

**Juvenile Diversion Programs in Minnesota Counties
and their Effect on Arrest Rates**

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Abstract

The rise of juvenile diversion programs in Minnesota has sparked widespread discussion, especially as the nation addresses its concerns about overcrowded jails and prisons stemming from past "tough-on-crime" policies. Minnesota has responded by creating alternative pathways for juvenile offenders, aiming to keep them out of the traditional justice system while still holding them responsible for their actions. However, research and existing literature are unclear as to which of these diversion programs help reduce juvenile arrest rates. Different factors in each case could provide insight into which programs are most effective. I seek to explain why certain Minnesota counties have been more successful in lowering their arrest rates between 2012 and 2018 through a series of bivariate and multivariate analyses. I used Unified Crime Report Data and data on county policies from United States Census Bureau American Community Survey which examines various diversion programs in Minnesota counties. Tentative results show that the more personalized the diversion program is, the more successful the county is in reducing juvenile recidivism. For juvenile diversion programs to be successful, they have to be personalized and have higher contact with the juvenile offender.

Introduction

Arrest rates have significantly lowered since the 1970s, however, the reoffending rates of offenders are still up at extremely high rates. As the criminal justice system continues to develop and steer away from old practices, juvenile recidivism rates have been an extreme concern for a multitude of reasons. Although much research and attention has been brought forward on this issue, research on the reoffending of juveniles has been lacking (Rodriguez, 2007). The Minnesota Department of Public Safety has started to address this and bring more attention to the topic of assisting and aiding our juvenile offenders in hopes of rehabilitating them. A multitude of positive effects may come from diverting these juveniles away from prisons and reforming them in hopes of improving their futures. These programs, if successful, result in lower costs than it does to incarcerate an individual.

Diversion programs are still relatively new today, with the earliest ones emerging in the late 1990s and early 2000s. As these programs continue to develop, research and analysis along the way can assist in speeding up the process of lowering arrest rates among juvenile offenders. By emphasizing prevention and early intervention these programs assist in addressing underlying problems that lead to delinquent conduct, such as substance addiction, mental health disorders, or unstable families. Furthermore, separating juveniles from formal court proceedings eases the strain on the juvenile justice system and frees up funds for more effective community-based programs that encourage support and rehabilitation. Minnesota's juvenile diversion programs may continue to succeed in fostering better futures for at-risk youth and strengthening the foundations of communities following and adapting to newly founded research-based evidence.

Literature Review

Background

The system is teaching my son that he can break the law, over and over again, without any consequences,” said Cassie Carter, the mother of a teenage boy who used to dream of becoming a police officer who became friends with the wrong group of peers. (Sawyer, L., Serres, C., & Webster, M 2022) Minnesota has taken a different approach to how its criminal justice system handles juvenile youth. Counties in Minnesota have had mixed results with the outcomes of the diversion programs set up for juveniles. These programs aim to have a different route for young offenders to avoid the criminal justice system and not re-offend in the future, with the avoidance of ending up within the system for the rest of their lives. Juveniles reoffending at alarming rates continues to be a concern since it is troublesome to figure out the reasoning for why these programs don’t work well enough to keep these children from reoffending.

The United States currently has the highest reoffending rates compared to any other nation. It also had been noted that previous juvenile offenders within the state of Minnesota alone re-offend at extremely alarming rates (Mbangowah, 2017). According to the US Department of Justice, roughly forty-four percent of individuals re-offend within a year after being released, and sixty-one percent of individuals who have previously been convicted reoffended within three years of being released back into society. After five years, the reoffending rates jump up significantly to roughly eighty percent, an astonishing rate in Minnesota (Winter, D., M. R., 2023).

Rearrest Rates Among Juvenile Offenders

Restorative justice alternatives for juvenile offenders can play a crucial role in lowering our juvenile rearrest rates throughout Minnesota. It has been found that about thirty states in the United States have an average of eighty-three percent recidivism rate (all ages) throughout their

lifetimes when the option of a diversion program is not implemented (Richner, K. A., Pavelka, S., & McChargue, D. E. 2023). This number is extremely high, which explains why correctional staff talks about some inmates as “frequent flyers”. When a restorative diversion route is put in place the reoffending rates drop significantly to about twenty-one percent (Richner, K. A., Pavelka, S., & McChargue, D. E. 2023). Not only do these offenders have their initial diversion program, but if determined for certain cases other rehabilitative measures take place, like therapy, or ongoing treatment follow-ups.

Approximately forty percent of adolescents apprehended between the years 2019 and 2023 had prior encounters with the criminal justice system that did not result in an arrest, as reported by the National Criminal Justice Association (NCJA). This statistic elicits profound concern among researchers and practitioners within the criminal justice domain, as it underscores a substantial proportion—nearly two-fifths—of juvenile individuals who remain within the legal system potentially exhibiting recidivist tendencies. The discernment of suitable diversionary interventions for high-risk juvenile offenders, particularly those implicated in grave transgressions, presents a formidable challenge. Equally challenging is the task of tailoring interventions for individuals involved in less severe infractions, necessitating a nuanced approach that accommodates the diverse spectrum of juvenile delinquency.

Effectiveness of Diversion Programs

There are criminal justice groups, like the Counsel of Juvenile Corrections Administrators (CJCA), that are attempting to define a more standardized measurement for labeling what constitutes juvenile reoffending according to Casey and Siennick (2022). Currently, it is up to each county to decide how they report the recidivism crime, certain counties will include smaller

charges such as petty misdemeanors, while some won't even report them. Members of the Minnesota House of Representatives are currently working to pass the Minnesota Rehabilitation and Reinvestment Act. If this act is passed, it will make a significant change in how Minnesota goes about its sentencing for many different criminal offenses, the goal of this act is to base the sentencing on how the offender spends their time in jail, rather than how much time they spend in jail. By this, offenders will spend a certain amount of their sentence in jail (sentencing time decided by a judge) and then once a certain amount was spent the offender may be eligible for supervised release.

The goal of this act is to help the state save an estimated \$4,600 per person and is believed to help lower reoffending rates, as thirty-eight other states have passed similar bills. Other states have found that the inclusion of earned release has lowered their recidivism rates. The funds that would otherwise be used on housing the incarcerated individuals are used toward rehabilitative programs, mental health counseling, and support services for victims.

It is difficult to determine why some offenders re-offend when another individual with the same charges will not re-offend. Or why certain types of recidivism programs work better for some, in the same context. Research has shown that the style of program that an offender receives before their re-offense plays a significant role in the odds an offender may re-offend. More specifically, the findings from a longitudinal study, which spanned over eighteen months, unequivocally indicate that juveniles placed under probationary measures face an increased risk of reoffending and subsequent convictions. This risk, estimated to be approximately 1.7 times greater, contrasts with the outcomes observed among those exposed to diversionary strategies and programs. This warrants the nuanced relationship between the type of variation and its impact on recidivism rates, warranting further investigation and consideration (Wilson, H. A. & Hoge 2013).

The intervention needs of juvenile offenders vary greatly depending on the nature and severity of their offenses and prior criminal history. A youth with a clean record who has committed a minor infraction may not require the same level or type of diversion program as one who has been released following a more serious felony conviction. The complexity of this decision-making process is further compounded by resource constraints within counties, that often dictate the quality of diversion intervention options. Although each county in Minnesota is required to have at least one diversion program, there are no laws on how a county should qualify individuals for these programs (Sawyer et al., 2022). Another concern with the effectiveness of diversion programs is the funding each county receives for these programs. An adequate amount of funding is necessary to meet the needs of each individual in need of diversion programs, especially since our juveniles have their entire lives ahead of them and shape our future.

Limitations and Challenges of the Current Programs

Each county gets a different amount of funding for these potential diversion programs. While counties receive funding from the Minnesota Department of Public Safety, it's the responsibility of each county to decide the allocation of funds for diversion programs. Additionally, other sections of the system may experience budget cuts proportionate to the funding allocated to these programs. According to a survey done by the MNDOC, roughly sixty-two percent of counties reported that their diversion programs were funded wholly or in part through the probation/community corrections budget, and almost half of the counties reported that the juveniles will have to pay for part of the diversion program out of pocket themselves. This leaves counties with disproportionate amounts of funding, leading to fewer options and leaving juveniles with the fear of not being able to afford the programs, however, lack of funds would not disqualify a juvenile.

By moving funding towards these juvenile diversion programs, it will cost us less in the long run, compared to if we were to detain every juvenile. Compared to the expense of jail and pricey out-of-home or residential placement institutions, these community-based assistance programs are far less expensive. As a result, by offering diversionary programs to juvenile delinquents, system costs are lower, and essential public resources continue to be reserved for the more serious offenses, according to the editors of *Youth.com*. Moving funds over to these diversion programs can positively impact youth and save money in the long run.

Another issue that our criminal justice system faces is bias by those who work within the system, some individuals may not even notice that they are biased. Racial disparities are a major concern within the field of criminal justice, including our juvenile systems. Black youth were 4.12 times more likely to be arrested, and Native American youth were roughly three times more likely to be arrested than a white juvenile would be. Shifting our system away from these punitive programs to more diversion-related programs, if followed correctly, may help lower the significantly higher arrest rates minorities face (Schlesinger 2019).

By noting bias exists, counties can use this research to create diversion programs that help reduce the bias. Recently, the MNDOC has begun requiring training for those who work in the criminal justice system and related. “Our interviews indicated the importance of training in implicit bias, as well as the response to recognizing suspects with trauma and mental health, for professionals working with juvenile justice-involved and -adjacent youth” (McHenry, Phinney 2018, 38). Recently, every county has adopted training sessions, which have demonstrated success. These sessions, as per the Minnesota Department of Corrections, can occur online or in person, ensuring accessibility for all.

Minnesota has just about a fifty percent reoffending rate within twelve months of the release of a juvenile back into society, so it is important to address why juvenile diversion programs may be falling short. In a qualitative study done by Mbangowah (2017) using an *ex post facto* (after the fact) design, they found that those who are currently on probation with similar offenses and characteristics have better outcomes with lower recidivism rates when they complete a diversion program, compared to those who become incarcerated and are unable to participate in these diversion programs.

Restorative Justice in Juvenile Diversion

Historically restorative justice has been frequently recognized as a way of reintroducing the offender to society and helping them reconnect and grow relationships within the community in hopes this will prevent future offending. When taking a restorative justice approach the offender may sit down in meetings with employees within the justice system and sometimes even the victim. These meetings consist of the offender learning about their wrongdoings, taking accountability, and addressing any underlying reasons for why they committed the offense (such as mental health problems). This approach differs from others because most diversion programs hope to divert offenders away from traditional criminal justice processing and avoid the consequences of a criminal record. Studies on whether the restorative approach lowers recidivism rates vary significantly, this is because studies measure recidivism differently (Bergseth & Bouffard 2007).

According to the National Conference for State Legislatures, restorative justice is effective because the model allows victims to be heard and allows the offender to understand how this affected the victim and turn away from victimizing others. Groups within the system will work together to help connect not only victims with support but offenders as well. Many have argued

that this approach re-traumatizes the victim, however, findings from recent studies show that victims would prefer this approach as it gives them a sense of closure. Taking a restorative justice approach within the diversion program allows the offender to understand how they impacted the victim and their families completely. This may open up the eyes of an offender, influencing them to steer away from further offenses.

Preliminary Analysis

Methods and Analysis

Data for this analysis was created by combining data from three different sources. The initial data was sourced from the Minnesota Department of Public Safety Office of Justice Programs, while the second dataset was extracted from the United States Census American Community Survey 5-year estimates, with a particular emphasis on poverty, race, and age demographics. Data from both sources was aggregated at the county level, encompassing all 87 counties within Minnesota. This data was then combined with the arrest rates difference from 2018 minus 2010 for each county in Minnesota, this was gathered from the Minnesota Department of Public Safety Arrest Dashboards.

The data was combined and put into an SPSS dataset. Part 1 offenses are defined as the more serious offenses, like homicide, rape, robbery, burglary, and more. Part 2 offenses are less serious, also known as “index offenses”. These offenses may include, but are not limited to simple assault, forgery, embezzlement, driving under the influence (DUI), and mild domestic cases. Most counties also had a very small number of status offenses, meaning offenses that make it so juveniles may be taken into protective custody, like violating curfew or a runaway. The arrest data

was calculated by taking the difference from the 2018 juvenile arrest count minus the 2010 arrest count for both part one and part two crimes.

Based on the literature, I hypothesize the following:

1. Counties that experience higher poverty rates will continue to see a rise in the number of arrests, compared to counties that do not struggle with high poverty rates.
2. Counties within Minnesota with less stable funding for diversion programs will experience a rise in arrest rates, compared to those that have more stable funding.
3. Counties within Minnesota that have a higher degree of restorativeness within their juvenile diversion programs will show improvement in their arrest rates.

Higher Poverty Rates and its Effects on Arrest Rates

Counties with a higher poverty rate will exhibit a rise in arrest rates. I infer, based on previous literature, that these counties will struggle to lower the crime rates since access to resources outside of the free ones provided by the county is extremely limited to those without money. Access to transportation, childcare, or mental health resources may be limited when a family cannot afford these. Without transportation, offenders are unable to make it to complete their diversion programs, and if the offender does not participate there are potential repercussions judges may implement, potentially resulting in the dismissal from the diversion program. Without proper mental health resources, this can cause the individual to not be able to fully engage in the diversion programs. Impoverished communities may also lack basic community support systems for one another, resulting in limited access to role models, mentors, or positive peer support.

(Table 1)

(Table 2)

When first conducting a test to show that higher poverty rates within the county causes arrest rates to rise a scatter plot was conducted (Tables 1 and 2). The independent variable in this test is county poverty rates. When analyzing the scatter plot, I was surprised to see a very little rise. The scatter plot shows a minimal growth rate, with no significance. Mahnomon County has the highest rate of families below the poverty line and showed that in 2018 arrest rates rose for both part 1 and 2 offenses. Other counties, like Beltrami, with higher poverty rates show success in lowering arrest rates.

Stability of Funding and the Rise of Arrest Rates

Although each county is given funding by the state, they are in charge of budgeting their juvenile diversion programs themselves, typically done by taking funds out of different areas of the county's budget. Some may take the funds out of the county attorney's budget or directly from the correctional facility's funds. This can cause small or inconsistent funding for juvenile diversion. Each county was asked to rank their opinion on how stable each county's funding is based on a multitude of factors such as: "Do juveniles have to pay any portion out of pocket to participate in the diversion program", "Do you receive an adequate amount of grants to afford these diversion programs". Only two counties rated their funding to be extremely unstable, five counties said theirs is somewhat unstable, twenty-eight counties believed their funding to be extremely stable, twenty-seven believed theirs to be somewhat stable, and thirteen to be moderately stable.

(Table 3)

(Table 4)

To establish whether the stability of funding affects the recidivism rates within a county, two different box plots were created. The independent variable was put on a scale of one to

five, one being extremely unstable and five being extremely stable. The two counties that stated their funding is extremely unstable, oddly enough saw some improvement in their arrest rates. Whereas the counties that stated their funding is somewhat stable or extremely stable had a wide variety of successes or failures. Yellow Medicine County showed a steep rise in arrest rates for their part one offense, yet the county ranked their funding at a four. Another important county to note is Swift County under their part two offenses. They ranked their stability a four, however they saw the biggest rise in juvenile arrest rates out of all Minnesota counties. On the other hand, the counties that had the highest success rates with lowering their arrest rates believed their funding ranked a four or five.

Lyon County believed their funding to be extremely stable (5 on the scale) and had significant improvement in their part one arrest rates. Of the counties that believed their stability of funding ranked a four or five within both part one and part two crimes, they had the highest success rates. There was a lot of variation of success from the counties who said their funding was extremely stable. Even counties that regressed the most said their funding was extremely stable. Clearwater County had extreme success in lowering their part two offenses (down by roughly 5) and believed their funding was extremely stable. Counties that have made significant improvements in their performance feel confident about the stability of their funding. Similarly, counties that have not shown improvement or have experienced an increase in arrest rates also perceive their funding to be stable. This leaves the results of this hypothesis to be inconclusive, meaning the county's view on how stable the funding is, doesn't necessarily mean they will see improvement by lowering arrest rates.

Counties with a Higher Restorative Justice-Based Program and the Arrest Rates

It is hypothesized that there exists an inverse association between the higher degree of restorative justice within diversion programs and juvenile arrest rates. Programs emphasizing restorative justice principles will demonstrate lower rates of juvenile arrests. Restorative justice framework prioritizes holistic approaches to addressing delinquent behavior by focusing on repairing harm, fostering accountability, and promoting reconciliation within the community. By actively involving stakeholders such as victims, offenders, and community members in the resolution process, restorative justice-based diversion programs facilitate meaningful interactions that encourage personal growth and deter future criminal activity. Additionally, these programs address the underlying causes of juvenile offending, such as trauma, family dysfunction, and lack of social support, through targeted interventions and support services. By fostering positive relationships within the community and promoting long-term behavioral change, restorative justice-based diversion programs equip juveniles with the skills and resources needed to avoid further involvement in the justice system, ultimately leading to reduced arrest rates among this population.

(Table 5)

(Table 6)

The levels how to determine how restorative programs were determined by a binning of different variables together to create an ordinal variable based on how personalized the program is. Table five shows that 36.9% of the counties that do not use any restorative approach at all have the most success in lowering arrest rates (-.96 and lower) within part one offenses, whereas 34.8% of counties that have some use of the restorative justice approach show no improvement in lowering the arrest rates (.05 and up).

Within the realm of the status two offenses, we saw similar results, with the most success falling within the counties with non-restorative approaches (28.9%), whereas the counties that used the restorative approach showed a majority with no improvement and a rise in the arrest rates (28.8%). This analysis proved the opposite of my hypothesis, as it shows that counties that move away from the restorative justice approach, tend to improve and lower arrest rates within their county. Thirty-eight counties in Minnesota have already moved completely away from the restorative justice approach, whereas eighteen counties continued to still use the restorative justice approach relative to 2012.

Conclusion

As the rise of diversion programs in Minnesota becomes more prominent, discussion on whether this alternative route of focusing on aiding the individual proves higher success rates rather than the previous beliefs on the “tough-on-crime” approach Minnesota, alongside numerous states, has taken for decades. It is clear from a thorough examination of juvenile diversion programs and their effect on recidivism rates that there is necessary further research to be done regarding the effectiveness and quality of these various programs. Analyzing the prevalence of poverty, stability of funding, and the use of restorative justice concepts in these Minnesota Counties has provided crucial and important insights on where we should start focusing our attention when looking into our future of diversion programs.

The hypothesis that greater poverty rates result in higher arrest rates displays an inconclusive link based on the examination of county-level poverty rates and arrest patterns from 2012 to 2018. Although I first assumed that counties with greater rates of poverty would show an increase in arrests, the scatter plot analysis showed a varying trend. There appears to be a small increase in arrest rates in relation to poverty rates, which shows that poverty rates do not affect the

effectiveness of diversion programs. However, the overall trend does not support a direct causative link between poverty and rising arrest rates within the studied timeframe.

A complex link between financial stability and program efficacy is presented by the results, which are based on an investigation of county-level budget stability and its possible influence on juvenile arrest rates. Although most counties consider their financing to be either extremely stable or moderately stable, the actual results varied greatly throughout various jurisdictions. It's interesting to note that, in contrast to predictions, counties with severe funding problems also showed modest improvement in arrest rates. On the other hand, counties that were more successful in lowering their arrest rates also tended to think that their financing was quite steady. This complex pattern implies that the results of juvenile diversion programs are influenced by variables more than just the consistency of financing.

The examination of the rates of juvenile arrests concerning the restorative justice strategy used in diversion programs showed results that contradicted my hypothesis. I hypothesized that the use of the restorative justice approach would lower arrest rates within the juvenile court, this proved the opposite indicating that the counties that did not use this approach showed more success than counties that continued to use the restorative approach. These findings cast doubts on the popularized belief in the success of restorative justice systems in reducing juvenile offending.

In the future, I hope to see more coverage and attention within our state and communities toward juvenile reentry programs. The effectiveness of juvenile diversion programs also emphasizes how important prevention is when it comes to dealing with juvenile offenders. In addition to lowering the number of juveniles being initially arrested right away, early intervention and assistance provide young people with the opportunity to live fulfilling lives while also making valuable contributions to their communities. Therefore, bringing awareness and attention to these

programs is crucial in creating healthier communities and aiding in the advancement of Minnesota's youth.

Appendix

Table 1

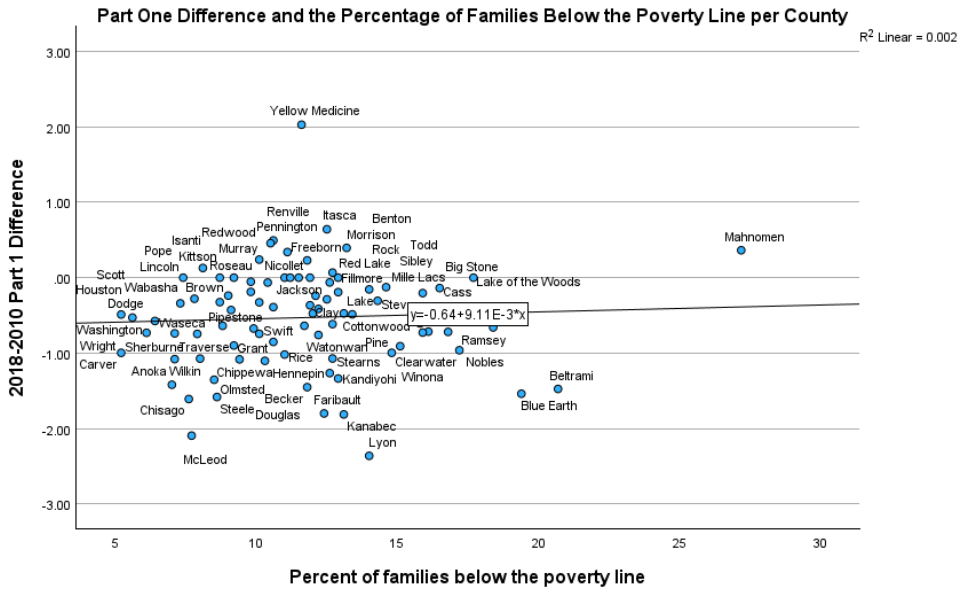


Table 2

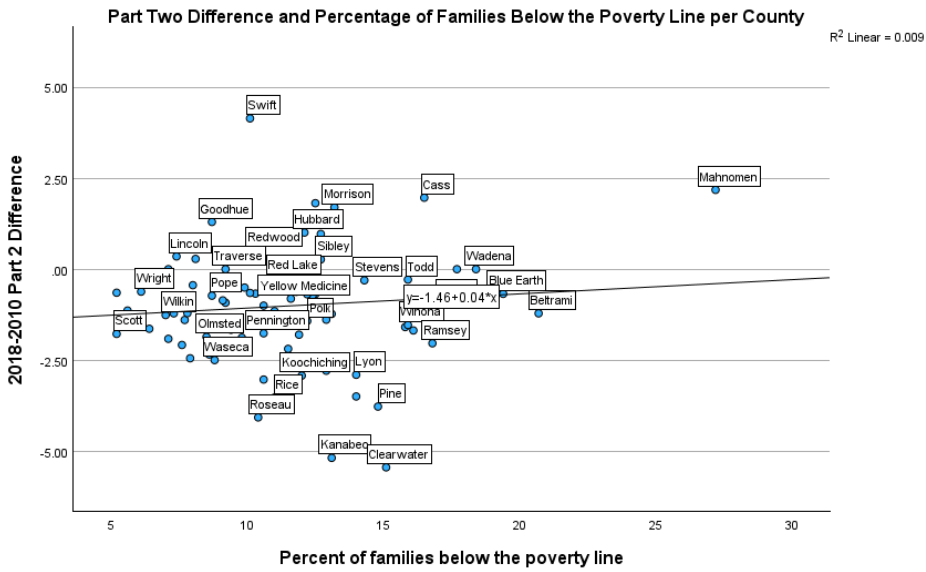


Table 3

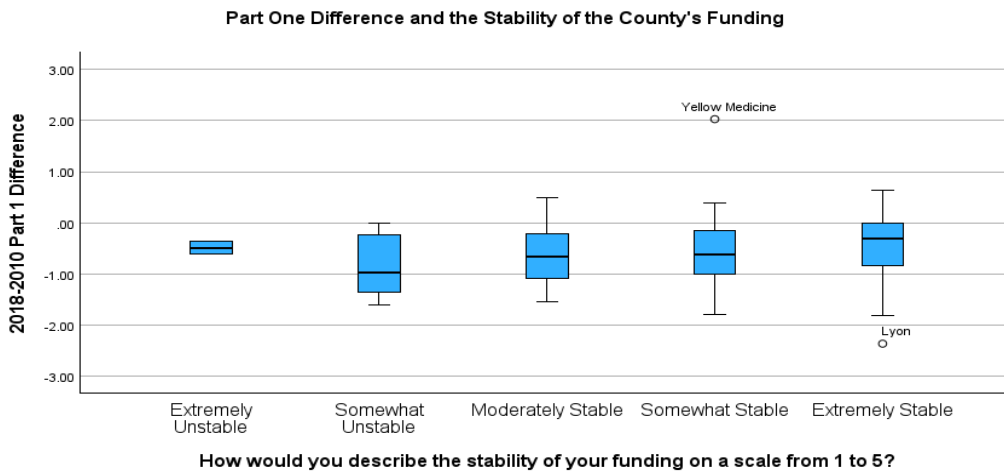


Table 4

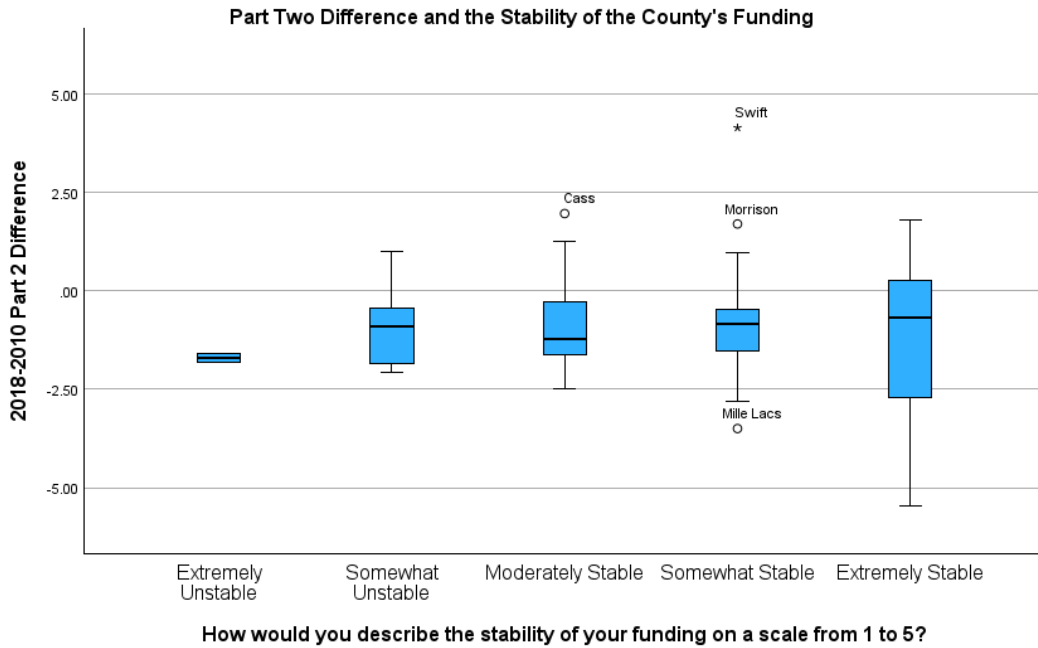


Table 5

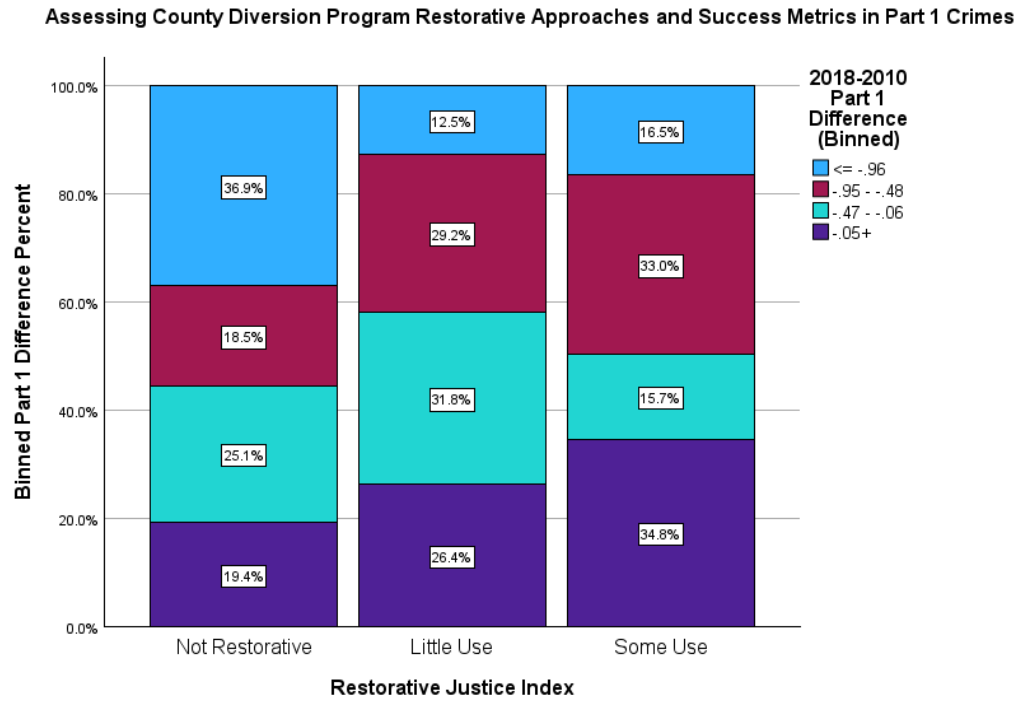
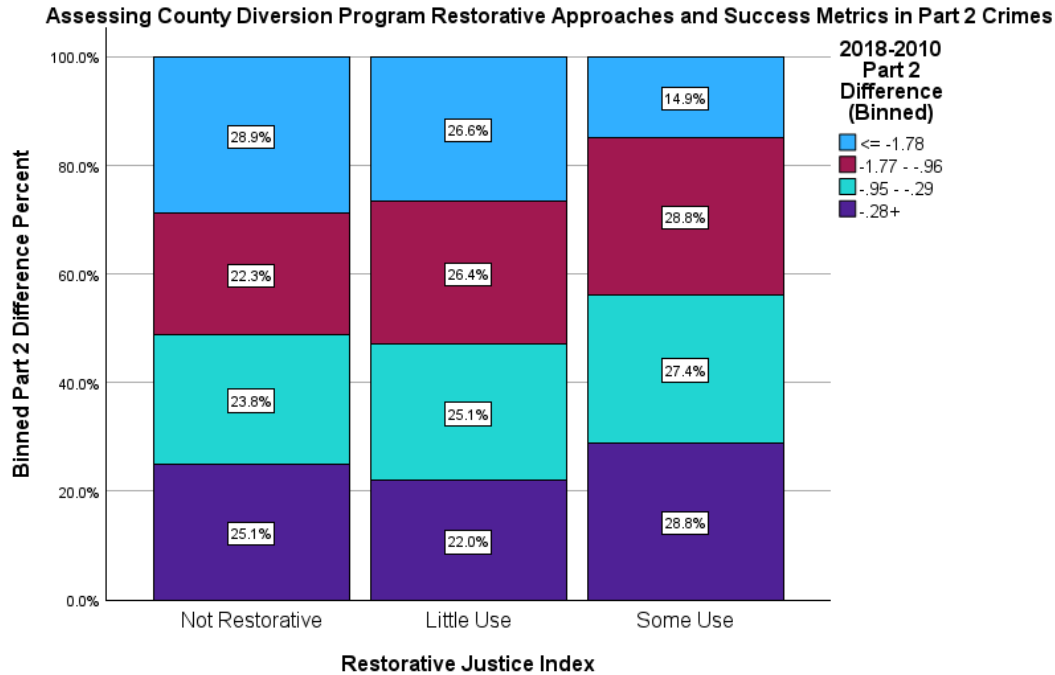


Table 6



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[punitive/#:~:text=%E2%80%9CWe%20are%20in%20the%20business](https://minnesotareformer.com/2023/03/03/dfl-pushes-legislation-to-make-minnesota-criminal-justice-system-more-rehabilitative-less-punitive/#:~:text=%E2%80%9CWe%20are%20in%20the%20business) Accessed 2/29/2024

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