



State Rep. Carl Gilliard, the founder of Feed the Hungry, prepares to load a 28lb turkey into the trunk of a car at the 13th annual Thanksgiving Feed the Hungry event at Memorial Stadium in Savannah. Jason Miccolo Johnson/Savannah Morning News.

Diversion Programs, Explained

By Akhi Johnson and Mustafa Ali-Smith

Jurisdictions across the country are exploring a better path to safety. Far too many people are incarcerated and confined inside U.S. jails and prisons. Research has shown that relying on tools of arrest, prosecution, and incarceration hasn't made us safer and harms communities. Racial and gender disparities persist, particularly among Black communities and other communities of color. For example, Black people make up 38 percent of the incarcerated population despite representing only 12 percent of people who live in the United States. And although the numbers are declining, Black women and other women of color continue to be disproportionately represented inside U.S. jails and prisons. Instead of perpetuating this cycle, prosecutors and police are adopting diversion programs as an alternative approach to address community safety and keep people out of the criminal legal system.

Diversion is a broad term referring to “exit ramps” that move people away from the criminal legal system, offering an alternative to arrest, prosecution, and a life behind bars. Although incarceration was historically believed to improve public safety, research suggests that it is ineffective in doing so and has a minimal impact, if any, on reducing crime. Instead, diversion programs target the underlying problems that led to the criminalized behavior in the first place. By addressing the root causes of community instability—challenges such as food and housing insecurity, joblessness, lack of educational resources, and unmet mental health needs—diversion programs not only help improve long-term community safety and reduce crime but have also proven to be cost-efficient.

How does diversion work?

There is no “one-size-fits-all” approach to diversion. Most diversion programs aim to minimize contact with the criminal legal system and shift those involved away from arrest, prosecution, and incarceration. Instead of expanding the criminal legal system’s reach, diversion programs minimize contact while often letting participants remain in their communities. Programs operate across the country at various stages and decision points throughout the criminal legal system; varying in form, target population, desired outcomes, eligibility requirements, and in which organization or entity serves as facilitator. Common diversion programs consist of:

- › **Pre-police encounter diversion.** When a police encounter could be a matter of life and death, pre-police diversion programs recognize that many 911 calls do not require law enforcement response. Instead of sending police to respond to certain 911 calls, pre-police diversion programs, such as crisis hotlines, use civilian responders to address community problems, eliminating a response from law enforcement.
- › **Pre-arrest diversion.** Pre-arrest diversion programs are designed to reduce the number of people arrested and placed in jail by giving law enforcement discretion to divert people for low-level misdemeanors or nonviolent criminalized behaviors. Instead of issuing punishments, these diversion programs connect people to support and services that address underlying needs. These programs are best for people who need access to substance use or mental health treatment.
- › **Pre-charge diversion.** After an arrest, someone’s fate is largely in the hands of the prosecutor, who has the power to divert them before they are charged with a crime. Pre-charge diversion programs, also referred to as prosecutor-led interventions, allow prosecutors to reduce incarceration by using their discretion to divert people away from the criminal legal system. These programs can be run by courts, law enforcement agencies, community-based organizations and nonprofits, or prosecutor’s offices themselves.
- › **Pretrial diversion.** If someone has already been charged with a crime, pretrial diversion programs allow people to go through programs, like problem-solving courts, that have completion requirements and sometimes require them to enter a plea. At this stage, the judge may also offer deferred adjudication, which allows the person to complete their “sentence” in their community rather than behind bars.

“Instead of expanding the criminal legal system’s reach, diversion programs minimize contact while often letting participants remain in their communities.”

How does diversion help?

- › **Diversion programs focus on root problems.** These programs recognize that incarceration will not solve homelessness, job and food insecurity, substance use disorders, or other factors that contribute to harm. Working to remedy these problems improves community safety and the health of the community in the long-term.
- › **Diversion programs engage community.** These programs recognize that restoration, healing, service provision, and relationship-building are more effective when done in the community, not behind bars.
- › **Diversion programs center people’s humanity.** These programs operate on the belief that people are more than the labels the criminal legal system attaches to them, empowering them to address their underlying needs with a sense of personal agency. Participants find diversion fairer than the traditional court system.

In a 2018 study in Harris County, Texas, researchers found positive outcomes for diversion programs in criminal courts. The study looked at diversion policy shifts and how they impacted people before and after implementation. Diversion substantially decreased a person’s future convictions by 48 percent 10 years after participation and improved employment outcomes by 53 percent over the same period. Rather than spending time behind bars, diverted people returned to their communities less likely to be re-convicted and found employment that helped get them back on their feet. Nationally, youth diversion programs are on average 10 percent more effective in reducing future contact with the criminal legal system compared to conventional prosecution. And in some cases, youth referred to pre-charge diversion programs are up to 2.44 times less likely to be rearrested than those who were conventionally processed in the legal system.

Why not incarceration?

The harsh conditions within jails and prisons do not create safe outcomes, and they do not prevent future occurrences of crime and victimization in impacted communities. The high rate of incarceration—most notably among Black people—as well as the individual impact of incarceration, has decimated the communities from which people in prison come. We cannot continue to pay the overwhelming costs of the current system of incarceration—outright expenditures, persistently high rearrest and reincarceration rates, and lost opportunities.

- › Each additional year of incarceration increases the likelihood of future contact with the criminal legal system by 4 to 7 percentage points per quarter.
- › Each additional year of incarceration reduces the chance a person will be employed by 3.6 percentage points.
- › Each additional year of incarceration costs \$56,200–\$66,800.

Prisons are tremendously expensive while offering limited public safety benefits. Diversion programs instead center the needs of communities with the goals of reducing incarceration rates, protecting public safety, and promoting healthy communities.



13th annual Thanksgiving Feed the Hungry event at Memorial Stadium in Savannah. Jason Miccolo Johnson/Savannah Morning News.

What are communities doing?

Community Works West's Restorative Community Conferences (RCC) in Alameda County, California, is a diversion program tailored to young people under the age of 18 who have been arrested on misdemeanor and low-level felony charges but have not yet gone through the judicial process. In partnership with **Impact Justice**, a national organization addressing harm using pre-charge restorative justice programs, Community Works West diverts youth facing criminal charges from traditional juvenile justice systems into a process through which they will meet the needs of those who have been harmed by their actions.

In Georgia, the **Show Us Your Guns! Differentiated Disposition Program**, in partnership with Savannah Feed the Hungry and Chatham County District Attorney Shalena Cook Jones through the Motion for Justice initiative, addresses young people who are facing gun possession charges. Instead of traumatic prison sentences, the initiative directs teenagers and young adults to programs that help them thrive, including trainings, educational support, housing, health education, and conflict resolution skills.

In Tarrant County, Texas, local government officials used American Rescue Plan funds to create a diversion center, operated by **My Health My Resources of Tarrant County**, for people experiencing mental health crises so they aren't incarcerated following law enforcement contacts. When police encounter people who are having a mental health crisis, instead of booking them into jail, officers can connect them to the diversion center for support and resources without criminal legal system involvement.

For more information

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