

# **Juvenile Diversion Programs: Comparing Minnesota County Characteristics to Determine Their Role in Pre-Trial Diversion Programs**

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## Abstract

*The main goal of the juvenile justice system is to rehabilitate offenders and prevent youth from entering the adult justice system. One approach is through the use of diversion programs. The state of Minnesota requires all counties to offer at least one type of pre-trial diversion program. However, there is no ubiquitous program; the number and types of programs differ between counties, and the reason for these differences between jurisdictions is under-researched. I analyze the number and types of pre-trial diversion programs in Minnesota counties and compare them to various county characteristics to determine which characteristics play a role in the types of diversion programs implemented in different jurisdictions. I use county data collected from the Minnesota Department of Public Safety and the 2012 election. I find that the majority of Minnesota counties use only the required one type of pre-trial diversion program, and county characteristics do not play a significant role. However, the few outlier counties containing more than one type of pre-trial diversion program are found to have interesting components that suggest further research of specific jurisdictional differences to determine the key factors of a successful diversion program.*

## Introduction

America's criminal justice system faces many challenges and tough decisions. The system's history is often described as a swinging pendulum, cycling over time between a strict, punishment-based system to a more lenient system focused on rehabilitation. There are many factors that play a role in these changes. These factors range from politics and the economy to overcrowded prisons and changes in policing strategies. Today's criminal justice system is swinging toward the rehabilitation side of the pendulum. This means the focus and main goal is to rehabilitate offenders, rather than punishing them. Although the focus of the adult system changes over time, the juvenile side remains the same, for the most part. The juvenile justice system remains consistent in its aim to prevent juveniles from entering into the adult system. Therefore, the juvenile system has a strong focus on rehabilitation. One approach is through the use of diversion programs.

Diversion programs offer offenders a chance to avoid criminal convictions by undergoing some sort of rehabilitation, such as a treatment or care program. Diversion gives juvenile offenders one last chance to remedy their criminal behavior without undergoing formal processing in the juvenile justice system. In some cases, this helps to prevent a criminal record. There are numerous types of diversion programs, all with their own qualifications and requirements. Typically, diversion is offered for minor or less serious crimes, but some jurisdictions offer diversion for felony level crimes. Most U.S. states offer at least one type of diversion program. However, each state has its own rules and regulations, as do the counties within them.

## Research

Numerous studies have been conducted since the emergence of juvenile diversion programs in the mid-1900s. The Adolescent Diversion Project (ADP) began in 1976 and was led by Michigan State University. It was due to a rise in juvenile crime and a desire for a more cost-effective approach for handling juvenile cases (ADP, 1976). The ADP sought to eliminate future delinquency by building stronger family relationships, improving skills in various categories, and creating easier access to community resources (ADP, 1976). The study showed lower delinquency rates for juveniles who went through the program compared to those who did not. A study done by the Department of Sociology at Boise State University reported on an experimental juvenile diversion program, comparing three methods and a control group (ADP, 1976). First-time juvenile offenders were randomly assigned to one of three groups: Juvenile Accountability Program, Youth Court, or Magistrate Court. The data from the experiment revealed that the offenders sent to the Juvenile Accountability Program, a diversion program offering juveniles an alternative route through the system by focusing on accountability for their actions, showed positive signs in recidivism reduction compared to the other groups (Patrick, S., Marsh, R., Bundy, W., Mimura, S., & Perkins, T. (2004)). These examples prove that diversion programs are, in fact effective, this is one reason they are being implemented into criminal justice policy.

Aside from being beneficial to juvenile offenders, diversion programs have proven to be cost-effective alternatives to confinement. The Minnesota State Legislature released a report on juvenile justice benefit-cost analysis in February 2018. This report compared all aspects of the juvenile justice system (arrests, incarceration, out-of-home placement, rehabilitation programs, etc.) and provided insight to where money was going and what made the most sense financially.

Rehabilitation programs, such as diversion, proved to be cost-effective alternatives to incarcerating juveniles (Juvenile Justice Benefit-Cost Analysis). The Juvenile Justice Advisory Committee (JJAC) stated that fragmentation of services and lack of coordination are major barriers for improving youth outcomes (Juvenile Justice Advisory Committee, 2015, 2016). Minnesota does not have a central organization to govern juvenile justice, which is why evaluating similarities in characteristics would be beneficial for both financial purposes and assessing youth outcomes.

In 1908, the Canadian government created the Juvenile Delinquents Act (JDA) which was responsible for defining criminal youth justice legislation. The JDA was welfare based and modeled itself after youth justice practices in the United States. The act allowed for youth intervention as young as 7 years old, and permitted youth placement in secure facilities (Webster, C. M., Doob, A. N., & Sprott, J. B. (2019)). This legislation and its practices remained unchanged, in effect for many years. Then, a change in youth culture began in the 1960s, where juvenile rights issues were being debated. In 1961, the federal justice department created the Committee on Juvenile Delinquency, who in 1965 pushed for a shift away from the welfare approach and promoted their goal for limiting the use of custody (Webster, C. M., Doob, A. N., & Sprott, J. B. (2019)). These changes in Canadian juvenile justice laws aligned with what was taking place in the United States. The U.S. was debating juvenile rights and expanding these rights under the constitution. In *re Gault*, a court case decided on May 15, 1967, held that the proceedings for juveniles must comply with the requirements of the 14<sup>th</sup> Amendment. Included in these requirements were adequate notice of charges, notification to the juvenile and both parents of right to counsel, chance for cross-examination at hearings, and protection against self-incrimination (In *re Gault*, 387 U.S. 1 [1967]). Canada followed this change in law by issuing

formal statements of criminal justice policy that “repeatedly endorsed an official culture of restraint in the use of incarceration” (Doob and Webster 2006, 2016). This shows that political and cultural changes in society play a significant role in the juvenile justice system. Juvenile incarceration rates in Canada dropped significantly from the 1990’s to 2015, while adult incarceration rates remained the same. In 2019, Cheryl Marie Webster, Jane B. Sprott, and Anthony N. Doob evaluated this dramatic change in incarceration rates and examined why and how this took place. They concluded that the operations, as well as context matters. They found that operational mechanisms, such as changes in policing strategies and policies being implemented, matter on both an individual and collective level (Webster). The United States and Canada both underwent many social, economic, and cultural changes in the 1900s, which played a role in changing the goals of the juvenile justice system.

Changes in juvenile justice can even be seen on a smaller scale at local levels. All Minnesota counties are required to have at least one type of pre-trial diversion program, but they are not limited to just one and there is flexibility as to how the programs will be run. Beltrami county has one of the highest numbers of diversion programs for a Minnesota county. The Beltrami County Attorney’s Office refers appropriate cases to the Beltrami Area Service Collaborative, where individuals are directed to the proper resources. Individuals then undergo intervention programming tailored to their needs. The goal of these programs is to lower recidivism rates by providing “restoratively-focused interventions” to youth (Intervention). One of these programs, RESCU (Restoration, Education, Skills, Change, and You), is a cognitive-based program where parents and youth discuss their choices, risks, and accountability. There is also a sexting diversion program where youth learn about the risks and dangers of sexting and discuss consequences of sexting, child pornography, and sexting laws (Intervention). Beltrami

county is one of few counties that offers different types of programs tailored to the specific needs of the youth.

## Summary

Over the years the juvenile justice system has become an important and more independent part of the criminal justice system. Much research has been conducted to determine the most effective ways to run the juvenile justice systems. Since the main goal of juvenile justice is to prevent juveniles from entering the adult system, the juvenile system tends to focus on rehabilitation. Research has shown that rehabilitation programs, such as diversion or other treatment and care plans, are beneficial to youth for many reasons. These programs help juveniles remedy their actions prior to a conviction or confinement. It helps eliminate unwanted negativity associated with being labeled a juvenile delinquent and offers strategies for improving family relationships and building on important life skills, etc. Overall, diversion programs have proven to be a cost-effective alternative to formal processing. Data shows that the use of diversion programs has led to reductions in recidivism.

Although a significant amount of research on this subject has been done, the majority of it focuses on either very broad concepts or one single program. Some research investigates rehabilitation and the use of diversion programs in order to understand the theory behind the implementations of the programs in order to explain why and how they are used. Other research focuses on individual programs and what about that program works and what doesn't. This is all useful information, but I believe there needs to be more research conducted in between. There is a lack of research explaining why certain jurisdictions use the types of programs that they do. Research has proved that diversion programs are beneficial and even gone as far as to evaluate

individual programs, yet there is no universal diversion program and the requirements vary amongst different jurisdictions. Therefore, it is important to investigate the characteristics of these jurisdictions in order to understand why certain types of diversion programs are being used in different places, as well as how the programs are being implemented.

## **Methods and Analysis**

The state of Minnesota requires that all counties have at least one option for diversion. However, the implementation of this law still varies from county to county. Some counties have multiple or very strong diversion programs, while others have only the bare minimum. I researched Minnesota counties to decipher if and what county characteristics play a role in the types of diversion programs being implemented in each county. Each of the eighty-seven counties have at least one type of diversion program, so I took a closer look at the different programs, what types of cases can get sent to diversion, and how and why this differs between counties. I have county data that provides information on numerous characteristics of the counties, and I added other data, including data from the 2012 election. My unit of analysis is Minnesota counties. My dependent variables are how many diversion programs are used in each county and how many youth are served in a year in each county. My independent variable is the numerous county characteristics. I used this data to look for correlation between county characteristics and diversion programs in the counties of Minnesota. I believe that counties with similar characteristics will have similar types of diversion programs. I believe that counties who offer more types of diversion programs, or diversion programs that tailor to individual needs, will be more successful than counties offering one generic diversion program.



Using the county juvenile data originally gathered by the Minnesota Department of Public Safety, I was able to form and test hypotheses on the relationship between the strength of diversion programs and county characteristics. I chose two dependent variables to use when testing my hypotheses. The first dependent variable was that of how many diversion programs each county has. The second variable showed how many youth were served in a year in each county. In order to get better representation, I computed the second variable into a new variable that showed the diversion population per capita. This was my main dependent variable when performing tests on my hypotheses.

(Figure 1 here)

Figure one is a map of the geographical dispersion of diversion programs, which offers a visual representation of the main dependent variable used to test the following hypotheses.

My first hypothesis was that counties that receive stable funding have more diversion programs, as well as programs that are stronger. The stability of funding allows for counties to implement multiple programs and make existing programs stronger. I performed a crosstabulation comparing the stability of funding to the number of pre-petition diversion programs used in the counties for juveniles. Respondents were asked to rate the stability of their funding on a scale from 1 to 5 as follows: 1.) Extremely Unstable, 2.) Somewhat Unstable, 3.) Moderately Stable, 4.) Somewhat Stable, 5.) Extremely Stable. Using the same funding variable, I also performed a crosstabulation to compare the diversion population per capita with the stability of funding received by the county.

(Table 1 here)

All Minnesota counties are required to have at least one diversion program, although a few counties have more than one. The stability of funding has a statistically significant effect on the

number of diversion programs implemented. This suggests that counties with stable funding are able to implement more diversion programs than counties with unstable funding.

(Table 2 here)

There were few counties who rated their funding as unstable. Amongst the counties who rated their funding as moderately stable or higher, there is a slight increase in diversion population per capita as the stability of funding increases. I chose to look further and examine the types of funding that counties receive. Respondents were asked about eight different sources of funding and prompted to respond “yes” or “no” to whether they received funds from that source. I combined the responses to create a new funding variable that allowed me to compare the mean diversion population per capita with the sources of funding.

(Figure 2 here)

(Table 3 here)

Figure 2 compares the different sources of funding received by counties with the mean diversion population per capita. Table three is a crosstabulation of the stability of funding by the sources of funding. Although the relationship is not statistically significant, there are a few outlier counties that raise interest, specifically those funded by corporate or local business sponsorship: Washington County and Crow Wing County. These counties have a high mean diversion of population per capita for being the only two counties with that source of funding.

Another hypothesis was that when compared to counties with a lower non-white population, those with a higher non-white population would be sending more youth through diversion. Using the information on race provided by respondents I was able to create a diversity variable to evaluate differences between counties with higher and lower percentages of non-white

population. I performed a crosstabulation to compare this diversity variable with the diversion population per capita.

(Table 4 here)

Table 4 demonstrates a little variation between counties with lower and higher non-white populations, but not as much as I expected to see. Counties with lower percentages of non-white population send lower numbers of youth through diversion. However, counties with a higher percentage of non-white population do not send significantly more youth through diversion.

My third hypothesis was that when compared to the more liberal counties, the more conservative counties would be sending fewer youth through diversion. I gathered data from the 2012 election and created a variable for Romney's share of the vote in the 2012 election. I performed a crosstabulation using this variable to compare conservatism with the diversion population per capita.

(Table 5 here)

Table 5 demonstrates that there is no significant difference between conservatism, based on the variable for Romney's share of the vote from the 2012 election, and the diversion population per capita.

## **Discussion**

Research confirms that diversion programs are effective and beneficial, meaning that they are worth researching further to gain a deeper understanding and look for areas that need improvement. However, there is still too little research done on the differences between jurisdictions. Despite knowing that diversion works, there is wide variation in how counties utilize these programs. More research needs to be conducted evaluating specific jurisdictions, the

number and types of programs they offer, the sources of their funding, and other characteristics.

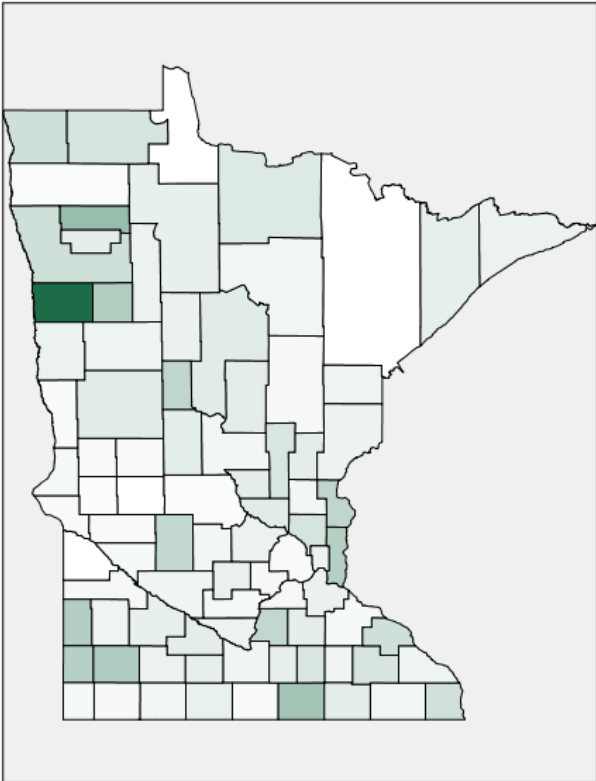
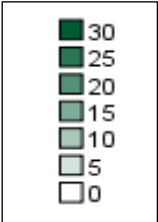
A deeper evaluation of these characteristics would allow one to compare jurisdictions to determine what is working for who and why and identify similarities proving to be effective.

Once these similarities are identified, the need for a more centralized and unified juvenile justice system can be explored.

### Appendix

Figure 1: Prevalence of Juvenile Diversion Programs in Minnesota Counties

Number of Youth Served Per Capita



**Table 1: Number of Diversion Programs by Stability of Funding**

		Stability of Funding					Total
		Extremely Unstable	Somewhat Unstable	Moderately Stable	Somewhat Stable	Extremely Stable	
<b>Number of Pre-Petition Diversion Programs Used</b>	1.0	1	4	6	21	23	55
		50.0%	80.0%	46.2%	77.8%	82.1%	73.3%
	2.0	1	1	3	3	3	11
		50.0%	20.0%	23.1%	11.1%	10.7%	14.7%
	3.0	0	0	0	2	2	4
		0.0%	0.0%	0.0%	7.4%	7.1%	5.3%
	4.0	0	0	1	1	0	2
		0.0%	0.0%	7.7%	3.7%	0.0%	2.7%
	6.0	0	0	2	0	0	2
		0.0%	0.0%	15.4%	0.0%	0.0%	2.7%
	7.0	0	0	1	0	0	1
		0.0%	0.0%	7.7%	0.0%	0.0%	1.3%
	<b>Total</b>	2	5	13	27	28	75
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Chi-Square Value: 22.852    Significance: .296  
 Somers' d Value: -.190    Approximate Significance: .052

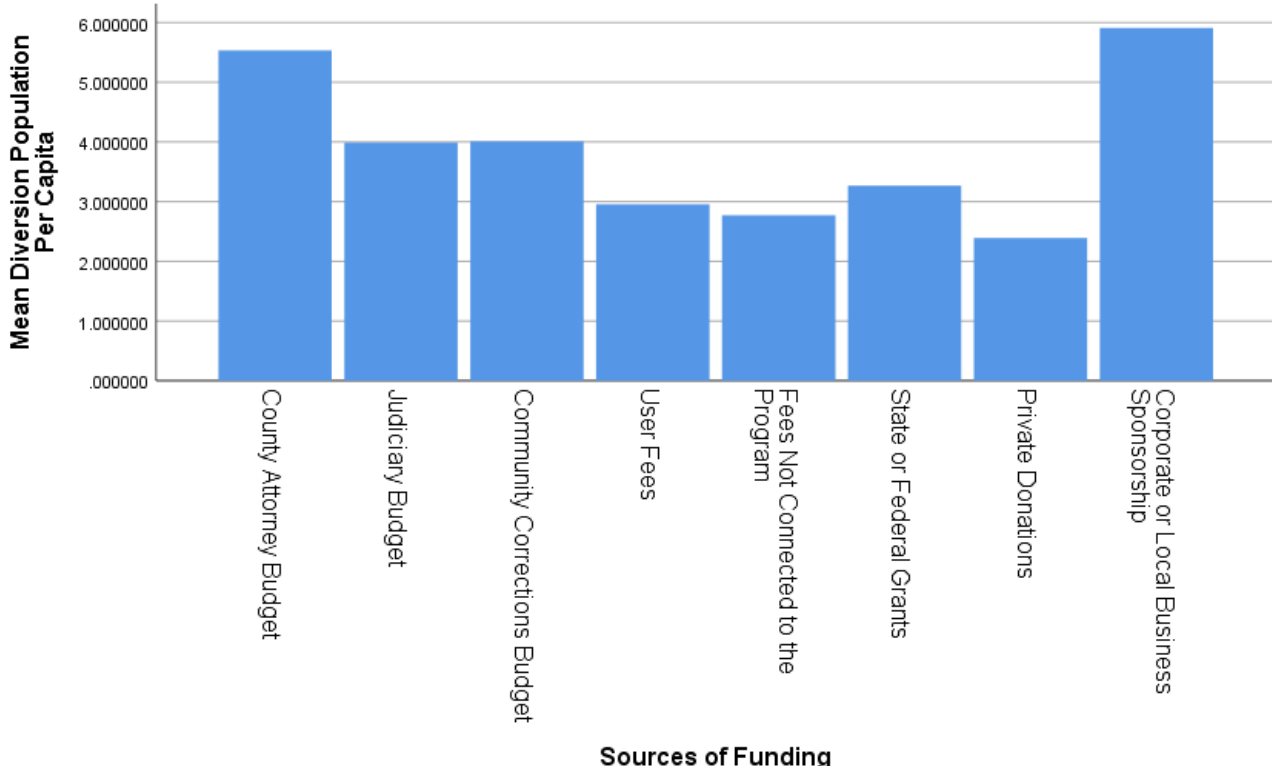
**Table 2: Diversion Population Per Capita by Stability of Funding**

		Stability of Funding					Total
		Extremely Unstable	Somewhat Unstable	Moderately Stable	Somewhat Stable	Extremely Stable	
<b>Diversion Population Per Capita</b>	Low	0	2	2	12	4	20
		0.0%	40.0%	15.4%	44.4%	14.3%	26.7%
	Medium Low	1	0	1	6	11	19
		50.0%	0.0%	7.7%	22.2%	39.3%	25.3%
	Medium High	1	1	6	3	6	17
	50.0%	20.0%	46.2%	11.1%	21.4%	22.7%	
	High	0	2	4	6	7	19
		0.0%	40.0%	30.8%	22.2%	25.0%	25.3%
<b>Total</b>		2	5	13	27	28	75
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Chi-Square Value: 21.167

Somers' d Value: -.031      Approximate Significance: 7.53

Figure 2: Simple Bar Chart for Mean Diversion Population Per Capita by Sources of Funding





**Table 3: Stability of Funding by Sources of Funding**

		Sources of Funding							Total
		Judiciary Budget	Community Corrections Budget	User Fees	Fees Not Connected to the Program	State or Federal Grants	Private Donations	Corporate or Local Business Sponsorship	
<b>Stability of Funding</b>	Extremely Unstable	0	0	1	0	1	0	0	2
		0.0%	0.0%	4.3%	0.0%	11.1%	0.0%	0.0%	2.9%
	Somewhat Unstable	1	1	2	0	1	0	0	5
		50.0%	3.8%	8.7%	0.0%	11.1%	0.0%	0.0%	7.4%
	Moderately Stable	0	1	2	2	7	1	0	13
		0.0%	3.8%	8.7%	66.7%	77.8%	33.3%	0.0%	19.1%
	Somewhat Stable	0	15	6	0	0	2	2	25
		0.0%	57.7%	26.1%	0.0%	0.0%	66.7%	100.0%	36.8%
Extremely Stable	1	9	12	1	0	0	0	23	
	50.0%	34.6%	52.2%	33.3%	0.0%	0.0%	0.0%	33.8%	
Total		2	26	23	3	9	3	2	68
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Chi-Square Value: 53.810

Lambda Value: .318      Approximate Significance: .004

**Table 4: Diversion Amongst Non-White Population**

		Percent of Non-White Population				Total
		Low	Medium Low	Medium High	High	
<b>Diversion Population Per Capita</b>	Low	8	4	6	3	21
		40.0%	19.0%	27.3%	14.3%	25.0%
	Medium Low	4	4	6	7	21
		20.0%	19.0%	27.3%	33.3%	25.0%
	Medium High	3	8	4	6	21
		15.0%	38.1%	18.2%	28.6%	25.0%
	High	5	5	6	5	21
		25.0%	23.8%	27.3%	23.8%	25.0%
<b>Total</b>		20	21	22	21	84
		100.0%	100.0%	100.0%	100.0%	100.0%

Chi-Square Value: 7.060

Somers' d Value: .070    Approximate Significance: .444

**Table 5: Diversion Population Per Capita by Romney Share of the Vote**

		Romney Share of the Vote 2012				Total
		Low	Medium Low	Medium High	High	
<b>Diversion Population Per Capita</b>	Low	5	8	3	5	21
		22.7%	38.1%	13.6%	26.3%	25.0%
	Medium Low	9	1	7	4	21
		40.9%	4.8%	31.8%	21.1%	25.0%
	Medium High	5	3	7	6	21
		22.7%	14.3%	31.8%	31.6%	25.0%
	High	3	9	5	4	21
		13.6%	42.9%	22.7%	21.1%	25.0%
<b>Total</b>		22	21	22	19	84
		100.0%	100.0%	100.0%	100.0%	100.0%

Chi-Square Value: 14.557

Somers' d Value: .052

Approximate Significance: .535

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