

## Why Youth Diversion Matters:

A Briefing for Police and  
Crime Commissioners

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### In brief

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- > Prosecuting or using out of court disposals for young people committing first time and low-level offences makes them more, not less, likely to reoffend.
- > Instead, the evidence shows that, following an arrest, diverting young people into a short assessment and light-touch, voluntary programming reduces reoffending, lowers costs, and generates better outcomes for young people.
- > Youth diversion schemes enable Police and Crime Commissioners (PCCs) to save and re-direct valuable police time into important frontline services, fulfilling their statutory duties around reducing crime, while maximising the use of resources through cooperative working and co-commissioning of services. Many youth diversion schemes also incorporate aspects of restitution and restorative justice, ensuring a strong focus on the victims of crime.
- > Youth diversion schemes have a compelling evidence base, a strong financial case, and, in some areas, years of successful operation. However, youth diversion is not a statutory function of Youth Offending Teams (YOTs), despite constituting a large proportion of total caseload in some areas. Budgetary pressures mean their funding can be precarious.
- > We recommend that PCCs fund, or continue to fund, youth diversion schemes in their areas.



### The evidence for youth diversion

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Prosecuting young people or using out of court disposals for low-level and first time offending does not control crime. Research has consistently shown that deepening involvement in the justice system actually makes this group more likely to reoffend and comes with a range of limiting collateral consequences (e.g. a criminal record; labelling; interruption of education, training and employment).<sup>1</sup> Children and young people grow out of crime; offending behaviour peaks in the mid-teens before dropping steeply at the onset of young adulthood then declining more slowly.<sup>2</sup> Formal criminal justice processing can arrest this process, contributing to more crime.

Youth diversion schemes offer a better way of effectively addressing the low-level criminal behaviour of young people. Although youth diversion is not a statutory responsibility of Youth Offending Teams (YOTs), youth diversion schemes operate for under-18s in a variety of different models across England and Wales.<sup>3</sup> Eligible young people are assessed following an arrest and matched with voluntary interventions designed to reduce reoffending.<sup>4</sup> Where young people suitably engage with this programming, their original case is discontinued and they can emerge without a formal criminal disposal.

Research evidence strongly suggests that youth diversion can:

- > **Reduce reoffending:** it is a vital tool in fulfilling the principal statutory aim of the youth justice system, i.e. to prevent offending;<sup>5</sup>
- > **Lower costs:** immediate cost avoidance across criminal justice agencies, primarily in terms of the saved police, prosecution, and court time;<sup>6</sup> longer term savings associated with reduced reoffending; and savings linked to facilitating access to support services and addressing emergent needs earlier.

Prosecuting young people and using out of court disposals is an expensive investment, often with poor returns. Youth diversion schemes have contributed to the large drop in first time entrants to the youth justice system in recent years. This comes with significant fiscal benefits.

- £3,620: Estimated average cost of a first time entrant (under 18) to the criminal justice system in the first year following the offence<sup>7</sup>
- £22,995: Estimated average cost of a first time entrant (under 18) to the criminal justice system, nine years following the offence<sup>8</sup>
- £113,000,000: Estimated taxpayer savings if one in ten young offenders were diverted toward effective support<sup>9</sup>



- > **Lead to better outcomes for young people:** connecting them with much-needed support services, reducing their likelihood of reoffending, and avoiding other negative consequences of prosecution and out of court disposals.

## Why should Police and Crime Commissioners (PCCs) fund youth diversion?

From 2013/14, funding for youth crime and substance misuse prevention from the Home Office was reallocated from YOTs to PCCs.<sup>10</sup> This amounts to an average of around 13% of YOTs' budgets, according to the Association of YOT Managers.<sup>11</sup>

In a number of areas we have worked with, the youth diversion caseload represents a larger proportion of YOTs' total caseload than statutory cases. However, given their non-statutory status, and despite their proven benefits, diversion schemes are vulnerable to being cut when budgets fall. A Ministry of Justice-commissioned stocktake found YOTs were 'moving away from preventative work towards just fulfilling statutory commitments', mirroring the findings of our survey of YOTs which showed that practitioners were worried mounting budget pressures would lead to youth diversion losing investment.<sup>12</sup>

We suggest that funding youth diversion offers many benefits to PCCs:

- > **Youth diversion helps protect frontline policing resources.** Youth diversion schemes enable PCCs to save valuable police time that can be better deployed elsewhere. By accelerating the time frame in which police can pass low level cases to youth diversion schemes and re-focus on dealing with more serious work, diversion offers efficiency benefits, shortening processing and turnaround times. Indeed, schemes we have worked with estimate that their operation has reduced the burden on the police by between 15 and 35 percent for diverted cases.
- > **Youth diversion helps PCCs fulfil their statutory duties.** By simultaneously cutting crime and freeing up police time, youth diversion helps PCCs meet their statutory duty to 'secure that the police force is efficient and effective.'<sup>13</sup> Section 10 of the Police Reform and Social Responsibility Act 2011 requires PCCs to work cooperatively with YOTs to provide an efficient and effective justice system for their police area. Youth diversion schemes are an integral part of this cooperative work in many areas, helping PCCs and YOTs to realise shared goals.

> **Youth diversion helps PCCs deliver on key Police and Crime Plan priorities.** The aims and outcomes of youth diversion align with many of the key priorities commonly cited in Police and Crime Plans, including:

- **Ensure efficiency:** youth diversion for low-level criminal behaviour is cheaper and better performing than formal processing. Moreover, by diverting low-level offenders, youth diversion frees up capacity to effectively deal with more persistent, serious young offenders through formal channels.
- **Secure value for money:** in the context of diminishing resources, youth diversion is especially attractive as it lowers costs and improves outcomes.
- **Reduce the impact of anti-social behaviour:** restorative justice elements of youth diversion schemes lessen the impact of past cases of anti-social behaviour, and diversion's reduction in reoffending ensures that there will be fewer cases in the future.
- **Respond to 'complex needs':** by connecting them with various support services and responding to emergent needs earlier, youth diversion schemes can address complex needs among children and young people.
- **Put victims first:** youth diversion schemes can be specifically designed to incorporate aspects of restitution and restorative justice (most include victim awareness sessions, for example), ensuring a strong victim focus.
- **Adopt multi-agency approaches:** working with YOTs, themselves multi-agency partnerships, on youth diversion schemes that bring together various support services allows for joined-up working, tackling the pervasive problem of silos.
- **Enhance early intervention and prevention:** given that effective youth justice services stop young offenders becoming adult offenders, YOTs are rightly seen as a 'prevention arm' of the police.<sup>14</sup> The House of Commons Justice Committee recognises youth diversion schemes as a 'preventive factor against serious and prolonged offending.'<sup>15</sup>



> **Youth diversion helps PCCs generate greater impact through co-commissioning with partners.** Where PCCs do fund youth diversion schemes, many work actively with strategic partners locally and in wider geographical areas, both in designing and paying for youth diversion schemes, to share costs and maximise their pooled resources.

## Supporting you to build, expand, and improve youth diversion

Diversion works. It is backed by a compelling evidence base, a strong financial case, and years of successful operation in some areas. This prompted Charlie Taylor, the Chair of the Youth Justice Board, to conclude that diversion is 'undoubtedly the right approach' and recommend that 'All local authorities, police forces and health services should jointly operate diversion schemes for children who offend.'<sup>16</sup>

We agree. For the last two years, we have offered support to practitioners involved in, or considering creating, point-of-arrest diversion schemes for young people. Our toolkit summarises the research evidence for diversion and translates the implications of this evidence into effective practice guidelines.

We would be happy to help you and your teams answer the following questions:

- > Do point-of-arrest youth diversion schemes currently exist in your area? How do these operate? How many young people are diverted? How is this work currently funded?
- > How might supporting youth diversion contribute to the priorities outlined in your Police and Crime plan?
- > Does your Chief Constable support diversion or, if it is not currently in place, the idea of implementing it?

## About the Centre for Justice Innovation

The Centre for Justice Innovation works to reduce crime by building a justice system that is and feels fair, that holds people accountable, and that addresses the underlying problems which bring people into contact with it. The Centre is an initiative of the New York-based non-profit, the Center for Court Innovation.

Our Youth Justice programme works with practitioners and policymakers who seek to create a youth justice system that works with young people to prevent their future involvement in crime.

## Endnotes

1. See, for example: Petrosino A, Turpin-Petrosino C, Guckenberg S (2010). Formal System Processing of Juveniles: Effects on Delinquency. *Campbell Systematic Reviews*; McAra L, McVie S (2007). 'Youth Justice? The Impact of System Contact on Patterns of Desistance from Offending'. *European Journal of Criminology* 4(3) 315-34; Wilson H, Hoge R (2013). The Effect of Youth Diversion Programs on Recidivism: A Meta-Analytic Review. *Criminal Justice and Behavior*, 40(5), 497-518.
2. Bottoms, A (2006). Crime Prevention for Youth at Risk: Some Theoretical Considerations. *Resource Material Series No. 68*, 21-34.
3. Youth diversion operates separately from prevention and early intervention schemes that take effect prior to an arrest. It is also to be distinguished from NHS Liaison and Diversion services that primarily focus on identification, assessment, and referral of people with mental health conditions or other vulnerabilities.
4. Eligibility criteria vary among diversion schemes. Most are open to offences with gravity scores between 1 and 3 for young people with limited prior justice system involvement.
5. A 2013 meta-analysis of evaluations of 73 diversion programmes found that recidivism rates for diverted young people averaged 31.5%; the average recidivism rate for traditionally processed young people was 41.3%. This difference was found to be statistically significant. Though effect sizes varied substantially between programmes, the researchers concluded that 'diversion is more effective in reducing recidivism than the traditional justice system.' (Wilson H, Hoge R (2013). The Effect of Youth Diversion Programs on Recidivism: A Meta-Analytic Review. *Criminal Justice and Behavior*, 40(5), 497-518.)
6. Centre for Justice Innovation (2016). *Valuing youth diversion: A toolkit for practitioners* <http://justiceinnovation.org/wp-content/uploads/2017/01/Valuing-Youth-Diversion-A-Toolkit.pdf>
7. Unit Cost Database v1.4, New Economy via National Audit Office (2011). The cost of a cohort of young offenders to the criminal justice system: Technical paper. (Updated for inflation at 2015/16 prices.) Costs to the criminal justice system include costs of police, courts, offender management, and custody.
8. *Ibid.*
9. Audit Commission (2009). Tired of hanging around.
10. House of Commons Justice Committee (2013). Youth Justice: Seventh Report of Session 2012-13.
11. Cited in House of Commons Justice Committee (2013). Youth Justice: Seventh Report of Session 2012-13.
12. Deloitte (2015). Youth Offending Team Stocktake.
13. Police Reform and Social Responsibility Act 2011, Section 1(6)(b)
14. Local Government Association. Youth Justice: Briefing from the LGA for prospective police and crime commissioners. <https://local.gov.uk/sites/default/files/documents/youth-justice-pdf-5-pages-f11.pdf>
15. House of Commons Justice Committee (2013). Youth Justice: Seventh Report of Session 2012-13.
16. C. Taylor, Ministry of Justice (2016). Review of the Youth Justice System in England and Wales.

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