

RESOLUTION SUPPORTING THE CREATION OF A PRE-ARREST YOUTH DIVERSION PROGRAM IN SAN FRANCISCO – Amended at Juvenile Probation Commission, Nov. 8, 2023

Whereas: It is the goal of the San Francisco Juvenile Probation Commission to promote community safety by helping young people and their families thrive and have full and equal access to opportunities, power and resources that promote their healthy development, with a particular focus on the city’s highest need youth; and

Whereas: Research has demonstrated that youth who are diverted without resorting to legal sanctions, court oversight, or confinement are less likely to re-offend than youth formally processed through the juvenile justice system, and model programs have shown that these youth are also more likely to stay in school and heal from trauma; and

Whereas: BIPOC African American, Indigenous, Latino, Samoan, Pacific Islander, Cambodian, and other marginalized groups of youth and LGBTQ Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning, Asexual Plus youth are disproportionately arrested and detained, over-exposed to police contact, and experience more aggressive policing and therefore are more likely to be in the juvenile justice system – inequities which can in part be mitigated by a pre-arrest diversion program and reduce racial disparities of the juvenile justice system; and

Whereas: The first opportunity for diversion is with police officers. Under state law, law enforcement officers have the discretion to divert youth pre-arrest rather than formally process youth through the criminal justice system; and

Whereas: Pre-arrest police diversion is a best practice that focuses on restorative justice, positive alternatives, rehabilitation, and accountability, including victim-offender restitution services; and

Whereas pre-arrest diversion allows youth who would otherwise be charged with an offense to remain in the community and not experience the detrimental effects of incarceration and Probation, which can lead to labeling, and leave them disconnected from school and family, adversely affecting their mental health, self-worth, relationships, and well-being; and

Whereas pre-arrest diversion can improve community policing practices; and

Whereas: Pre-arrest diversion can reduce the costs of system involvement; and

Whereas: Community-based programs can provide positive environments that support positive youth development, help build critical-thinking skills and behaviors, and address the underlying causes of youth actions; and

Whereas: Whereas: San Francisco has a long history of implementing successful diversion programs and the infrastructure and capacity to expand to pre-arrest diversion including the Community Assessment and Referral Center (CARC) which works with youth aged 11 to 17 taken into custody by the police for either felony and misdemeanor offenses and connects those youth with appropriate, individualized services that prevent recidivism or further involvement in the Juvenile Justice System; and

Whereas: San Francisco has a wide network of well-vetted community-based services funded by the Department of Children, Youth and their Families and treatment programs provided through the Department of Public Health that provide case management, mentoring, family therapy, mental health counseling, restorative justice and more; and

Whereas: California has several excellent models of pre-arrest diversion, including Centinela Youth Services, Inc. and the Neighborhood Opportunity and Accountability Board sponsored by the National Institute for Criminal Justice Reform, both of which presented their programs to the SF Police Commission and the Juvenile Probation Commission on May 10, 2023; and

THEREFORE, BE IT RESOLVED that the SF Juvenile Probation Commission endorses pre-arrest police diversion as an important but missing component of the city's approach to young people currently impacted by the juvenile justice system; and

BE IT FURTHER RESOLVED that the SF Juvenile Probation Commission supports the planning process currently underway for a pre-arrest youth diversion program in San Francisco, and urges that process to come to a conclusion in a timely way so its implementation can begin; and

BE IT FURTHER RESOLVED that the SF Juvenile Probation Commission urges the collection of data on the outcomes of the program and the use of that data in determining the evolution of the program.

Notes: Development Services Group, Inc. 2017. "Diversion Programs." Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

https://www.ojjdp.gov/mpg/litreviews/Diversion_Programs.pdf Prepared by Development Services Group, Inc., under cooperative agreement number 2013-JF-FX-K002. Points of view or opinions expressed in this document are those of the author and do not necessarily represent the official position or policies of OJJDP or the U.S. Department of Justice.