

From Prevention to Diversion: The Role of Afterschool in the Juvenile Justice System

ISSUE BRIEF NO. 76 | MAY 2020



In the United States, involvement with the juvenile justice system can have a long-lasting negative impact on one's life. Young people who are placed in detention facilities are removed from their homes, their families, and their communities. Their education, their ties to society, and their lives are disrupted. Involvement with the justice system—regardless of incarceration—can have implications for one's future earning potential and career trajectory, limiting the access one has to educational opportunities, career fields, and available supports.

Afterschool and summer learning programs can mitigate risk and support the development of protective factors that help keep young people out of the juvenile justice system. The afterschool field can also operate as a point of service to support youth already involved with the juvenile justice system, serving as diversion programs or alternatives to detention that keep youth from reoffending. Through a wide expanse of programming opportunities, partnerships, and coordinated efforts, as well as supportive policies—including the *Juvenile Justice and Delinquency Prevention Act* (JJDP) and 21st Century Community Learning Centers initiative—afterschool programs keep young people safe, connect them to the supports they need, and help build protective factors and positive social connections that lead to bright futures.

It is estimated that confinement of young people in the United States costs the country—which includes a loss of future earnings and tax revenue—between \$8 and \$21 billion every year.

Source: Justice Policy Institute. (2014). *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration*.

The Juvenile Justice System

The impact of involvement

Each component that helps determine one's prospects in life—education, employment, housing, and involvement with the justice system as an adult—can be adversely affected by involvement with the juvenile justice system. Young people who are incarcerated are less likely to graduate from high school: for example, one study of Chicago Public Schools found that incarceration decreased a young person's likelihood to obtain a high school diploma by 13 percent.¹ Juvenile adjudications* can have an impact on a young person's ability to access financial aid or public housing and may preclude them from gaining entrance to colleges and universities.² Employers may consider a prior criminal record when evaluating candidates; for example, prior criminal records are a contributing reason why 71 percent of young people aged 17 to 24 are ineligible to serve in the military.³ Involvement with the juvenile justice system also greatly increases the likelihood of incarceration as an adult. The National Bureau of Economic Research found that youth involved in the juvenile justice system were up to 16 percent more likely than their non-involved peers to be incarcerated as adults.⁴

Additionally, there is a financial cost for youth incarceration. A Justice Policy Institute report estimates that confinement of young people in the United States costs the country—which includes a loss of future earnings and tax revenue—between \$8 billion and \$21 billion every year. Moreover, 33 U.S. states and jurisdictions spend at least \$100,000 annually on incarceration costs for every confined young person.⁵

Current landscape

The number of young people arrested in the United States has steadily declined since 1996, declining by 60 percent in the past decade. In 2018, the number of youth arrested was at its lowest point in 50 years.⁶

However, disparities exist within the juvenile justice system. Youth of color are more likely than their white peers to be arrested and confined after adjudication. The Sentencing Project found that between 2003 and 2013, the racial gap between African American and white youth in confinement increased by 15 percent despite the drop in overall commitment rates. African American youth were also more likely to be arrested than their white peers for similar behaviors, with this disparity growing by 24 percent over the decade.⁷

Additionally, young people involved in the justice system are often the young people who need support due to trauma, poverty, and/or learning challenges. A study found that more than 9 in 10 youth involved with the juvenile justice system reported having experienced at least one form of trauma in their lives, including having experienced physical violence or sexual assault or witnessed violence against or the death of a loved one.^{8,9} Youth in detention are also more likely to be below grade level in academic achievement, suspended or been held back a grade in school, and suffering from learning disabilities or mental health disorders.¹⁰ The Campaign for Youth Justice reported that 2 out of 3 youth placed in confinement have one or more mental health conditions.¹¹



The Dangers of Incarcerating Young People

In 2010, only 1 in 4 confined youth were confined for a violent crime. Despite efforts to reduce juvenile crime through the detention of youth in correctional facilities, research has found the damaging and counterproductive nature of incarceration:

- ▶ **High recidivism rates.** 70 to 80 percent of youth in detention are rearrested within 2 to 3 years of their release.
- ▶ **Ineffective for low-level offenders.** Low-level juvenile offenders who are placed in a detention facility are more likely to re-offend than their peers placed on probation after minor offenses.
- ▶ **Lack of supportive environment.** Youth in detention often face long periods of isolation, sterile environments, and a constant fear of violence. According to a report released by the Annie E. Casey Foundation, 55 percent of youth in detention believe that residents in their facilities are unfairly punished by staff, and 47 percent are afraid of being physically attacked.

Sources

McCarthy, P., Schiraldi, V. & Shark, M. (2016). *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. National Institute of Justice.

Campaign for Youth Justice. (2018). *Key Facts: Youth in the Justice System*.

The Annie E. Casey Foundation. (2011). *No Place for Kids: The Case for Reducing Juvenile Incarceration*.

* Adjudication is a formal finding by the court that the juvenile has committed the act for which he or she is charged. (National Juvenile Defender Center, "Juvenile Court Terminology.")

Reauthorization of the *Juvenile Justice and Delinquency Prevention Act*

In order to introduce reforms to the system, the *Juvenile Justice and Delinquency Prevention Act* (JJDP A) was reauthorized in 2018 for the first time in more than 15 years. Since the Act was first established in 1974, it has provided critical protections to youth involved with the juvenile justice system and supported communities in instituting preventative measures to keep youth from becoming involved. The *Juvenile Justice Reform Act of 2018* (H.R. 6964) focuses on four core requirements;[†] one of these core requirements is the deinstitutionalization of status offenders.

Status offenses are nonviolent, noncriminal acts that are considered a violation of the law because of a young person's status as a minor. Common examples include truancy, running away, breaking curfew laws, willful disobedience, or possessing alcohol or tobacco.¹² According to a study conducted by the Prison Policy Initiative, close to 1 in 5 young people in confinement were held for status offenses or technical violations in 2019.[‡]¹³

In working to deinstitutionalize status offenders, the JJDP A encourages the implementation of diversion programs and other alternatives to detention; this is an opportunity for afterschool programs to play a role in assisting system-involved youth who are in need of support and connection to services. Furthermore, the reauthorized JJDP A focuses on prevention efforts to curtail youth from becoming involved with the juvenile justice system in the first place, an additional support afterschool can provide.

Afterschool: An Essential Piece of the Puzzle

Afterschool programs have long been identified as a valuable space to keep kids safe and help them build skills and competencies that support positive decision making. In the hours immediately following the school day, juvenile crime and victimization peak.¹⁴ When leveraged in an afterschool program, these hours become a critical window for youth to build protective factors, such as positive self-image and self-regulation, as well as be exposed to protective factors, including supportive relationships, positive adult mentors, and stability and consistency.¹⁵ For example, research supports that evidence-based mentoring practices in afterschool programs can lead to improved academic skills, better behavior, and increased social capital for students.¹⁶

For youth in middle school and high school, this is an especially crucial developmental period. Research shows that during adolescence, young people are in the process of developing the skills to control risky behaviors, the result of which is the increased likelihood of participation in anti-social behaviors. It is also a time to form critical protective factors and recover from trauma experienced earlier in childhood, making interventions to change their risk-taking behaviors more likely to be effective.¹⁷

Afterschool programs function as formative spaces to integrate these interventions. Programs can support youth at risk of becoming involved or currently involved with the juvenile justice system by building protective factors among participants and connecting them with resources and mentors, instituting models to help address negative behaviors, and serving as diversion programs to prevent future offending.



Afterschool and the *Juvenile Justice and Delinquency Prevention Act*:

Title V of the *Juvenile Justice Reform Act* amends the JJDP A to expand the definition of what constitutes a delinquency prevention program under the act. Youth PROMISE grants may be used by local policy boards to fund delinquency prevention programs, including afterschool programs, alcohol and substance abuse prevention or treatment services, child and adolescent health and mental health services, and leadership and youth development activities. The grants are specifically designed to address the unmet needs of at-risk or justice-involved youth at the local level. To ensure a solid return on investment, the program prioritizes data-driven, evidence-based programs that run the continuum from early childhood to high school, and leverages the commitment and resources of state and local jurisdictions by requiring that the state and local applicant provide a 50 percent match.

[†] The four core protections of the *Juvenile Justice Reform Act of 2018*: adult jail and lock-up removal, removing youth, including those who have been transferred to the adult criminal justice system, from adult jails and detention facilities pretrial; sight and sound separation, ensuring that detained youth not have contact with adult inmates in the limited circumstances youth are detained in adult facilities; racial and ethnic disparities, focusing on eliminating the wide racial and ethnical disparities within the juvenile justice system; and the deinstitutionalization of status offenders. (ACT 4 Juvenile Justice. "What is the JJDP A?")

[‡] Technical violations occur when juvenile offenders placed on probation break the terms of their probation.

The varying degree of roles that afterschool programs play

Afterschool programs can assist youth at-risk or involved with the juvenile justice system in many ways. Their role can vary depending on a number of factors, including the program’s capacity, structure, and partnerships with other groups working with at-risk or justice-involved youth. Broadly, this involvement exists on a spectrum, with prevention being the most expansive category of activities and diversion focusing more specifically on one form of prevention; each of the three categories outlined build off of each other.

UNIVERSAL

Afterschool programs can help keep youth out of the juvenile justice system by supporting the development of protective factors (such as positive self-concept, interpersonal skills, and ability to make responsible decisions, and providing protective factors) including access to caring mentors and a safe and supportive environment. Programs may also employ specific prevention curricula.

PREVENTION

SPECIALIZED

Afterschool programs can target their outreach and programming to connect with at-risk youth in the community and prevent them from getting involved with the juvenile justice system. For example, through partnerships with community stakeholders, such as schools, social workers, juvenile justice courts or probation offices, and/or law enforcement agencies, programs may receive referrals to reach youth who are in need of their services and supports.

TARGETED PROGRAMMING

INTENSIVE

Afterschool programs can serve as an alternative to out-of-home placements or typical probation program and focus on connecting youth with resources and supports that help address root causes of their behavior, redirect them, and prevent future offending. Programming is intentionally designed for this purpose and youth are explicitly referred to the program.

DIVERSION

Connecting youth to supports in the community

Promise South Salt Lake (PSSL) began in 2012 as a city-wide initiative to better the South Salt Lake Utah community through a holistic, community-based approach. In partnership with 110 community stakeholders, Promise South Salt Lake operates 14 neighborhood centers that are intentionally designed to connect families to education, health, safety, and housing resources and programs. Afterschool programming is one such support, providing homework help and tutoring; prevention programs; science, technology, engineering, and math (STEM) activities; service learning opportunities; and college preparation and career-planning programs. Community partners also collaborate on programming to build protective factors and mitigate risk factors. For example, providers worked with local law enforcement officers and volunteer pharmaceutical students to develop an opioid prevention program for teens. Partners—including teachers, social workers, members of the faith communities, and law enforcement—also refer youth to centers. Referrals often serve as entry points for families to access PSSL’s system of support. Each center employs a family liaison to connect parents and caregivers to resources such as food banks, health clinics, and educational training services. PSSL has connected the community efforts to a decrease in juvenile crime; according to a 2020 analysis, the city’s juvenile arrest rates between 3 and 6 p.m. dropped 67 percent from 2010 to 2019.



Vital protective factors in their own right, positive adult relationships are essential to building additional protective factors among youth and diminishing their risk of becoming involved with the juvenile justice system.¹⁸ **Drag Racing Against Gangs & Graffiti (DRAGG)** was founded by two police sergeants in Oxnard County, California, to build positive mentorship connections between participants and police officers and local automotive professionals who run the program. High school students, who are often referred by schools or law enforcement, learn everything from basic automotive repair to creative car customization. Through hands-on work, guest presentations, and field trips to local body shops or racing events, participants gain automotive skills, career exposure, and professional skills that are applicable across sectors—such as teamwork, working toward deadlines, and personal accountability. Participants are provided support and guidance from adults who are invested in their well-being. Mentors, in particular law enforcement agents, better understand the issues that youth in their community face daily. One DRAGG student, Joe,[§] whose father was involved in a gang, came to DRAGG because he wanted a different life. With the program’s support, Joe received a scholarship to a local technical college and is currently a mechanic at the local Ford dealership. He credits his two years with DRAGG and the relationships he developed with DRAGG mentors for his success.

Instituting restorative practices to build community and mitigate harm

While adolescents establish the neurological maturity to avoid risky behavior, they are biologically predisposed to be more susceptible to their environments and possible interventions to promote pro-social behavior. Restorative practices—defined as an approach designed to “develop community and to manage conflict and tensions by repairing harm and building relationships”¹⁹—are one such intervention that can support positive youth development and build conflict management skills, promote personal accountability, and foster connections between youth and their peers.²⁰ Through this approach, adults are better able to address students’ needs and shift their response to anti-social behaviors from punishment to understanding the underlying cause of those behaviors. Students can better understand the impact of, and take accountability for, their actions.²¹

Since 2016, **Burlington Expanded Learning Opportunities** in Vermont has worked with the Burlington School District to incorporate restorative practices into the school day and afterschool programs. Their programs focus on preventing and addressing conflict with and between students by building relationships and social capacity, improving problem-solving skills, encouraging empathy and accountability, and building interpersonal skills. Similar to the techniques employed during the school day, afterschool staff have incorporated de-escalation strategies and restorative questions when conflict arises; focused youth on the action of doing things *with* one another and creating a sense of inclusion and community responsibility through shared agreements; and used group discussion circles to build community with students and staff, a central element of restorative practices. Since Expanded Learning Opportunities has worked with the Burlington School District, students have a more consistent and constant experience of the restorative approach. In a 2019 afterschool program staff survey, 95 percent of staff said that their restorative practices and social and emotional learning trainings were valuable. Approximately 8 in 10 staff reported that the overall culture and community in their program was better compared to previous years after the implementation of restorative practices and work in social and emotional learning (80 percent) and that they noticed an impact on their work with students (86 percent).



[§] Student renamed to protect their identity.

Serving as diversion programs that provide alternatives to detention

The Center for Restorative Youth Justice (CRYJ) in Kalispell, Montana, serves as a diversion program for first-time, minor offenders who have become involved with the juvenile justice system and are referred to the program through the county youth courts' juvenile probation officers. Their restorative justice approach informs each element of their programming, starting with an intake meeting where youth discuss the circumstances that contributed to their offense and what supports they need to overcome their challenges. During this meeting, youth work with their family and CRYJ staff to create a restorative agreement, an outline of their required activities as a part of their CRYJ term. A central component of these restorative agreements are afterschool workshop sessions that cover a variety of life and coping skills, including cooking, résumé writing, yoga, and reflections that help youth learn how to express themselves. Community members are also invested in the process, which helps repair trust and builds a sense of belonging for youth. For example, youth, staff, and community members participate in Community Impact Circles to share their stories and feelings, which helps to bridge gaps in communication. CRYJ's participant recidivism rate is approximately 10-15 percent, compared to the estimated average state recidivism rate of 55 percent.²²

In addition to connecting youth to their community, diversion programs can also connect youth with critical services. For example, **Evolution Youth Services** functions as a diversion program for juvenile justice-involved youth who receive trauma-informed intervention through Brazilian Jiu Jitsu. Based in Denver, Colorado, Evolution Youth Services provides programming to youth referred by the probation office, Department of Human Services, the Juvenile Services Unit, or Northwest Denver police officers. For two to three nights a week, youth attend classes that blend therapy and physical activity. Each class begins with a check-in, where kids are asked to consider sharing different emotions happening in their lives; the class then warms up and instruction begins. Brazilian Jiu Jitsu is a grappling-based martial arts form, and can often put participants in uncomfortable positions, both physically and emotionally. Instructors take this time to teach the youth how to understand the emotions they are experiencing and how to deal with those emotions in real time. Through mindfulness and honest conversations, youth develop coping strategies and resiliency skills including self-control, communication, and a sense of belonging.

Conclusion

Involvement with the juvenile justice system can have devastating impacts for youth, their families, and their communities. The juvenile justice system is working on reforms that will better support these young people and connect them with appropriate services to avoid continued contact with the system. From building protective factors that promote resiliency to fostering connections and trust between youth and their community, and even serving as diversion programs that function as alternatives to detention, afterschool programs can be an essential part of the work to support the young people at risk of becoming involved or currently involved with the juvenile justice system and help reframe and redirect their futures.

The Broad Spectrum of Afterschool Diversion Programs

Diversion programs serve as an intervention strategy that offer an alternative option for youth involved with the juvenile justice system or deter youth at risk from becoming involved. At their core, diversion programs focus on connecting youth with resources and supports that address root causes of their behavior, redirect them, and prevent future offending. Diversion program services can include service learning programs, substance use education and counseling, education and tutorial services, and high-quality recreation and organized sports programs, to name a few.^{23,24}

The afterschool space holds enormous potential to provide alternatives to incarceration for young people in the U.S. and run the gamut in structure and approach.

For example, youth in Florida's **Intercept Program—Outward Bound** complete a 20-day wilderness expedition that builds resiliency, communication, emotional management and coping skills, and promotes positive relationship building. Following completion of the program, youth and their families receive support and services from Outward Bound staff for up to six months. In Fairbanks, Alaska, teens with minor offenses who are referred to **North Star Youth Court** receive their sentencing from their peers—a cohort of volunteers aged 12-18 that serve as the judge, attorneys, and jury. According to an evaluation of Alaskan youth courts, the peer-led systems had a collective recidivism rate after six months of approximately 3 percent. And, in St. Petersburg, Florida, the **Diversion Initiative for Vocational Employability Related to Technology (DIVERT)** program, through a partnership with the St. Petersburg College Gibbs Campus, connects juvenile justice-involved young adults with wraparound support services and provides them with coding and computer science training. Participants receive college credit for an introduction to computing class at no expense.

Endnotes

- 1 Aizer, A. & Doyle, J.J. (2013). "Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges." *The Quarterly Journal of Economics*. Retrieved from <https://www.nber.org/papers/w19102>
- 2 Abdul-Alim, J. (2015). *Juvenile Records Often Have Lifelong Consequences: Experts Say*. Juvenile Justice Information Exchange. Retrieved from <https://jjiie.org/2015/06/29/juvenile-records-often-have-lifelong-consequences-experts-say/>
- 3 Feeney, N. (2014). "Pentagon: 7 in 10 Youths Would Fail to Qualify for Military Service." *Time Magazine*. Retrieved from <https://time.com/2938158/youth-fail-to-qualify-military-service/>
- 4 Aizer, A. & Doyle, J.J. (2013). "Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges." *The Quarterly Journal of Economics*. Retrieved from <https://www.nber.org/papers/w19102>
- 5 Justice Policy Institute. (2014). *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration*. Retrieved from <http://www.justicepolicy.org/research/8477>
- 6 Office of Juvenile Justice and Delinquency Prevention. (2018). *Statistical Briefing Book: Juvenile Arrests*. Retrieved from <https://www.ojjdp.gov/ojstatbb/crime/qa05101.asp>
- 7 Rovner, J. (2016). *Racial Disparities in Youth Commitments and Arrests*. The Sentencing Project. Retrieved from <https://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/>
- 8 Cannon, Y. & Hsi, A. (2016). "Disrupting the Path from Childhood Trauma to Juvenile Justice: An Upstream Health and Justice Approach." *Fordham Urban Law Journal*. Retrieved from <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=2656&context=ulj>
- 9 Abram, K.M., Teplin, L.A., Charles, D.R., Longworth, S. L., McClelland, G.M., & Dulcan, M.K. (2004). "Posttraumatic stress disorder and trauma in youth in juvenile detention." *Archives of General Psychiatry*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2861915/>
- 10 Sedlack, A.J. & McPherson, K. (2010). *Survey of Youth in Residential Placement: Youth's Needs and Services*. Westat. Retrieved from https://syrrp.org/images/Needs%20and%20Services_SYRP%20Report.pdf
- 11 Campaign for Youth Justice. (2018). *Key Facts: Youth in the Justice System*. Retrieved from <http://www.campaignforyouthjustice.org/images/factsheets/KeyYouthCrimeFactsFeb222018Revised.pdf>
- 12 Office of Juvenile Justice and Delinquency Prevention. (2015). *Literature Review: Status Offenders*. Retrieved from https://www.ojjdp.gov/mpg/litreviews/Status_Offenders.pdf
- 13 Sawyer, W. (2019). *Youth Confinement: The Whole Pie 2019*. Prison Policy Initiative. Retrieved from <https://www.prisonpolicy.org/reports/youth2019.html>
- 14 Fight Crime, Invest in Kids. (2019). *From Risk to Opportunity: Afterschool Programs Keep Kids Safe*. Council for a Strong America. Retrieved from <https://www.strongnation.org/articles/930-from-risk-to-opportunity-afterschool-programs-keep-kids-safe>
- 15 Substance Abuse and Mental Health Services Administration. (2011). *Risk and Protective Factors for Mental, Emotional, and Behavioral Disorders Across the Life Cycle*. Retrieved from <https://www.csifdl.org/wp-content/uploads/2018/07/Risk-and-Protective-Factors-Study.pdf>
- 16 McDaniel, S.C., Yarbrough, A.M. & Besnoy, K. (2015). *Research-Based Practices in Afterschool Mentoring Programs*. Afterschool Matters. Retrieved from <https://files.eric.ed.gov/fulltext/EJ1083933.pdf>
- 17 National Academies of Sciences, Engineering, and Medicine. (2019). *The Promise of Adolescence: Realizing Opportunity for All Youth*. Retrieved from <https://www.nap.edu/catalog/25388/the-promise-of-adolescence-realizing-opportunity-for-all-youth>
- 18 Office of Juvenile Justice and Delinquency Prevention. (2015). *Literature Review: Protective Factors Against Delinquency*. Retrieved from <https://www.ojjdp.gov/mpg/litreviews/Protective%20Factors.pdf>
- 19 Wachtel, T. (2016). *Defining Restorative*. International Institute for Restorative Practices. Retrieved from <https://www.iirp.edu/restorative-practices/defining-restorative/>
- 20 National Academies of Sciences, Engineering, and Medicine. (2019). *The Promise of Adolescence: Realizing Opportunity for All Youth*. Retrieved from <https://www.nap.edu/catalog/25388/the-promise-of-adolescence-realizing-opportunity-for-all-youth>
- 21 Gonzalez, J. (2018). *Restorative Justice in School: An Overview*. Cult of Pedagogy. Retrieved from <https://www.cultofpedagogy.com/restorative-justice-overview/>
- 22 Office of Juvenile Justice and Delinquency Prevention. (2017). *Juvenile Reentry*. Retrieved from <https://www.ojjdp.gov/mpg/litreviews/Aftercare.pdf>
- 23 National Institute of Justice. Practice Profile: *Juvenile Diversion Programs*. Retrieved from <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=37>
- 24 Youth.gov. *Diversion Programs*. Retrieved from <https://youth.gov/youth-topics/juvenile-justice/diversion-programs>