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Testimony in support of SB 94 from:
Nila Bala, Associate Director of Criminal Justice Policy, R Street Institute

SB 94: Relative to juvenile diversion programs.

April 21, 2021

House Children and Family Law Committee

Chair Kimberly Rice, Vice Chairman Debra DeSimone and members of the committee:

My name is Nila Bala and I am the associate director of Criminal Justice and Civil Liberties Policy for the R Street Institute—a nonprofit, center-right, public policy research organization. As a former public defender from Baltimore city, I am writing in support of SB 94, which would improve juvenile diversion for the young people in New Hampshire.

R Street is in favor of this bill because we know that involvement in the justice system can seriously disrupt a young person’s life. When a child becomes involved in minor criminal or delinquent activity, community-based services are often appropriate to help prevent recidivism. Most young people grow out of delinquent behavior as their brains develop, and their desire to pursue risky activities naturally decreases.¹ Diversion from the system recognizes that sometimes “less is more,” and that juvenile adjudication and record can actually harm youth more than help. Research has found that just the experience of being in court increases the likelihood of future criminal activity.²

In contrast to detention or out-of-home placements, diversion harnesses the resources of families, coaches and mentors—the safety nets we know work to help youth develop positively.³ Diversion allows New Hampshire citizens to employ local resources to help young people get back on their feet. It is a powerful way to hold young people accountable, while minimizing the harms that system involvement can cause.



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SB 94 authorizes pre-petition engagement, meaning a needs assessment can be conducted before system involvement. These assessments may increase the use of diversion by suggesting that a young person would be better served in the community. Additionally, diversion might improve racial and ethnic disparities in the justice system by mitigating system involvement for those who are disproportionately affected.⁴ If court system involvement is required, the needs assessment may still be helpful in making sure that young people are offered individualized services.

As a conservative organization, we support diversion for young people and SB 94.

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¹ Kelly Richards, “What makes juvenile offenders different from adult offenders?”, *Trends & Issues in Crime and Criminal Justice* 409 (February 2011), pp. 1-8. <https://aic.gov.au/publications/tandi/tandi409>.

² Mahsa Jafarian and Vidhya Ananthakrishnan, *Just Kids: When Misbehaving is a Crime*, Vera Institute of Justice, Aug. 11, 2017. <https://www.vera.org/when-misbehaving-is-a-crime?print=1>.

³ Angela Bell and Leslie Jones, “Diversion, Positive Youth Development, Restorative Practices: Connecting the Dots,” *Juvenile Justice Information Exchange*, May 20, 2019. <https://jjie.org/2019/05/20/diversion-positive-youth-development-restorative-practices-connecting-the-dots/>.

⁴ See, e.g., Liz Kroboth, et al., *Advancing Racial Equity in Youth Diversion: An Evaluation Framework Informed by Los Angeles County*, Human Impact Partners, June 2019. http://file.lacounty.gov/SDSInter/dhs/1058648_HIP_EvaluateYouthDiversion_2019.06.03.pdf.