

How Juvenile Justice “Deflection” Programs Reduce Crime and Save Money

By Marc Hyden and Steven Greenhut



Research has found that juveniles involved in deflection and diversion programs are 45 percent less likely to re-offend than those processed through the criminal justice system.

Introduction

During periods of surging crime or intense public concern about crime, politicians ramp up their tough-on-crime rhetoric—often focusing their ire on young offenders whom they depict as receiving unreasonably light sentences. Crime-related fears are understandable, but America is at risk of embracing policies—especially regarding juveniles—that may only worsen the problem.

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

There are two main types of programs: diversion and deflection. Diversion is generally considered to be a formalized effort to divert someone who is already in the criminal justice system. Deflection is a police-led type of pre-arrest diversion. For the purposes of this paper, it includes civil citations; formal pre-arrest diversion to case management or restorative justice; and co-responder or community programs that apply to juveniles. The terms are sometimes used interchangeably, but the goal of each approach is to find service-based alternatives to the traditional justice system.

A recent R Street Institute study surveyed these varying programs nationwide, which now are rightly a standard part of the criminal justice system.² Given their documented success, rather than abandoning these programs amid currently heightened crime fears, policymakers should expand them. In this paper, we outline a path forward by exploring the value of deflection programs; reviewing the public safety and fiscal benefits they offer; and highlighting a case from one jurisdiction that underscores the benefits of the approach.

An Effective Approach in a Time of Rising Crime

Although violent crime rates remain at relatively low levels historically, overall crime rates have increased dramatically since the beginning of the COVID-19 pandemic.³ Nationwide, murder rates spiked by 30 percent from 2019 to 2021.⁴ Since then, rates have increased at a slower pace (around 1 percent), but there is no denying the extent of the problem.⁵

Definitions

Deflection:

A police-led type of pre-arrest diversion; for the purposes of this study, it includes juvenile civil citations as well as formal juvenile pre-arrest diversion by law enforcement to case management, youth/peer court or restorative justice.

Diversion:

A formalized effort to divert someone from the criminal justice system.

Americans feel the shift. According to a 2021 Gallup Poll, “Americans’ perception that crime in their local area is getting worse has surged over the past year.”⁶ The survey found that 51 percent of Americans believed that crime had increased in their area—a 13-percent increase from 2020.⁷ Further, more than three-quarters of respondents believed that crime was increasing nationwide.⁸ Gallup reported that these numbers were the highest seen in 25 years.⁹

Perception drives politics. And with statistics such as these, politicians are now calling for tougher sentences, a return to mandatory minimums and increased prosecutorial power to charge juvenile offenders as adults.¹⁰ Many examples of this rhetoric can be seen at the state level and are the result of some highly publicized and genuinely troubling crimes committed by juveniles.¹¹

Yet although violent crimes dominate headlines, 95 percent of American youth arrests are for low-level—even trivial—crimes.¹² In addition, many school-related infractions are now becoming criminal matters because of the increased police presence in public schools. The Juvenile Justice Law Center noted that “[s]tudents are increasingly being arrested by police officers working in schools for behaviors that schools used to handle as routine disciplinary problems.”¹³

Importantly, criminal justice reformers are not arguing against appropriately tough sentences for youth who commit serious offenses such as rape and murder, but rather that ramping up sentencing as standard policy across the board will ensnare many young people who deserve a second chance and who pose little danger to the community. An overreliance on arrest and prosecution could also undermine public safety by creating a new generation of justice-involved individuals who spend their lives going in and out of the revolving door of the justice system—a situation that would be costly for taxpayers.¹⁴

Currently, criminologists’ preferred method is to keep young, less serious offenders out of the criminal justice system almost entirely. Deflection shows great promise in this regard by intervening before a juvenile offender becomes entangled in the system. According to *Police Chief Magazine*, “[i]nstead of utilizing traditional police interventions (i.e., arrest, booking and charging), deflection relies on law enforcement to be the referral source to community-based drug treatment and mental health.”¹⁵ Put simply, these strategies empower officers to deflect those who may have committed a minor crime to the help and resources they need instead of being arrested, booked and ultimately mired in the criminal justice system. Deflection and diversion are about providing help and services in addition to accountability.

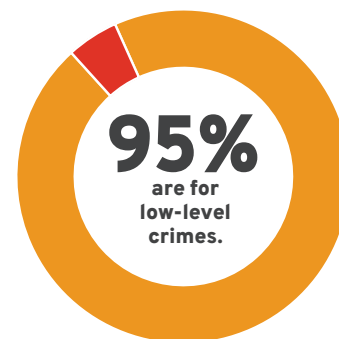
These are not simply academic nostrums. Police and district attorneys across the country have embraced these policies, which have yielded measurable results. For instance, police and school officials in Clayton County, Georgia, enacted a deflection program a decade ago that is credited with reducing arrests by 80 percent and significantly reducing violent incidents in public schools.¹⁶ In testimony before the U.S. Senate in 2012, the chief judge of the county’s juvenile courts, Steven Teske, explained:

Immediately following the School Referral Reduction Protocol, referrals to the court were reduced by 67.4 percent. The school police, who had spent most of their time arresting students for low-level offenses, were now on campus most of the day and engaging students using a positive approach versus the use of handcuffs and a transport in the back of a patrol car.¹⁷

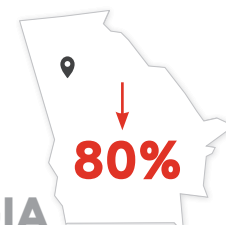
The Public Safety Case for Deflection

With any proposed criminal justice reform, it is vital to carefully balance public safety and public resources. When implemented properly, juvenile deflection strategies for low-risk, small-time offenders can achieve this delicate equilibrium, given that they can reduce crime, offer second chances and limit expenditure on public safety.

American Youth Arrests



**Deflection Program
Results:
Clayton County**



GEORGIA

Police and school officials in Clayton County, Georgia, enacted a deflection program a decade ago that is credited with reducing arrests by 80 percent and significantly reducing violent incidents in public schools.

Roughly 700,000 juvenile arrests are made each year, but only a fraction of these cases—about 44,000—involve serious violent crimes, including murder, robbery and aggravated assault.¹⁸ That is not to say that large numbers of juvenile crimes are not serious, but many of the 700,000 annual police interactions with youth stem from misdemeanor infractions, like violations of liquor laws, drug use, curfew, vagrancy and disorderly conduct, which can introduce juveniles to the criminal justice system and spark a life-long cycle of crime and punishment that can be difficult to escape.¹⁹

The cycle often begins with a juvenile’s initial arrest and booking, which is sometimes followed by pre-trial detention. In fact, in more than one-quarter of delinquency cases reviewed in a recent survey, judges chose to hold suspected youth in detention facilities before they were even seen in court, which may be contributing to higher crime rates.²⁰ A study of adults found that increased time spent in jail—regardless of guilt or innocence—can elevate the likelihood of defendant rearrest.²¹ It is fair to assume that a similar effect would be seen among detained youth.

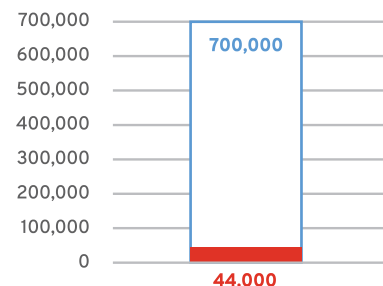
This phenomenon aside, eventually juveniles are judged and, if found guilty, sentenced, which can come in the form of fines, community supervision and/or some form of incarceration. Yet the juvenile justice system does not appear to effectively reduce crime. The U.S. youth recidivism rate is shockingly high: Up to 80 percent of incarcerated youth in some states recidivate within three years.²²

There is also reason to believe that youth involvement in the justice system can translate into adult criminal activity. A 2015 study demonstrated that “[j]uvenile incarceration ... increases adult incarceration by 23 percentage points.” This is notably problematic, as many youths’ introduction into the justice system involves mental illness, substance abuse or small-time infractions.²³ Approximately two-thirds of incarcerated juveniles suffer from at least one mental health disorder; around 30 percent of youth involved in the juvenile justice system suffer from a severe mental illness; and a study that included adult suspects in its research reported that mental illness plays a role in as many as 10 percent of all official police interactions.²⁴ Furthermore, at least 81,000 juvenile arrests per year are due to drug use.²⁵

Also of note, many imprisoned juveniles are serving sentences for minor crimes.²⁶ Of the roughly 48,000 who are housed in correctional facilities each day, nearly 20 percent are serving time for nothing more than technical violations or status offenses, and 57 percent are incarcerated for nonviolent offenses. Many of these individuals need help—not incarceration.²⁷

Given all of the available data and the seemingly endless cycle of crime and punishment, many police interactions with youth should be treated as public health opportunities in which mental health interventions and/or substance abuse assistance are provided through deflection rather than a criminal record. This approach can provide a bevy of benefits without many downfalls. First, data has shown that more arrests and larger prison populations do not reduce crime rates.²⁸ Thus, the urge to over-incarcerate may be unproductive in the first place. Second, community-based organizations can provide the rehabilitative support that youth need to become and remain productive members of society. Third, diverting low-risk juveniles from arrests—and therefore away from pre-trial detention and possibly even incarceration—before they are trapped in the revolving door of the criminal justice system reduces recidivism rates and increases the likelihood that they will finish school and begin post-secondary education.²⁹ Fourth, deflection helps eliminate the stigma and trauma associated with juvenile arrests and protects suspects and intervening officers.³⁰ Finally, deflection also frees up law enforcement officers’ time so they can focus on more serious crimes.³¹ Thus, although many forms of diversion exist, deflection offers clear potential to reduce crime.³²

Annual Youth Arrests



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The Fiscal Case for Deflection

The costs associated with the juvenile justice system are staggering and are in large part shouldered by state and local governments. A 2020 study concluded that the most secure form of juvenile confinement costs states, on average, \$588 per day per youth, or \$214,000 annually.³³ This represents an increase of 44 percent since 2014, and the cost is expected to continue to rise.³⁴ Of course, not all incarcerated youth are held in the most secure facilities, but the overall expense of imprisoning juveniles is nonetheless massive, costing states billions of dollars.³⁵

It is also important to recognize that the juvenile justice system includes far more costs than just those related to imprisonment. Taxpayers must fund court costs, the time that police and probation officers spend handling juvenile cases, and more. Deflection strategies can ease this financial burden. Replacing arrests with community-based rehabilitative services reduces future crime, pre-trial detention and post-sentencing incarceration. This approach also minimizes the costs and drain on police-, court- and corrections-related resources, which are already stretched thin.³⁶

Deflection programs can also save unquantifiable opportunity costs. The arrest process—from handcuffing to transportation to booking—is incredibly time consuming and taxing. Estimates suggest that the process accounts for 60 million officer hours per year, which could instead be spent on other priorities.³⁷ Furthermore, officials are reporting that juvenile corrections facilities are overcrowded; police departments are underfunded and understaffed; and the court systems are backlogged with cases.³⁸ Deflection strategies could relieve some of this pressure—saving taxpayers’ money and minimizing opportunity costs.

Real Results from Duval County, Florida

A juvenile justice program in Duval County, Florida—a county with a population of 1 million that includes the city of Jacksonville—has yielded measurable results in just a few years and should serve as a model for the nation, especially given that Duval is a fairly typical American community demographically and politically.³⁹

Last year, R Street Institute Senior Criminal Justice Fellow Noella Sudbury wrote in the *Miami Herald* about the Duval County program:

In 2016, only 27 percent of eligible youth in Duval County were diverted from the juvenile justice system. The other 73 percent of the county’s youth were arrested and referred to the juvenile courts. By 2020, the numbers flipped, with 76 percent of eligible youth participating in alternative accountability programs and only 23 percent facing arrest.⁴⁰

The results have been noteworthy and impressive. “According to data from the Duval County State Attorney’s Office, 94 percent ... completed the program’s requirements and have not had further contact with the justice system,” Sudbury added.⁴¹ “Meanwhile, by avoiding unnecessary arrests and court hearings, the Fourth Judicial Circuit is saving taxpayers over \$4.6 million per year.”⁴² Although the program is still relatively new, the data is clearly encouraging.

This change was initiated in 2017 when State Attorney for Florida’s 4th Judicial Circuit, Melissa Nelson, convened a Juvenile Justice Advisory Committee, which brought together 23 leaders with expertise in pediatrics, social services, mental health, law enforcement and the judicial system.⁴³ In 2019, the committee issued a blueprint for creating an entirely new system for managing youth offenders in Duval County.⁴⁴

The new system made deflection—rather than arrest—the norm by eliminating the need for a judicial hearing.⁴⁵ It shifted responsibility for all such programming from the prosecutor’s office to a nonprofit group called the Kids Hope Alliance.⁴⁶ The group automatically deflects youth—who receive a civil citation from police rather than arrest and jail—to a series of programs and services.⁴⁷ Using a case-management system,

Confinement Costs Per Youth



\$214,000 annually
\$588 per day

This is an increase of 44 percent since 2014, and the cost is expected to continue to rise.

Real Results: Duval County (Jacksonville)



FLORIDA

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the county tailors services to the individual needs of the youth offender. It offers a full continuum of services ranging from mentorship programs to counseling to career training. It also limits the role of prosecutors, who are involved only at the front and back ends—that is, recommending a person to the deflection program upfront or intervening later if that person does not follow through with the program’s requirements.⁴⁸

The county also makes available a suite of post-completion services to youth and their families if they choose to participate. In other words, Duval County has created a seamless way to funnel misbehaving young people into a system of social services rather than the criminal justice system. The program gives police—rather than prosecutors—the discretion to choose these alternatives at the point where they typically would make an arrest.⁴⁹

Before changes were made to the program, “police had to file paperwork explaining why a child was a good fit,” Sudbury added. “Now, they do the opposite. If police want to arrest a child, they have to explain why [deflection] wasn’t an appropriate outcome. This sends the message to police that they should be thinking about alternatives to arrest in every encounter.”⁵⁰

State Attorney Nelson credits the decision to take this new approach in part to a 2016 investigation by *The Florida Times-Union*, which reported that previous State Attorney for Florida’s 4th Judicial Circuit, Angela Corey, underutilized existing deflection and diversion programs despite their record of success.⁵¹ Corey—a controversial, tough-on-crime prosecutor who gained notoriety for prosecuting a 12-year-old as an adult for killing his 2-year-old brother—preferred a “scared straight” approach that emphasized jail visits and other largely discredited punitive approaches.⁵² Campaigning on these types of programs, Nelson defeated Corey in the Republican primary in 2016 and prioritized juvenile justice reform.⁵³ With the murder rate in Duval County dropping 23 percent in 2021, Nelson now has the breathing room to attempt reforms without facing baseless political attacks for supposedly going easy on justice-involved individuals.⁵⁴

Conclusion

Despite the reports about violent crimes and politicians’ understandable responses, data suggests that the country will be on the right path by taking a more enlightened approach toward juvenile sentencing. Recent peer-reviewed research confirms the efficacy of deflection and diversion and provides insight into why such programs would be compelling for blue and red states alike:

Our findings indicated that youth who were formally processed during adolescence were more likely to be re-arrested, more likely to be incarcerated, engaged in more violence, reported a greater affiliation with delinquent peers, reported lower school enrollment, were less likely to graduate high school within five years, reported less ability to suppress aggression, and had lower perceptions of opportunities than informally processed youth.⁵⁵

By contrast, deflection and diversion offer better outcomes. These programs have been widely studied since the 1970s, and research has found that juveniles involved in such programs are 45 percent less likely to re-offend than those processed through the criminal justice system.⁵⁶ The taxpayer cost savings are also well documented.⁵⁷

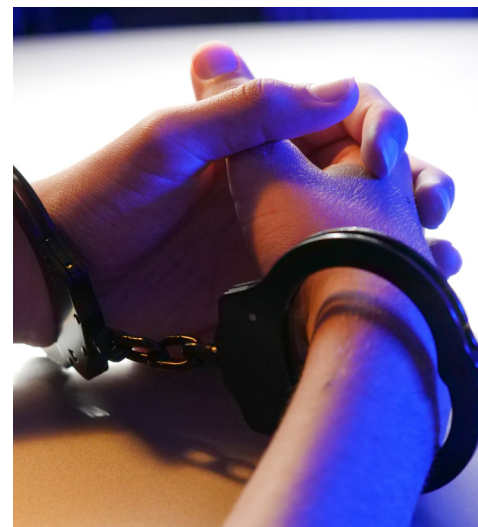
Americans are not wrong to be concerned about the latest overall explosion in crime, but youth crime rates have continued to fall; there is no reason to jettison deflection programs now.⁵⁸ The best way to be tough on crime is to be smart about it and continue along a reform-minded path.

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