

DIVERSION: PROMOTING SAFETY WITHOUT PROSECUTION

**94% of PA kids
charged with low-
level crimes are low
risk of reoffending**



**80% of PA kids in
diversion programs
complete them**

**Children in diversion
programs are 17% less
likely to be rearrested**

More than 17,000 Pennsylvania children were charged in juvenile court in 2023; 2/3 of the charges were for misdemeanors or summary offenses, like loitering and disorderly conduct. For nearly all (94%) of those children, the Court determined their risk of committing another crime was low to moderate.¹

94% of PA kids charged with low-level crimes are low to moderate risk of reoffending

For those kids and their communities, diversion is a better alternative than jail or probation. Unfortunately, Black and brown kids are not offered diversion as often as their white peers, and programs may not be offered depending on the county a child lives in. As a result, more children are placed on probation or even incarcerated, possibly derailing their futures and increasing the likelihood they will commit additional crimes.² The PA General Assembly must act to ensure that all counties use the same criteria for diversion, making it accessible to all children who commit low-level offenses.

EXAMPLES OF SUMMARY OFFENSES AND MISDEMEANORS	
Summary Offenses	Misdemeanors
Underage Drinking	Possession of a small amount of marijuana
Loitering	Simple assault
Harassment	Theft of property (under \$2,000)
Disorderly conduct	Trespassing
Low-level retail theft (under \$150)	Reckless driving

Diversion is a proven approach to address low-level criminal or delinquent behavior outside the formal court system. Diversion can occur at multiple points: before a child is arrested, after arrest but before charges are filed in juvenile court, or after charges are filed but before a trial.

What makes diversion programs so successful is that they create opportunities for children to learn from their mistakes and make amends with whoever they harm. Diversion programs can also include individual or family counseling, substance abuse treatment, mentoring, or other forms of support that get to the root causes of behavior.

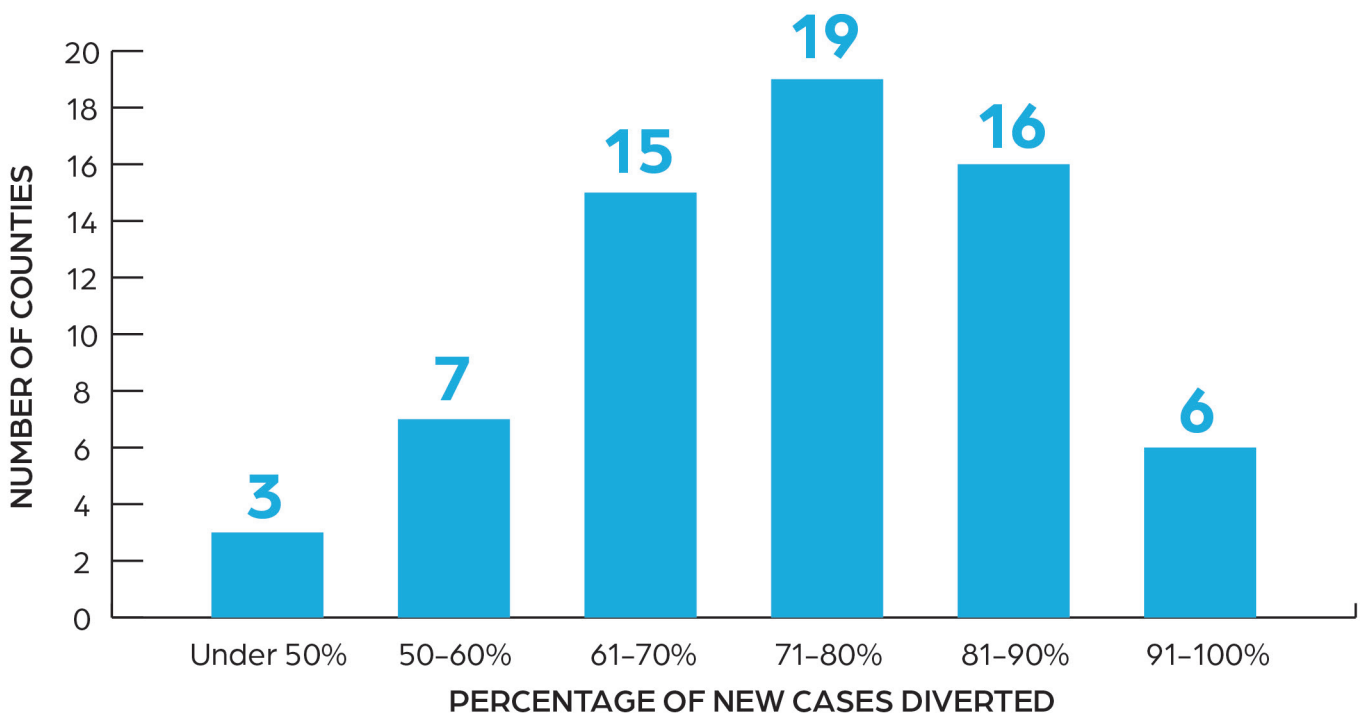
Approximately 80% of Pennsylvania kids in diversion programs complete them.³ Children who completed diversion programs are 17% less likely to be rearrested within five years.^{4,5}

80% of PA kids in diversion programs complete them

Every county offers some degree of diversion⁶, but there are differences in models and approaches, which offenses qualify, and eligibility criteria. Of new cases, more than 75% are diverted statewide but there are variations among the counties. Some counties divert most new cases – others very few. For example, Northumberland County diverted over 96% of new youth cases, and Monroe County diverted less than 35%.⁷

Diversion of New Juvenile Cases ranges from 35% to 96% across the Commonwealth.

THE NUMBER OF NEW JUVENILE CASES DIVERTED VARIES ACROSS PA COUNTIES

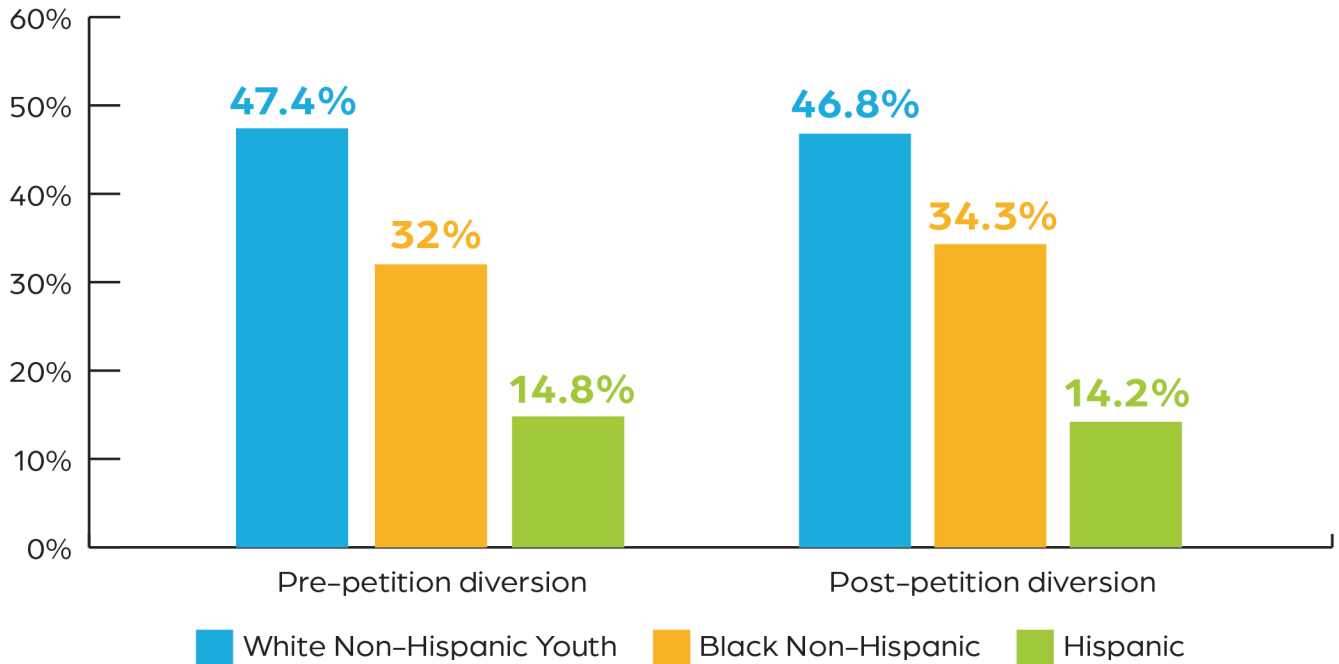


Across all cases, racial disparities persist. Black youth make up 12.1% of the youth population, but they account for 61.5% of secure detention placements and 47.5% of long-term facility placements. Black and brown youth are also less likely to receive diversion than their white peers.⁸

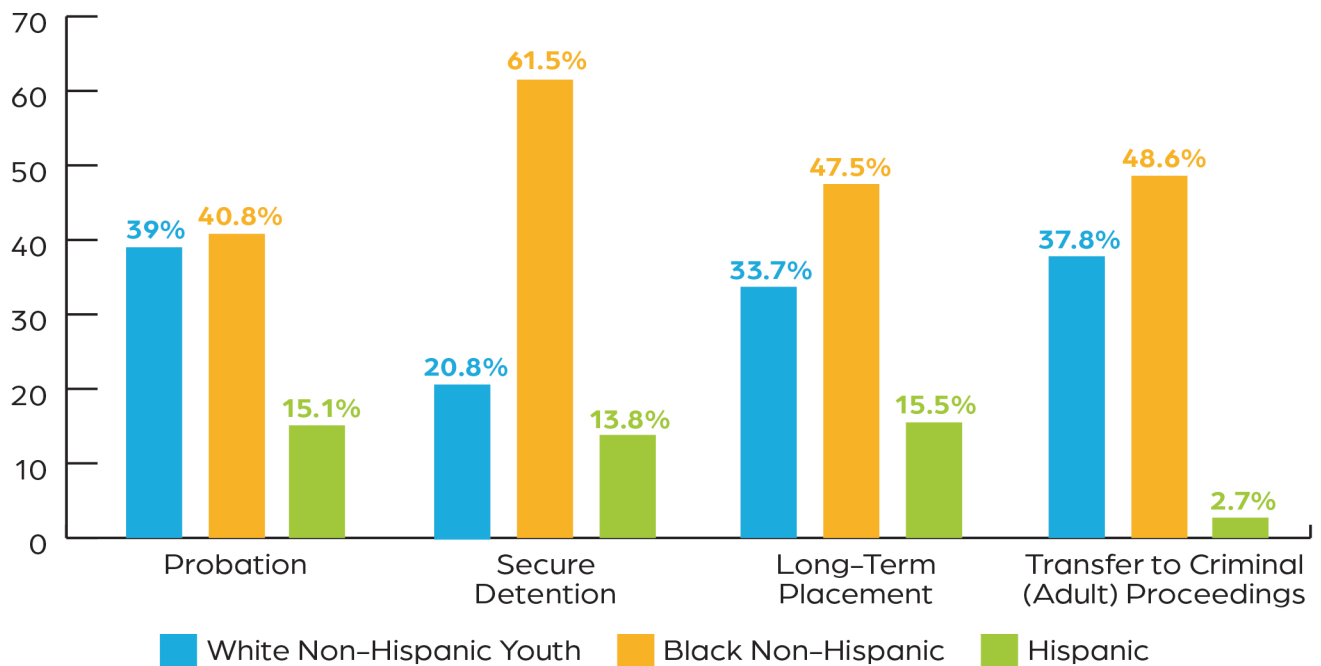
RACIAL DISPARITIES

- Black youth are **12%** of Pennsylvania’s population
- Black youth are **62%** of secure detention placements
- Black youth are **48%** of long-term facility placements

BLACK AND BROWN YOUTH ARE LESS LIKELY TO RECEIVE DIVERSION THAN THEIR WHITE PEERS



YOUTH OF COLOR DISPROPORTIONATELY RECEIVE HARSHER RESPONSES INCLUDING INCARCERATION



Because Pennsylvania lacks a statewide standard for how and when counties offer diversion, too many children end up on probation or incarcerated, rather than in these effective programs.

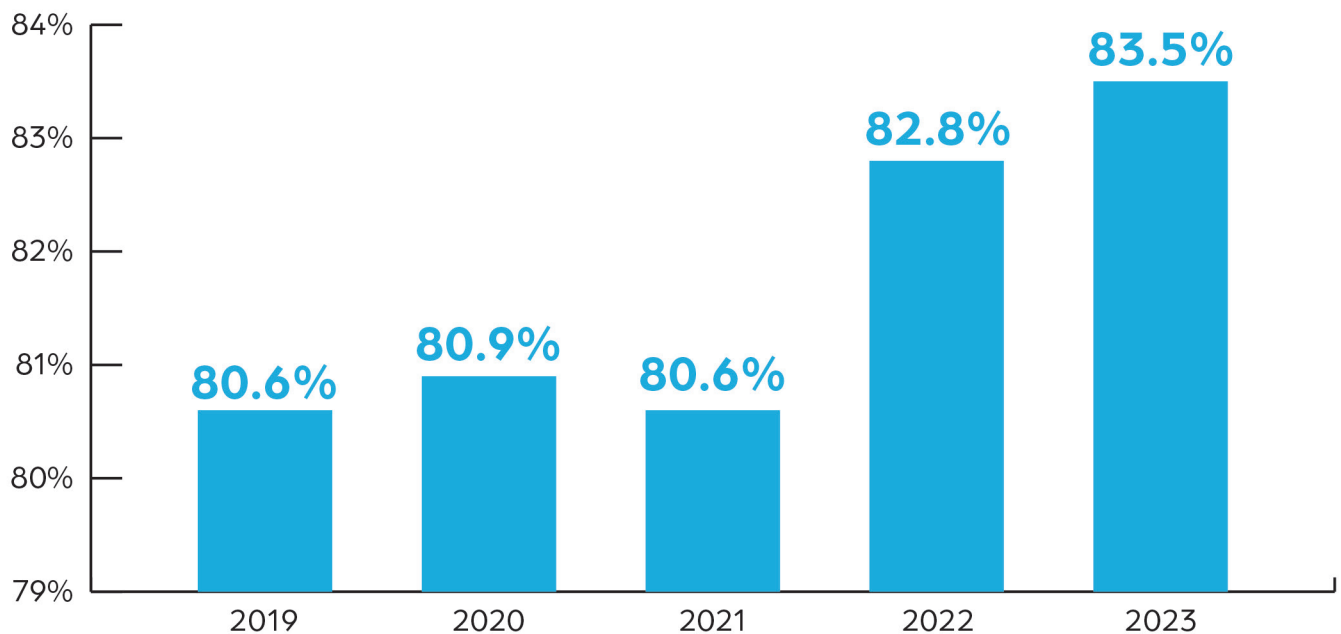
SOME COUNTIES ARE LEADING THE WAY ON DIVERSION

Despite the inconsistencies, Pennsylvania is making progress in keeping children out of the system. In 2023, 83.5% of youth encountering the juvenile system for the first time were diverted from adjudication, up from 80.6% in 2019.

Youth Diversion Across the State is Rising

81% 2019  **84%** 2023

THE NUMBER OF PA YOUTH RECEIVING DIVERSION FOR THEIR FIRST OFFENSE HAS INCREASED



Diversion programs in Pennsylvania are successfully addressing youth behavior before getting children involved in the justice system.

BUCKS COUNTY PROBLEMATIC SEXUAL BEHAVIOR DIVERSION PROGRAM

In Bucks County, Network of Victim Assistance (NOVA) offers an effective program for children who have demonstrated problematic sexual behavior. The evidence-based Restoring Families Program engages youth and their caregivers in a group model that helps address harmful behaviors and the impact on those harmed. Law enforcement can refer children to Restoring Families instead of pursuing arrest and prosecution. Nearly all youth who complete the sexual behavior diversion program don't reoffend within 10 years.

97% of youth who complete a Bucks County diversion program do not reoffend

90%

**School-based arrests down
in the School District of Philadelphia**

PHILADELPHIA SCHOOL-BASED DIVERSION

The Philadelphia School-Based Diversion program reduced school-based arrests by over 90% over eight years by referring certain low-level behaviors to community-based programming instead of the juvenile justice system.⁹ This police department/school district partnership allows students to receive Intensive Prevention Services administered by the city's Department of Human Services; most of them complete the program successfully and do not get rearrested.

YORK COUNTY YOUTH DIVERSIONARY PROGRAM

The York County Youth Diversionary Program (YDP), administered by the county's Juvenile Probation Office, receives referrals from law enforcement for youth who have typically committed summary offenses or misdemeanors. Youth in the YDP and their families are engaged to work together to address the needs of the young person, victims, and the community. Youth are assigned certain tasks appropriate to the offense and their needs; for example, completing an anger management workbook, community service, and writing letters of apology. The YDP served over 400 youth in 2023, and 95% completed the program.

95% of kids in the
**York County Youth Diversion
Program complete it**

YOUTH AID PANELS – CUMBERLAND, FRANKLIN, AND MONTGOMERY COUNTY

Roughly half of Pennsylvania counties have a Youth Aid Panel (YAP) as part of their diversion efforts.

Cumberland County

90% of Cumberland
County youth completing the
diversion program are not
rearrested

The Cumberland County YAP has operated since 2003, with 18 panels of 50 to 55 volunteers serving an average of 246 youth annually. The program receives referrals for youth alleged to have committed nonviolent offenses or simple assaults, mostly misdemeanors but including some felonies on a case-by-case basis. Additionally, school resource officers can refer cases to the YAP instead

of arresting them for minor offenses like fighting or vaping. Over 90% of youth who completed the Cumberland County Youth Aid Panel were not re-arrested within two years.

Franklin County

Franklin County's YAP is administered by its Juvenile Probation Department. The county operates YAPs in two jurisdictions, Waynesboro and Chambersburg, where two probation officers facilitate groups three times per month. In these groups, youth and their parents work with trained community mentors to build a contract that addresses the youth's individual needs and allows them to repair harm done to others. Franklin County's YAP also provides courses in theft prevention and social media awareness. Eighty-two percent of youth diverted through the YAP were not rearrested two years following completion of the program.

Montgomery County

The Montgomery County District Attorney's Office YAP trains community volunteers to meet with youth and assign education, restitution, or community service instead of prosecuting them in court. Since 2020, the eligibility criteria have been expanded to ensure equity and access to all children by 1) raising the maximum age to include 18-year-old high school seniors, 2) including youth from other counties who get in trouble in Montgomery County, and 3) allowing youth three opportunities to participate. (Previously, if a youth had previously participated in the YAP, they would be prosecuted in court for subsequent offenses.)

The program includes supportive services at no cost to young people or their families, as well as case managers to assist youth and families with tangible supports like transportation, food, and connections to housing. In 2023, the YAP served 700 youth, with 87% completing the program successfully.

Six counties – Allegheny, Chester, Lancaster, Lehigh, Montgomery, and Philadelphia – are working to expand diversion for youth of color and reduce racial disparities under the auspices of the Georgetown Center for Juvenile Justice.

STATES ARE INCREASINGLY REQUIRING DIVERSION FOR LOW-LEVEL CRIMES

Several counties are moving in the right direction keeping children out of the legal system, but diversion is not required by the Commonwealth for low-level offenses which contributes to inconsistencies among counties and racial disproportionality.

Pennsylvania can join the growing number of states¹⁰ requiring diversion for certain crimes, successfully reducing the number of children who are locked up and making their communities safer.

EXAMPLES OF SUCCESSFUL DIVERSION PROGRAMS

State	Policy	Results
Kentucky	2014 – Requires diversion for first-time misdemeanors.	19% increase in the share of juveniles diverted from formal court processing statewide.
South Dakota	2015 – Requires diversion for first-time nonviolent misdemeanors and provides courts with financial incentives for each youth completing diversion.	50% increase in number of youth receiving diversion, and 100% increase in number of youth successfully completing it.
Utah	2017 – Requires diversion for all first-time misdemeanors and authorizes it for all misdemeanors.	92% of youth successfully complete diversion.
Washington	2018 – Requires diversion of all first-time and grand misdemeanor charges and authorizes it for some felonies.	The number of children incarcerated decreased by 50%.

PENNSYLVANIA CAN BUILD ON ITS SUCCESSES TO REDUCE YOUTH CRIME

Children are being harmed and communities are less safe because Pennsylvania does not have a statewide standard for diversion. The Commonwealth must join the growing group of states that have passed laws requiring diversion for low-level offenses. By expanding diversion, more than 9,300 young Pennsylvanians could have the chance to learn from their mistakes, repair harm to others, and prevent future encounters with the justice system.

Join the Youth Safety Coalition as we work to make this happen. Contact Stefanie Arbutina at stefaniea@childrenfirstpa.org for more information.

ENDNOTES

¹ The Youth Level of Service (YLS) assesses recidivism across several domains, and it is in use in all 67 PA counties.

² The Sentencing Project. (2023, March). Why youth incarceration fails: An updated review of the evidence. <https://www.sentencingproject.org/app/uploads/2023/03/Why-Youth-Incarceration-Fails.pdf>

³ Pennsylvania Juvenile Justice Task Force. (2021, June 22). Pennsylvania juvenile justice task force report and recommendations. Pennsylvania Courts. https://www.pacourts.us/Storage/media/pdfs/20210622/152647-pajuvenilejusticetaskforcereportandrecommendations_final.pdf

⁴ The Sentencing Project. (2024, March). Protect and redirect: America's growing movement to divert youth out of the justice system. <https://www.sentencingproject.org/app/uploads/2024/03/Protect-and-Redirect-Americas-Growing-Movement-to-Divert-Youth-Out-of-the-Justice-System.pdf>

⁵ Cauffman E, Beardslee J, Fine A, Frick PJ, Steinberg L (2020). Crossroads in juvenile justice: The impact of initial processing decision on youth 5 years after first arrest. *Development and Psychopathology* 1–14. <https://doi.org/10.1017/S095457942000200X>

⁶ The term "diversion" as applied to this data refers to pre-adjudication options including community service (0.7%), warn and counsel (3.9%), consent decrees (22.6%), and informal adjustment (21.1%). Pre-arrest diversion is not included, as statewide data is currently unavailable.

⁷ Pennsylvania Juvenile Court Judges' Commission. (2023). Juvenile court annual report 2023. Commonwealth of Pennsylvania. <https://www.pa.gov/content/dam/copapwp-pagov/en/jcjc/documents/publications/annual-reports/2023%20juvenile%20court%20annual%20report.pdf>

⁸ Ibid

⁹ Mauriello, T. (2023, October 10). Philadelphia reduced school-based arrests by 91% since 2013. *Pennsylvania Capital-Star*. <https://penncapital-star.com/education/philadelphia-reduced-school-based-arrests-by-91-since-2013/>

¹⁰ California Policy Lab. (2024, January). Impacts of the Make it Right program on recidivism. <https://www.capolicylab.org/wp-content/uploads/2024/01/Impacts-of-the-Make-it-Right-Program-on-Recidivism.pdf>

Children First, formerly known as Public Citizens for Children and Youth (PCCY), serves as the leading child advocacy organization improving the lives and life chances of children in southeastern Pennsylvania.

Children First undertakes specific and focused projects in areas affecting the healthy growth and development of children, including child care, public education, child health, juvenile justice, and child welfare.

childrenfirstpa.org
facebook.com/childrenfirstpa

Through thoughtful and informed advocacy, community education, targeted service projects, and budget analysis, Children First watches out and speaks out for children and families.

Children First serves the families of Bucks, Chester, Delaware, Montgomery, and Philadelphia counties as well as children across the Commonwealth. We are a committed advocate and an independent watchdog for the well-being of all our children.

twitter.com/childrenfirstpa
instagram.com/childrenfirstpa

Children First
990 Spring Garden Street
Suite 600
Philadelphia, PA 19123
215-563-5848