



Reimagining Youth Justice in Hennepin County: Modeling the Impact and Effectiveness of Prosecutorial Responses

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Executive Summary

Developmental scientists consider most alleged youth criminal behavior to be a type of normative adolescent risk taking, with nearly all youth eventually outgrowing difficult behaviors without any formal intervention. Evidence consistently demonstrates legal system contact that occurs during adolescence can damage young people's futures, with more punitive responses associated with worse future outcomes. The Hennepin County Attorney's Office (HCAO) requested actionable research by University of Minnesota (UMN) researchers to assess and compare reoffending rates for youth cases following different responses used by prosecutors, and to analyze factors that predict specific outcomes. UMN researchers conducted multiple analyses on over 21,000 cases among 11,012 individual youth that were submitted to the HCAO between 2016 and 2023.

Findings include that recidivism increases with each legal system contact. In multiple analyses, we found that successful pre-charge diversion had the lowest recidivism rates compared to other types of responses. However, we also found that existing eligibility criteria for pre-charge diversion resulted in overrepresentation in access to pre-charge diversion among youth on first offense, youth with misdemeanor offenses, and youth who are White and female. Additional analysis revealed problematic patterns for higher impact cases – cases which have been most likely to be petitioned to court. For example, one-third of cases of youth on their third referral or involving a gun will end up with another charged case within one year. Further, charging high impact cases was associated with a greater likelihood of 12-month recidivism compared to declining the case across multiple analyses.

The report concludes with recommendations that include expanding eligibility for pre-charge diversion based on using person-centered rather than offense-centered criteria. We also recommend tailoring diversion opportunities for youth and engaging providers with expanded capacity to meet more diverse needs among youth.

Definitions

Accountability process and accountability period: The accountability process begins with the prosecutor's initial decision on a submitted case. For declined and informally diverted cases, there is no accountability period because there is no accountability process supervised or directed by the county attorney's office. For diversion cases, the accountability process involves diversion, and the accountability period begins on the day the decision to divert was made and ends when the case is resolved. For charged cases, the accountability process is the traditional court process, which begins on the date of the charge decision and ends when the case is resolved in court and /or corrections.

Adjudication: A disposition that indicates a youth has been determined in court to be responsible for criminal behavior, analogous to "conviction" in adult criminal court.

Case: A submitted report for an incident with an individual named who is accused of committing a crime. An individual youth can have multiple cases. This report at times refers to a submitted case as a "referral" and ensuing submitted cases as re-referrals.

De-identified data: Information that has been stripped of personal identifiers (names, addresses) that could be used to trace it back to an individual youth.

Decline: A prosecutorial response to neither divert nor petition a case, usually due to legal reasons such as insufficient evidence, or applying prosecutorial discretion.

Disposition: The final decision on a petition filed in juvenile court.

Diversion: A prosecutorial response that offers alternatives to traditional, court-centered responses, especially options that involve accountability or services provided by community or family. Diversion options during the study period included:

- **Informal diversion:** a type of diversion that can involve a referral to voluntary supports or services, but does not include any conditions or requirements of a report back to the county attorney's office about successful engagement in programming. Informal diversion during the time period studied in this report includes:
 - **Letter diversion:** Advisory to parent/guardian asking family to address youth's behavior
 - **Curfew Diversion:** Curfew violations are not filed with court unless the youth has a pending charge in court for a non-curfew delinquency offense. Most curfew cases are referred for intervention to The Link, which operates the Youth Connection Center (formerly the Juvenile Supervision Center).
- **Pre-charge diversion:** Diversion with required programming and with the potential for the case to be petitioned to court if a youth does not successfully complete programming. In cases where a youth is successful with programming, the case is closed without a petition being filed. Pre-charge diversion included two types of programming:

- **Petty drug and alcohol (PDA) diversion:** Generally, an informal diversion program with voluntary referral to services related to chemical health and well-being. In a few occasions, non-participation can result in the case being returned to the county attorney's office for further review.
- **Formal pre-charge diversion programming:** Youth and family participate in an intake assessment and a diversion contract, specific to the youth, is developed. Services are provided by a coordinating provider or referred to other community-based programs. A special pre-charge diversion program exists for youth on domestic charges, called Juvenile Family Violence Diversion.
 - **Restorative justice (RJ) diversion:** One of three groupings of community-based diversion providers. This type of pre- and post-charge diversion programming included four local agencies that worked with youth and families to repair harm caused.
 - **Services diversion:** One of three groupings of community-based diversion providers. This type of pre-charge diversion programming included eleven local agencies and individual programs within agencies that provided specific services to youth based on their needs, ranging from positive youth development programming to chemical or mental health counseling.
 - **Traditional diversion:** One of three groupings of community-based diversion providers. This type of pre-charge diversion programming included six local agencies and individual programs within agencies that provided specific services to youth based on their needs, ranging from positive youth development programming to chemical or mental health counseling.
- **Post-charge diversion:** Diversion with required programming offered after a petition has been filed within juvenile court and with the potential for the case to be adjudicated in court if a youth does not successfully complete programming. Most post-charge diversion during the period studied was sent to restorative justice or culturally-specific agencies. In cases where the youth is successful with delinquency post-charge diversion and restitution is completed, the State files motions to seal court records.

Eligibility criteria: Each type of diversion programming has different eligibility criteria informing prosecutorial decisions. The Diversion Guidelines that governed eligibility criteria during the time period studied are included in **Appendix B** of this report.

Offense types: The specific illegal behavior that an individual is accused of or charged with violating. In some analyses, we grouped offense types into these categories for broader analysis:

- **Person offense:** A grouping of offense types that indicate direct harm against another person including assault, false imprisonment, harassment, kidnapping, robbery, simple robbery, threats of violence, and domestic violence related offenses.
- **Property offense:** A grouping of offense types for broader analysis where there is direct harm against another's property but no direct contact with a victim in the course of the offense, including theft, shoplifting, and burglary, damage to property, financial transaction

card fraud, forgery or counterfeit, motor vehicle theft or tampering, and not paying transit fare.

- **Public order offense:** A grouping of offense types for broader analysis that most often do not include a direct victim including disorderly conduct, trespass, escape from custody, False 911 call, interfere with transit operator, interfere with 9xx call, for the benefit of a gang, aiding an offender, interfering with legal system, flee on foot, flee police in MV, false name to police.
- **Status offense:** A grouping of offense types for broader analysis that represent activities that are illegal simply due to the status of being a minor, including alcohol and tobacco related offenses and curfew violations.

Petition: The filing in juvenile court that initiates a delinquency case, similar to “charging” or “filing a complaint” in adult criminal court. We use both “charge” and “petition” interchangeably in this report.

Program dose: A count of the number of pre-charge diversion programs included in the formal pre-charge diversion programming contract (i.e., no program, one program, two or more programs). During the time period studied, a specific coordinating community provider created all diversion contracts and then referred some cases to one of 21 additional programs either within the same organization or at another community-based provider. “No programs” mean the diversion case was resolved directly with the coordinating provider without additional programming or that no contact was recorded. We could not distinguish between these in the data provided. Programs were also categorized and grouped into restorative justice, services, and traditional diversion categories.

Re-referral: Any new submitted case (whether charged or not) referred to the county attorney’s office within the noted time period after the start of the accountability process for an existing case.

Recidivism: A new charged delinquency case based on a submitted case within the data reviewed after the start of the accountability process for an existing case.

Transfer of venue (TOV): Cases that occur and are filed in a jurisdiction different from an accused person’s county of residence. Cases can be transferred in (TOV-in) or out (TOV-out) from a given prosecutor’s office. TOV-out cases are generally excluded from our analyses of interest because the response is supervised in another county. TOV-in cases are excluded from diversionary programming in Hennepin County because they are already charged in another county prior to the transfer so the mechanism for post-plea resolution is not diversion but a continuance without a plea. Many of these cases, had they originated in Hennepin County, might have been eligible for diversion.

Introduction

Adolescence is a specific period of human development that links childhood and adulthood, occurring between the ages of 10 to 25.¹ Adolescence is characterized by interrelated and uneven progression through specific developmental tasks, including adjusting to a changing physical body, developing an independent sense of self, and reworking relationships with peers and caregivers. Maturation occurs unevenly, with physical and cognitive development preceding socio-emotional maturation,² resulting in adolescents often having the cognitive ability to recognize risk, but not to override their impulses.³ Adolescence nearly always includes enhanced risk-taking behavior such as sensation-seeking, which peaks during mid-adolescence; poor impulse control; a focus on near-term versus long-term rewards; and strong influences of peers.³ This risk-taking manifests differently and ranges from overtly illegal behavior like theft to risky health behaviors like unsafe sex to prosocial behavior like aggressive athleticism in organized sports,⁴ representing the interaction between a youth's developmental immaturity and their context.⁵ For this reason, developmental scientists often consider youth criminal behavior to be more appropriately considered a type of normative adolescent risk-taking than a discrete form of antisocial behavior.⁴ Adolescents are also unique in that their personalities are still forming, with most youth eventually outgrowing difficult behaviors without any formal intervention^{3,6}.

Evidence consistently demonstrates legal system contact that occurs during adolescence can damage young people's futures, with more punitive responses associated with worse future outcomes. Multiple studies show higher levels of subsequent arrests for youth when legal system responses include more formal system processing compared to community-based, informal responses (i.e., diversion), whether those responses happen at the point of arrest and citation,⁷⁻⁸ prosecution,⁹⁻¹⁰ or within corrections.¹¹ Studies that examine recidivism consistently find that prior system contact is one of the strongest risk factors for reoffending.¹² Involvement in the justice

system is harmful to the future well-being of youth, including their health,¹³ education,¹⁴ and employment.¹⁵

These negative repercussions of legal system involvement are exacerbated for youth of color. Research shows that while there is some variation in specific offenses, youth of all racial and ethnic backgrounds engage in delinquent behaviors at similar rates, with about one in three reporting having participated in some type of illegal behavior.¹⁶⁻¹⁷ Yet, Black and American Indian youth are far more likely to be arrested than their white peers and far less likely to be diverted from court following arrest.^{16,18-19} Other youth of color – including Latinx youth and Asian/Pacific Islander youth – are also less likely than their white peers to be diverted. The lack of diversion opportunities for youth of color is pivotal, because greater likelihood of formal processing in court means that youth of color accumulate longer court histories, leading to harsher consequences for any subsequent arrest.²¹⁻²²

Taken together, this body of research indicates there is a design failure in our youth justice system that needs to be addressed through a better integration of developmental science, community engagement, and opportunities for meaningful accountability.²³⁻²⁴

An urban county in Minnesota, Hennepin County has approximately 1.2 million residents, of whom 34% are persons of color (i.e., 13% Black or African American, 8% Hispanic or Latino, 7% Asian or Pacific Islander, 5% multiracial, 0.4% American Indian or Alaskan Native, and 0.7% other races and ethnicities) and 18% speak a language other than English.¹³ The Hennepin County Attorney's Office (HCAO) has committed to pairing research evidence with analysis of their own data to address issues raised by this body of evidence. They specifically requested actionable research to inform decisions about whether to keep or adjust their policies, practices, and resource allocations. The project, Reimagining Youth Justice, invited statistical analysis by University of Minnesota (UMN) researchers of de-identified data of juvenile cases submitted to HCAO by law enforcement between 2016 and 2023. The analysis aimed to assess and compare reoffending rates following different responses used by prosecutors during the study period. Further, UMN

researchers aimed to analyze factors that predict specific outcomes relevant to HCAO decisions (such as case decisions that impact access to and success in diversion, charge levels, dispositions) and youth outcomes (re-referral, recidivism).

This report is a culmination of nearly two years of collaborative efforts between the UMN research team and HCAO leaders during which we have reviewed and interpreted results to inform policies and practices that may better support youth, families, victims and public safety in Hennepin County. While findings reported here reflect the time period from 2016 to 2023, they have been used to inform changes to decision-making processes within the juvenile prosecution division of the HCAO that are being launched in late 2025. We anticipate a future report will focus on a comparison of results of the new policies and practices to what is reported here, possibly by 2028.

Overview of Research Methodology

Data and Measures

In early 2024, a Hennepin County data analyst extracted data for all cases of youth submitted by law enforcement to the HCAO between 1/10/2015 and 12/31/2023. Data included both delinquency and diversion cases for youth who could be charged as delinquent by the state (defined in state statute as ages 10-17). These data were taken from existing HCAO databases (ProCase and divNet), and de-identified (i.e., name, home address, etc. removed). The de-identified data files were then transferred to UMN researchers via secure file transfer practices. Data sharing agreements include strict confidentiality and non-disclosure provisions.

Data files included offense descriptors (referral date, offense types, number of counts per case, offense location, the severity of the referred charge), person descriptors (gender, race, age at offense, numeric person identifiers) and response descriptors (whether HCAO charged, declined or diverted the case, severity of the charge, charge date, result of diversion [if any], result of charge [if any] including disposition, disposition date, and sentence information). Numeric person identifiers allowed us to investigate whether individuals appeared multiple times on separate cases.

We began with **34,499** total cases for 10-17 year olds. We then excluded from the analysis:

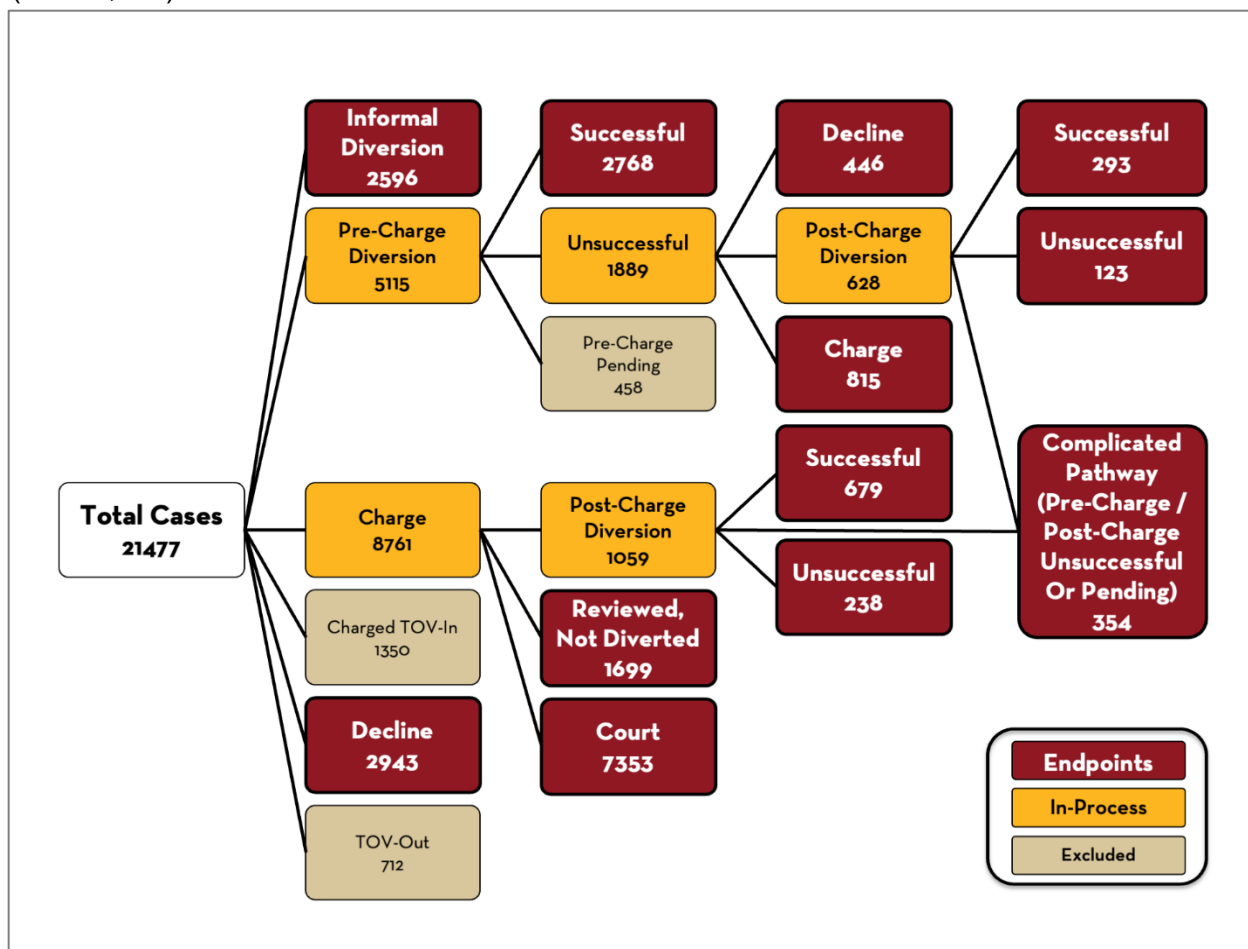
- 1,679 traffic cases (not considered a delinquent offense)
- 3,729 offenses that occurred prior to 2016 (database changed in middle of year)
- 286 cases with unclear data of how case was resolved

Then, to model the decision-making process for cases once they are referred to the HCAO in which cases of the same youth that occur in a short period are resolved together (i.e., multiple cases within one week), we created “primary case” variables which functionally excluded 7,328 cases from the same individual that were resolved with other cases, keeping the case which included disposition and sentencing. This left **21,477 remaining cases**. We also created variables

to note whether each primary case was a first, second, third, etc. referral to the HCAO, and whether any given case was followed by any new case submission (re-referral) or a new charge case (recidivism) within 6 or 12 months.

Our next step in data management was to model what happens with these primary cases after they are referred to the HCAO and assign “pathway” variables to the most common responses. Figure 1 maps the many possible pathways for the 21,477 cases retained for our analyses, with maroon boxes showing decision endpoints used in our statistical models.

Figure 1. Snapshot of decision points and project analysis for youth cases since 2016 (N = 21,477).



For example, if the initial prosecutorial decision is to refer a young person to pre-charge diversion (which was the case for 5,115 cases), then the result of that diversion is either successful, unsuccessful, or pending. A successful pre-charge diversion case is an endpoint,

representing resolution of the case. Those denoted as unsuccessful proceed to another decision-point, with prosecutors deciding at times to decline, at times to charge and at times to charge and divert post-charge. Those cases that are diverted post-charge are either successful or unsuccessful, including those that end up on what we called a “complicated pathway” which eventually resulted in a charge after two or more attempts at diversion. Cases that are charged and addressed through juvenile court are considered a resolution or endpoint for this analysis of prosecutorial decision-making, although the great majority end up serving probation for six to twelve months.

Data Analysis

Analyses included calculating descriptive statistics (means, frequencies) for all cases and pathways overall and disaggregated by offense, person, and response descriptors. For inquiries related to response effectiveness, we conducted regression analyses or case-control matching. We provide an overview of each of these methods here and additional details with each separate analysis described in later sections.

Logistic regression analysis identifies patterns in data where multiple factors may influence the outcome (dependent variable – e.g., recidivism at 12 months), and selects the main factor or factors (independent variable – e.g., demographics, whether has a previous charge or not, offense type, etc.) associated with the dependent variable with a prediction of the odds of achieving a given outcome in particular circumstances. This statistical test is frequently used to identify correlations and possible causation when randomized control trials are not feasible. Logistic regression often assesses the predictive value of an independent variable in comparison to a reference group for that same variable (e.g., the influence of being White vs. Black, or male vs. female). The results are reported as odds ratios: the extent to which a given factor increases or decreases the odds for the dependent variable when all other factors are taken into account. We

typically set a significance level or p-value of 0.05 to denote statistically significant differences (i.e., $p < 0.05$); however, we point out when some differences met a less conservative p-value of 0.10 or 0.15 or less to indicate trend-level significance.

Matching is a statistical technique in which youth with specified person, offense, and/or response characteristics are matched with other youth with those same characteristics. This technique is used when a randomized controlled study is not feasible to provide fairer comparisons of youth experiencing different responses to similar circumstances in the legal system.

Findings 1: Overview of Cases and Responses in HCAO

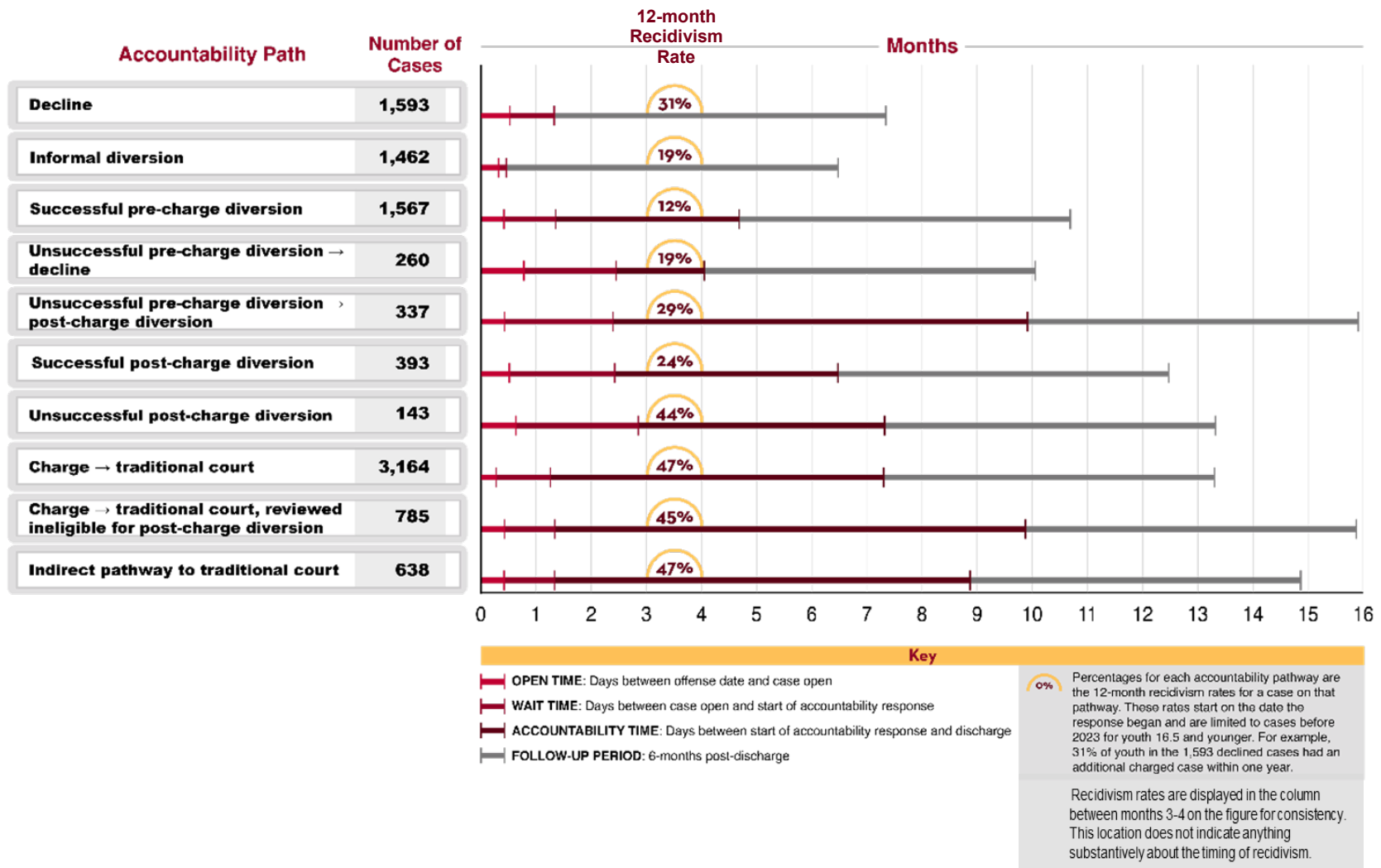
Our findings are organized to highlight specific analyses with practical implications. The first section provides an overview of the most common types of cases and responses and the outcomes associated with each. We also describe demographics of the young people who had cases referred to HCAO during the time period studied. This section is designed to provide context for the more targeted analyses and findings in subsequent sections.

Description of cases and responses used by HCAO

Our first analysis is a descriptive summary of the length, type, and recidivism rates for the primary accountability pathways (those in maroon in Figure 1 above). In this analysis, we retained youth whose trajectory we could follow for up to 18 months. Beginning with 21,477 cases noted above, we also excluded 2,274 cases from 2023 (due to not enough time to look at one-year recidivism), and 7,596 cases of youth older than 16.5 (to account for needing time to both have their case addressed and look at recidivism/re-referral rates). This left **11,607 remaining cases**.

Figure 2 depicts our findings, with pathways and the number of cases on each pathway in the left two columns, the number of months on average each case spends in different periods of accountability depicted by lines across the figure, and the overall 12-month recidivism rate for each pathway in the yellow half circle. In terms of pathways, about one-third of cases were charged and sent directly to court and about half that number were declined, informally diverted or successfully diverted to programming. The shortest pathways were those that have no additional required involvement after the initial decision, including cases that were declined or addressed through informal diversion. The longest pathways, which on average lasted about ten months, were cases of youth whose cases were petitioned after unsuccessful diversion attempts. The lowest rates of recidivism were for successful pre-charge diversion, informal diversion, and unsuccessful pre-charge diversion followed by the case then being declined.

Figure 2. Time, accountability pathways, and recidivism rates for HCAO youth cases (N = 11, 607).



Description of youth referred to HCAO

There were 11,012 unique individuals among the 21,477 cases retained for analyses. Table 1 provides person and offense characteristics on these 11,012 youth at the time of their first referral in the first two columns. We also include demographics from 2023 cases (the most recent year of data included in this analysis) in the last two columns to demonstrate the profile of youth cases that might be impacted by new policy changes in a given time period. For example, in terms of offense characteristics Table 1 shows that in 2023, 53% of referred cases were youth on their first referral of which 54.8% were misdemeanors. The proportion that are misdemeanors drops to 38% for cases of youth who are not on their first offense.

The demographics – or person characteristics – shown in Table 1 indicate the reported racial and ethnic backgrounds of youth with cases submitted to HCAO were 50% Black, 25% White, and 16% unknown or unidentified. Racial categories, which are initially reported through law enforcement case submissions, likely indicate a mix of self-identified and perceived racial and ethnic groups. Youth during the study period were 62% male. In terms of age, only 7% of youth were first referred when ages 10-12, 25% are ages 13 or 14, and the remaining 68% were ages 15-17. In terms of offense descriptors, 56% are first referred for a misdemeanor and the two-years of 2017 and 2018 accounted for 41% of the cases. In comparing the characteristics of first cases overall (second column) with those of first cases in 2023 (percentages in parenthesis in third column), percentages are relatively similar. However, in looking at the final column, we see how proportions begin to change when excluding the first case referrals, as the 47% of cases not on their first referral in 2023 were slightly older, had higher rates of being male and Black, and were more likely to be referred for a felony case.

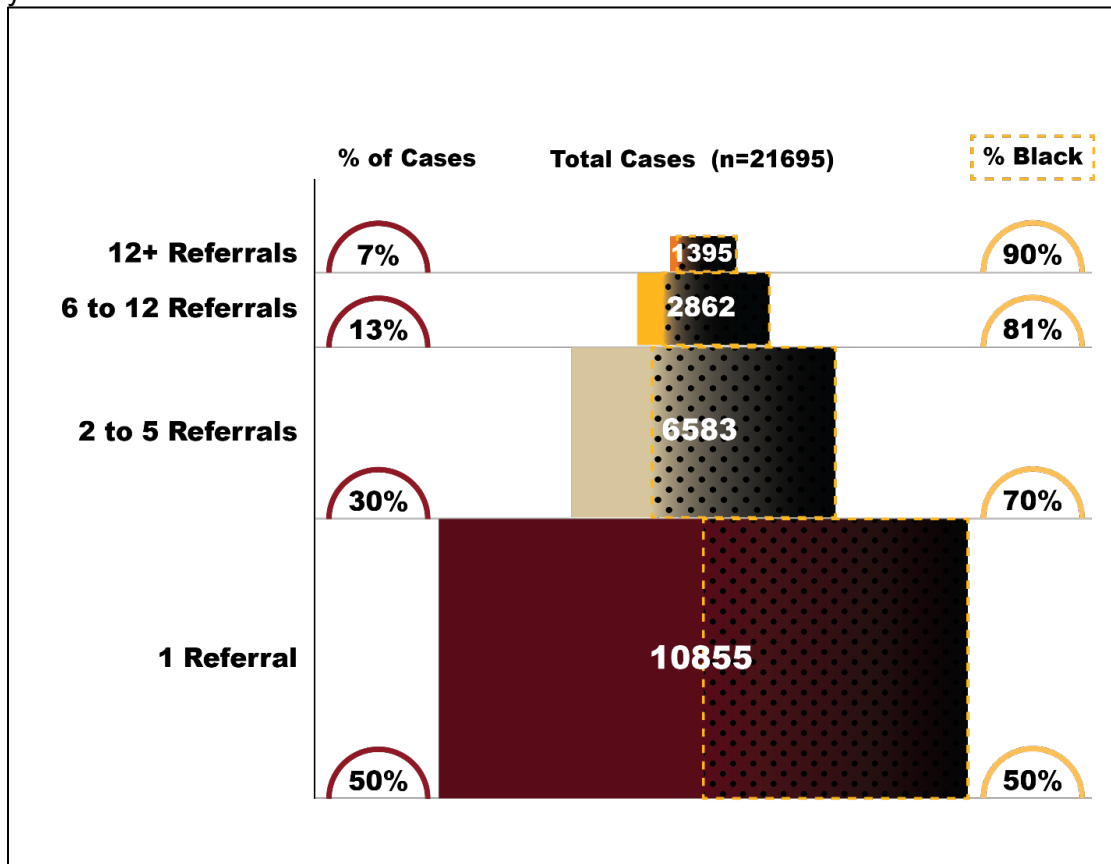
Table 1. Descriptive statistics for cases referred to HCAO during study period and in 2023.

	All first cases: 2016-2023		2023 cases (N=2,463)	
	N	Col %	First case N (%)	Not first case N (%)
Overall	11012	100%	N=1295	N=1168
Race/Ethnicity				
Asian/Pacific Islander	205	1.9%	26 (2%)	8 (1%)
Black	5523	50.2%	660 (51%)	902 (77%)
Hispanic/non-white	70	0.6%	5 (0.4%)	6 (1%)
Hispanic White	357	3.2%	56 (4.3%)	20 (2%)
American Indian	297	2.7%	46 (3.6%)	32 (7%)
White	2772	25.2%	277 (21.4%)	118 (10%)
Unknown	1788	16.2%	225 (17.4%)	31 (3%)
Assigned Sex				
Female	4156	37.7%	464 (35.8%)	330 (28%)
Male	6787	61.6%	825 (63.7%)	838 (72%)
Unknown	69	0.6%	6 (0.5%)	0 (0%)
Age Groups				
10-12	776	7%	103 (8%)	48 (4%)
13-14	2718	24.7%	340 (26.3%)	282 (24%)
15-17	7518	68.3%	852 (65.8%)	838 (72%)
Offense Level				
Petty misdemeanor	890	8.1%	63 (4.9%)	26 (2%)
Misdemeanor	6133	55.7%	710 (54.8%)	449 (38%)
Gross misdemeanor	577	5.2%	77 (5.9%)	41 (4%)
Felony	1336	12.1%	175 (13.5%)	392 (34%)
Unidentified	2076	18.9%	270 (20.8%)	260 (21.5%)
Referral #				
First	11012	100%	1295 (53%)	
Second				405 (16%)
Third				246 (10%)
Fourth +				517 (21%)
Offense Year				
2017 or 2018	4529	41.1%		
2019 or 2020	2988	27.1%		
2021 or 2022	2200	20.0%		
2023	1295	11.8%	1295 (53%)	1168 (47%)

Note: Col = column.

Racial disproportionality. Disproportionality occurs when the proportion of a given category of youth exceeds their proportion of the population. As Table 1 indicates, there are very large disparities in who is represented in these data for Black youth, especially, who make up 50% of individual youth in the HCAO data (Table 1) and over 66% of total cases (shown in Appendix A, Table B). This finding is striking as only 13% of the overall Hennepin County population is Black/African American.²⁵ Further, we found that racial disparities only increase with each subsequent referral, depicted below in Figure 3. The lower section of Figure 3's pyramid shows that among the total cases analyzed, 50% were on their first referral and 50% of those cases were Black youth. As referrals increase up the pyramid, the percentage of cases in each band that are for youth identified as Black increases. Specifically, 30% of the total cases were on the second, third, fourth or fifth referral, and 70% of youth in those cases were Black. By the time cases reach their 12th or higher referral, almost all (90%) of these cases are among youth identified as Black. As noted above, this level of disparities cannot be explained by differences in behavior alone and instead demonstrates how the way society – and in this case the justice system – treats people based on their real or perceived race becomes a possible risk factor for worse outcomes.¹⁶⁻¹⁹ Clearly, to address effectiveness within legal system responses means to pay careful attention to racial disparities and the uniquely harmful and ineffective nature of existing responses among Black youth.

Figure 3. HCAO data show increasing numbers of referrals linked to growing racial disparities for youth identified as Black.



Note: The dotted portion of blocks of this pyramid indicates the % of Black youth to show how this racial group is impacted with increasing numbers of referrals. Starting at the lower section of the pyramid, half (50%) of the total cases were first referrals as noted in the left-side column, and half (50%) of these cases were among youth identified as Black, as noted in the right column and dot-shaded in the block. At the top of the pyramid, 7% of the total cases with 12 or more referrals; almost all (90%) of these cases were for youth identified as Black.

Summary

This descriptive analysis of over 21,000 cases among 11,012 individual youth provided preliminary indication that HCAO's informal and pre-charge diversion pathways have resulted in lower recidivism rates since 2016. Findings also demonstrate large racial disparities, and that most case submissions are for misdemeanor level offenses. Appendix A includes extensive additional information, including disaggregated data tables showing access to, success in (where relevant), and outcomes for each of the pathways described by different person and case descriptors. Appendix B is HCAO's diversion eligibility criteria in effect during the time period studied.

Findings 2: Person-Centered Analysis for Diversion Criteria

Description of analysis

This analysis aims to describe factors that impact re-referral and recidivism for youth at each case submission to inform whether prosecutorial responses could be more person-centered rather than offense-based. Specifically, we aim to uncover factors at each of these “referral points” associated with lower recidivism that could inform policy changes related to prosecutorial decision-making. For this analysis, we focused on 5,544 cases that were either a first, second, third, or fourth referral that occurred since 2021, including transfer of venue cases. We examined the following questions:

Question 1: What are similarities and differences between the person, case, and responses among recent (2021-2023) cases on their first through fourth referrals?

Question 2: What factors – including what types of prosecutorial responses – impact 6-month re-referral and 12-month recidivism rates after the first, second, third and fourth referrals?

Question 3: Are there differences in recidivism based on time between referrals that provide insight into whether there should be a “reset period” related to person-based decision-making?

To address these questions, we isolated first through fourth referred cases and separately calculated descriptive statistics for youth at each referral point, meaning an individual youth could only be in each analysis one time. For the first and second questions, we then conducted multivariable logistic regressions with 6-month re-referral and 12-month recidivism as the dependent variables in separate models, and included person (age, gender, race/ethnicity), case (offense level, most severe offense), and response (whether declined, diverted, charged) variables in the models. For the third question, we divided cases by age and time between offenses groups

to compare recidivism rates across shorter and longer time periods between offenses and to explore whether there were meaningful differences between younger and older youth.

Description of findings

Table 2 below allows for the comparison of rates of person, case, and response variables for each referral point, to answer the first question of trends that exist across referrals. Findings demonstrate that:

- Racial disparities, especially for American Indian and Black youth, increase with each referral point.
- There is a large increase of the share of cases that are felonies at the third referral.
- Property and public order cases consistently comprise about half of cases.
- Pre-charge and informal diversionary responses were reduced at each referral while rates of charging cases and recidivism increased.

To answer the second question of “what factors impact 6-month re-referral and 12-month recidivism rates after the first, second, third and fourth referrals?”, we included factors shown in Table 2 in multivariable logistic regression models to see which factors were significantly associated with re-referral and recidivism for each referral point. For these exploratory analyses with varying sample sizes, we used a less conservative p value of < 0.15 to indicate statistically significant differences.

For first referred cases, we did not find large differences in overall rates of re-referral and recidivism. Nearly 90% of youth (87%) have no additional charged cases within one year. The factors that held as protective – or associated with lower rates for both 6-month re-referral and 12-month recidivism – were being referred to pre-charge diversion (vs. being charged), being a criminal sexual conduct offense (vs. a property offense), being of unknown race (vs. White), and being female (vs. male). The only factor that consistently led to a higher risk of re-referral and recidivism was being a person offense (vs. a property offense).

Table 2. Summary of case descriptors at each referral point.

	First Referral		Second Referral		Third Referral		Fourth Referral	
	N	Col %	N	Col %	N	Col %	N	Col %
Total cases	3485		1067		609		383	
Race/Ethnicity								
American Indian	111	3%	63	6%	38	6%	25	7%
Asian / Pacific Islander	60	2%	15	1%	2	.3%	2	.5%
Black	1809	52%	724	68%	464	76%	309	81%
Hispanic	130	4%	38	4%	15	3%	9	2%
White	806	23%	168	16%	72	12%	33	9%
Unknown/Other	569	16%	59	6%	18	3%	5	1%
Age								
10-12	267	8%	36	3%	18	3%	15	4%
13-14	913	26%	260	24%	130	21%	79	21%
15-17	2305	66%	771	72%	461	76%	289	76%
Assigned Sex								
Male	2286	66%	741	69%	735	71%	277	72%
Female	1181	34%	325	31%	174	29%	106	28%
Offense Level								
Felony	534	20%	286	27%	194	41%	119	42%
Misdemeanor	1729	65%	470	56%	230	49%	141	50%
Most severe offense								
Property	929	27%	303	28%	198	33%	131	22%
Public order	781	22%	268	25%	146	24%	83	22%
Person	751	22%	219	21%	116	19%	91	24%
Criminal sexual conduct	232	7%	73	7%	35	6%	3	1%
Status	197	6%	60	6%	30	5%	8	2%
Drugs	190	6%	39	4%	29	5%	11	3%
Gun	162	5%	38	4%	15	3%	29	8%
Motor vehicle theft/tamp	59	2%	30	3%	11	2%	11	3%
Initial response								
Decline	490	14%	129	12%	94	15%	60	16%
Informal diversion	425	12%	57	5%	21	3%	11	3%
Pre-charge diversion	1250	36%	243	23%	77	13%	38	10%
Post-charge diversion	239	7%	101	9%	53	9%	22	6%
Charge	611	18%	374	35%	276	45%	185	48%
TOV & Unknown	470	13%	163	15%	88	14%	67	17%
Cases retained for recidivism analysis	1674		491		247		142	
6-month re-referral rate	165	10%	98	20%	45	18%	33	23%
12-month recidivism rate	223	13%	149	30%	83	33%	68	48%

For **second referred offenses**, there were no factors that were protective or risky for both 6-month re-referral and 12-month recidivism. There was some indication that non-system responses (decline and pre-charge diversion) are more effective than charging, as having a declined case is protective for 6-month referral and pre-charge diversion is protective for 12-month recidivism. There was also evidence that the complicated charge pathway (which often included >1 attempt at diversion) and being younger (ages 13-14) rather than older (ages 15-17) both led to a larger risk of 12-month recidivism.

Findings for **third and fourth referral cases** were limited, given the much smaller sample sizes. Few youth were receiving meaningful opportunities for diversion at these referral points, and no meaningful/actionable factors were identified to inform diversion criteria. The only protective factor found for third referral cases was being of unknown race (vs. White), and the only risk factor relevant to both outcomes was being a case referred from another county (vs. a charge). For fourth referral cases, protective factors against 6-month re-referral included being Black (vs. White) and having the case declined (vs. charged). Risk factors included being younger (10-12) and having a gun or public order case (vs. a property case).

The last set of findings in this section addresses the third question of “are there differences in recidivism based on time between referrals that provide insight into whether there should be a “reset period” related to person-based decision-making?” Data in Table 3 demonstrate a clear protective effect of having a larger time gap between primary offenses. Across the total sample and for younger and older youth, when there is a larger time gap between primary offenses (greater than a year, greater than 6 months), recidivism is lower than when there is a shorter time gap. In the upper left panel of Table 3, the one-year recidivism rate after the second primary offense was 51.4% for youth whose second offense was within one year of their first offense (i.e., < 365 days), compared to 5.4% if the second offense was more than one year later (i.e., 365+ days). This pattern persisted in the upper right panel for recidivism after the third offense. The one-year recidivism rate after the third offense was 61.5% for youth whose third offense was within one

year of their second offense, compared to 9.5% if the third offense was more than one year later. If the time period between offenses was 6 months or more (180+ days), as shown in the bottom sections of Table 3, the difference in recidivism rates is still large, with 51.3% recidivating within one year after their second offense if it was less than 6 months compared to 25% if it was more than 6 months.

Table 3. Twelve-month recidivism rates based on timing between offenses.

	Days between offenses			
	Days		Days	
	between 1 st to 2 nd offense		between 2 nd to 3 rd offense	
	<365 days	365+ days	<365 days	365+ days
One year recidivism rates after 2nd or 3rd offense for:				
Total sample	51.4%	5.4%	61.5%	9.5%
13-14 year olds	58.0%	4.5%	68.0%	7.2%
15-16 year olds	51.9%	7.1%	61.3%	9.9%
	<180 days	180+ days	<180 days	180+ days
One year recidivism rates after 2nd or 3rd offense for:				
Total sample	51.3%	25.0%	62.2%	36.7%
13-14 year olds	59.4%	21.7%	70.0%	33.3%
15-16 year olds	52.3%	30.2%	62.4%	37.9%

These findings show that how much time passes between offenses matters for future youth recidivism. Recidivism rates for youth who have more than one year between offenses is similar to – and even better than – the one-year recidivism rates for youth on their first offense (13% as shown earlier in the bottom row of Table 1). These results suggest that developmental and other psychosocial changes in youth (and their families) may offer a naturally occurring “reset period” that should be considered in eligibility policies based on prior offending.

Summary

These results provide additional compelling evidence that person-centered criteria – rather than offense-based criteria – are needed for prosecutorial decision-making, given evidence across referrals that non-system responses have been more effective than charging. Diversion proved to be an effective response in both first and second referrals, which, during the period studied, were the only points at which it was used with relative frequency. There is also indication that more tailoring for the youngest youth must occur if the justice system is to continue being used to respond to behavior for youth under the age of 15, as being younger was a risk factor for recidivism at both the second and fourth referrals. Finally, our findings show that a reset period of one year is justified to include in potential diversion criteria, as recidivism rates after second offense referrals appear to act like first offense referrals if more than one year has passed. Findings can inform decisions to expand diversion criteria.

Findings 3: Pre-Charge Diversion

Description of analysis

This analysis aims to understand patterns and factors related to access to, success in, and effectiveness of HCAO pre-charge diversion programming. We limited analysis to 2021, 2022, and 2023 to focus on the most recent pre-charge diversion criteria and practices as they played out in the COVID-impacted era and excluded transfer of venue cases as diversion scenarios play out differently with those cases (as described in Appendix B). There were a total of 6,086 primary, non-TOV cases in this time period.

We included the largest possible sample size for each analysis. For example, all cases of youth for these years were included for analysis of whether youth had “access to” diversion, while only youth whose cases were diverted and closed (i.e., not pending) were included in “whether successfully diverted” calculations. We also removed a) cases of youth older than 17.5 at the time of offense for 6-month re-referral analysis and b) cases older than 17 that occurred during 2023 to avoid falsely characterizing youth as not having been re-referred when they may have aged into the adult system or not had a full year of follow-up time.

To show who had access to and success in pre-charge diversion, we summarized and compared proportions of overall case submissions to numbers and proportions of cases diverted and diverted successfully pre-charge by race, age, offense severity, referral number and program dose. To assess factors related to the outcomes of interest, we conducted multivariable logistic regressions to predict the likelihood of 1) successful pre-charge diversion, 2) 6-month re-referral, and 3) 12-month recidivism. Our focus was on the influence of program dose (defined as involvement in no formal program, one diversion program, two or more types of diversion programming), offense level, whether an offense was a first offense (yes/no), age, gender and race.

Results

Access to and success in pre-charge diversion. Table 4 displays rates of access to and success in pre-charge diversion compared to overall rates of referrals to HCAO. The three columns labelled “Col %” represent the share of any one subcategory for that column (representing proportionality in access to pre-charge diversion).

Table 4. Access to and success in pre-charge diversion, 2021-2023.

	<i>Proportion of 6,068 total cases</i>	<i>Access to (Diverted)</i>		<i>Success In (Successfully Diverted)</i>	
	Col %	N	Col %	N	Col %
Overall	100%	1646	100%	829	100%
Race/Ethnicity					
American Indian	5%	40	2%	10	1%
Asian/Pacific Islander	1%	24	1%	14	2%
Black	65%	923	56%	424	51%
Hispanic (any race)	3%	54	4%	40	5%
White	17%	374	23%	215	26%
Unknown/Other	9%	219	13%	126	15%
Age					
10-12	6%	138	8%	63	8%
13-14	23%	430	26%	198	24%
15-17	71%	1078	65%	568	68%
Assigned Sex					
Male	68%	974	59%	519	63%
Female	32%	669	41%	307	37%
Unknown/Other	<1%	3	<1%	3	<1%
Offense Level					
Petty misdemeanor	6%	131	8%	n/a	n/a
Misdemeanor	57%	1247	76%	699	85%
Gross misdemeanor	7%	137	8%	63	8%
Felony	30%	118	7%	53	7%
Whether first offense					
Yes	48%	1258	76%	679	82%
No	52%	388	24%	150	18%
Program Dose					
No program		616	37%	209	25%
One program		778	47%	462	56%
Two or more programs		252	15%	158	19%

Note: Col = column.

From the first row under Race/Ethnicity, we can see that American Indian youth were 5% of 6,086 overall cases. We then see 40 diverted American Indian youth cases that represent 2% of the 1,646 total diverted cases, and 10 successfully diverted American Indian youth cases represent 1% of the 829 successfully diverted cases. In other words, there is disproportionately low representation of American Indian youth in terms of their access to diversion compared to their proportion of total submitted cases from 2021-2023 (5% vs 2%). However, once diverted, the rate of success is relatively proportional to their rate among diverted cases (2% vs 1%).

Indeed, by comparing the overall percentages in the first column to other rates in subsequent columns, we note that in terms of proportionality, Black youth, male youth, 15- to 17-year-old youth and youth with felony cases and not on their first referral have at least 5% lower rates of access to diversion than their share of cases referred to HCAO in this time period. Such differences largely reflect the eligibility criteria (included in Appendix B) between 2021-2023 that determined access to pre-charge diversion, which largely limited access to either first time offenses or very minor second and third offenses. Further, the disproportionality increases for Black youth and cases of youth not in their proportions of successfully diverted cases than their share of cases referred to HCAO in this time period. For example, for cases not on their first offense, they are 52% of overall case submissions, 24% of diverted cases, and 18% of successfully diverted cases. These differences in success rates may indicate a need for diversion providers with a broader set of skills and approaches.

Overall, the pre-charge diversion success rate was 61% among 1,646 diverted cases between 2021 and 2023. Table 5 shows disaggregated success rates for pre-charge diversion cases not as proportions (as in Table 4) but as within group rates of success. For example, in the first panel, the rates tell us that 30% of cases of American Indian youth that were diverted were successful, compared to 78% of cases for youth of Asian/Pacific Islander descent. Moving to the last panel, we also see differences in whether youth are on their first offenses, with a 66% success rate if they are on their first offense and a 46% success rate if they are not.

Table 5. Success rates for pre-charge diversion cases, 2021-2023.

Race/Ethnicity	Rate	Offense level	Rate	Program Dose	Rate
American Indian	30%	Felony	54%	No program	34%
Asian/Pacific Islander	78%	Gross MSD	53%	One program	85%
Black	53%	Misdemeanor	64%	Two+ programs	81%
Hispanic (any race)	74%	Petty MSD	n/a		
White	75%				
Unknown/Other	79%				
Assigned Sex	Rate	Age	Rate	Whether first offense	Rate
Male	66%	10-12	53%	Yes	66%
Female	54%	13-14	54%	No	46%
Unknown/other	100%	15-17	65%		

Note: n/a as petty misdemeanors were diverted to PDA diversion during the study period where success is not reported.

However, describing rates of success alone does not tell us whether these percentages indicate statistically meaningful differences between groups. Thus, using the case characteristics described in Table 4, we conducted a multivariable logistic regression model predicting the odds of successfully completing diversion (n = 1297 cases). When controlling for all other variables, results of this model showed:

- Regarding offense characteristics:
 - Cases that were **first offenses** were significantly associated with higher odds of success ($p < .001$), compared to cases that were not first offenses.
 - **Level of offense** did not differentiate between odds of success. No significant differences between gross misdemeanor or felony cases compared to misdemeanor cases.
- Regarding program dose:
 - Experiencing **2 or more diversion programs** was significantly associated with lower odds of success ($p < .05$), compared to completing 1 diversion program.
 - Being diverted but experiencing **no formal program** was significantly associated with lower odds of success ($p < .001$), compared to experiencing 1 diversion program.
- Regarding age, race and gender:
 - No significant differences if a case involved **males compared to females** in terms of odds of success.

- Cases involving **younger ages** (age 10-12 and age 13-14) were significantly associated with lower odds of success (both $p < .05$), compared to cases involving those age 15-17. As age increased so did the likelihood of success.
- Cases involving youth identified as **Black** youth were significantly associated with lower odds of success ($p < .05$) compared to being identified as a White non-Hispanic case.
- Cases involving youth identified as **Native American** were significantly associated with lower odds of success ($p < .05$) compared to a White non-Hispanic case.
- Cases involving youth identified as **Asian/Pacific Islander** or **Hispanic** were not significantly different from being identified as White in terms of the odds of success.

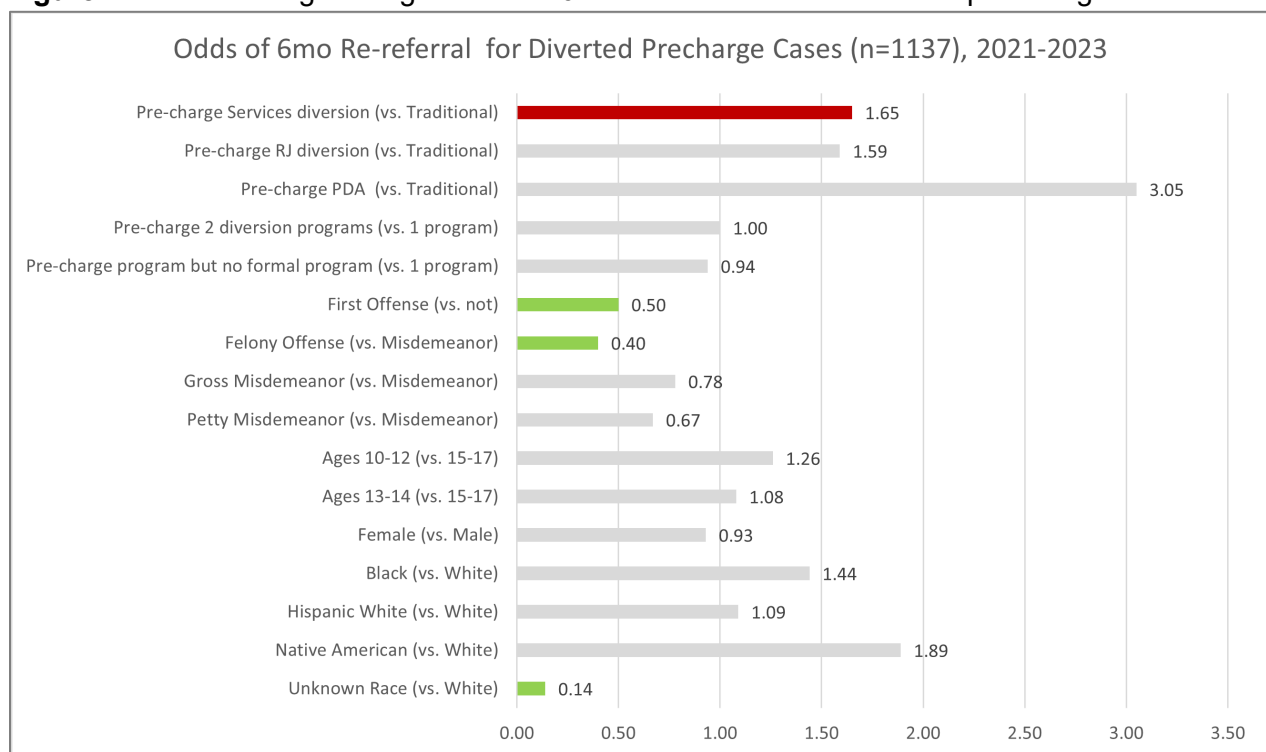
We further restricted the sample of cases to first offense cases to test for the sensitivity of our predictive regression model (and to exclude youth with multiple cases). Results of this multivariable logistic regression model predicting the odds of successfully completing diversion ($n = 997$ cases) were essentially identical to results noted in the above bullet points.

Effectiveness of pre-charge diversion. In Figure 2 above, we showed that the successful pre-charge diversion pathway has the lowest rates of 12-month recidivism (12%) compared to other accountability pathways during our period of analysis, including compared to pathways for unsuccessful diversion later declined (19%) and unsuccessful diversion later diverted post-charge (29%). However, as also noted, HCAO policies during the time period assessed largely limited access to pre-charge diversion to first time or misdemeanor offenses, which, as we noted in our first findings section, are groups that already tend to have lower recidivism rates.

To understand what factors may reduce the likelihood of re-referral or recidivism (i.e., effectiveness) within cases that are offered pre-charge diversion, we again conducted logistic regression models. These models did not include distinctions between successful and unsuccessful pre-charge diversion because we cannot know at the onset whether a case will be successful or not; thus, we do not include this distinction in models meant to inform decision-making. Excluding cases of young people whose lack of re-referral data could be related to their age or date of offense, we assessed 1,171 cases referred to pre-charge diversion and found an

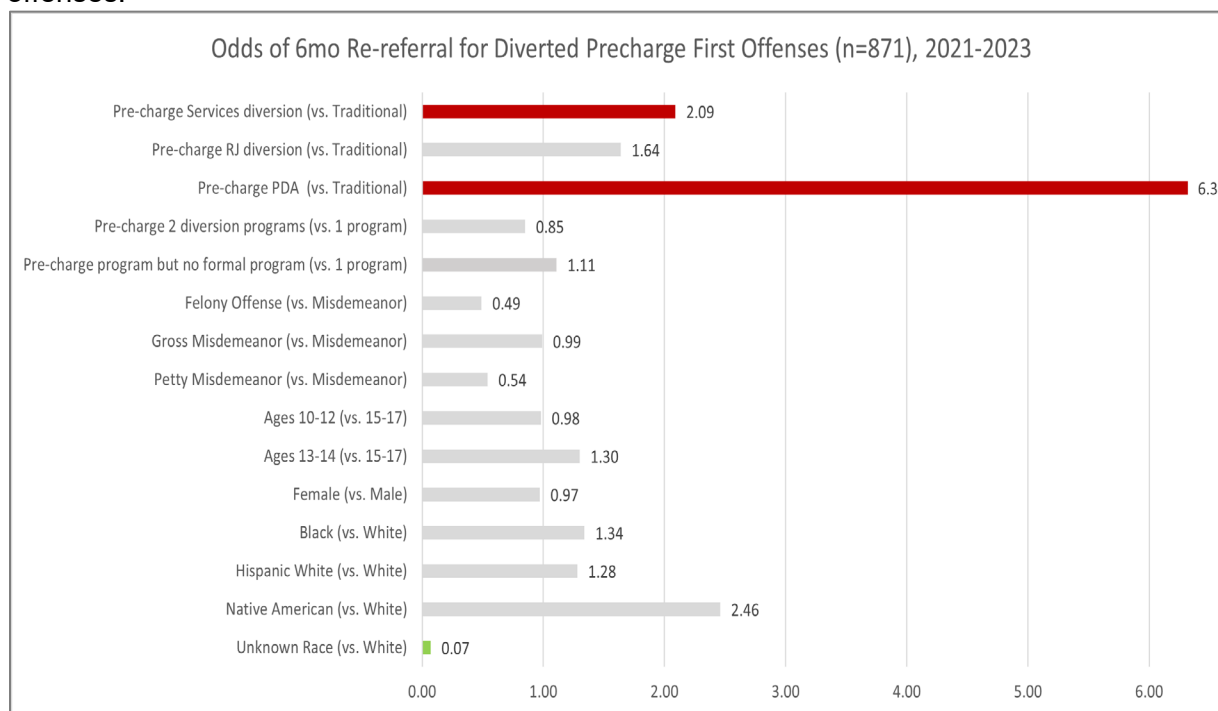
overall 6-month re-referral rate of 11.7%. We then examined whether offense year (2021, 2022, 2023), program dose, type of diversion program (services, traditional, petty drug and alcohol, or restorative justice), whether first offense, offense level, age, race or gender independently influenced re-referral rates when controlling for all the other factors in this list. Results of this model suggest that only **services diversion** is significantly associated with higher odds of re-referrals (as indicated by red bar in Figure 4, odds ratio [OR] = 1.65, $p < .10$) and **first offenses and felony offenses** are associated with lower odds of re-referrals (as indicated by green bars in Figure 4, ORs = 0.50 and 0.40, $p < .001$ and $p < 0.10$, respectively). Other than cases identified as unknown race (vs. White) being associated with lower odds of re-referrals (as indicated by an OR = 0.14, $p < .01$), no other factors were significantly associated with odds of re-referral.

Figure 4. Results of logistic regression on 6-month re-referral for diverted pre-charge cases.

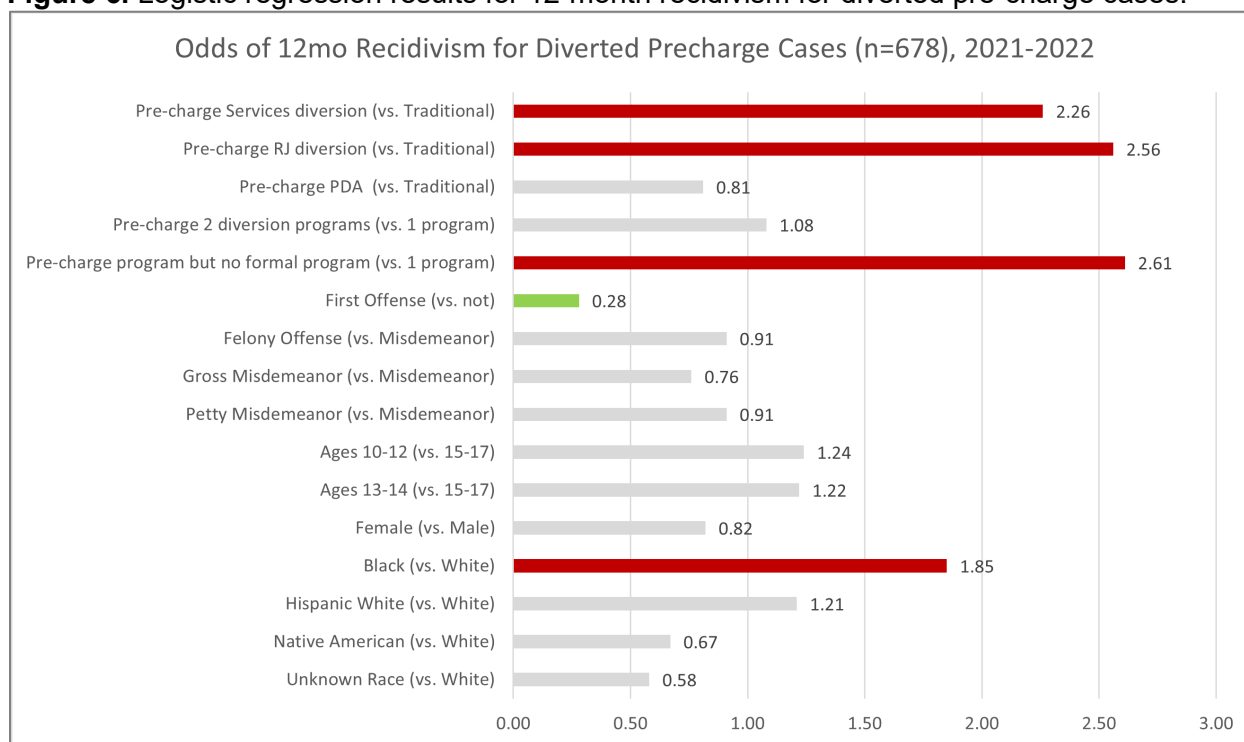


When limiting cases to first offenses, both **services** and **PDA diversion** are associated with higher odds of re-referral (as indicated by red bars in Figure 5, ORs = 2.09 and 6.22, $p < .05$ and $p < 0.10$, respectively) compared to traditional diversion. No other factors are significantly associated with odds of re-referral for first offense cases diverted pre-charge.

Figure 5. Results of logistic regression on 6-month re-referral for diverted pre-charge first offenses.



We conducted identical analyses to analyze factors that influence recidivism and found an overall 12-month recidivism rate of 16.2%. Using the same variables in a multivariable logistic regression model as above, we found cases that experienced **services diversion or RJ diversion** had higher odds of recidivism (as indicated by red bars in Figure 6, ORs = 2.26 and 2.56, both $p < .05$) compared to traditional diversion as did cases **without a formal program** (vs. one program) **and cases of Black youth** (vs. White youth) (as indicated by red bars in Figure 6, ORs = 2.61 and 1.85, $p < .05$ and $p < 0.10$, respectively). Only **first offense** was associated with lower odds of recidivism (as indicated by the green bar in Figure 6, OR = 0.28, $p < .001$).

Figure 6. Logistic regression results for 12-month recidivism for diverted pre-charge cases.

Results of a logistic regression model limited to first offenses only were similar to those shown in Figure 6, with services diversion, no program, and cases of Black youth significantly associated with higher odds of recidivism (data not shown but available upon request). No factors were significantly associated with lower odds of 12-month recidivism, in this sensitivity test of first offenses only.

Summary

In this section, we shared evidence that access to pre-charge diversion from 2021-2023 was more likely if a case was for a younger, white, female youth. Access was also more likely for youth who were on their first referral to the HCAO and had been referred for a misdemeanor or lower severity offense. Among pre-charge diverted cases, likelihood of success in pre-charge diversion was higher if youth was older and on their first offense, but did not differ by offense severity. The strongest factor that protected against recidivism was being on a first referral.

Findings 4: Matching of Youth for Post-Charge Diversion

Description of analysis

This analysis uses case-control matching methodology to match youth who were eligible for post-charge diversion (N= 1,144 cases) between 2016 and 2023, and youth who were ineligible for post-charge diversion due to objective criteria (N = 1411 cases) and subjective criteria (N = 421 cases). Objective ineligibility criteria included specific types of ineligible offense or offense referred with another offense that is ineligible; or specific prior offenses within the past 1, 2, or 3 years. In contrast, subjective criteria for cases that were ineligible for post-charge diversion included circumstance of the offense, frequency/severity of history, and other reasons. Additional information about post-charge diversion and descriptions of eligibility criteria can be found in Appendix B.

The goal of this analysis was two-fold:

- 1) To investigate whether there are youth deemed ineligible for post-charge diversion who are similarly situated to youth deemed eligible for post-charge diversion and determine whether HCAO is missing some youth in its decision-making process who could benefit from post-charge diversion.
- 2) To provide a better “apples to apples” comparison of outcomes (e.g., re-referral & recidivism rates) for smaller samples of similarly situated youth.

Assumptions about matching

We conducted separate matching analyses of first, second, and third offenses for two reasons:

- a) To match youth with similarly situated youth, not with themselves. Analyses are conducted at youth level, not case level.

- b) To examine whether differences in case characteristics and outcomes differed by whether youth had been referred to the system the first, second, or third time.

Matching of youth took place using four pieces of information: gender, race, age (with a small tolerance of 0.5 of a year difference allowed during matching), and offense level (measured as petty misdemeanor, misdemeanor, gross misdemeanor, and felony). For example, we were able to match a white female youth who was 14.5 years of age, whose first offense was a misdemeanor, and who was eligible for post-charge diversion to a white female youth who was 14.5 years of age, whose first offense was a misdemeanor, but who was ineligible for post-charge diversion because of objective criteria such as the type of offense.

Results comparing matched samples

We first describe the results of matching youth eligible and ineligible for post-charge diversion based on **objective criteria**. Table 6 shows results of matches for which we required the algorithm to find exact matches. This means, for example, that the 177 matches in the “First Offense” column are exact matches on gender, age, race/ethnicity, and offense level. In other words, there were 177 first offense cases that were eligible for post-charge diversion that the matching algorithm matched exactly to 177 ineligible cases on those characteristics. We note that primarily male youth were matched between those eligible for post-charge diversion and ineligible due to objective reasons, with more females being matched by the third offense. Age of matched groups of youth increases as offense number increases, with the average age at first offense being 15.6 years and almost 16 at third offense. The diversity of youth’s race and ethnicity in these matched groups decreases as offense number increases in this matched sample. Felonies were the most common first offenses in these matched groups. Misdemeanors were most common for matched groups for second and third offenses.

Results from Table 6 indicate that there are youth who are ineligible for post-charge diversion who are similarly situated in terms of demographic characteristics and offense levels to their peers who are eligible for post-charge diversion.

Table 6: Highlights of matching youth eligible for post-charge diversion with youth ineligible for **objective** reasons: Matched demographic characteristics and offense level.

	<i>Post-Charge Diversion Matching Analysis</i>		
	First Offense 177 matches	Second Offense 98 matches	Third Offense 69 matches
Gender (most common):			
% Male	80%	63%	61%
% Female	20%	37%	39%
Average Age:	15.6	15.7	15.9
Race and Ethnicity (most common ¹):			
% Black	68%	85%	94%
% White	19%	6%	4%
% Native American	5%	5%	1%
Offense level:			
% Petty misdemeanor	0%	0%	2%
% Misdemeanor	34%	54%	66%
% Gross Misdemeanor	7%	10%	6%
% Felony	60%	36%	27%

¹ Results for other racial and ethnic groups are available in PowerPoint slides.

Next, we analyzed how these matched youth compare in terms of severity of offense and re-referral rates. Data in Table 7 show characteristics that our groups of matched youth are not matched on – including characteristics/outcomes where we would expect to see differences if diversion is a more supportive pathway for youth than traditional legal pathways through the court system. Size of groups always affects statistical power to detect significant differences, in addition to having to include other variables (like race, gender, etc.) to adjust for confounding. Being able to directly compare matched groups of youth (and not control for confounding) improves our ability to see differences both practically and statistically.

Perhaps not surprising are some differences in most severe offenses between matched youth who were diverted post-charge to youth ineligible because of objective criteria (such as the type of offense). For first offenses in Table 7, we note higher rates of drug offenses and status

offenses for youth ineligible for post-charge diversion, compared to peers eligible for diversion where public order offenses are the most common offense. For second offenses, the types of offenses look more similar between the matched groups, although gun offenses are a bit higher for youth ineligible for post-charge diversion and person offenses are higher for youth who were diverted. For third offenses, property offenses are the most common offense for both groups. Public order offenses are higher for youth ineligible for post-charge diversion, while person offenses are higher for diverted youth.

Table 7: Highlights of matching youth eligible for post-charge diversion with youth ineligible for **objective** reasons: offense characteristics and outcomes.

<i>Post-Charge Diversion Matching Analysis</i>						
	First Offense		Second Offense		Third Offense	
	Eligible n=177	Ineligible n=177	Eligible n=98	Ineligible n=98	Eligible n=69	Ineligible n=69
Most severe offense (most common¹)						
% Drugs	0%	25%	4%	4%	1%	1%
% Gun	8%	.5%	2%	8%	1%	1%
% MV ² theft/tampering	3%	3%	7%	2%	7%	6%
% Person offense	3%	.6%	25%	18%	28%	15%
% Property offense	23%	22%	35%	39%	45%	42%
% Public order	44%	23%	21%	24%	15%	28%
% Status	9%	22%	1%	2%	1%	4%
Offense was part of “spree” (multiple cases occurred within 7 days): % Yes	3% ⁺	7%	4% [*]	12%	7%	10%
Post-charge diversion successful? % Yes	48%	--	44%	--	51%	--
6-month re-referral? % Yes	8%	10%	19%	28%	19% ⁺	32%
12-month re-referral? % Yes	11%	14%	27%	35%	26% ⁺	41%

Notes: ¹ Results for other offenses are available in PowerPoint slides. ² MV is motor vehicle.

+ Difference is significant at p<0.10

* Difference is significant at p<0.05

Whether or not the first, second, and third offense was part of a spree of cases or an isolated case is also shown in Table 7 for these matched groups of youth. Slightly higher rates of sprees characterize youth ineligible for post-charge diversion, compared to matched diverted peers, across the number of offenses. Sizeable numbers of youth who were diverted were successful on this pathway, regardless of whether they were on their first (48%), second (44%), or third offense (51%).

Re-referral Rates

With regard to re-referral rates, as shown in bold in Table 7, youth who were diverted post-charge were less likely to be re-referred at 6 months and 12 months than youth who were ineligible for post-charge diversion. This pattern is consistent across first, second, and third offenses. Differences for first offenses and second offenses are not statistically significantly different, but they are practically significant (especially at a population level). By third offense, we do see evidence of statistically significant differences, in which youth who were diverted post-charge have lower 6-month and 12-month re-referral rates than their peers who were ineligible for post-charge diversion because of objective criteria.

Summary

Findings from this section provide preliminary evidence that there are youth currently being objectively screened out of post-charge diversion who are similarly situated to peers who are diverted, and they experienced re-referrals at higher rates on the traditional pathway through the legal system, especially if they are on their third referral to HCAO. Involvement in sprees and certain types of offenses may be why some of these youth were deemed ineligible.

Findings 5: Prosecutorial Response to Gun Cases

Description of analysis

Gun violence is a pressing concern within Hennepin County and across the United States. However, as noted in a recently published report, “rather than keeping us safer, aggressive law enforcement and inflexible and punitive court responses to youth gun possession are likely to worsen gun violence and other crime by youth. Meanwhile, inflexible punitive responses to adolescent gun possession damage young people’s futures, and they exacerbate the justice system’s already glaring racial disparities.”²² We sought to understand the rates of youth gun cases in Hennepin County between 2016 and 2023 and determine whether some prosecutorial responses to gun cases were more effective at preventing recidivism than others. In this section, we examine the following questions:

Question 1: Who were the youth with gun cases submitted to HCAO by law enforcement during the time period studied? Were youth with gun cases different than youth with other types of cases?

Question 2: Did rates of youth gun cases submitted to HCAO by law enforcement change over time?

Question 3: Is the type of prosecutorial response to a gun case associated with the likelihood that a young person will commit another gun violation or any other offense in the next twelve months?

Description of youth with submitted gun cases

As shown in Table 8 below, primary gun cases occurred among 662 youth with an average age of 16.1 years (range 10-17.9). Youth with gun cases were 93.8% male and 6.2% Female. Racial and ethnic backgrounds were 77.2% Black, 9.5% White, 4.4% American Indian, 4.3%

Hispanic and 1.4% Asian or Pacific Islander. Of 483 cases with a documented offense level, 68.4% were felony cases, 20.4% were gross misdemeanors and 11.1% were misdemeanors. The most common response for about 6 of every 10 cases (62.5%) was a charge, followed by 27% of cases that were declined. Diversion (pre-charge or post-charge) was used in about 9% of cases. In other words, youth with gun cases submitted to HCAO are far more likely to be accused of a felony level crime, have their case charged, be male and be Black, than youth with other types of cases.

Table 8: Demographics of HCAO gun cases, 2016-2023, N = 662.

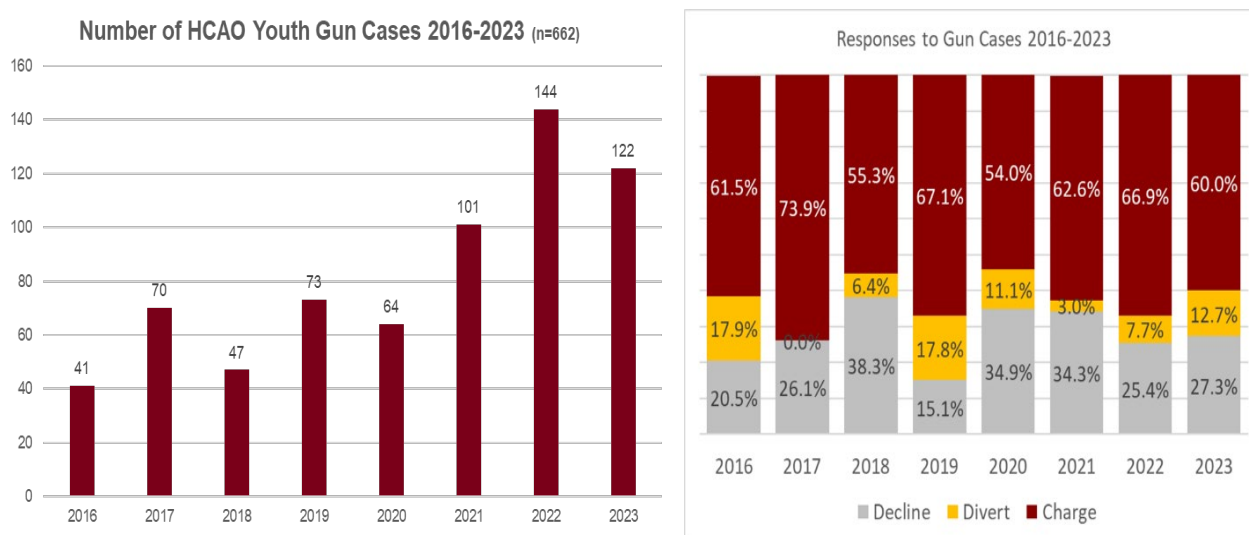
	Column %
Gender:	
% Female	6.2%
% Male	93.8%
Average Age (Mean)	16.1
Race and Ethnicity:	
% Black non-Hispanic	77.2%
% White non-Hispanic	9.5%
% Native Amer non-Hispanic	4.4%
% Hispanic	4.3%
% Unknown	3.3%
% Asian/Pacific Islander	1.4%
Type of Prosecutorial Response:	
Charged	62.5%
Declined	27.2%
Pre-charge diversion	4.3%
Post-charge diversion	4.1%
Informal diversion	0.5%
Complicated charge	1.4%
Offense level of non-declined cases (n = 483):	
% Misdemeanor	11.1%
% Gross Misdemeanor	20.5%
% Felony	68.4%

Rates of youth gun cases submitted to HCAO over time

The short answer to the second question is “yes, rates of submitted gun cases did change over time.” Gun cases accounted for 2.8% of cases during the 7-year period of study. As shown in

the first panel of Figure 7 below, the low was 41 cases in 2016 and the high was 144 cases in 2022. Rates of declines, diversions, and charges for gun cases also fluctuate from year to year with no clear trend, as shown in the second panel of Figure 7. The rate of charges was highest in 2017. The rate of declines was highest in 2018. The rate of diversions was highest in 2016.

Figure 7. Number and Response to Gun Cases.



Associations between the type of prosecutorial response to a gun case and the likelihood that a young person will have another submitted gun case or other future offense

Overall, gun cases do not exhibit higher re-referral rates; the 6-month re-referral rate was 20.0% and the 12-month recidivism rate was 35.5%. Rates did vary by some case factors. For example, the 6-month re-referral rate was 13.2% for a first gun offense and 25.5% for other than a first offense gun case. In terms of prosecutorial responses, 12-month recidivism rates were 36.3%, 15.4% and 39% for declined, diverted and charged cases, respectively. As noted earlier (on pages 22-24), gun cases did not emerge as a predictive risk or protective factor for 6-month re-referral or 12-month recidivism on first, second, third or fourth referral cases.

In multivariate logistic regression models, results indicate that when holding all other variables constant, prosecutorial response to gun cases was not associated with the likelihood that

a young person would have another case submitted within 6 months. However, diversion was trend-level protective against 12-month recidivism. In other words, experiencing diversion (vs. being charged) was associated with a decreased likelihood of 12-month recidivism (trend level, $p = 0.15$). The strongest protective factor against both 6-month re-referral and 12-month recidivism was if the gun case was a first offense vs not. The only risk factor for both types of repeat contact was being identified as Black versus other race/ethnicities. Additionally, being age 13-14 was a risk factor for 6-month re-referral but not 12-month recidivism. Other factors not associated with either type of repeat contact included gender and offense severity.

Summary

In this section, we found an increase in gun cases over time but no clear patterns or changes in prosecutorial responses. Gun cases have similar recidivism rates to other types of cases. Prosecutorial responses to gun cases were not associated with 6-month re-referral, but there was an indication that diversion could be protective against 12-month recidivism.

Findings 6: Response to Motor Vehicle Cases

Description of analysis

In 2022, the “Kia Boyz” went viral on TikTok, creating a trend referred to as the “Kia Challenge” where youth filmed themselves stealing Kias and Hyundais and taking them for joy rides. The trend specifically became popular due to a problem with the security systems on certain models of these vehicles.²⁶ This trend, and the resulting media storm, sparked a national conversation about the prevalence of motor vehicle theft and tampering (MVT) crimes committed by youth.²⁷

Driven by this conversation, we sought to understand the rates of youth MVT in Hennepin County and determine whether some prosecutorial responses to motor vehicle theft and tampering were more effective at preventing recidivism than others. In this section, we examine the following questions:

Question 1: Who were the youth with MVT cases submitted to HCAO by law enforcement during the time period studied?

Question 2: Did rates of youth MVT cases submitted to HCAO by law enforcement spike in 2022 and 2023?

Question 3: Is the type of prosecutorial response to a submitted MVT case associated with the likelihood of another MVT case, 6-month recidivism after first MVT, or 12-month recidivism after first MVT?

Description of youth with submitted MVT cases

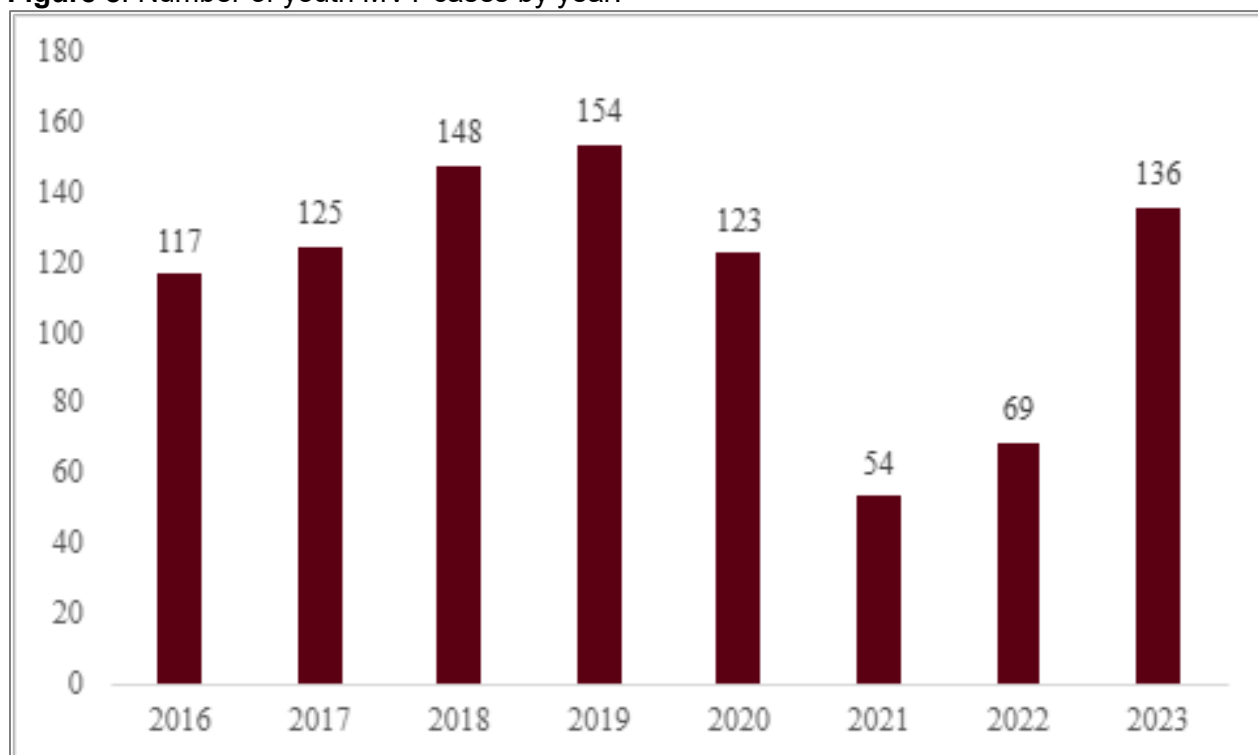
Between 2016 and 2023, there were 488 individual youth with a MVT case submitted to the HCAO. The youth charged for these crimes reflect the disparities of criminal legal system contact, with the majority being male (80.9%), and Black (79.5%). Despite heightened awareness of some very young children involved in these cases, 70% of the youth arrested for these crimes were

between 14 and 16 years old. Further, 70.5% had previously been cited or arrested for other offenses before their arrest for a MVT case.

Rates of youth MVT cases submitted to HCAO over time

Figure 8 depicts the total number of MVT referrals to HCAO between 2016 and 2023. The vast majority of reported MVT cases occurred prior to 2022. Youth MVT case submissions dropped drastically in 2020 and 2021 during the COVID-19 pandemic. Because of this drastic drop, cases more than doubled between 2021 and 2023. However, the number of cases in 2023 (136) was still lower than the pre-pandemic high in 2019 (154).

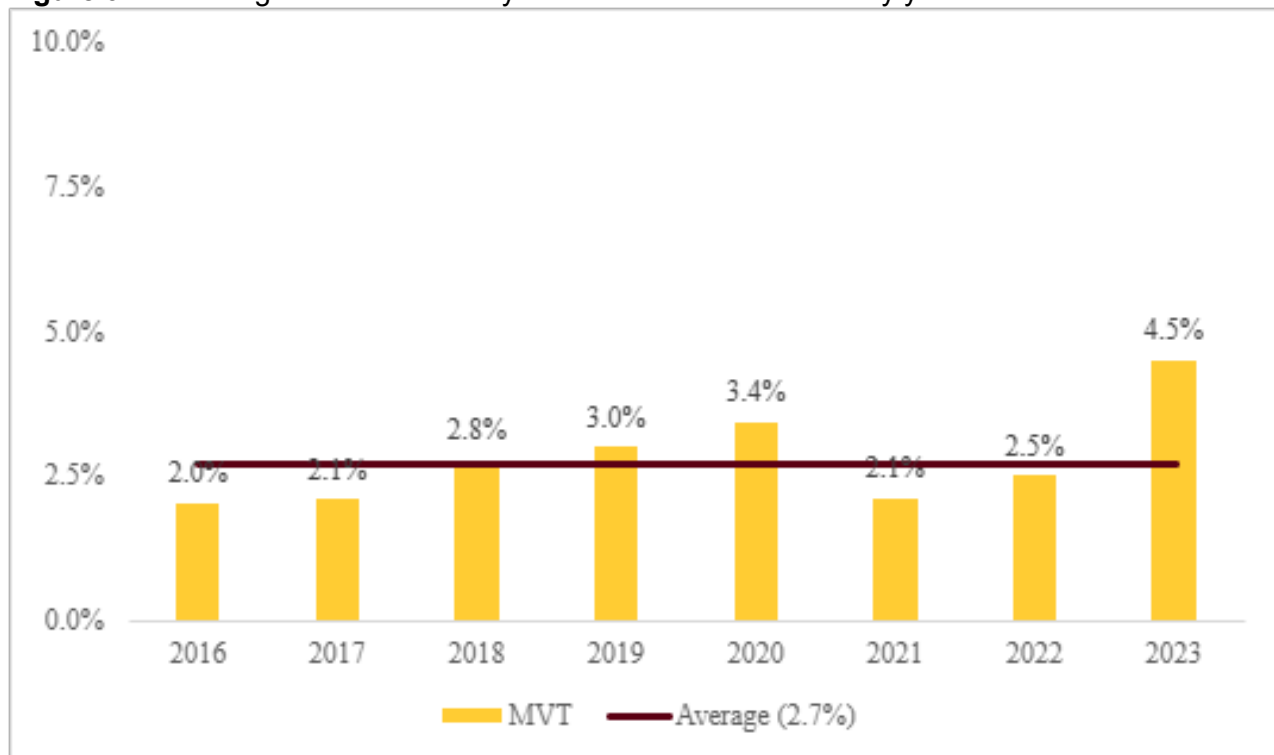
Figure 8. Number of youth MVT cases by year.



While raw numbers of MVT cases submitted to HCAO did not exceed pre-pandemic rates in 2022 and 2023, their share of all youth cases in Hennepin County did spike in 2023, as shown in Figure 9. On average, approximately 2.7% of all youth cases in Hennepin County are MVTs.

However, in 2023, that was nearly double, with 4.5% of youth cases being a MVT offense. This represented the highest percentage of cases since 2016. Thus, while the raw number of motor vehicle theft cases may not have increased, an increasing percent of cases submitted to the HCAO are MVT cases.

Figure 9. Percentage of all submitted youth cases that were MVT by year.



Associations between prosecutorial responses to a submitted MVT case and the likelihood that a young person will have another submitted MVT case or other future offense

For these analyses, we examined three broad categories of prosecutorial response to MVT, including whether a case was charged, diverted, or declined. Using multivariable logistic regression, we first examined the likelihood of a second MVT case based on prosecutorial response to a youth's first MVT case. We then separately examined the likelihood of recidivism within six months and twelve months for any new charged case, regardless of offense type. In both analyses, we controlled for the following variables previously shown to be associated with a

youth's likelihood of recidivism: youth age, year of first MVT offense, number of prior offenses before first MVT, race, and gender.

Likelihood of an additional submitted MVT case: Results indicate that when holding all other variables constant, prosecutorial response to MVT was not associated with the likelihood that a young person would commit a second MVT. **The decision prosecutors made regarding how to handle a youth's first MVT case did not make a difference in whether youth had a second MVT case submission.** For example, a youth who had their first MVT case charged was equally as likely to have a second MVT case submission as a youth who had their first MVT case declined. Instead, much like other types of cases, the factors that were associated with being referred again for MVT was being younger and the number of offenses before a first MVT.

Likelihood of any new charged case (regardless of offense type): The results of the general recidivism analyses were similar for both 6- and 12-month follow-up periods. Results for both models indicate that, when holding all other variables constant, prosecutorial response to MVT was associated with the likelihood that a young person recidivated within six or twelve months. Youth who had their first MVT case declined were less likely to have another charged case within 6 and 12 months than youth who had their first MVT case charged. Similarly, youth who had their first MVT case diverted, although not less likely to have another charged case within 6 months, were somewhat less likely to have another charge within 12 months compared to youth who had their first MVT case charged. **Declining or diverting a first MVT case was associated with a reduced likelihood of another charged case (regardless of offense type) within 12 months.** The only other factor associated with 6- or 12-month recidivism was number of offenses, with more offenses prior to a first MVT offense meaning a higher likelihood of recidivism at both 6- and 12- months. Age, race, and gender were not associated with general 6- or 12-month recidivism after a first MVT case submission.

Summary

In this section, we found a slight increase in MVT cases over time, especially as a proportion of all submitted cases. Prosecutorial response to a first MVT case was not associated with 6-month re-referral of an additional MVT case, but declining or diverting a first MVT case was associated with a reduced likelihood of having any other future charged case within 12 months.

Conclusion

Taken together, our findings align with national research that indicates community-based responses to youth legal system referrals are more effective than court-based accountability. Overall, we found that recidivism increases with each legal system contact, that Black youth are vastly over-represented in cases submitted to the HCAO compared to their share of the population, and that racial disparities increase with each legal system contact. We found that successful pre-charge diversion has the lowest recidivism rates among all types of accountability pathways in multiple analysis. However, we also found that eligibility criteria for pre-charge diversion resulted in overrepresentation in access to pre-charge diversion among youth on first offense, youth with misdemeanor offense, and youth who are White and female. We also found that the likelihood of success in pre-charge diversion favored those same groups.

Our analysis of post-charge diversion provided preliminary evidence that there are youth currently being objectively screened out of post-charge diversion who are similarly situated to peers who are diverted, and they experienced re-referrals at higher rates on the traditional pathway through the legal system than youth who experience post-charge diversion, especially if they are on their third referral to HCAO.

Additional analysis revealed problematic patterns for higher impact cases – cases which have been most likely to be charged after passing initial legal review. For example, one-third of cases of youth on their third referral or involving a gun will end up with another charged case within one year – often while the youth is still on probation. Consistent risk factors associated with 12-month recidivism were having prior offenses and having the case charged rather than diverted or declined.

Recommendations

Recommendation 1: Expand criteria for diversion

Diversion opportunities should no longer be largely limited to first-time and minor offenses. Given the extent to which diversion out-performs existing approaches, we recommend expanding diversion criteria and considering person-focused rather than offense-focused criteria. Many of the offenses alleged among youth cases are normative for youth in middle adolescence, and youth are likely to grow out of the behavior. Further, there is strong evidence in this report and other research^{7,11,30} that youth learn best through accountability provided by their family/caregivers and community. Thus, we recommend creating a strong, tailored set of responses that prioritize escalating supports as necessary to find effective responses for youth in collaboration with their families and communities.

For first offenses in particular, the minor differences in overall rates of re-referral and recidivism regardless of prosecutorial response (nearly 90% of youth have no additional charged cases within one year) provide strong evidence to avoid charging youth cases at this stage. The longer accountability periods and collateral consequences of court-based responses do not show better outcomes. For second offenses, the indication that non-system responses (decline and pre-charge diversion) were more effective than charging also provide evidence for expanded criteria, given decline is protective for 6-month referral and pre-charge diversion is protective from 12-month recidivism. Pairing the evidence that post-charge diversion does not outperform pre-charge diversion and that the complicated pathway is a risk factor for recidivism may indicate that it is best to focus on pre-charge diversion in terms of expanding criteria and improving success rates.

In general, based on an understanding of youth development, a person-centered principle for additional referrals would be to escalate supports if none were provided (e.g., move from informal to formal diversion). If supports were provided, offer additional attempts with the same

community-based supports when possible to provide an opportunity to maintain or strengthen the relationship. All adolescents are continuing to mature emotionally and gain the skills of impulse control in highly emotional contexts. This means they may not be able to apply lessons learned in one context to another that adults may see as essentially the same; part of accountability plans should focus on the community's responsibility to provide more pro-social ways to meet basic (e.g., safety) and developmental needs (e.g., the need to belong).

Recommendation 2: Tailor diversion opportunities for youth

With expanded eligibility criteria, partner with diversion providers to ensure they are ready to meet the more diverse needs of youth with whom they will work. Evidence suggests that developmentally-tailored, culturally-responsive, restorative approaches which accurately assess and tailor services to a youth's level of need are the most likely to be successful.³¹⁻³² Ensure these elements are in place for new diversion programming. While age was not associated with re-referral or recidivism rates, referral at younger ages (i.e., younger than age 15) may indicate that these youth have faced more trauma, more difficult life circumstances, etc., and/or that they may need more help reckoning with the harm of early contact with the legal system. Especially for higher impact cases (i.e., weapons cases, certain felony cases), having community providers guide responses to the harm could be helpful for youth in making meaning about their behavior, their context, and making right any harm while also addressing their unmet needs.

Given indications that non-system responses continue to be protective for third and fourth referrals, we recommend this tailoring continue through the third and fourth referrals. Tailored responses at this stage can be informed by whether the youth has previously engaged with diversion opportunities, family and youth voice, and opinions of community diversion providers. For example, if a youth is on their third referral but has never engaged with a community-based diversion provider despite having been referred, the presumed response might be to charge the

case. On the other hand, if a youth has successfully engaged in community-based accountability, is accused of committing another diversion-eligible offense, and the youth, family, and community provider all agree that the youth is making progress, then it likely makes sense to continue working with the same community provider with the expectation that additional supports might be provided to the youth and family based on their particular needs.

Recommendation 3: Improve system responses to youth

Continue to work with county social services, court, and corrections partners to improve outcomes for youth who enter or remain in the court system. The high rates of recidivism for charged cases, especially for youth not on their first offense, indicate that developmentally-tailored, restorative and effective responses are needed within all decision points of the youth legal system. Minnesota law is moving towards a legal standard that harm by 10- to 12-year-olds should not be addressed through the legal system. These young children, especially, may benefit from systems-based evaluation of needs to determine the best supports to implement in response to harm. Informed by system-based thinking, it is true for all children and youth that their actions and developmental trajectory are a product of their larger context. In turn, their actions and developmental trajectory influence their larger context, thus creating a never-ending cycle of interaction between the child and their context.²⁸⁻²⁹ Especially within the juvenile justice system, this can turn into a negative feedback loop very quickly. Decisions about escalating supports should be heavily informed by this concept.

References

1. Yeager, D. S. (2024). *10 to 25: the science of motivating young people : a groundbreaking approach to leading the next generation--and making your own life easier*. Avid Reader Press, an imprint of Simon & Schuster, LLC.
2. Shulman, E. P., Smith, A. R., Silva, K., Icenogle, G., Duell, N., Chein, J., & Steinberg, L. (2016). The dual systems model: Review, reappraisal, and reaffirmation. *Developmental Cognitive Neuroscience*, 17(C), 103–117. <https://doi.org/10.1016/j.dcn.2015.12.010>
3. Steinberg, L., Cauffman, E., Woolard, J., Graham, S., & Banich, M. (2009). Are adolescents less mature than adults?: Minors' access to abortion, the juvenile death penalty, and the alleged APA "flip-flop". *American Psychologist*, 64(7), 583–594. <https://doi.org/10.1037/a0014763>
4. Steinberg, L. D. (2014). *Age of opportunity: Lessons from the new science of adolescence*. Houghton Mifflin Harcourt.
5. Scott, E., Duell, N., & Steinberg, L. (2018). Brain development, social context, and justice policy. *Washington University Law Journal of Law & Policy*, 57, 13. https://openscholarship.wustl.edu/law_journal_law_policy/vol57/iss1/8
6. Baxter, E. (2017). *We are all criminals*. (1st ed.) We Are All Criminals.
7. Beckman, K. J., Jewett, P. I., Gaçad, A., & Borowsky, I. W. (2023). Reducing re-arrest through community-led, police-initiated restorative justice diversion tailored for youth. *Crime & Delinquency*, 70(10), 2780-2802. <https://doi.org/10.1177/00111287231158569>
8. Beardslee, J., Miltimore, S., Fine, A., et al. (2019). Under the radar or under arrest: How is adolescent boys' first contact with the juvenile justice system related to future offending and arrests? *Law and Human Behavior*, 43(4), 342-357.
9. Wilson, H. A., & Hoge, R. D. (2013). The effect of youth diversion programs on recidivism: A meta-analytic review. *Criminal Justice and Behavior*, 40(5), 497– 518. <https://doi.org/10.1177/0093854812451089>
10. Petrosino, A., Turpin-Petrosino, C., & Guckenburg, S. (2010). Formal system processing of juveniles: Effects on delinquency. *Campbell Systematic Reviews*, 6(1), 1-88
11. Cauffman E, Beardslee J, Fine A, Frick PJ, Steinberg L (2021). Crossroads in juvenile justice: The impact of initial processing decision on youth 5 years after first arrest. *Development and Psychopathology* 33, 700–713. <https://doi.org/10.1017/S095457942000200X>
12. Mulvey, E. P., Steinberg, L., Piquero, A. R., Besana, M., Fagan, J., Schubert, C., & Cauffman, E. (2010). Trajectories of desistance and continuity in antisocial behavior following court adjudication among serious adolescent offenders. *Development and Psychopathology*, 22, 971–971.
13. Barnert, E. S., Dudovitz, R., Nelson, B. B., Coker, T. R., Biely, C., Li, N., & Chung, P. J. (2017). How does incarcerating young people affect their adult health outcomes? *Pediatrics*, 139(2), e20162624. <https://doi.org/10.1542/peds.2016-2624>
14. Cavendish, W. (2014). Academic attainment during commitment and postrelease education–related outcomes of Juvenile Justice-involved youth with and without disabilities. *Journal of Emotional and Behavioral Disorders*, 22(1), 41–52.

15. Lopes, G., Krohn, M. D., Lizotte, A. J., Schmidt, N. M., Vasquez, B. E., & Bernburg, J. G. (2012). Labeling and cumulative disadvantage: The impact of formal police intervention on life chances and crime during emerging adulthood. *Crime & Delinquency*, 58, 456-488.
16. Gase, L. N., Glenn, B. A., Gomez, L. M., Kuo, T., Inkelas, M., & Ponce, N. A. (2016). Understanding Racial and Ethnic Disparities in Arrest: The Role of Individual, Home, School, and Community Characteristics. *Race and Social Problems*, 8(4), 296-312. <https://doi.org/10.1007/s12552-016-9183-8>
17. Piquero, A.R. & Brame, R.W. (2008). Assessing the race-crime and ethnicity-crime relationship in a sample of serious adolescent delinquents. *Crime and Delinquency*; 54(3):390-422. [PubMed: 19946564]
18. Rovner, J. (2016). Racial disparities in youth commitments and arrests. The Sentencing Project. Washington, DC. [Sentencingproject.org](http://sentencingproject.org)
19. Padgaonkar, N. T., Baker, A. E., Dapretto, M., Galván, A., Frick, P. J., Steinberg, L., & Cauffman, E. (2021). Exploring Disproportionate Minority Contact in the Juvenile Justice System Over the Year Following First Arrest. *Journal of Research on Adolescence*, 31(2), 317-334.
20. Gase, L. N., Glenn, B. A., Gomez, L. M., Kuo, T., Inkelas, M., & Ponce, N. A. (2016). Understanding Racial and Ethnic Disparities in Arrest: The Role of Individual, Home, School, and Community Characteristics. *Race and Social Problems*, 8(4), 296-312.
21. Goldman, M. & Rodriguez N. (2020). The State as the “Ultimate Parent”: The Implications of Family for Racial and Ethnic Disparities in the Juvenile Justice System. *Race and Justice*, 2153368720924769.
22. Mendel, R. (2025). From Punishment to Prevention: A Better Approach to Addressing Youth Gun Possession. The Sentencing Project. Washington, DC. [Sentencingproject.org](http://sentencingproject.org)
23. Cavanagh, C. (2022). Healthy adolescent development and the juvenile justice system: Challenges and solutions. *Child Development Perspectives*, 16(3), 141-147. <https://doi.org/10.1111/cdep.12461>
24. Friedman, M. (2019). Prioritizing the welfare of youth: Design failure in juvenile justice and building the restorative alternative. *Mitchell Hamline Law Review*, 45(4), Issue 2. <https://open.mitchellhamline.edu/mhlr/vol45/iss4/2>
25. Minnesota Compass (2025). Hennepin County data. Accessed October 15, 2025. <https://www.mncompass.org/profiles/county/hennepin>
26. Hunting, B. (2024, October 22). The Kia Boyz Saga: How a TikTok Trend Humbled an Automotive Juggernaut. MotorTrend. <https://www.motortrend.com/features/kia-boyz-tiktok-viral-video-car-theft-history>
27. DiLella, C., & Day. (2022, September 8). TikTok challenge spurs rise in thefts of Kia, Hyundai cars. CNBC. <https://www.cnbc.com/2022/09/08/tiktok-challenge-spurs-rise-in-thefts-of-kia-hyundai-cars.html>
28. Bronfenbrenner, U. (1986). Ecology of the family as a context for human development: Research perspectives. *Developmental Psychology*, 22(6), 723-742. <https://doi.org/10.1037/0012-1649.22.6.723>
29. Snyder, S. E., & Duchscher, J. E. (2022). Revisiting ecological systems theory: Practice implications for juvenile justice youth. *Translational Issues in Psychological Science*, 8(2), 234-245. <https://doi.org/10.1037/tps0000324>

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30. Mendel, R.A. (2022). Diversion: A hidden key to combating racial and ethnic disparities in juvenile justice. The Sentencing Project. <https://www.sentencingproject.org/reports/diversion-a-hidden-key-to-combating-racial-and-ethnic-disparities-in-juvenile-justice/>
 31. Cavanagh, C. (2022). Healthy adolescent development and the juvenile justice system: Challenges and solutions. *Child Development Perspectives*, 16(3), 141–147. <https://doi.org/10.1111/cdep.12461>
 32. Schwalbe, C., Gearing, R., MacKenzie, M., Brewer, K., & Ibrahim, R. (2012). A meta-analysis of experimental studies of diversion programs for juvenile offenders. *Clinical Psychology Review*, 32, 26-33.

Appendix A: Additional Data Tables

Table A. Use of, re-referral, and recidivism rates for 10 primary accountability pathways.

Pathway	N Referred to Pathways	% Referred to Pathways	6-Month Re-Referral Rates	12-Month Recidivism Rate	First case only	
					N	6-mo re-referral
Informal diversion	1462	12.6%	18.9%	19.2%	1109	14%
Decline	1593	13.7%	15.4%	30.9%	792	9.2%
Pre-charge diversion (SUC)	1567	13.5%	10.8%	11.5%	1308	9.3%
Pre-charge diversion (UNSUC) → Decline	260	2.2%	11.2%	18.5%	209	11.0%
Pre-charge diversion (UNSUC) → Charge	337	2.9%	18.4%	29.1%	233	12.9%
Post-charge diversion (SUC)	393	3.4%	13.2%	23.7%	195	9.7%
Post-charge diversion (UNSUC)	143	1.2%	21%	44.1%	51	17.6%
Charge→reviewed ineligible for post-charge	785	6.8%	19.5%	44.5%	234	9.0%
Direct charge pathway to traditional court	3164	27.3%	22.9%	46.5%	828	12.6%
Complicated pathways to traditional court	638	5.5%	27%	47%	383	22.7%

Note: SUC = successful. UNSUC = unsuccessful.

Table B. Disaggregated rates of use, re-referral and recidivism for informal diversion cases.

	Overall % of referrals to HCAO	N on pathway	Referred to pathway	6-Month Re-Referral Rate	12-month Recidivism Rate
Informal Diversion		1462	12.6%	18.9%	19.2%
	Col %	n	Col %		
Race/Ethnicity					
Asian/Pac Islander	1.1%	23	1.6%	8.7%	0.0%
Black	66.2%	828	56.6%	24.9%	27.2%
Hispanic/non-white	0.5%	6	0.4%	16.7%	16.7%
Hispanic White	3.0%	43	2.9%	23.3%	16.3%
American Indian	4.0%	32	2.2%	64.4%	40.6%
White	17.2%	334	22.8%	11.7%	8.4%
Unknown	7.9%	196	13.4%	3.6%	3.1%
Assigned Sex					
Female	34.1%	579	39.6%	14.5%	16.9%
Male	65.6%	874	59.8%	22%	20.8%
Unknown	0.4%	9	0.6%	0.0%	0.0%
Age Groups					
10-12	7.7%	103	7.0%	19.4%	24.3%
13-14	38.0%	561	38.4%	19.4%	19.8%
15-17	54.3%	798	54.6%	18.4%	18.0%
Offense Level					
Petty misdemeanor	4.5%	146	10.0%	11.6%	9.6%
Misdemeanor	53.8%	990	67.7%	18.9%	19.0%
Gross misdemeanor	5.7%	1	0.1%	n/a	n/a
Felony	16.7%	1	0.1%	n/a	n/a
Unknown	19.3%	324	22.2%	22.2%	24.1%
Referral #					
First	50.3%	1109	75.9%	14.0%	12.0%
Second	16.1%	174	11.9%	28.2%	35.6%
Third	8.7%	62	4.2%	35.5%	40.3%
Fourth +	24.9%	117	8.0%	42.7%	51.0%

Table C. Disaggregated rates of use, re-referral and recidivism for declined cases.

	Overall % of referrals to HCAO	N on pathway	Referred to pathway	6-Month Re-Referral Rate	12-month Recidivism Rate
Declines		1593	13.7%	15.4%	30.9%
	Col %	n	Col %		
Race/Ethnicity					
Asian/Pac Islander	1.1%	22	1.4%	18.2%	4.5%
Black	66.2%	1077	67.6%	18.5%	37.2%
Hispanic/non-white	0.5%	6	0.4%	33.3%	16.7%
Hispanic White	3.0%	40	2.5%	20.0%	37.5%
American Indian	4.0%	80	5.0%	16.3%	45%
White	17.2%	268	16.8%	6.7%	13.8%
Unknown	7.9%	100	6.3%	1.0%	1%
Assigned Sex					
Female	34.1%	441	27.7%	14.1%	25.9%
Male	65.6%	1146	71.9%	16.0%	33%
Unknown	0.4%	6	0.4%	0%	0%
Age Groups					
10-12	7.7%	153	9.6%	10.5%	20.3%
13-14	38.0%	600	37.7%	18.3%	32.0%
15-17	54.3%	840	52.7%	14.2%	32.0%
Offense Level					
Petty misdemeanor	4.5%	28	1.8%	21.4%	17.9%
Misdemeanor	53.8%	433	27.2%	20.1%	33.5%
Gross misdemeanor	5.7%	30	1.8%	10.0%	43.3%
Felony	16.7%	32	2.0%	21.9%	46.9%
Unknown	19.3%	1070	67.2%	13.3%	29.3%
Referral #					
First	50.3%	792	49.7%	9.2%	14.5%
Second	16.1%	242	15.2%	16.1%	29.3%
Third	8.7%	141	8.9%	21.3%	36.2%
Fourth +	24.9%	418	26.2%	24.6%	61%

Table D. Disaggregated rates of use, re-referral and recidivism for successful pre-charge diversion cases.

	Overall % of referrals to HCAO	N on pathway	Referred to pathway	6-Month Re-Referral Rate	12-month Recidivism Rate
Pre-Charge Successful		1567	13.5%	10.8%	11.5%
	Col %	n	Col %		
Race/Ethnicity					
Asian/Pac Islander	1.1%	39	1.1%	5.1%	0.0%
Black	66.2%	773	49.3%	14.6%	16%
Hispanic/non-white	0.5%	11	0.5%	0.0%	9.1%
Hispanic White	3.0%	72	4.6%	12.5%	12.5%
American Indian	4.0%	28	1.8%	3.6%	3.6%
White	17.2%	453	28.9%	9.3%	9.3%
Unknown	7.9%	191	12.2%	1.6%	1.6%
Assigned Sex					
Female	34.1%	624	39.8%	7.7%	8.3%
Male	65.6%	935	59.7%	13.0%	13.7%
Unknown	0.4%	8	0.5%	0.0%	0.0%
Age Groups					
10-12	7.7%	163	10.4%	8.6%	9.2%
13-14	38.0%	591	37.7%	10.7%	13%
15-17	54.3%	813	51.9%	11.4%	10.8%
Offense Level					
Petty misdemeanor	4.5%	75	4.8%	12.0%	8%
Misdemeanor	53.8%	1244	79.4%	10.5%	12.5%
Gross misdemeanor	5.7%	127	8.1%	17.3%	7.1%
Felony	16.7%	112	7.1%	7.1%	8.9%
Unknown	19.3%	9	0.6%	11.1%	0.0%
Referral #					
First	50.3%	1308	83.5%	9.3%	9.4%
Second	16.1%	186	11.9%	15.6%	19.9%
Third	8.7%	57	3.6%	24.6%	22.8%
Fourth +	24.9%	16	1.0%	37.5%	43.8%

Table E. Six-month re-referral rates compared by pre-charge success or not, disaggregated by offense level and number of referrals.

	6-mo Re-referral Rate Successful pre- charge diversion	6-mo Re-referral Rate Unsuccessful pre-charge diversion → declined	6-mo Re-referral Rate Unsuccessful pre-charge diversion → charged
Overall	10.8%	11.2%	18.4%
Offense Level			
Petty misdemeanor	12.0%	0.0%	25%
Misdemeanor	10.5%	11.8%	17.9%
Gross misdemeanor	17.3%	14.3%	26.9%
Felony	7.1%	7.7%	12.5%
Unknown	11.1%	12.5%	
Referral #			
First	9.3%	11.0%	12.9%
Second	15.6%	13.5%	28.8%
Third	24.6%	9.1%	35.3%
Fourth +	37.5%	0.0%	37.5%

Table F. Disaggregated rates of use, re-referral and recidivism for post-charge successful cases.

	Overall % of referrals to HCAO	N on pathway	Referred to pathway	6-Month Re-Referral Rate	12-month Recidivism Rate
Post-Charge Successful		393	3.4%	13.2%	23.7%
	Col %	n	Col %		
Race/Ethnicity					
Asian/Pac Islander	1.1%	9	2.3%	0.0%	11.1%
Black	66.2%	258	65.6%	15.5%	25.6%
Hispanic/non-white	0.5%	6	1.5%	16.7%	16.7%
Hispanic White	3.0%	7	1.8%	42.9%	42.9%
American Indian	4.0%	15	3.8%	6.7%	33.3%
White	17.2%	67	17.0%	10.4%	20.9%
Unknown	7.9%	31	7.9%	0.0%	9.7%
Assigned Sex					
Female	34.1%	192	48.9%	8.3%	20.3%
Male	65.6%	199	50.6%	18.1%	27.1%
Unknown	0.4%	2	0.5%	0%	0.0%
Age Groups					
10-12	7.7%	36	9.5%	2.8%	11.1%
13-14	38.0%	159	40.5%	15.1%	30.2%
15-17	54.3%	198	50.4%	13.6%	20.7%
Offense Level					
Petty misdemeanor	4.5%	9	2.3%	33.3%	33.3%
Misdemeanor	53.8%	291	74.0%	13.1%	24.4%
Gross misdemeanor	5.7%	37	9.4%	8.1%	21.6%
Felony	16.7%	56	14.2%	14.3%	19.6%
Unknown	19.3%	0	0.0%		
Referral #					
First	50.3%	195	49.6%	9.7%	16.4%
Second	16.1%	106	27.0%	16.0%	28.3%
Third	8.7%	52	13.2%	9.6%	26.9%
Fourth +	24.9%	40	10.2%	27.5%	47.5%

Table G. Six-month re-referral rates compared by post-charge success or not, disaggregated by offense level and number of referrals.

	6-mo Re-referral Rate Successful post- charge diversion	6-mo Re-referral Rate Unsuccessful post- charge diversion
Overall	13.2%	21.0%
Offense Level		
Petty misdemeanor	33.3%	0%
Misdemeanor	13.1%	25%
Gross misdemeanor	8.1%	5.9%
Felony	14.3%	13.3%
Unknown		
Referral #		
First	9.7%	17.6%
Second	16.0%	15.0%
Third	9.6%	38.1%
Fourth +	27.5%	22.6%

Table H. Disaggregated rates of use, re-referral and recidivism for Charge → Traditional court pathway cases.

	Overall % of referrals to HCAO	N on pathway	Referred to pathway	6-Month Re-Referral Rate	12-month Recidivism Rate
Charge → Court		3164	27.3%	22.9%	46.5%
	Col %	n	Col %		
Race/Ethnicity					
Asian/Pac Islander	1.1%	23	0.7%	17.4%	43.5%
Black	66.2%	2324	73.5%	24.7%	51.9%
Hispanic/non-white	0.5%	14	0.4%	7.1%	14.3%
Hispanic White	3.0%	106	3.4%	24.5%	44.3%
American Indian	4.0%	119	3.8%	22.7%	52.1%
White	17.2%	458	14.5%	19.0%	27.5%
Unknown	7.9%	120	73.8%	5.0%	15.0%
Assigned Sex					
Female	34.1%	809	25.6%	21.5%	41.9%
Male	65.6%	2352	74.3%	23.5%	48.2%
Unknown	0.4%	3	0.1%		
Age Groups					
10-12	7.7%	154	4.9%	18.2%	31.8%
13-14	38.0%	1174	37.1%	23.9%	50.7%
15-17	54.3%	1836	58.0%	22.8%	45.1%
Offense Level					
Petty misdemeanor	4.5%	211	6.7%	19.9%	26.1%
Misdemeanor	53.8%	1547	48.9%	25.5%	51.3%
Gross misdemeanor	5.7%	205	6.5%	27.3%	48.3%
Felony	16.7%	1177	37.2%	19.6%	44.1%
Unknown	19.3%	24	0.8%	8.3%	25%
Referral #					
First	50.3%	828	26.2%	12.6%	19.6%
Second	16.1%	500	15.8%	25.0%	41%
Third	8.7%	385	12.2%	26.2%	51.9%
Fourth +	24.9%	1450	45.8%	27.3%	62.3%

Appendix B: HCAO Previous Diversion Guidelines

The attached document from the HCAO Juvenile Prosecution Division is included as added information about the diversion policies in effect during the time period studied.

Hennepin County Attorney's Office
Juvenile Prosecution Division
DIVERSION GUIDELINES
Consolidated and Updated-- 10/17/2022

I. Policy and Goals

The Hennepin County Attorney's Office, Juvenile Prosecution Division ("JPD") uses a comprehensive, tiered approach to diversion. This includes informal diversion, such as letter diversion and referrals to community resources. It also includes formal diversion, monitored by a diversion provider, on both a pre-charge and post-charge basis.

The goals of the JPD diversion program are multi-faceted, balancing principles of maintaining public safety, decreasing inequity, and providing for the best interests of the youth and communities we serve. Our diversion programs are designed to provide services and programming, to hold the youth accountable for their actions, and to allow youth avoid a criminal record.

II. Overview of Programming

JPD uses a spectrum of diversionary responses depending on the level and type of offense and the youth's history. The responses range from attempts to have the family address the behavior at home, to "pre-charge" programs that allow the youth to avoid court involvement, to "post-charge" programs that occur after an appearance in court, but still allow the youth an opportunity to keep their court record clean.

Letter Diversion:

- Advisory to parent/guardian asking family to address behavior for youth with no history who have committed very minor offenses such as disorderly conduct or low dollar shoplifting.

Curfew Diversion:

- Curfew violations are not filed with court unless the youth has a pending charge in court for a non-curfew delinquency offense. Most curfew cases are referred for intervention to [The Link](#), which operates the Youth Connection Center (formerly the Juvenile Supervision Center).

Petty Drug and Alcohol Diversion:

- Petty Drug and Alcohol Diversion is available for youth who have been referred for a charge of possession of a small amount of marijuana (possession of less than 42.5 grams of marijuana), possession of drug paraphernalia, or alcohol related offenses.

Formal Pre-Charge Diversion Programming:

- Eligible youth include those with little to no history who are referred for a juvenile petty offense, a misdemeanor offense, a gross misdemeanor offense, and most felony property and drug possession offenses. Youth and family participate in an intake assessment with Headway

Emotional Health and a diversion contract, specific to the youth, is developed. Services may be provided by Headway or referred to other community-based programs including restorative justice. A special pre-charge diversion program exists for youth on domestic charges, called Juvenile Family Violence Diversion (“JFVD”).

Post-Charge Diversion:

Juvenile Petty Offenses.

- All cases on the juvenile petty calendar are reviewed for diversion. This includes youth who were not successful with pre-charge diversion or whose cases were outside pre-charge diversion criteria.

Delinquency Offenses.

- All cases on the juvenile delinquency first appearance calendar are reviewed for diversion. Only person felonies are automatically excluded from consideration and all other cases are reviewed for eligibility. In cases where the youth is successful with delinquency post-charge diversion and restitution is completed, the State files motions to seal court records.

III. Pre-Charge Diversion without the Potential for Court Involvement

For youth with limited or no history and who are referred for very low-level offenses, JPD will first rely on the family and voluntary interventions.

Letter Diversion:

A letter is sent to the parent/guardian of the youth advising them of the citation and asking that the behavior be addressed within the family.

Eligibility

- *De Minimis* cases are eligible for letter diversion. Examples of *de minimus* cases include shoplifting where the stolen property is valued at less than \$100 and was recovered, and disorderly conduct/mutual fight without serious injury. Disorderly conduct cases referred by schools are generally handled by letter diversion unless the juvenile already has a case open in court, the case is particularly egregious, law enforcement indicates that disciplinary interventions at school have been attempted with no change in behavior or for some other compelling reason.
- Generally, a youth may receive two letter diversions. If a third offense is received that otherwise fits diversion criteria the youth may be eligible for pre-charge diversion with programming. A letter diversion may be used when a youth has prior closed juvenile petty offense and/or delinquency cases and the current offense is *de minimis*, if the new offense is more than 1 year after the prior offense. If the youth has an open case, the matter will be charged.

Curfew Diversion

The case is referred to the appropriate organization/department to follow up with the family of the youth who has been cited for a curfew violation. Most curfew diversion are referred to the Youth Connection Center.

Eligibility

- Any youth cited for curfew is eligible for informal diversion unless the youth has pending charges for a non-traffic/status misdemeanor level juvenile petty offense or a delinquency offense. Diversion eligible youth are referred to the Youth Connection Center (Operated by The Link) unless they are on supervised probation, have a pending Child in need of Protection or Services (CHIPS) Court case or in the Headway diversion program. Those youth are referred to probation, child protection, and Headway respectively.

Refer to Probation

If a youth is already on probation, then *de minimis* cases may be referred to a youth's supervising probation officer to address the behavior.

Eligibility:

- *De Minimis* cases include those that would be eligible for letter diversion, curfew diversion, drug diversion, and formal diversion.

Refer to HSPHD

When a youth has recently been found incompetent or has an active CHIPS case, new cases can be referred to HSPHD as opposed to filing of charges.

Eligibility:

- Petty and Misdemeanor level offenses should be evaluated for referral to HSPHD. Cases with no restitution and no injuries are appropriate for this type of diversion.

IV. Pre-Charge Diversion with Required Programming

Cases that are not eligible for diversion through one of the Pre-Charge Diversion without the Potential for Court Involvement programs (letter diversion, curfew diversion, or referral to probation or HSPHD) are reviewed for pre-charge diversion with required programming. This level of diversion focuses on cases that are more serious and for which a consequence and/or programming is appropriate. Diversion is attempted before the case is submitted to court and the case will not be filed if the youth is successful with the diversion programming and requirements. Restitution to victims is a part of this level of diversion. If the youth is not successful, then the case may be filed in court.

Special programming and procedures are followed for drug cases and family domestic violence cases. See below for details.

Formal Pre-Charge Diversion

In this program, the youth is referred to a community-based organization for assessment and programming. These programs generally last 6 months. The youth and their parents or guardian attend an intake with a community-based diversion provider. A diversion contract is developed at the intake meeting the youth's progress through that program is tracked.

A youth may choose to go to court if they deny the offense or do not wish to participate in the diversion contract. In the event that a youth is willing to participate in diversion and a parent is not, generally the youth should still be eligible and able to participate if possible. If the parent prevents the youth from participating, and after further review, a decision is made to file a charge, those circumstances should be considered in subsequent negotiation of the case.

Eligible Offenses:

- All misdemeanor level juvenile petty offenses.
- All misdemeanor level delinquency offenses, except senior attorney approval required for:
 - BB Gun cases;
 - Criminal Sexual Conduct cases;
 - Intimate Partner DV cases;
 - Arson cases and Fire cases.
- All gross misdemeanor level delinquency offenses, except senior attorney approval required for:
 - BB Gun cases;
 - Criminal Sexual Conduct cases;
 - Intimate Partner DV cases;
 - Arson cases and Fire cases.
- The following felony level cases:
 - Property felonies where the "out-of-pocket" restitution is less than \$1,000.

- Fifth Degree and Fourth Degree Controlled Substance Possession cases and sale of marijuana cases involving less than 42.5 grams of marijuana.

Residence:

- For non-residents, HCAO contacts the youth's county of residency to see if the youth is eligible for pre-charge diversion in their home county, where diversion services would be provided. If the youth is not eligible in their home county, pre-charge diversion in Hennepin County requires Senior Attorney approval.

Juvenile History:

- This level of diversion is designed primarily for first time offenders. The following prior cases do not exclude a youth from diversion eligibility:
 - Prior letter diversions;
 - Traffic cases;
 - Child Protection matters;
 - Status violations (including any charges scheduled on the status and/or traffic calendars including prior charges or diversions for petty marijuana, curfew or minor consumption); and
 - Cases that were declined or dismissed based on the sufficiency of the evidence.
- A juvenile may be diverted twice under the following rules:
 - A subsequent petty, misdemeanor, or gross misdemeanor offense is eligible for pre-charge diversion if the offense is committed 12 months or more after successfully completing a diversion contract.
 - If the second eligible offense is committed under the following circumstances:
 - The second offense is an eligible felony, or
 - Is committed while a diversion contract is underway, or
 - Is committed less than 12 months after the youth successfully completed diversion contract:

In such cases, the case will be screened by the diversion team to discuss diversion in consultation with the diversion provider. In making the determination, the following considerations will be considered:

- Timing of new offense;
- Progress in diversion;
- Types of offenses;
- Level of offense;
- Consistency of treatment of co-Respondents;
- Restitution; and
- Other relevant factors.

Police Diversion Failures

- Many police jurisdictions operate juvenile diversion programs and police should provide information about past diversions to HCAO when a case is referred. If a juvenile has failed police diversion, the case is reviewed prior to being charged.

The potential for successful diversion must be weighed against the resulting time delay that could jeopardize successful prosecution of the case.

Factors to be considered include:

- Length of time since the incident;
- Law abiding behavior since the incident;
- Reason for failure;
- Updated contact information;
- Consistency of treatment of co-Respondents;
- Extent of program completed – did they substantially complete the programming;
- Type of incident;
- Victim in case; and
- Appropriateness services are available that would address the behavior.

Petty Drug Diversion (PDA Diversion)

This program gives youth an opportunity to complete an on-line chemical education class. If the youth completes the class, the case is not charged. If the youth chooses not to take the class, charges are filed.

Eligible Offenses:

- Possession of a Small Amount of Marijuana;
- Possession of Drug Paraphernalia;
- For cases in which additional offenses were cited – e.g. curfew, tobacco - the additional status offenses such as curfew and tobacco may be diverted along with the Petty Marijuana and Drug Paraphernalia. For other additional offenses, senior attorney approval is required.

Residence:

- Hennepin County residence is not a requirement for PDA diversion.

Juvenile History:

All eligible offense cases should be diverted unless they fit one of the exceptions below:

- Exception 1 – Youth with Pending Case: The youth has a pending case in juvenile court that is handled by HCAO (or would be if it is in another county). The following pending cases do not exclude eligibility:
 - Cases on the Traffic/Status Calendar;
 - Child Protection, Runaway or Truancy cases. However, for these cases, consult the supervising attorney to determine if there is a more effective way to address the citation than through PDA diversion, such as through the Child Protection case plan.

- Exception 2 – Youth on Probation: The youth is on supervised probation for a delinquency offense. However, for these cases, consult the supervising attorney to determine if the case should be referred to probation.
- Exception 3 – Prior Drug Cases: The youth has a prior drug-related adjudication, stay of adjudication or diversion. In these instances, the following guidelines apply:
 - A youth who has been previously diverted (pre-charge or post-charge) for a drug-related offense, may be diverted a second time if more than 6 months has passed since completing diversion and no other delinquency offenses have been charged.
 - A youth who has been adjudicated or received a stay of adjudication for a petty misdemeanor level drug-related offense may be diverted if more than 6 months has passed since expiration of jurisdiction and no other delinquency offenses have been charged
 - A youth who has been adjudicated or received a stay of adjudication for a gross misdemeanor level drug-related offense may be diverted if more than 1 year has passed since expiration of jurisdiction and no other delinquency offenses have been charged.
 - A youth who has been adjudicated or received a stay of adjudication for felony level drug-related offense may be diverted if more than 2 years has passed since expiration of jurisdiction and no other delinquency offenses have been charged.

Juvenile Family Violence Diversion (“JFVD”)

Juvenile Family Violence Diversion is for youth ages 10-17 who have a domestic case where the victim is a sibling, parent, adult guardian, or relative in the household.

Eligible Offenses:

- Case involves family domestic violence (e.g. disorderly conduct, assault, domestic assault, and property damage);
- All misdemeanor level juvenile petty offenses;
- All misdemeanor level delinquency offenses;
- All gross misdemeanor level delinquency offenses;
- Property felonies, when the restitution may not exceed \$1,000.

Victim Input:

- Victim or Parent must agree to diversion.

Residence:

- Hennepin County residence is not a requirement for JFVD diversion, but can be an impediment to successfully completing diversion. Consult with senior attorney for approval.

Juvenile History:

- JFVD is designed primarily for first-time offenders. If the youth has prior delinquency or petty offense history senior attorney approval is required.
- The following cases do not exclude a youth from diversion eligibility:
 - traffic cases,
 - child protection matters, and
 - status violations (including any charges scheduled on the status and/or traffic calendars, including petty marijuana and minor consumption charges).
 - Prior letter diversion(s) and diversion for status offenses do not exclude diversion eligibility.
- A juvenile may be diverted twice if a subsequent eligible offense is committed 12 months or more after successfully completing a diversion contract.

V. HCAO Delinquency and Petty Post-Charge Diversion

All cases set for a first appearance on both the petty and delinquency first appearance calendars are reviewed for diversion eligibility. The goal of this review is to apply standard criteria to cases, to reach consensus on how cases should be handled, to identify cases that should be diverted, and to devote resources to getting youth to successfully complete diversion.

Petty cases:

The review of petty cases is conducted by the attorney who handles the petty calendar, the diversion team senior attorney, the diversion coordinator, and a citation paralegal who handles pre-charge diversion cases.

Eligible Offenses:

Diversion should be attempted in all cases. If the youth failed pre-charge diversion, then attempts should be made to get the youth to success on a post-charge basis. If youth previously failed post-charge diversion, consider the reasons (family issues, homelessness, lack of interest).

Residence:

Hennepin County residency is not a requirement of post-charge diversion for petty offense cases.

Delinquency Cases:

The review of delinquency cases is conducted by a committee comprised of the attorney who handles the delinquency calendar, the diversion team senior attorney, the diversion coordinator, the supervisor of the victim advocate unit, and the JPD managing attorney. Members of diversion team are invited, but not required to attend. The attorney of record and victim advocate assigned to the case are asked for input and invited to the meeting. The committee operates by reaching consensus on the cases.

Eligible Offenses:

The following offenses are eligible for post-charge diversion consideration:

- Misdemeanor delinquency charges;
- Gross misdemeanor delinquency charges;
- Felony delinquency property and drug charges, including:
 - Theft;
 - Financial Transaction Card Fraud;
 - Receiving Stolen Property;
 - Motor Vehicle Theft;
 - Damage to Property;
 - Drug Offenses.

The following offenses are not eligible for post-charge diversion consideration:

- Homicide and other Death cases;
- Felony Criminal Sexual Conduct;
- Robbery (simple and aggravated);

- Felony Level Assault cases
- Felony Gun cases;
- Felony Burglary cases;
- Other Felony Person Crimes; and
- Fleeing in a Motor Vehicle.

Prior History Eligibility Considerations:

For post-charge diversion, the prior history is measured from the date of the current offense to the date of the prior offense. We do not look to the date the prior case was resolved. Only adjudicated cases exclude a youth from consideration.

- Misdemeanor delinquency cases will be considered if no previous delinquency adjudications within the last 1 year;
- Gross misdemeanor delinquency cases will be considered if no previous delinquency adjudications at the gross misdemeanor or felony level within the last 2 years;
- Felony delinquency cases will be considered if no previous felony adjudications within the last 3 years;
- The following cases/charges will not preclude consideration for diversion eligibility
 - Juvenile Petty Offenses
 - Traffic charges
 - Child Protection matters

Transfer of Venue:

- Transfer of Venue cases are excluded because the youth has already entered a plea in another county and the mechanism for post-charge diversion is a continuance without a plea.

Additional Considerations

All cases that meet the eligibility criteria are reviewed for any additional considerations that may affect eligibility. The number of cases, seriousness of cases, frequency of cases, level and circumstances of the current offense, timing of cases, and programming history are evaluated in considering diversion eligibility. Common factors that are considered include:

- Victim impact will be considered along with the facts and circumstances of the case including injury or harm to the victim, the use or possession of a weapon, and whether there is repeated assaultive behavior.
- The amount of restitution is considered. There is no ceiling on the amount of restitution, however, a large restitution amount is a factor that may make a youth ineligible. Ability or inability of a youth to pay restitution does not impact diversion eligibility.
- Residency is not required but can be a basis for exclusion if the youth has a history of supervision in their home county, has open cases in their home county. Residency can also affect the ability of the youth to complete the terms of a diversion contract.

- Multiple current cases do not exclude eligibility and there is not a specific number of cases that will preclude eligibility. However, the number and severity of the current cases and any prior cases will be factors in determining eligibility.
- Probation – The fact that a youth is currently on probation does not automatically exclude the youth from eligibility. Considerations will include:
 - Input from the probation officer on how the youth is doing and if additional services are appropriate. Probation will need to monitor and report back on the diversion conditions.
 - The seriousness of the current offense(s) as well as the seriousness of the probation offense(s).
 - Whether there is a pending probation warrant and or violation
 - Engagement with probation.
 - The timing of the new case in relation to the youth being placed on probation.
- Diversion failures on the current case does not exclude the youth from eligibility. Considerations will include:
 - The reason for the diversion failure;
 - Whether there are new offenses in addition to the diversion failure;
 - The number of prior diversionary interventions.
- Age – There is not a specific age cut off for diversion eligibility.
 - The amount of time left before expiration of juvenile jurisdiction in relation to the required diversion programming including restitution
 - Whether there are adult convictions or pending adult charges
- Other Offense Specific Considerations
 - CSC cases – Misdemeanor and Gross-Misdemeanor level criminal sexual conduct cases may only be diverted with approval from both the Diversion Team Senior and the CSC Team Senior, or from the Division Manager.
 - Intimate Partner Domestic Violence Cases – Misdemeanor and Gross Misdemeanor level intimate partner may only be diverted with approval from both the Diversion Team Senior and the Domestic Violence Team Senior, or from the Division Manager.