

LA County Embarks on Sweeping Youth Diversion Plan

By [David Washburn \(https://www.calhealthreport.org/author/dwashburn/\)](https://www.calhealthreport.org/author/dwashburn/) • Mar 8, 2018



Youth advocates have long complained that whether a juvenile is offered diversion depends on where in the county he or she is arrested, and the color of his or her skin. Because the new diversion plan will cover the entire county, officials and advocates are optimistic that it will help reduce these disparities. Photo Credit: Thinkstock

The plan has the potential to make jailing youth, except those convicted of the most serious crimes, a thing of the past.

Los Angeles County—the birthplace of heavy-handed police tactics like S.W.A.T. teams, helicopter patrols and gang injunctions—is embarking on an effort that could make the nation’s most populous county a model for using a lighter touch with juvenile offenders.

Late last year, the LA County Board of Supervisors approved a sweeping plan that will make diversion the centerpiece of the county’s juvenile justice system, and could in the long run, all but end the practice of arresting and prosecuting youth under 18, except for the most serious crimes.

“This is a huge sea change and represents a whole new era in dealing with youth, especially youth of color,” said Peter Espinosa, a former Los Angeles County Superior Court judge who is leading the effort.

Espinosa heads the new Division of Youth Diversion & Development

(https://dhs.lacounty.gov/wps/portal/dhs/!ut/p/b0/04_Sj9CPYkssy0xPLMnMz0vMAfGjzOLdDAwM3P2dgo0MQvxNDQ) which supervisors created within the county Department of Health Services when they approved the plan last November. The department is tasked with designing a program that will ultimately serve all 46 police agencies within the county borders, including the Los Angeles Police Department (LAPD), the Los Angeles County Sheriff’s Department, the juvenile probation division and the many smaller police departments.

Youth arrests have plummeted in LA County over the past decade –from 56,285 in 2005 to 11,399 in 2016, according the most recent U.S. Department of Justice data. Yet, that in as many as 9,000 of those 2016 cases, youth could have been offered a diversion program had there been proper resources in place.

The only offenses not eligible for diversion under the plan are felonies committed with a firearm and serious juvenile crimes which the state Welfare and Institutions Code has declared ineligible

(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=707.&lawCode=WIC) for diversion.

That includes assaults that result in serious bodily injury, robbery, rape and sexual assault, kidnapping, murder and attempted murder, and several other violent felonies.

“We are trying to emphasize prevention and we don’t believe the most effective solution is incarceration,” said Supervisor Mark Ridley-Thomas, who first proposed the plan in early 2017 and shepherded it through the county supervisors’ vote in November.

“We believe that is better for the young person involved as well as better for taxpayers.”

When Ridley-Thomas mentions taxpayers, he is alluding to the estimated \$233,000

(<http://www.latimes.com/local/countygovernment/la-me-probation-sticker-shock-20160223-story.html>) it costs to house a young offender in one of the county’s juvenile lockups for one year.

Espinosa acknowledges that bringing the plan to fruition “will be a heavy lift,” especially when considering the current state of diversion in the county. While there are diversion programs operating now, they exist in pockets of the county and are inconsistently offered.

Youth advocates have long complained that whether a juvenile is offered diversion depends on where in the county he or she is arrested, and the color of his or her skin. A number of studies have (<https://www.sentencingproject.org/publications/black-disparities-youth-incarceration/>) shown that white youth in Los Angeles and elsewhere are far more likely to be offered diversion than youth of color. Because the new diversion plan will cover the entire county, officials and advocates are optimistic that it will help reduce these disparities.

Despite the daunting nature of the undertaking, there is a palpable excitement for the plan among law enforcement officials as well as youth advocates.

“It’s been a thrill to watch it unfold,” said Robert Ross, president and CEO of the California Endowment

(<http://www.calendow.org/>), which has invested heavily in efforts to limit youth incarceration. “Because the LA system is so large, we think the direction they are headed in will have national implications.”

Breaking New Ground

Ross and others say the plan is groundbreaking because it prioritizes pre-charge diversion, meaning that a youth alleged to have committed a crime will be diverted before being booked and fingerprinted. This means that as long as he or she completes a diversion program, there will be no record of the arrest.

This is crucial, youth advocates say, because studies have shown that any contact (<https://www.theatlantic.com/magazine/archive/2016/11/how-america-outlawed-adolescence/501149/>) with the juvenile justice system, even just an arrest and one court date, makes a child less likely to finish school and more likely to become further ensnared in the system.

While advocates have long pined for pre-charge diversion, it's traditionally been a deal-breaker for many in law enforcement who have feared it would remove an important crime deterrent. But successful large-scale diversion programs in a handful of other places, such as Miami-Dade (<http://www.miamiherald.com/news/state/florida/article180369886.html>) County in Florida and San Francisco (<http://www.sfxaminer.com/youth-commissioner-pushes-sf-reduce-incarceration-rate-young-adults/>) County, have suggested that those fears are largely unfounded.

High-level officials in the LAPD have bought into pre-charge diversion thanks to a five-year-old partnership with Centinela Youth Services (<https://www.cys-la.org/>), a local nonprofit focused on youth and community development.

The program started in the LAPD's South Division, with officers referring 49 pre-charge cases to Centinela in 2013. Since then, the program has expanded to a dozen divisions, with officers referring 254 cases to Centinela in 2017, according to Cmdr. Jeffery Bert of the Los Angeles police department.

And though those cases represent a small fraction of all juvenile arrests by LAPD officers during those five years, the recidivism rates opened a lot of eyes.

The recidivism rate for youths who go through the county's juvenile justice system without the offer of diversion is between 30 and 60 percent, Bert said.

Meanwhile, the rate for youth in the Centinela program has hovered around 11 percent.

"This program has really blossomed for us in the past two years," Bert said. "We believe in it and would like to see its smart expansion."

The LAPD's experience notwithstanding, advocates say getting system-wide buy-in for the pre-charge model was an uphill battle, and likely wouldn't have happened had they not elbowed their way into the development process, starting in March 2017 when a committee established by the supervisors began meeting to design the plan.

"Usually system change is driven by county players and law enforcement, and it gears too much toward suppression and a hammer-only approach," said Kim McGill, an organizer with LA County's Youth Justice Coalition (<http://www.youth4justice.org/>).

"If we didn't push hard and bring four or five young people to every meeting, we wouldn't have gotten this plan."

One young person who joined the lobbying effort is 23-year-old Tanisha Denard, who was charged with petty theft and sent to juvenile hall as a 16-year-old after getting caught stealing personal hygiene items from a store in South Central Los Angeles.

Denard claims hasn't been in any trouble with the law since. She said she stole the items because her mom was in the process of losing her house to foreclosure, and Denard didn't want to burden her with more expenses.

But her record has been a severe hindrance as she's tried to get through college.

“For a long time, it held me back as I tried to find jobs and pay for college,” said Denard, who is currently attending Long Beach City College. “I would do good in the interviews, but then it would come to the background check and they’d say your background didn’t pass ... if I’d gone through diversion I’d be at a university by now.”

Sheila Mitchell, who heads the county’s juvenile probation division, said she was excited to see the groups, which in the past haven’t seen eye-to-eye, come together.

“Fundamentally and philosophically, we need to help our children do well, and help them avoid the path that takes them deep into the juvenile justice system,” Mitchell said. “The beauty of this undertaking is all hands are on deck—courts, law enforcement, supervisors and community-based organizations.”

Finding the Money

Supervisors just over \$26 million in funding for the plan, which will be phased in over four years. Mitchell is being credited for offering up nearly half of the funding from her budget in the probation department.

Advocates characterize the \$26 million as “a good start,” but add there is concern as to whether the county will dedicate the resources necessary to build capacity within community-based organizations that would sustain a countywide diversion program over the long haul.

“The county has invested a lot of money in blue ribbon panels and task forces in the past, but unfortunately they often sit on the shelf and collect dust,” said McGill of the Youth Justice Coalition.

“So, it will take the same vigilance and united effort among county players and [community-based organizations] that we’ve had so far to make sure this plan is implemented.”

County officials say they’re confident they’ll be able to find other funding for the program, including state grant money. And they are counting on charities to provide increased funding to community organizations that will serve the diverted youth.

“There’s a lot of energy for criminal justice reform in the philanthropic community,” said Ridley-Thomas, who gave the opening remarks to a crowd of more than 300 at the Youth Diversion & Development Summit held March 1 at the Carson Community Center. “I think charities are already stepping up because they want to see certain kind of results.”

Ross of the California Endowment said his institution is dedicated to helping to make the plan work, so much so that he showed up and spoke at the supervisors’ meeting when the plan was approved. But he cautioned against expecting too much from philanthropies, adding that the largest pool of potentially available money is the billions in taxpayer dollars currently being spent on California’s “incarceration infrastructure.”

“I think the philanthropic community will be emboldened and bolstered should the LA County plan go forward,” Ross said.

“We see our role and supporting the development and evaluating the effectiveness of the approaches. But it’s the public and taxpayer dollars that will be the main driver of change – the philanthropic money won’t be able to save the day.”

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