsipp.wa.gov. <https://www.wsipp.wa.gov/BenefitCost/Program/549>

¹⁴² Washington State Institute for Public Policy. (2024a). *Adolescent Diversion Project (ADP) (vs. traditional juvenile court processing)*. Wsipp.wa.gov. <https://www.wsipp.wa.gov/BenefitCost/Program/21>

¹⁴³ Washington State Institute for Public Policy. (2024b). *Diversion with services (vs. traditional juvenile court processing)*. Wsipp.wa.gov. <https://www.wsipp.wa.gov/BenefitCost/Program/547>

¹⁴⁴ Washington State Institute for Public Policy. (2023b). *Diversion with services (vs. simple release)*. Wsipp.wa.gov. <https://www.wsipp.wa.gov/BenefitCost/ProgramPdf/548/Diversion-with-services-vs-simple-release>

¹⁴⁵ Washington State Institute for Public Policy. (2024c). *Teen courts (vs. traditional juvenile court processing)*. Wsipp.wa.gov. <https://www.wsipp.wa.gov/BenefitCost/Program/970>

Limitations of Current Funding Channels for Expansion of Community-Based Diversion

As mentioned in the first section, in 2009, the Washington State Legislature required that all state dollars passed to local juvenile courts by DCYF's Juvenile Rehabilitation (JR) be administered as a block grant. Priority of this block grant is to be given to evidence-based (EBP) and "promising" programs, and disposition alternatives diverting youth from confinement in JR, which often leaves little-to-no money to fund community-based diversion opportunities. The \$18.213 million annual block grant is intended to fund juvenile courts with local flexibility to meet the needs of low, moderate, and high-risk youth. According to juvenile court administrators, when considering the limited resources each court receives through the formula, juvenile courts prioritize youth who have been screened by the Positive Achievement Change Tool (PACT) risk assessment, resulting in most of their block grant dollars being reserved to serve medium-risk and high-risk adjudicated youth. This often leaves low-risk youth, who might benefit from an intervention before graduating to medium or high-risk, without many options or resources.

Who considers *what* is an evidence-based program or promising program can also create challenges and limitations to expanding community-based diversion. Since the passage of the Community Juvenile Accountability Act (CJAA) in 1997, the CJAA Oversight Committee has only approved six EBPs for state funding: Washington State Aggression Replacement Training (WSART), Coordination of Services (COS), Education and Employment Training (EET), Functional Family Therapy (FFT), Family Integrated Transitions (FIT), and Multi-Systemic Therapy (MST).¹⁴⁶

When evaluating potential EBPs, the Washington State Institute of Public Policy is tasked to focus on reviewing programs that have shown to identify and implement strategies shown—through rigorous research—to reduce crime, cost-effectively, and reduce youth offender recidivism.¹⁴⁷ For an EBP to have years' worth of rigorous, peer-reviewed research behind it, it must be well-established and funded to ensure its ongoing operations. Prioritizing research-backed programs, while not unreasonable, excludes many community-based diversion providers, who don't have the benefit of years of research and funds backing their programs, from ever qualifying for those block grant dollars. The narrow focus on "recidivism" as a metric of success omits the reality that for many community-based diversion providers: meeting their client's basic needs is usually the first step to ensuring they do not repeat contact with the youth criminal legal system.

¹⁴⁶ *Supra*, note 117

¹⁴⁷ Juvenile Rehabilitation Administration. (2010). Community Juvenile Accountability Act. In *DSHS* (pp. 1–16). Juvenile Rehabilitation Administration.

https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=2010%20CommunityJuvenile%20Accountability%20Act_3dc48665-9741-4c06-97e5-f82b6372f65a.pdf

As most community-based diversion programs are not listed in the inventory of EBPs, their programs are viewed as less credible than programs run by prosecutors, probation or court-affiliated agencies. When in fact, community-based partners may be better situated than institutional partners to facilitate meaning interventions to ensure the youth understands and repairs the harm caused by their behavior.¹⁴⁸

Recommendations

Recommendation for Current Funding Use and Possible Alternative Funding Mechanisms

Diversion is not a one-size-fits-all approach; every youth has unique needs and should be offered a range of services and opportunities that best meet those needs. At the same time, while we connect youth with resources and supports, we must also ensure that diversion agreements do not have extended periods of oversight and that we minimize consequences for non-compliance. To achieve that goal, diversion programs and funding should also be diverse and abundant, however the state does not dedicate any funding for diversion, especially when compared to its investment in the deep-end of the carceral system. If we want to truly reduce the pipeline, we must match investments in the front-end of the system, and fund diversion as the critical prevention tool it is.

Other recommendations include:

1. Reduce barriers to accessing funds for community-based diversion programs by modifying the evidence-based and promising program requirements within the Juvenile Justice Block Grant and provide statutory direction to courts on how to provide diversion programs.

Since 1997, only 6 evidence-based programs have been approved and therefore are eligible to benefit from Juvenile Justice Block Grant funding. Depending on the availability of those programs, counties may be able to offer all 6 of the evidence-based programs or a fraction of them. Availability of these specific programs, or lack there-of, should not preclude community-based organizations from leveraging state money nor should it keep young people from accessing the program that fits their needs.

Modifying the EBP requirement for state-funding does not mean that the state is not prioritizing the funding of successful and cost-effective programming, but instead recognizes the systemic barriers (in funding, research, etc.) that may preclude community-based organizations from ever qualifying as an EBP. Evidence-based and promising programs may offer significant

¹⁴⁸ Mendel, R. (2024, April 18). *Protect and Redirect: Best Practices for Juvenile Diversion*. The Sentencing Project. <https://www.sentencingproject.org/policy-brief/protect-and-redirect-best-practices-for-juvenile-diversion/>

benefits, but so do programs and solutions that are owned and operated by local community partners.

2. Fund community-based providers directly to engage in pre-filing diversion opportunities statewide and provide concrete goods. Expand definition and eligibility of community-based providers.

Currently, the vast majority of diversion programs offered across counties are exclusively tied to the courts, leaving little-to-no money available for community-based programs that may be a more appropriate fit to respond to the youth's needs and goals. Many of these community-based organizations have deep connections with the community they serve and recognize the underlying socio-economic issues and pressures young people face. This community connection allows partner organizations to identify themes that lead to delinquent behavior and helps them identify solutions and the appropriate response for the young person to succeed. This may look like a connection to additional services, such as housing, education or healthcare systems, or help with concrete goods, all of which are not the role of the court system.

Community-based organizations come in many shapes and sizes. They may connect youth to social services, provide educational support, be youth development providers, or lead restorative justice circles for people who are harmed and have been harmed. Because of this variety, organizations should not be precluded from state funding based on the type of diversion work that they do. Every community in Washington has a menu of resources and programs, big and small, to choose from, and we should be leveraging all our options.

Victim Services Funding

To better meet the needs of victims who have been harmed, to keep communities safer, and reduce future harm, Washington State needs to invest in a sustainable well-resourced community restitution fund to address the shortcomings of the current state model to support victims of crime especially when the crime involves a youth. The state needs to examine if the current funding model for direct service and advocacy meets the needs of those who have experienced violence, especially those that are exposed or victimized at an early age to ensure that appropriate trauma informed services and supports are accessible. As a state we must strive to alleviate the burden of financial costs that victims of crime take on and provide an avenue for support and direct access to intentional services to address the long-term social and emotional impacts of the harm experienced.

3. Washington State should intentionally invest in a statewide compensation and restitution fund that expands the types of costs covered by the CVC.

State Legislative Action: Advocate for state-level legislative changes that prioritize the expansion of a state-funded compensation fund for victims of crime. This could involve

adjusting the existing Crime Victims' Compensation Program (CVC) to include broader coverage for a wider range of victim costs or it can explore partnering with a contracted community-based organization to oversee and administer the community-based compensation fund to address these additional costs not currently covered as outlined by the PCJJ's 2024 [Report and Recommendations for a State Funded Community Compensation Fund](#).

Expansion of covered costs should include but not be limited to the following:

- replacement of stolen or damaged personal property as a result of thefts, robberies, and property offenses;
- loss wages for victims and/or parents/guardians of victims to attend court hearings,
- loss wages to attend appointments for a child who was victimized up to 12 months from the incident date.
- costs associated with crime scene cleanup for all homicides, attempted homicides and other serious violent crimes with a financial cap and repair parameters per incident;
- direct and secondary costs associated with vehicle thefts to include property replacement of items taken as a result of the vehicle theft, and rental car costs for repairs not covered by insurance with a financial cap per case;
- costs associated with ID theft

Equitable Distribution: Ensure that funding is allocated based on the geographic distribution of crime, with particular attention paid to rural areas and communities of color that may face additional barriers to accessing compensation.

Long-Term Investment: Develop a multi-year funding plan that sets clear annual goals for both the amount of funding available and the number of victims to be assisted. Regular reviews should be incorporated to assess the adequacy of funding levels and adjust as necessary to meet the needs of victims.

4. Future funding models must also ensure that Washington State is adequately funding victim services. Specifically, to support the increased need for court-based advocates, community advocates, civil legal aid for victims of sexual assault, domestic violence, and those in need of other protection orders, as well as specialized supports/advocates for child victims who experience or witness abuse, trauma and/or violence.

Increase Access to Victim Advocates: Allocate additional funds to ensure every victim has access to trained victim advocates throughout the judicial process, particularly for youth-related crimes. This includes both court-based and community-based advocacy services.

Diversion Victim Advocates: For all diversions cases, there should be a locally assigned and funded victim advocate to assist with resources, services, and supports.

5. **Specialized Programs for Vulnerable Victims:** Fund specialized programs that serve child/youth victims of trauma, abuse, or violence. These programs should provide both immediate support and long-term interventions to address the emotional and psychological impact of victimization for both children and youth in our communities.

Explore the costs for local jurisdictions to provide trauma informed group therapy services virtually and/or on site for child victims to reduce delay and barriers to immediate services that can be accessed after a police report is made.

Explore potential state supported stipends or grant opportunities to encourage system collaboration with local colleges or universities for opportunities for social workers or mental health professionals in training to assist victims in connecting with existing experienced trauma informed resources.

Legal Aid Expansion: Invest in expanding civil legal aid programs for victims of sexual assault and domestic violence and those seeking anti-harassment orders. This will help victims access compensation, restitution, secure protection orders, housing assistance, and other necessary legal services.

Conclusion

Of the four distinct state channels that provide funding to local court services in Washington, none provide dedicated diversion service funding, and the majority are designed specifically to serve adjudicated youth rather than referred and diverted youth. Instead, diversion programs are funded at varying levels by local counties, resulting in disparate access to services. Diversion has been proven to be much more cost-effective than traditional court processing, largely due to the lower recidivism rates for youth participating in diversion, which brings a host of individual and societal benefits. Diversion and victim support services and funding should be provided at a statewide level to encourage diverse and abundant support for impacted youth in our local communities.

Section IV: Youth Diversion Program Development: A Gap Analysis



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Key Findings

1. Consistent with state law, formal diversion decisions are informed by a youth's referral history and the severity of their current charge.
2. *Two or more prior referrals*, regardless of charge, is the strongest predictor of whether a youth receives a formal diversion. The second strongest predictor is *charge severity* for youth with one or no prior referrals, followed by *one prior referral* for youth with a misdemeanor charge.
3. The impacts of these predictors on the probability of diversion are not equal across racial/ethnic groups, suggesting that either race and ethnicity inform diversion decisions or that locally-known confounding information is introduced but not recorded in available data.
4. Race/ethnicity differences in diversion decisions can be identified with high certainty in several jurisdictions, making these jurisdictions ideal sites for further research on local diversion practices.

Background

Washington State law permits, and in some instances requires, juvenile courts to provide opportunities for youth to be diverted from the formal court system.¹⁴⁹ Formally diverted youth enter into a contract with the juvenile probation department in which they agree to abide by certain conditions (e.g., community service, counseling, victim restitution). If these conditions are met, charges will not be filed. The generation of formal diversion agreements are recorded in a statewide data management system, allowing courts and researchers to report on statewide and local practices.¹⁵⁰

The state law that guides diversion practices also permits courts to “counsel and release” youth who come to the attention of the court as the result of an alleged offense that does not include physical harm or significant financial damages. The counsel and release option does not carry the same legal consequences as *formal diversion* (e.g., becoming part of the youth's criminal history). Furthermore, anecdotally, courts report a wide variety of informal diversion activities offered in lieu of a juvenile court referral that, by design, produce no court record. Owing to a lack of access to data, informal youth diversion practices have not been studied in Washington State; this report focuses solely on formal diversion practices.

It is important that the reader keep the following in mind: 1) the data used in the report represent a limited part of a broader continuum from informal to formal activity and 2) juvenile

¹⁴⁹ See [Understanding the Juvenile Offender System in Washington State, 2024 Edition](#) for more detailed information on formal juvenile diversion.

¹⁵⁰ See, for example, the [2024 Biennial Washington State Juvenile Justice System Report to the Governor and State Legislature](#).

courts are provided considerable discretion regarding diversion decisions. Taken together, this means that the report describes specific elements of a diversion continuum that can vary widely from county to county. For example, in some counties, youth with no prior referrals to juvenile court may have had one or more interactions with the court through informal diversion programs while, in other counties, a youth's first or only referral may also be their first or only court interaction. Further, because some jurisdictions operate entirely on one side of the continuum or the other, the absence of reported *formal* diversion agreements in the data may indicate limited diversion practices in some counties or a high volume of informal, and thus unreported, diversion activity in others.

Relative to the full scope of the diversion continuum and variety in local practice, the available data are limited and imprecise. However, the data are well-suited for context analysis and strategic planning toward the development of statewide definitions, systematic data collection and consistent information reporting. Thus, this report offers insights into county-level and statewide formal youth diversion practices and sets the groundwork for future research into the full scope of diversion practices.

The Current Study

Research Questions and Analytic Methods

Objectives for the current study include: 1) examining formal youth diversion practices in Washington State and 2) identifying informative sites for the further study of local practices on the continuum of formal to informal youth diversion. To address the research questions outlined below, a preliminary dataset included the population of all youth aged 10–17 referred to juvenile court in Washington State between January 1, 2017 and December 31, 2023. In order to include only those youth eligible for a formal diversion, we identified all charge types leading to a formal diversion agreement during the study period. These charge types were deemed “eligible charges.” Only referrals with eligible charges were included in the final dataset; records with missing race, ethnicity and gender information were excluded, resulting in the retention of 99% of the original data.

Research Questions:

1) What predicts a formal diversion agreement for youth who are referred to juvenile court?

Despite varieties of local practices and the related uncertainty of representing state-wide diversion practices using available data, RCW 13.40.070 identifies two universally-known variables: 1) a youth's referral history and 2) the severity of their current charge. A decision-tree model predicting diversion based on referral history and charge severity was used to develop a general framework for describing factors affecting formal diversion statewide.

2) Are racial and ethnic groups equally affected by predictors of formal diversion?

Limitations of available data are localized. For instance, if referral history impacts diversion decisions in general, the way in which it impacts diversion in a given county can be

expected to vary with other local differences that affect a youth's chances of justice involvement. Given that these differences are often associated with race and ethnicity, all else being equal, significant race/ethnicity differences in the impact of a predictor on formal diversion would indicate one of the following scenarios: 1) race and ethnicity directly inform local diversion decisions or 2) race and ethnicity introduce confounding information, known locally but not recorded in available data. Both scenarios warrant further exploration.

3) Which jurisdictions present racial and ethnic differences in formal diversion practices with the highest degree of certainty?

Differences in local practice, combined with differences in local population size, raise an important distinction between the *magnitude* of difference and the *certainty* of difference between racial and ethnic groups. The most informative jurisdictions for further context analysis are identified as those in which predictors of diversion affect group differences with the highest degree of certainty, rather than those jurisdictions with the greatest magnitude of difference between groups.

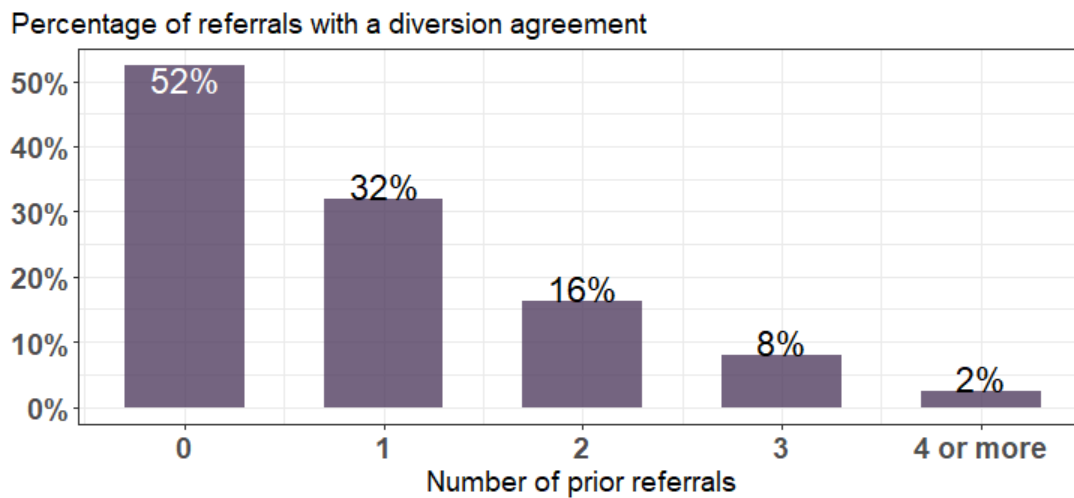
Results

Finding 1: For a youth given a referral, the number of prior referrals, the offense type and jurisdiction all predict the probability of a formal diversion agreement.

Referral history: Figure 1 shows a negative relationship between the probability of a diversion agreement and a youth's referral history¹⁵¹. Compared to youth with no prior referrals, the probability of a diversion agreement is 40% lower among those with one prior referral and nearly 90% lower among those with two or more prior referrals.

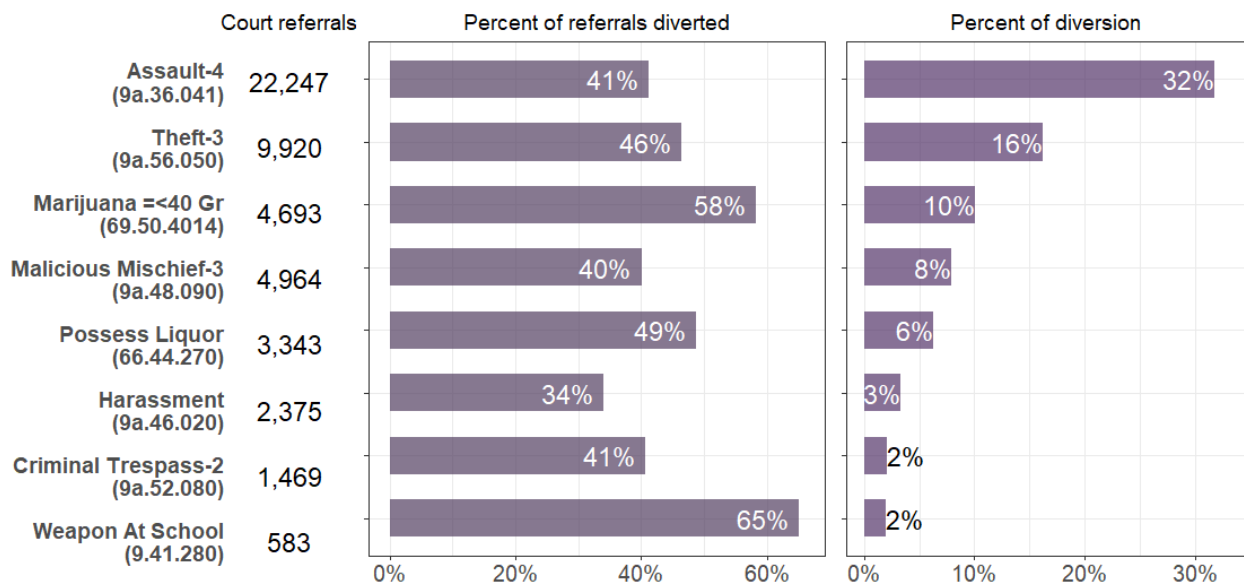
¹⁵¹ Referral history includes only official referrals to juvenile court for an offender matter. Informal diversions, as discussed in the Introduction and Background sections, are not included in these analyses. Thus, it is important to keep in mind that the youth's full involvement with the juvenile court may not be captured in a count of prior referrals.

Figure 1. Relationship between referral history and probability of diversion agreement



Offense Type: Figure 2 shows differences in the probability of a diversion agreement for charges comprising 80% of all diversion agreements signed between 2017 and 2023. For example, with regard to the most frequent charge referred to juvenile courts, Assault in the 4th degree (Assault-4, $n = 22,247$), referrals resulted in formal diversion 41% of the time (left side of Figure 2). Assault-4 was the most serious charge for 32% of all observed formal diversions (right side of Figure 2).

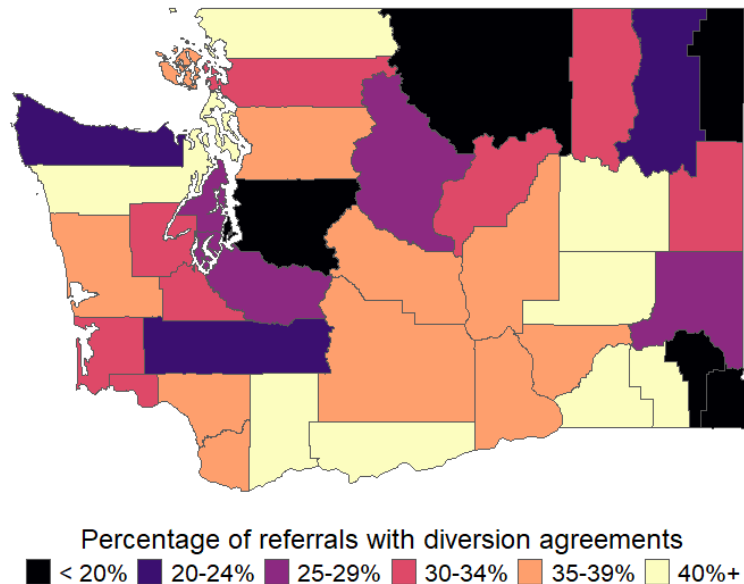
Figure 2. Relationship between charge type and probability of diversion agreement



Jurisdiction: Across jurisdictions, the probability of a formal diversion agreement for any given referral for an eligible offense ranged from 10% (Pend Oreille) to 52% (Lincoln) (Figure 3). Taking into account differences in the volume of referrals in each jurisdiction, the

largest contributors to between-county variation were King (14%)¹⁵² and Benton/Franklin counties (39%).

Figure 3. Probability of a formal diversion agreement by county



Decision-tree classification: A decision-tree classifier was used to model formal diversion as dependent on prior referrals and offense severity. The model successfully predicted outcomes with nearly 80% accuracy (improving on naïve prediction accuracy of 68%) and strong discrimination (i.e., given two randomly selected youth, one diverted and one not diverted, the decision-tree model predicted a higher probability of diversion for the diverted youth 81% of the time).

Data were weighted to reflect uncertainty affected by varieties of local practice, as described in the Background section. As a measure of uncertainty, jurisdiction weights were calculated using a subpopulation – youth with no prior referrals charged with Assault-4 – with the assumption that these referrals would be expected to lead to diversion in every case. Data from jurisdictions closest to 100% (e.g., Cowlitz, Mason) were weighted to be more informative to the model than data from jurisdictions that were furthest from 100% (e.g., Kitsap, Pend Oreille) (Figure 4).

¹⁵² King County has well-documented atypical practices within Washington State; most of King County’s diversions are done informally and thus not in the purview of this analysis. Further research in less-studied counties must be conducted to understand the causes of disparities in county-level rates of formal diversion agreements.

Figure 4. Contribution of jurisdictions to a decision-tree model weight-based on the probability of a diversion agreement for youth with no prior referrals charged with Assault-4.

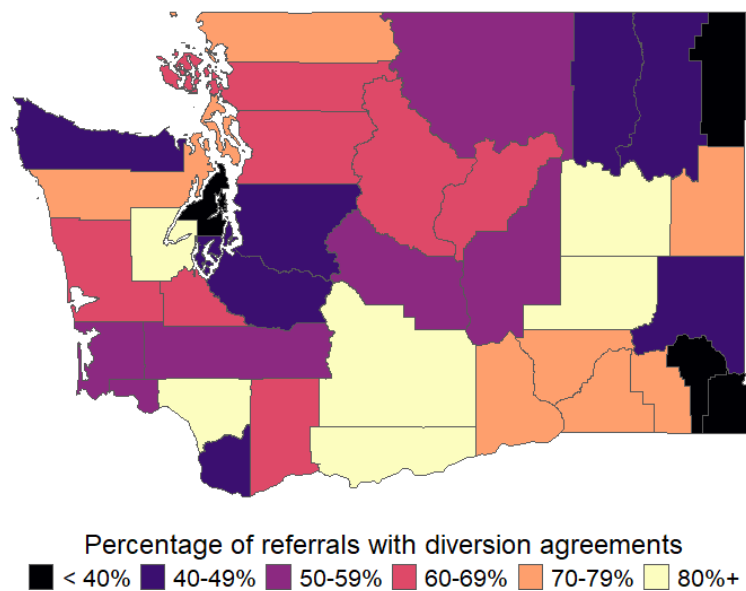
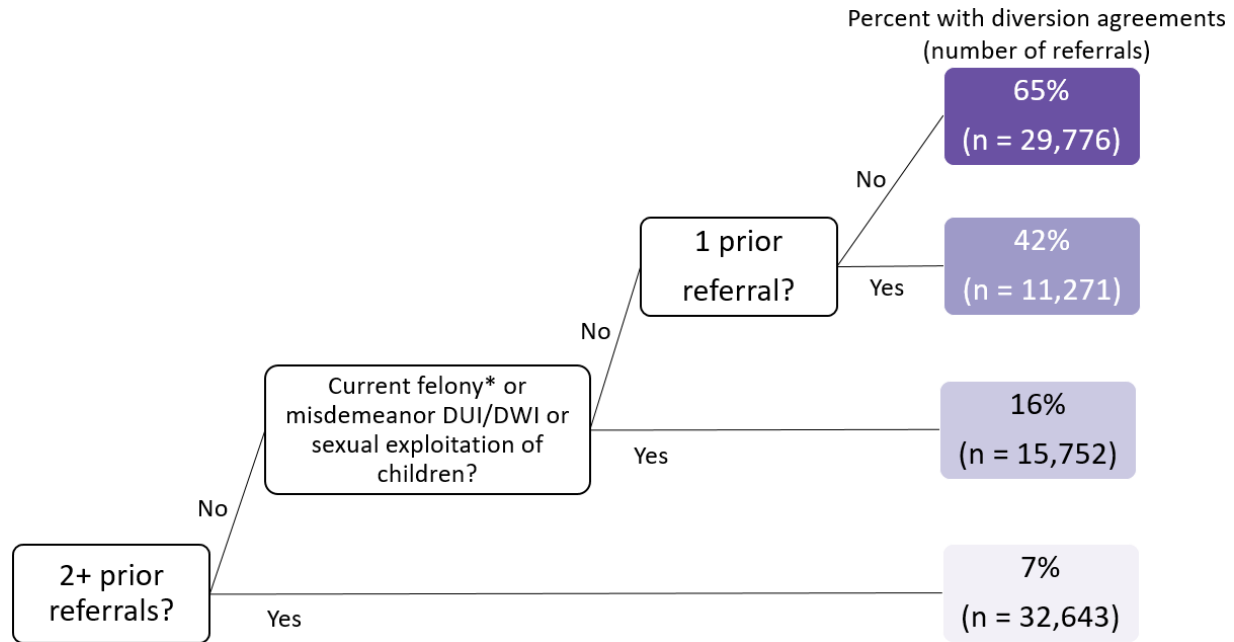


Figure 5 shows three decision points predicting whether a referral led to diversion, including:

- Two or more prior referrals regardless of charge severity:** Prior referrals to juvenile court were the most informative predictor of a formal diversion agreement; specifically, whether a youth had two or more prior referrals. In other words, for the nearly 33,000 juvenile court referrals involving youth with two or more prior referrals, in the absence of any other information, a prediction of “no formal diversion” based solely on their referral history was correct 93% of the time.
- Current felony or misdemeanor DUI/DWI or sexual exploitation of children charges and one or no prior referrals:** If a youth was selected at random from the population with one or zero prior referrals ($n = 56,799$) and the only information known about their current referral was that it involved a felony (excluding Computer Trespass 1) or misdemeanor DUI/DWI or sexual exploitation of children, in the absence of any other information, a prediction of “no formal diversion” was correct 84% of the time.

Figure 5. Decision-tree model of referral leading to formal diversion agreement



*Except Computer Trespass 1st Degree.

- **Misdemeanor and one prior referral:** For youth charged with any misdemeanor (except DUI/DWI or sexual exploitation of children), referral history was more informative than charge to an outcome of formal diversion. For example, while youth charged with Minor in Possession of Liquor are generally more likely to be diverted than those charged with Assault-4 (Figure 2), a Minor in Possession of Liquor charge with one prior referral is 23% less likely to be diverted than an Assault-4 charge with no prior referrals (Table 1).

Table 1. Probability of diversion for any misdemeanor – referral history vs charge

Charge	Prior Referrals	
	0	1
<i>Possession of Liquor</i>	69% (n = 1,896)	48% (n = 760)
<i>Assault 4</i>	61% (n = 10,977)	40% (n = 4,114)

Finding #2: Race and ethnicity impact how decision points (e.g., the number of prior referrals, offense type) affect the probability of a formal diversion.

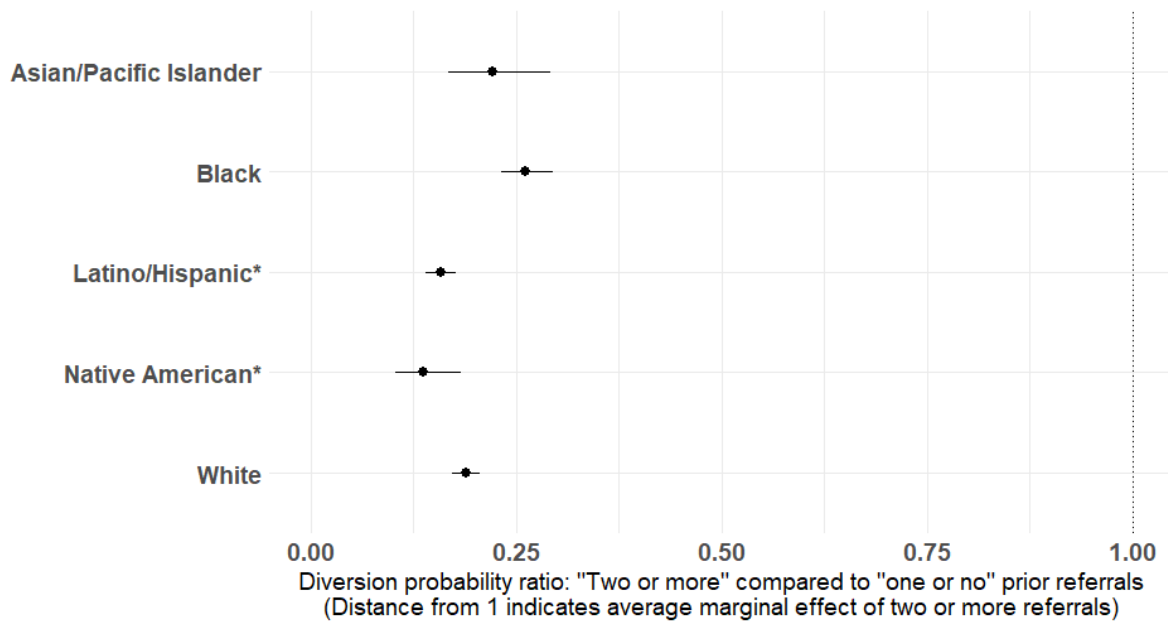
The decision points shown in Figure 5 universally impacted the formal diversion of a referral. However, the magnitude of the impact of each decision point differed across racial and ethnic groups. The impact of each decision on diversion was estimated in two steps. First, a decision's universal impact was estimated using the probability of diversion given a misdemeanor charge and no prior referrals (65%) or a misdemeanor charge and one or no prior referrals (58%), as the hypothetical baseline of no impact on diversion. Second, disparate impacts by race and ethnicity were similarly estimated, using each group's probability of diversion given a misdemeanor charge and one or no prior referrals by jurisdiction, as a reference. Given the limitations of available data described in the Background section, we took group differences as indicative of either: 1) race and ethnicity directly inform local diversion decisions or 2) race and ethnicity introduce confounding information, known locally but not recorded in available data. Group averages are shown in Table 2.

Table 2. Statewide probability of diversion given a misdemeanor charge and one or no prior referrals by race and ethnicity.

	No prior referrals	One or no prior referrals
Asian/Pacific Islander	64%	58%
Black	52%	48%
Latino/Hispanic	71%	63%
Native American	61%	53%
white	64%	59%

Two or more prior referrals: For each county, applying the probability of a diversion agreement given a misdemeanor and one or no prior referrals (i.e., 55% on average) to youth with two or more prior charges produced an estimated impact of 9,400 misdemeanor cases across the state not formally diverted on the basis of the youth having two or more prior referrals. Figure 6 shows that the impact of two or more case referrals on the probability of a diversion differed across race and ethnic groups statewide, with the largest reduction in probability of formal diversion affecting Native American and Latino/Hispanic youth.

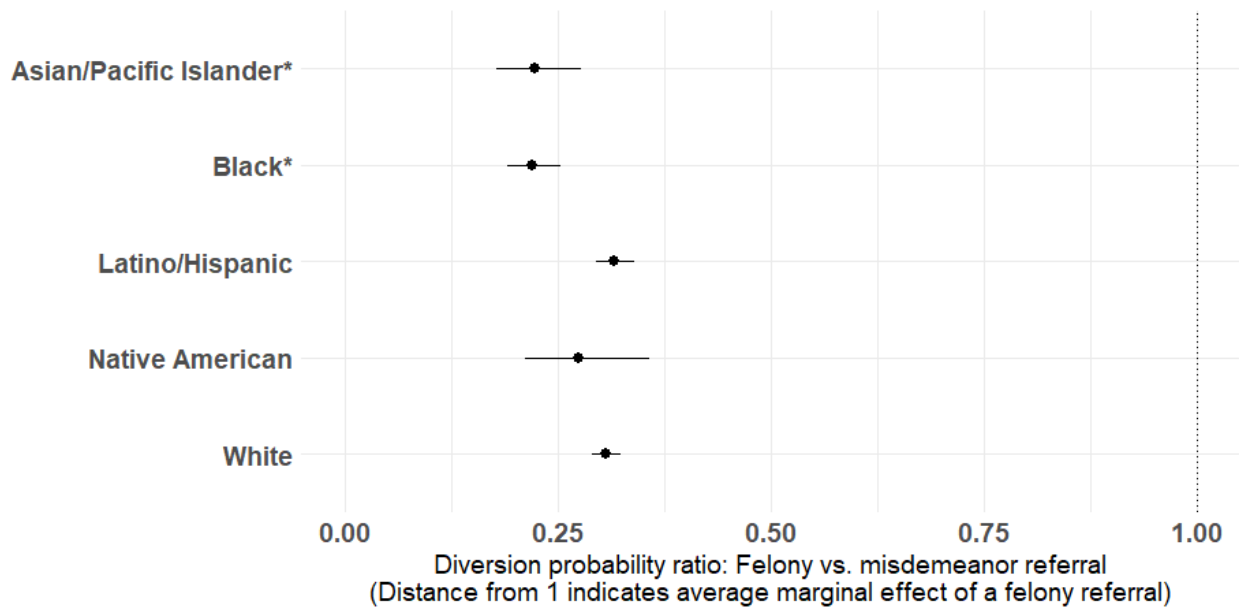
Figure 6. Racial/ethnic probability of a formal diversion, given a misdemeanor referral and two or more prior referrals



*Impact of two or more prior referrals is significantly greater than that observed in the white population.

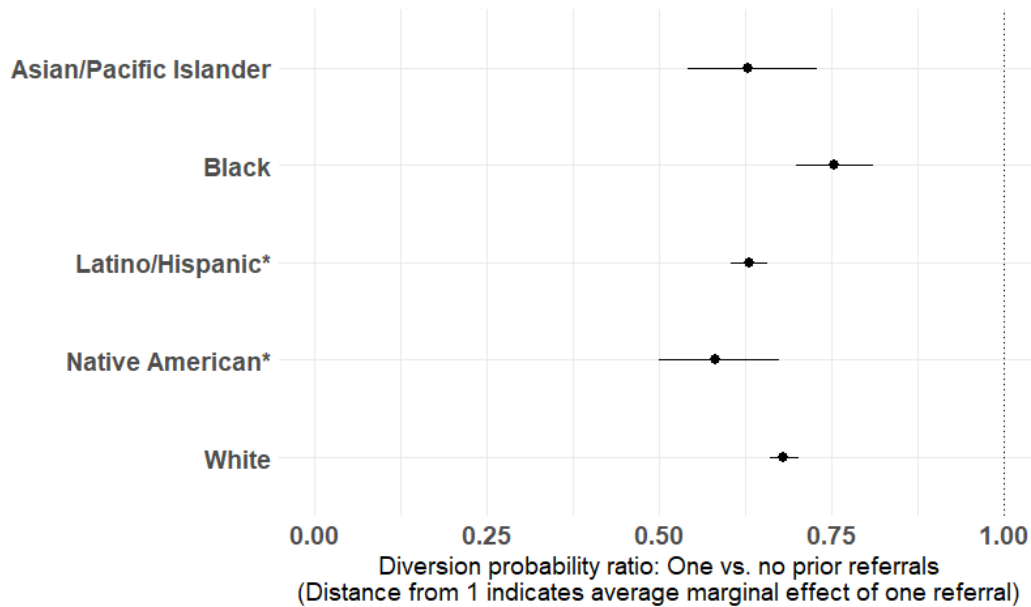
Current felony or misdemeanor DUI/DWI or sexual exploitation of children charges: Charge severity informed formal diversion decisions in the population of youth with one or no prior referrals. Applying the probability of a formal diversion agreement given a misdemeanor and no prior referrals (i.e., 65%) to youth with a felony charge and no prior referrals produced an estimated impact of nearly 5,000 felony or misdemeanor DUI/DWI or sexual exploitation of children cases not diverted on the basis of the charge. Figure 7 shows race/ethnicity differences in the impact of a felony charge on probability of a diversion for youth with no prior juvenile court referrals. The largest reduction in probability of formal diversion affected Black and Asian/Pacific Islander youth.

Figure 7. Race/ethnicity differences in the impact of a felony charge on probability of a diversion for youth with no prior juvenile court referrals



One prior referral: Among youth with a misdemeanor charge and one or no prior juvenile court referrals ($n = 41,047$), one prior referral affected a 23-percentage point difference in the probability of a formal diversion agreement. Applying the probability of formal diversion given a misdemeanor and *no prior referrals* (i.e., 65%) to youth with a misdemeanor charge and only *one prior referral* produced an estimated impact of nearly 2,600 youth not diverted on the basis of one prior juvenile court referral. Figure 8 shows race/ethnicity differences on the impact of one prior referral on the probability of a diversion for youth with a misdemeanor charge. The largest reduction in probability of formal diversion affected Native American and Latino/Hispanic youth.

Figure 8. Race/ethnicity differences in the impact of one prior referral on the probability of a diversion for a misdemeanor charge

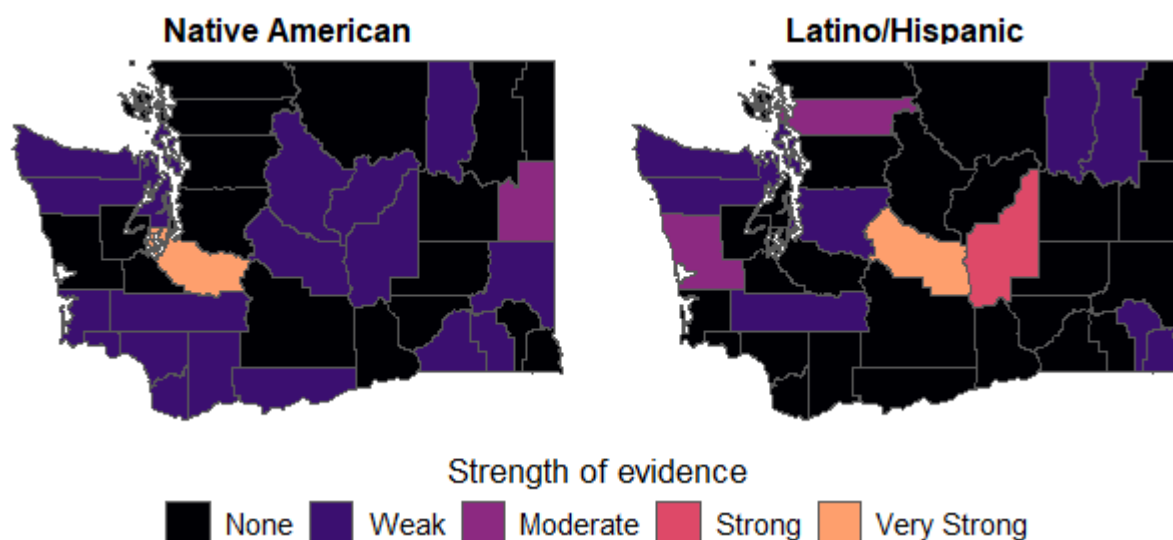


Finding #3: Jurisdictional data vary in the degree of certainty with which they present racial and ethnic differences in formal diversion practices.

Two or more prior referrals: Race/ethnicity differences on the impact of two or more prior referrals on diversion decisions was observed with varying levels of certainty across jurisdictions. Disparate impacts were found with the highest degree of certainty for Native American youth in Pierce and Spokane counties, and for Latino/Hispanic youth in Kittitas and Grant counties (Figure 9).

For example, given a misdemeanor charge, two or more prior referrals decreased the probability of a diversion agreement for white and Native American youth in Pierce County. However, as Table 3 shows, this decreased probability was unequal, with two or more prior referrals affecting a 40% reduction in the probability of a diversion agreement among white youth and a 90% reduction in probability among Native American youth.

Figure 9. County-level degrees of certainty of race/ethnicity differences in the impact of two or more referrals



In this example, Pierce County is distinguished from other jurisdictions not in the magnitude of group differences, but in the *certainty* of difference given sufficient representation of Native American youth in local court data. In other words, group differences regarding the impact of two or more prior referrals on diversion may exist in every county; however, for Native American youth, they exist with the highest degree of certainty in Pierce County, followed by Spokane County, where sufficient data exist to provide moderately strong evidence of race/ethnicity differences. Similarly, race/ethnicity differences in diversion probability related to two or more prior referrals impact Latino/Hispanic youth with the greatest degree of certainty in Kittitas and Grant counties.

Table 3. Local evidence of race/ethnicity differences in the impact of two or more referrals on the probability of formal diversion in Pierce County.

Race/ethnicity	Prior Referrals	
	One or fewer	Two or more
<i>white</i>	49% (<i>n</i> = 2,850)	20% (<i>n</i> = 1,056)
<i>Native American</i>	62% (<i>n</i> = 78)	7% (<i>n</i> = 41)

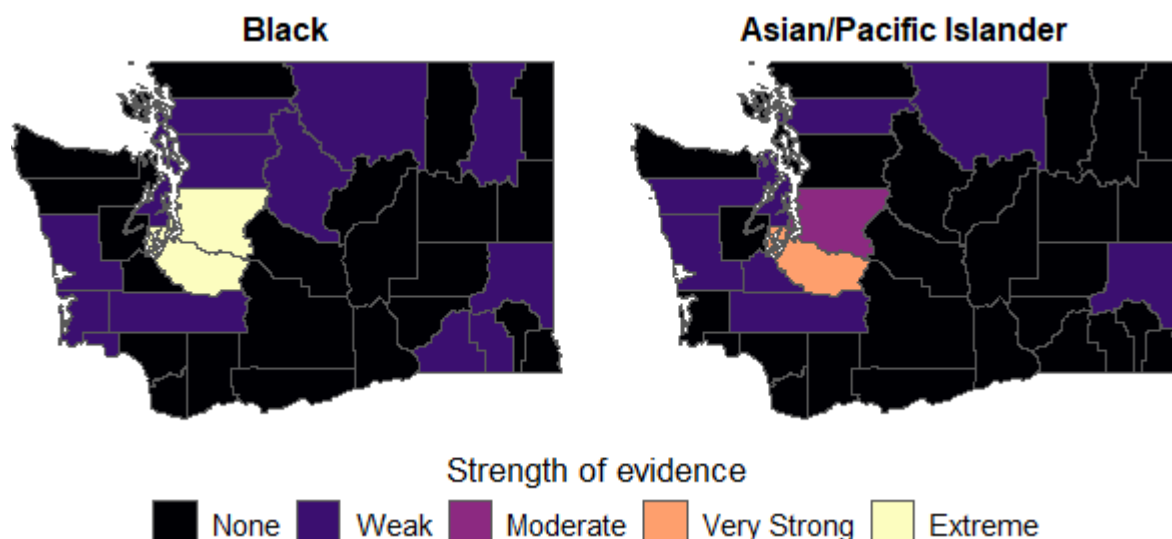
An objective of gap analysis is to identify sites that can inform further study of local practices along the continuum from formal to informal youth diversion. Assuming that race and ethnicity either 1) directly inform local diversion decisions or 2) introduce locally-known

information not recorded in available data, the counties highlighted in Figure 9 can be considered informative sites for further understanding the role of referral history in diversion decisions.

Current felony or misdemeanor DUI/DWI or sexual exploitation of children charges:

Statewide group differences in the impact of charge severity on the probability of diversion have the highest degree of certainty for Black and Asian/Pacific Islander youth in King and Pierce counties (Figure 10).

Figure 10. County-level degrees of certainty of race/ethnicity differences in the impact of a felony charge among youth with no prior referrals



For example, among youth with no prior referrals referred to King County Juvenile Court, a felony charge decreased the chances of a diversion agreement for white and Black youth, but not equally. As Table 4 shows, felony charges affected an 80% reduction in probability of a diversion agreement among white youth and a 90% reduction among Black youth.

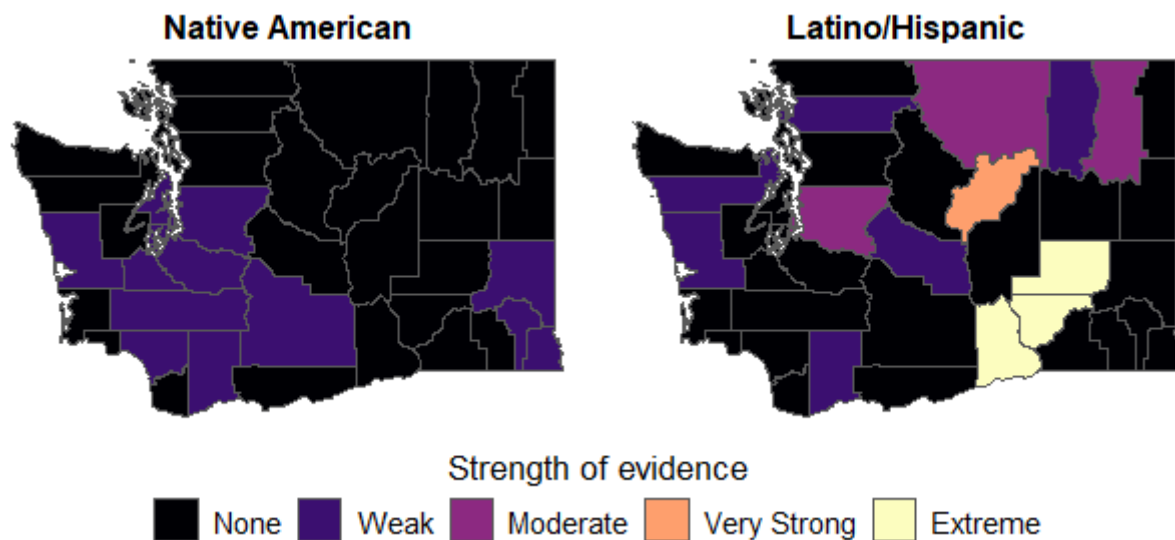
King and Pierce counties are distinguished by the certainty, rather than the magnitude, of race/ethnicity differences in diversion chances affected by a felony charge. These two jurisdictions are most likely to inform further understanding of local practices affecting the probability of diversion for youth charged with a felony.

Table 4. Local evidence of race/ethnicity differences in the impact a felony charge on the probability of formal diversion for youth with no prior referrals in King County.

Race/ethnicity	Charge Severity	
	Misdemeanor	Felony
<i>white</i>	40% (<i>n</i> = 820)	9% (<i>n</i> = 464)
<i>Black</i>	37% (<i>n</i> = 686)	4% (<i>n</i> = 510)

One prior referral: Statewide group differences in the impact of one prior referral on the probability of diversion for youth charged with a misdemeanor had the highest degree of certainty for Latino/Hispanic youth in Benton/Franklin and Adams counties (Figure 11). The impact of one prior referral on Native American youth observed statewide was weakly detected in counties in the southwest and southeast of the state.

Figure 11. County-level degrees of certainty of race/ethnicity differences in the impact of a misdemeanor



For example, among youth with a misdemeanor charge referred to Benton/Franklin County Juvenile Court, one prior referral unequally decreased the probability of a diversion agreement for white and Latino/Hispanic youth. As Table 5 shows, felony charges affected a 20% reduction in the probability of a diversion agreement among white youth and a 30% reduction among Latino/Hispanic youth.

The strength of evidence supporting the finding of a “one prior referral effect” impacting groups differently within the same jurisdiction indicates that Benton/Franklin and Adams County Juvenile Courts are informative sites to further understand local diversion practices.

Table 5. Local evidence of race/ethnicity differences on the impact of one prior referral on chances of formal diversion for youth with a misdemeanor referral in Benton/Franklin counties.

	Prior Referrals	
	0	1
Race/ethnicity		
<i>white</i>	75% (<i>n</i> = 1,400)	59% (<i>n</i> = 478)
<i>Latino/Hispanic</i>	78% (<i>n</i> = 1,318)	53% (<i>n</i> = 542)

Conclusion

State law provides juvenile courts with considerable discretion regarding diversion decisions. Variation in local practice leads to imprecision in the data available to study formal diversion practices, while no informal diversion data are available for statewide analysis.

Despite being limited in scope, available data are well-suited for gap analysis and strategic planning toward the statewide development of shared definitions, systematic data collection and consistent information reporting. To that end, this study sought to examine formal youth diversion practices in Washington State, and to identify informative sites for the further study of local practices on the formal to informal youth diversion continuum, and found the following:

- Formal diversion decisions are informed by referral history and the severity of the current charge.
- *Two or more prior referrals*, regardless of charge severity, is the most informative predictor of a diversion decision, followed by *charge severity* for youth with one or no prior referrals, and *one prior referral* for youth with a misdemeanor charge.
- The impacts of these diversion decisions are unequal across racial/ethnic groups, suggesting either that race and ethnicity 1) inform diversion decisions or 2) introduce confounding locally-known information that is not recorded in available data.
- Race/ethnicity differences on the impact of diversion decisions can be identified with high certainty in several jurisdictions, making them ideal sites for further understanding of local diversion practices.

Given the groundwork presented in this study, we recommend that further research on the full scope of youth diversion practices, including formal and informal practices, continue at the local level in jurisdictions with the strongest evidence of within-county differences in diversion decisions.

Section V: Youth Diversion Program Frameworks

Sam LeBarron and Leah Mortimer, Authors

University of Washington School of Law Race and Justice Clinic

Introduction

From October 2024 to February 2025, law students from the University of Washington reached out to youth diversion coordinators from counties across Washington to understand how different diversion programs function. It became clear that diversion is handled very differently from county to county. Additionally, many youth and families facing diversion have financial struggles which impact their ability to engage with diversion programs. This makes well-resourced diversion programs all the more important.

Some larger population counties have more resources to invest, allowing for more extensive partnerships with community organizations that focus on integrating youth into the community, as distinguished from providing only health/counseling services that occur in the community. In some smaller population counties, probation counselors take on the brunt of diversion efforts, making do with the limited resources that they have. But despite each county employing different methods of diversion, there is one common sentiment among all: additional resources would provide more meaningful opportunities for youth in diversion programs. Some diversion programs mentioned past services, such as restorative justice or family service programs, that had been helpful but were cut due to lack of funding.

Four general frameworks for how diversion programs operate were observed. The four identified frameworks will be referred to in this report as (1) Community Accountability Board Diversion, (2) Probation Counselor Diversion, (3) Community-Partnered Diversion, and (4) Community Diversion. These frameworks are not comprehensive of the methods by which youth diversion occurs in each county. Rather, they serve as a tool for conceptualizing the different ways that diversion programs structure themselves. In many counties, particularly those with more resources, multiple frameworks may occur, often with different variations. The frameworks are paired with different case studies to provide a conceptual illustration.

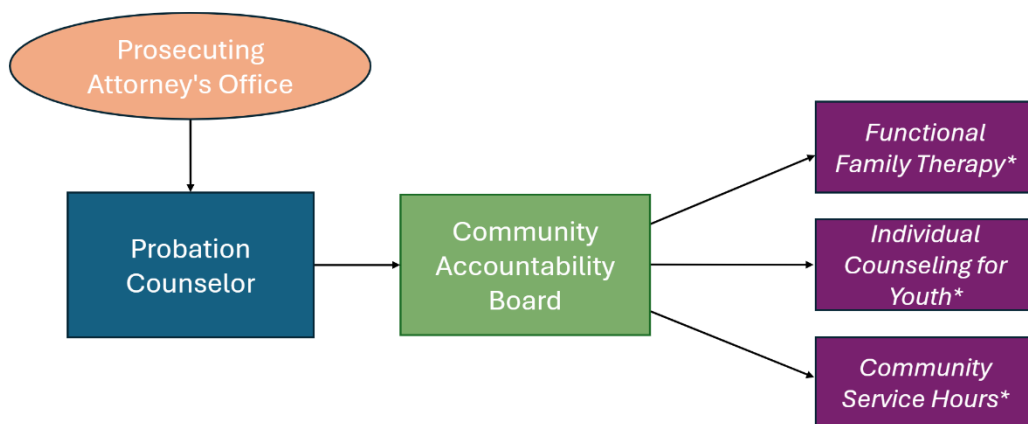
We hope these case studies might shed light on the different ways jurisdictions across Washington structure diversion programs and act as examples for how diversion can be managed with different resource levels. Further, the case studies highlight how diversion programs would improve their services if provided more funding.

Framework 1: Community Accountability Board Diversion

Community Accountability Board (CAB) diversions have been around since the 1970s. Over time, some diversion programs across Washington have moved away from this model. In this framework, a probation counselor receives diverted cases from the prosecuting attorney's office. After reviewing the case and meeting with the youth, the probation counselor sends the youth to meet with a CAB to determine the terms of the diversion agreement. CABs are normally

comprised of volunteers from the community. Oftentimes, probation counselors are members of the CAB and can assist in the discussion of diversion terms. This model allows community members to provide input as to how a diversion agreement should be structured.

Framework 1: Community Accountability Board Diversion



*Examples

Case Study: Skamania County

Skamania County is located in Southern Washington and has a population of under 13,000. Youth diversions here are handled by two probation counselors. The Skamania County Prosecuting Attorney's Office refers youth to these probation counselors. Once referred, a youth meets with a probation counselor for an intake meeting. Then, the youth attends a CAB meeting to discuss their offense and decide requirements for their diversion agreement. These requirements can include community service hours, educational classes, counseling, and/or fines to be paid to the harmed party.

Once the diversion contract is decided on by the CAB, probation counselors try and connect youths to necessary services. Skamania County has very limited resources right now: they only have one mental health counselor to provide services to their diverted youth. If a youth wants to see a different mental health counselor or needs different services, they have the option to go outside of Skamania County to receive those services. However, this can be a major burden for youth who do not have the ability to travel to a different county.

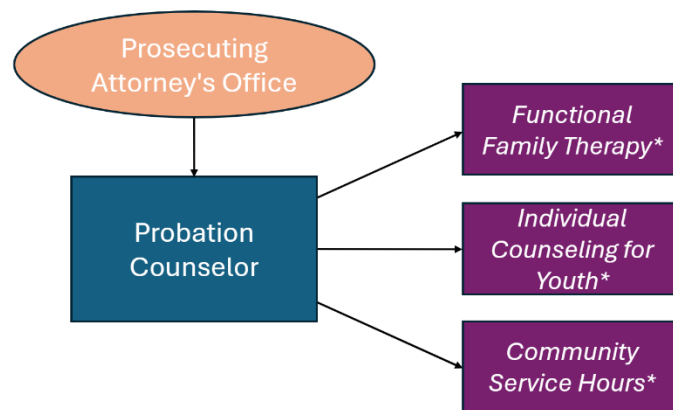
When it comes to the needs of this program, one probation counselor said: "In small counties, we never feel like we have enough resources." With more resources, Skamania

probation counselors could hire a second mental health counselor or connect with services in their community that might benefit more youth. Alternatively, more funding could also allow the probation counselors to arrange transportation for youth to receive services outside of the county or could help set up telehealth services for youth

Framework 2: Probation Counselor Diversion

In the Probation Counselor Diversion framework, a probation counselor has complete discretion over a youth's diversion terms. The probation counselor meets directly with the youth and creates a diversion agreement that they think will best address the harm and serve the youth. The services available to the youth are highly dependent on the resources of the county. While health and behavioral services, such as counseling, that occur in community are often available in this framework, other community programs and connections that focus on integrating youth into community may be limited. This framework is commonly observed in counties with smaller populations, however, as a common framework it is present in counties of all sizes, including some of the largest counties in Washington.

Framework 2: Probation Counselor Diversion



*Examples

Case Study: Douglas County

Douglas County is located in Central Washington and has a population around 45,000. In this diversion program, referrals come from the Douglas County Prosecuting Attorney's Office to a probation counselor. Currently, Douglas County has two probation counselors who handle youth diversions. They meet with the youth and their family and determine diversion requirements that range widely depending on the particular offense and the needs of the youth. For example, a youth might be referred to diversion for a theft, but if, in their meeting with the

probation counselor, it becomes clear that the youth has a substance use problem, then the probation counselor can refer the youth to substance use counseling. For broader familial issues, probation counselors may suggest other counseling as needed.

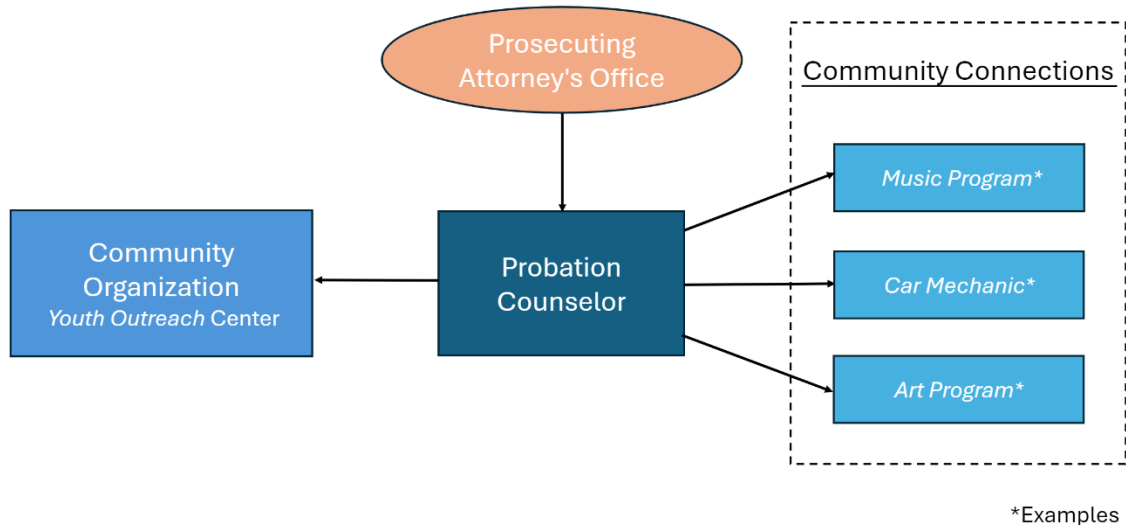
Many youth diversions in Douglas County involve drug and alcohol use and familial assaults. Recently, there have been more low-level felony diversions referred to the program. Due to the large number of substance use cases, probation counselors often connect youth specifically with substance use treatment options. However, access issues occur frequently because only a few substance use counselors in town accept Medicaid or clients who do not have insurance. Furthermore, even if a youth is connected with these services, some of the available services do not provide youth-specific treatment and are thus not as effective.

Since Douglas County has a lower population density, probation counselors do not have access to many community resources for youth. Many youth involved in the diversion program come from families with serious financial struggles and cannot afford to pay for services themselves. With more resources, probation counselors could fund additional, wraparound services for diverted youth and families alike. Douglas County could then expand their diversion program to include more evidence-based counseling and school-based initiatives.

Framework 3: Community Partnered Diversion

Under the Community Partnered Diversion framework, a probation counselor still leads the diversion, but they will refer youth to organizations with community connections who focus on integrating youth into the community. Probation counselors might direct youth to community connections, such as an individual community member who runs an enrichment program for youth. Probation counselors may also connect youth to community organizations, which are often larger groups within the community that can provide expanded opportunities. The connections that youth are referred to by the probation counselor differ based on factors such as age, gender, race, the nature of the offense, and/or familial situations. This pathway generally occurs in mid- and large-sized counties; however, some smaller counties sometimes have community connections.

Framework 3: Community Partnered Diversion



Case Study: Spokane County

Spokane County is in Eastern Washington and has a population of approximately 550,000. Spokane probation counselors use Community Partnered Diversion. The diversions are referred from the Spokane County Prosecuting Attorney's Office to the Diversion Unit of the Spokane County Juvenile Court. After meeting with the youth, the probation counselors may connect youth with community partners or organizations to address the youth's needs and to limit contact with the juvenile court as much as possible.

One example of a community connection utilized in Spokane is a program called "Tools and Trade," which was started by a probation counselor. In the program, youth learn about different mechanical issues in a group setting. For example, one youth who enjoyed scootering at the skatepark was referred to Tools and Trade, where he learned about cleaning and upgrading his scooter wheels. Other youth worked on carburetors and by the end of the program were awarded their own toolboxes.

Spokane values the flexibility that comes with diverting youth through community programs/connections. One probation counselor relayed a story about the creativity that she used when deciding on community service hours for a youth who was interested in basketball. She recalled:

He and I agreed on community service, and I suggested he speak to the coach about volunteering on the sidelines for the basketball team. He had mentioned he wanted

to play basketball but had never learned the rules. What a better place to start. Complete a sanction and place yourself where you want to be.

Not only did the youth complete community service hours by volunteering for the basketball team, but the youth was also given the opportunity to explore a potential passion of his.

As with other counties, Spokane County probation counselors make do with the resources that they have. But more resources would broaden their program. Spokane was forced to cancel a youth restorative justice program based on lack of funding. The restorative justice program addressed the underlying needs that youth had, while also focusing on the damages caused to harmed parties. More resources provided to Spokane's diversion program could expand access to additional diversion opportunities in their communities.

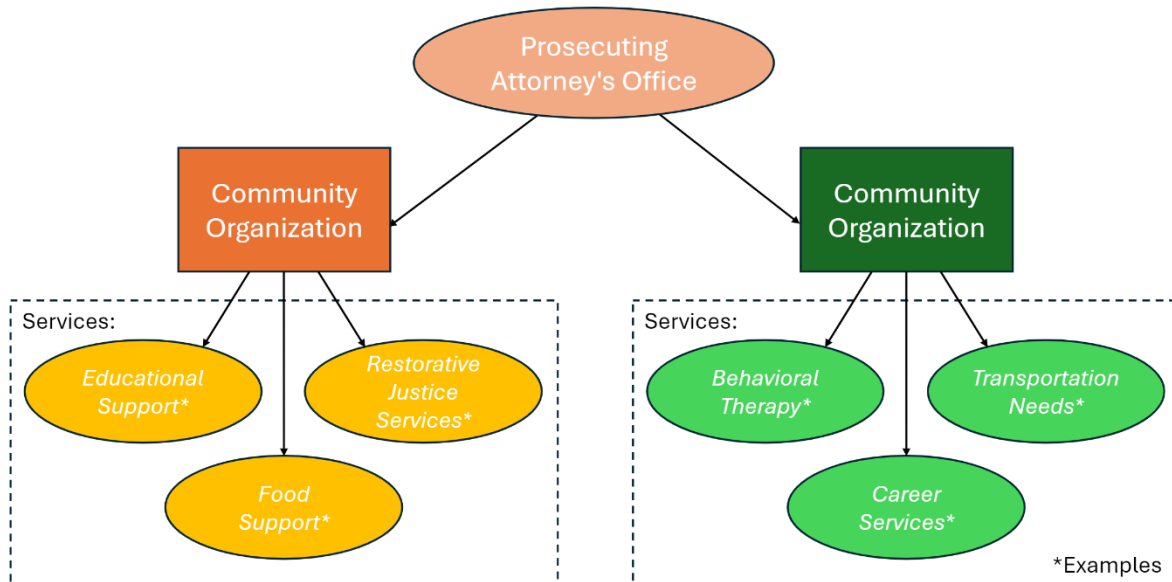
Spotlight: Yakama Nation

The Confederated Tribes and Bands of the Yakama Nation engage in community partnered diversion that incorporates tribal beliefs, culture, and tradition within their tribal legal system. With the support of community partners, youth probation counselors make diversion agreements that employ evidence-based programs and connect youth with community programs that incorporate tribal culture. According to a Yakama Nation diversion coordinator, the diversion program's goal is to "enable youth to be proactive, constructive, and valuable members within tribal society." For instance, youth are connected with elders and mentors that assist the youth and their families in identifying a hierarchy of needs, learning about tribal civics and laws, building on cultural merit, and learning about their family lineage and heritage. The youth may also be required to learn about gathering food, hunting, fishing, and developing their own dance regalia. The hope is that through these experiences, the youth will "ascertain an appreciation of balance, beauty, and form." In these ways, the Yakama Nation utilizes the community partnered diversion framework to "provide an extension of the deep hope and love that the Yakama Nation has for its children," thereby continuing youth on a path that promotes an improved quality of life, community, identity, and success.

Framework 4: Community Diversion

A Community Diversion is a form of diversion that utilizes a community organization in place of a probation counselor. It involves referring a diversion directly from a prosecutor's office to a community group who then handles all aspects of the youth's diversion. A feature of this framework is that the youth can completely avoid interacting with the youth court system altogether. Also, a youth can meet the community diversion coordinator in a culturally tailored space. The Community Diversion framework tends to exist primarily in larger population counties. In these counties, the other frameworks may also be used.

Framework 4: Community Diversion



Case Study: Our Sisters' House, Pierce County

Our Sisters' House (OSH) is a community program located in Pierce County which has a large population. The organization has a cultural focus on African American youth, but they also assist anyone who comes through their door. Founded in 1994, OSH started as an organization serving justice involved female youth of color. Over time, the organization transitioned to working with female domestic violence victims of color. In 2016, OSH returned to serving youth after partnering with the Pierce County Juvenile Court to provide diversion programming for youth. OSH receives funding through multiple means including government grants, private foundations, community donations, and fundraising events.

OSH receives diversion candidates directly from the Pierce County Prosecuting Attorney's Office via an online system: allowing them to assist youth without involving a formal interaction with the juvenile court or a probation counselor. Once a youth is referred to OSH, a diversion agreement is created between the youth and diversion counselor. If, after meeting with the youth, OSH feels that another organization can better address the needs of that youth, they may refer the youth to another community-based diversion program.

OSH employs mentors from the community in an effort to better build trust with youth and identify their underlying needs for effective rehabilitation. OSH assists youth in a variety of ways, including individual and family counseling, anger management and conflict resolution workshops, mentorship programs, life skills training, and community service opportunities. A diversion counselor recalled a time when they put this to work:

I worked with a young Black girl who was shy and struggled to make friends. Through our conversations, goal setting, and focusing on her personal growth, we created a plan that worked for her. We met regularly—grabbing boba, bowling, sharing meals—finding ways to build connection and community in a way that felt comfortable for her.... We created spaces where she felt seen and valued, incorporating cultural affirmations, representation, and discussions about shared experiences. At our monthly youth events, she initially stayed close to me, hesitant to engage with others. With encouragement and a safe, welcoming environment that reflected her identity, she slowly started opening up. Over time, she built real friendships, shared laughs, and even took the lead in organizing outings —like our group bowling night. Seeing her confidence grow and watching her find a sense of belonging within a community that understands her was truly rewarding.

OSH also offers restorative justice services. If they are willing, harmed parties can engage in the restorative justice process. This ensures that their voice is heard, and their needs are addressed.

More funding would allow OSH to contract with specialists and develop new programs that better address the needs of youth, such as more specialized substance abuse programs or trauma recovery. OSH could also invest in a vehicle to transport youth to and from their diversion appointments. This would ensure that youth with transportation challenges could make their diversion appointments more easily.

Spotlight: Restorative Community Pathways

There are other counties that utilize the Community Led Diversion framework. In King County, Restorative Community Pathways (RCP) receives youth referrals directly from the King County Prosecuting Attorney's Office. Their goal is to address the harm that the youth caused, while also addressing the underlying factors that led the youth to cause harm.

One youth in the program recalled that before RCP, "I felt like I was like a risk to my family." But through the support of an RCP mentor, the youth felt that "someone checking up on you all the time and always making sure you're good is one of the best support systems you can have." Further elaborating, the youth explained, "having a navigator by my side, that right there lets me change." The youth appreciated that "when I joined the program, you know I had someone I could talk to beside my family and stuff. With difficult stuff you can feel more comfortable with people who have been through the same stuff." This relationship goes both ways, with the youth's navigator saying, "I see myself in him... I want to make sure that I can be there as best I could, whatever its for."

In addressing the harm that youth cause, RCP also supports harmed parties by providing them with funding and support. One harmed party recalled her experience with RCP: "I'm really

grateful for all the financial help that I got and also, I am grateful that they are doing something with these kids. That's what I really appreciate because I feel like this is a really useful tool that society needs." Furthermore, she stated that it was everything "to have someone to shoulder you through" the process of recovering. Reflecting on her experience, she felt that "at least with programs like this where [the youth] are being helped to do better, we have hope. We really do have hope now."

Conclusion

In Washington, there is no one framework for youth diversion that works for every community. Some communities are small and face limited resources while others are larger and have access to more extensive community resources. In addition to differences in resources, counties across Washington seem to structure their diversion programs in vastly different ways. Some involve models that rely heavily on probation counselors while others rely on community resources and connections.

Reiterating one consensus among all diversion coordinators, more funding is needed to reach the maximum potential impact that a diversion program can have. Diversion coordinators have many ideas on how their programs can be improved. If provided more funding, more opportunities can be provided to youth, connecting them to their communities, families, and themselves.

Case Study: RISE School-Based Diversion Program

Nicole Jenkins-Rosenkrantz and Frank Thomas, Authors

RISE, Spokane Public Schools

The RISE Program – which stands for “Restorative Interventions for Suspensions and Expulsions” – is a grant funded, school-based diversion program currently offered in four middle schools and to ongoing caseload students at five high schools, serving over 100 youth in the Spokane public school district. The program has two main goals: to decrease school violence through implementing an in-school diversion program to prevent future disciplinary action; and to enhance the capacity of schools to address youth violence and exposure to violence through partnerships. In conjunction with policies to prevent or lessen the amount of time a student faces for in-school suspension or out of school exclusion, the program provides one-on-one mentorship for students based on the evidence-based Check and Connect model. The program prioritizes building connections between students and staff at the school site while also incorporating community partners. The program utilizes student-centered RISE Agreements and case management to keep youth engaged in school with intentional relationship-building and mentorship while also teaching accountability through skills development. In doing so, RISE represents a critical upstream diversion that holds youth accountable while precluding further court involvement through early intervention focused on addressing the underlying causes of the youth’s conduct.

RISE mentors are trained in restorative practices and provide a variety of services to youth in need. These evidence-based services, based on the Check and Connect method, include: individualized development of pro-social skills; assisting in accessing resources in the community for youth and their family; setting and encouraging short- and long-term goals; providing additional connection on school campus; and providing support, as needed, through court processes such as BECCA violations and at-risk youth petitions. RISE utilizes small mentorship groups and peer lunch groups to foster community and pro-social skills in youth, which can include inviting a friend to the mentorship group for discussions such as building healthy relationships, self-care, and other team-building activities.

Referrals to RISE are submitted through school counselors or administrators. After mentors receive a referral for the student, they connect with counselors and administrators for more relevant information. Connection is then youth-led after initial introduction; frequently mentors meet with students once a week, but may connect multiple times. If necessary, mentors will connect with family, as well. Mentors work with students to identify and eliminate stressors, whether stemming from their home, academics or pressure from peer and social atmospheres within the school. Once identified, mentors help students with modeling language and skills to better communicate to staff, administrators, and teachers to obtain direction and resolve concerns. Mentors conduct a host of other services for their mentees, as well, including delivering essentials such as food and clothing, connecting students to mental health resources in the community, and assisting in obtaining essential documents like state IDs. For incidents

involving risk of substantial disciplinary action, the program utilizes “RISE Agreements” to chart a path towards restoration and resolution.

RISE Agreements (“Agreements”) are individualized for youth at risk of exclusionary discipline for behavior, and are used to reduce suspension time or as part of a re-entry plan at the school. Agreements focus on needs of students and family instead of punitive measures for past misconduct, and are crafted with the student and their parent or caregiver present and then shared with school administrators. Though they do not replace threat assessments, emergency removals, or nondiscretionary disciplinary actions by the school, they can be used in partnership with any of these interventions.

Students in RISE attest to the power of the supports provided through the program. One student noted that through the program they “felt appreciated,” while another stated even more definitively that RISE was “like CPR, you saved my life.” Most notably, students have reported success in managing the underlying emotions that got them referred to the program, with one noting that “It definitely helped with my anger, definitely.” In a recent survey of RISE mentee students, twenty out of twenty-one (20/21) stated that they feel more hopeful and prepared for their future after working with their mentor.

Report Contributors

Samaneh Alizadeh, JD, is the Senior Deputy Prosecuting Attorney with the King County Prosecuting Attorney's Office (KCPAO). She received her B.A in Political Science & Communications from the University of Washington in 2009 and her J.D from the Seattle University School of Law in 2013. As a prosecutor, she has the privilege to serve her diverse community, support victims and families, and hold individuals accountable. She is honored to have had the opportunity to spend nearly the last decade of her legal career in the Juvenile Division, where she was empowered to take a balanced approach in the handling of youth cases to include community safety, victim input, respondent rehabilitation, and see how her decisions impacted equity and social justice outcomes. She currently serves as a Prosecutorial Liaison for the Law Enforcement Assisted Diversion (LEAD) program that is part of the KCPAO's Collaborative Justice Unit. This unit is focused on connecting individuals who encounter the criminal legal system with services to address their underlying issues to increase community safety.

Professor Kimberly Ambrose is a Teaching Professor and Director of the Race and Justice Clinic at the University of Washington School of Law. Professor Ambrose founded the Race and Justice Clinic to encourage her students to advocate in multiple forums to address the overrepresentation of youth of color in the youth and adult criminal legal systems. For more than 30 years, she has advocated for young people in various systems, with the last 20 years dedicated to teaching and mentoring the next generation of lawyers committed to racial justice.

Enrique Fuller-Avalos is a Law School Student Liaison with the Minority and Justice Commission. He is currently a 2L Gonzaga University School of Law and serves as a Carl Maxey Social Justice Scholar. He has worked in various local government roles, focusing on legal research, policy analysis, and community engagement. His experience includes working on public safety initiatives and supporting efforts to promote equity within the legal system. As a law student, he continues to advocate for fair and effective legal policies, particularly in youth justice and diversion programs.

Paul Daniels is King County's Juvenile Court Administrator and the Director of Juvenile Court Services. Paul has led efforts to rethink the use of secure detention and implemented strategies focused on addressing racial disparities in the system. Because of this work, King County has the lowest rate of youth incarceration in the United States. Paul believes in true partnerships between system and community. In 2016, Paul received Northwest Justice's Restorative Justice Award for his work in pioneering alternative responses to family violence. Paul was recently named the 2024 Washington Court Manager of the Year by the Board of Judicial Administration.

Roxana Gomez is the Director of Policy and Systemic Advocacy for Legal Counsel for Youth and Children. As a first-generation American, proud daughter of Honduran immigrants and a lifelong Washingtonian, Roxana approaches public policy and systemic work with intentionality

and purpose. Roxana learned early in her life that where you live heavily affects your health outcomes; this awareness pushed her to study the social determinants of health at the University of Washington, where she graduated with a BA in Public Health. She later took her knowledge of impacted communities and lived experience to local and statewide politics. She most recently worked at the ACLU of Washington, where she led on education equity and youth justice issues statewide and lobbied on youth policy, policing, and criminal legal reforms in Olympia. Prior to ACLU-WA, Roxana served as a Legislative Assistant to a Seattle City Councilmember.

Molly Gough, MBA, is Court Program Specialist for the Minority and Justice Commission. Molly holds a B.A. in Cultural Anthropology and International Studies and a master's degree in Business Administration from Western Washington University.

Katherine Hurley, JD, is the Special Counsel for Criminal Policy and Practice with the King County Department of Public Defense, and Co-chair of the Minority and Justice Commission Youth Justice Committee. Katherine focuses on criminal legal issues that affect youth and adults, using her expertise and strong community partnerships to push for an end to the incarceration of both youth and adults. Thanks in part to her advocacy work, King County adopted a trauma-informed and community-based approach for some youth charged with a serious crime or facing a juvenile court prison sentence and created a diversion program that enables some youth to work with skilled community navigators in lieu of facing criminal charges. She also worked with partners to draft and advocate for an ordinance that ensures youth can access counsel prior to a custodial interrogation or a search. That ordinance passed in the City of Seattle and King County in 2020 and inspired a state law that passed, again with Katie's advocacy, in 2021.

She has testified countless times in the state legislature on laws that would help to mitigate the harm of the youth and adult criminal legal system, authored numerous amici briefs on key appellate cases, and worked to advance changes in court rules. Katie began her career as a public defender shortly after receiving her JD from New York University School of Law in 2006. She is currently a commissioner on the Minority and Justice Commission, a member of The Gault Center's Regional Juvenile Defender Center and is a past member of the Creative Justice Adult Advisory Board and WSBA's Juvenile Law Section.

Nicole Jenkins-Rosenkrantz is the Executive Director of the Spokane Public Schools Department of Family & Community Engagement. Nicole joined Spokane Public Schools in April 2018. Prior to this position she worked at Spokane County Juvenile Court for 17 years in various roles. She is passionately engaged in on-going efforts to reduce the disparities experienced by historically underestimated families and youth of color. She believes that her work in the youth legal system and public school system gives her a unique perspective and connections that can lead to positive collaborations for systemic change. Nicole views championing the creation of just and equitable outcomes for historically underestimated communities as not just a hope and a wish but a necessity. She is a passionate disruptor of the school to prison pipeline through creation of innovative programs.

Karl Jones, PhD, Karl Jones is the Equity Senior Research Associate at the Washington State Center for Court Research. He holds a Ph.D. in Community Research and Action from Peabody College at Vanderbilt University and works to support equitable court operations and community engagement through applied research.

Judge David Keenan is the Chief Judge of the Maleng Regional Justice Center for the King County Superior Court. As co-chair of the Minority and Justice Commission's Youth Justice Committee, Judge Keenan brings years of experience. Judge Keenan and his mother were both charged as youth in juvenile court and Judge Keenan eventually dropped out of high school and earned his GED before benefitting from diversion programs himself. Judge Keenan is a founding board member of Choose 180, which works to keep young people out of the youth legal system, and previously served on the board of TeamChild, which provides civil legal aid to vulnerable youth.

Sam LeBarron is a JD candidate at the University of Washington School of Law and Legal Intern at the UW Race and Justice Clinic. Sam is interested in criminal law and plans to pursue a career in the field upon graduation.

Catherine Mitri is a Research Assistant with the Washington State Minority and Justice Commission, focusing on youth justice reform and equitable legal policy. As a law student at Seattle University School of Law (JD expected June 2025), she researches alternatives to punitive legal systems that emphasize trauma-informed approaches. She has a background in international human rights law and criminal justice advocacy. Her work combines policy analysis with community engagement to advance youth diversion strategies that prioritize rehabilitation and address systemic inequities in the youth legal system.

Leah Mortimer is a concurrent law and master's in public health (JD/MPH) student at the University of Washington. She is interested in working at the intersection of law and public health. Leah is currently a legal intern in the Race and Justice Clinic at the University of Washington School of Law, under the supervision of Kimberly Ambrose.

Judge André M. Peñalver is a Pierce County Superior Court Judge. Since 2024, he has served as a Commissioner with the Minority & Justice Commission. Prior to his work as a judge, Peñalver served as a federal prosecutor in the Western District of Washington.

Frank Thomas, JD, is Senior Court Program Analyst for the Minority and Justice Commission. As senior staff to the Commission, he coordinates all aspects of Commission operations and initiatives. Frank has a B.A. from the University of Washington and a JD from the University of California, Irvine School of Law. He currently holds an adjunct professor position at Seattle University School of Law.

Liz Trautman is the Executive Director of Stand for Children Washington, a statewide organization that serves as a unique catalyst for educational success and social progress. She holds an MPA from the University of Washington, and a BS from Georgetown University.

