



# Characteristics and Education Outcomes of Diverted Justice-Involved Students in Washington State



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## About the ERDC

The research presented here uses data from the Education Research and Data Center, located in the Washington Office of Financial Management. ERDC works with partner agencies to conduct powerful analyses that can help inform the decision-making of Washington legislators, parents and education providers. ERDC's data system is a statewide longitudinal data system that includes data about people's preschool, educational and workforce experiences.

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## Executive summary

This study describes the demographics, education performance and post-secondary outcomes of Washington high school students who are enrolled in diversion programs, which are alternative options to sentencing justice-involved youth. We looked at 31,000 students and specifically focused on ninth to 12th grade students during the 2010-19 academic years.

The purpose of this study is to better understand and describe the population of students that are enrolled in diversion programs. We found that justice-involved students enrolled in these programs include students across different races/ethnicities, social and economic characteristics, and types of offense. Students also achieve varying educational outcomes.

While we don't have enough data to compare students in diversion programs to students who were not enrolled in a diversion program, this report lays the foundation for us to compare the two groups in the future.

### Student demographics

1. Males are more likely than females to be enrolled in diversion programs for justice-involved students.
2. White students are more likely to be enrolled in diversion programs for justice-involved students, regardless of their offense.
3. About 20% of diverted justice-involved students in the study have disabilities, nearly 20% experienced homeless and 80% qualified for free and reduced-price lunches.
4. One out of three justice-involved students participated in the Learner Assistance Program (LAP)<sup>1</sup>, while about 5% participated in the English language learner (ELL) program.
5. At the time of a student's offense, they were most frequently 15 to 16 years old.

### Educational outcomes

6. About 40% of students in the diversion program received a high school diploma, about 20% dropped out from high school and about 1% received a GED certificate.
7. Over 40% of the diverted justice-involved students enrolled in various post-secondary programs at some point
8. 8% of the diverted justice-involved students completed some type of postsecondary degree. About 23% of the students in the study graduated from four-year programs, 38% completed two-year programs, and 39% completed certificate or apprenticeships that required less than two years of study.

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<sup>1</sup> The Learning Assistance Program (LAP) provides supplemental instruction and services to students who are not meeting academic standards in basic skills areas (reading, writing, and mathematics as well as readiness associated with these skills) as identified by statewide, school, or district assessments or other performance measurement tools.

## Diversion programs

Diversion from the criminal justice system offers an alternative to traditional justice case processing, particularly for justice-involved youth. Diversion programs provide relief for overburdened courts, as well as crowded jails and prisons that have strained government budgets (Center for Health and Justice at TASC, 2013). One of the goals of diversion programs is to alleviate the negative consequences of the juvenile justice system and maintain youth's pro-social ties in the community (Washington State Institute for Public Policy, 2019).

A diversion program adopts a specific intervention method for justice-involved youth. The program applies the minimum, yet appropriate, supervision, sanction, accountability, services and resources to get the student reengaged in school or the workforce. The program holds youth accountable for their behavior without resorting to legal sanctions, court oversight or the threat of confinement. National estimates indicate that 25% of American youth who are referred to the juvenile system end up in diversion programs (Puzzanchera & Kang, 2008).

Diversion programs occur at different stages of the juvenile justice system with some diverted at the initial phase of the juvenile system, while others get diverted once they reach the juvenile court (Washington State Institute for Public Policy, 2019). In the process, an individual can be diverted to avoid pre-trial, minimize negative mental health impacts, avoid jail and persecution, and promote drug education.

Different components of a diversion program include case management, individual treatment, family treatment, youth court, and restorative justice (Schwalbe et al., 2012). Youth assessed as low risk and who have little, or no previous delinquency record may meet the criteria for pre-trial diversion (Wilson & Hoge 2013).

Some evidence suggests that juvenile justice system-based diversion programs are effective for treating justice-involved youth (Schlesinger, 2018; Serocyynski et al., 2016). But the supportive research on the effectiveness of diversion programs in the United States is mixed (Schwalbe et al., 2012).

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## Data and analytical approach

Data sources include the Comprehensive Education Data and Research System (CEDARS), provided by the Office of Superintendent of Public Institution (OSPI), and postsecondary education enrollment from Washington's Public Centralized Higher Education Enrollment System (PCHEES) and the State Board for Community and Technical College (SBCTC). The juvenile justice data used for the study was obtained from the Administrative Office of the Courts (AOC) database.

The sample population is justice-involved students enrolled in ninth to 12th grade in Washington public schools who participated in a diversion program during the 2010-2020 academic years. A total of 31,816 diverted justice-involved students were identified and used for the current study after merging the AOC data with ERDC's P20W data, covering the 2010-2019 academic years. A series of descriptive analyses summarized the demographic characteristics and educational outcomes of justice-involved students. The study employed frequency tables and bar charts to provide insights into the study's objective.

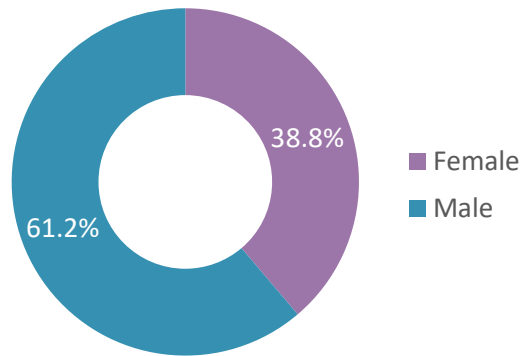
# What we found

## Student demographics

### Gender

Males are more likely than females to be enrolled in diversion programs. 62% of the diverted justice-involved students were male, while 38% were female.

Figure 1: Gender of diverted justice-involved students



### Race/Ethnicity

White students account for about 54% of the sample, followed by students that identify as Hispanic/Latino (27%), Black/African American (6%), American Indian/Alaska Native (3%), Asian Americans (3%), and Native Hawaiian/Pacific Islander (1%). We also disaggregated the racial/ethnic groups by gender, presented in Figure 3.

These findings reflect the 2018 statewide statistics on diverted juveniles (Washington State Department of Children, Youth & Families, 2020). National statistics shows that White people account for most arrests for violent and nonviolent crimes in the U.S. (Beck, 2021).

Figure 2: Race/ethnicity of diverted justice-involved students

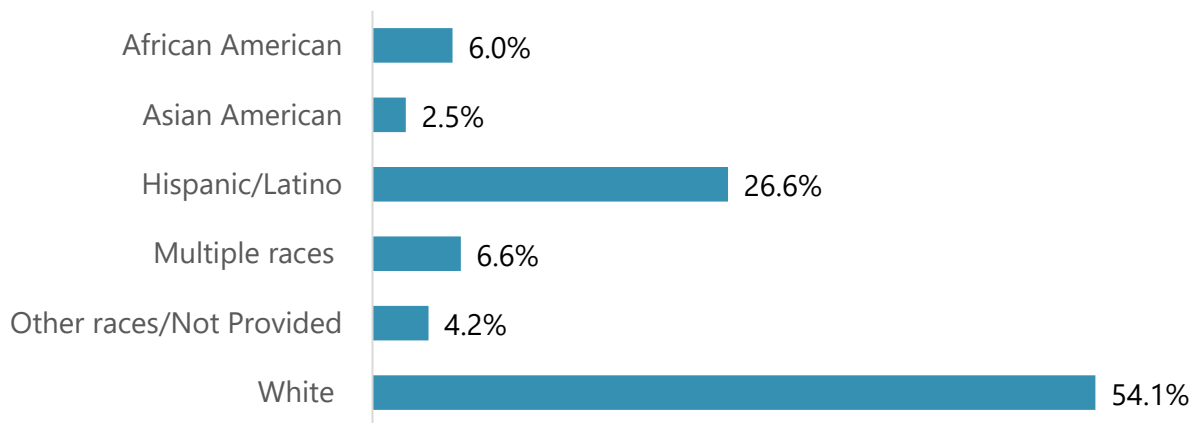
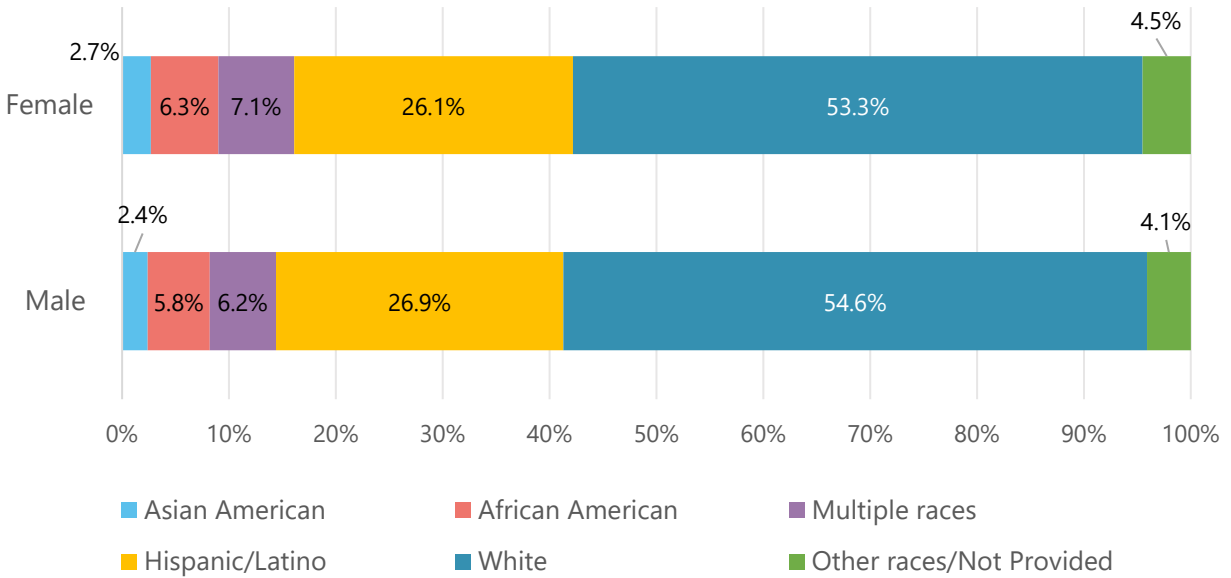


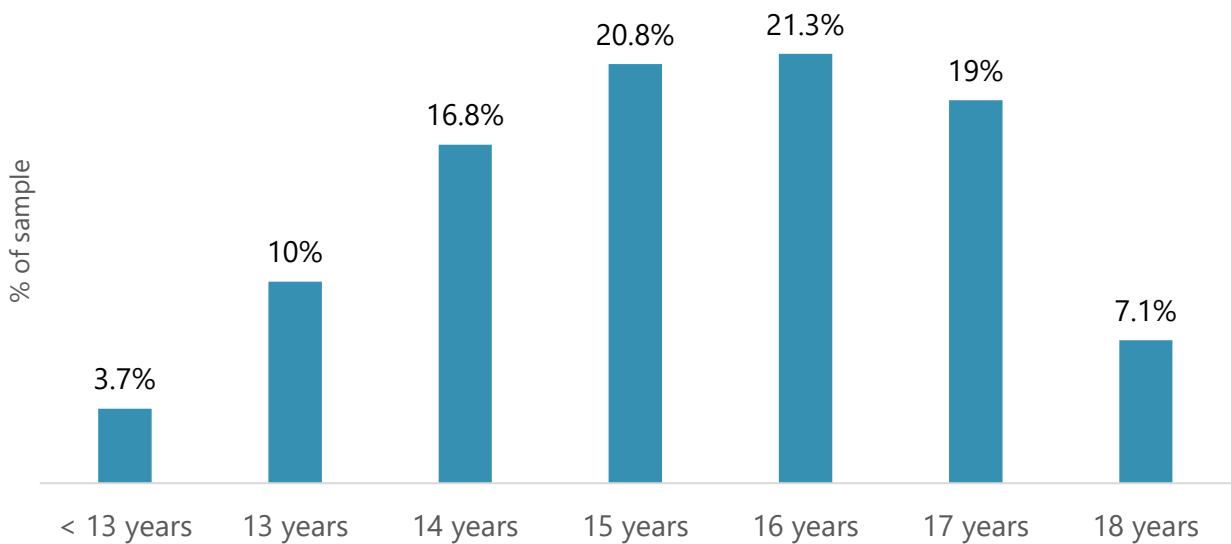
Figure 3: Race/ethnicity by the gender of diverted justice-involved students



**Age**

Figure 4 presents how old a student was at their first offense. The ages range from 9 to 18 years old with an average offense age at 15.3 years old. Diverted justice-involved students were most likely to have their first offense occur at age 15 or 16. While the study only included students in ninth to 12th grade, they could have committed their first offense at an earlier age.

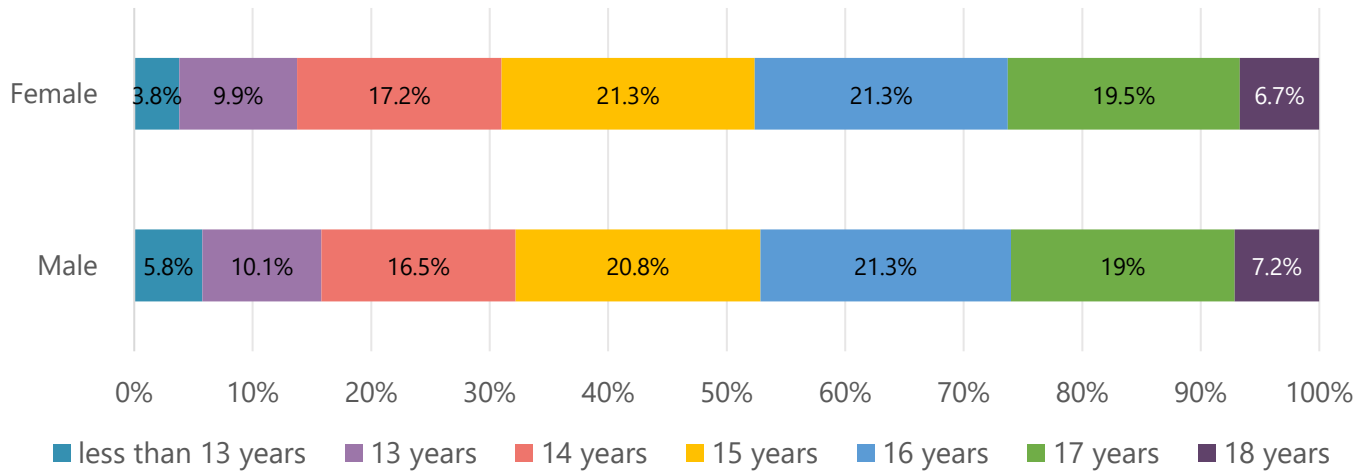
Figure 4: Age of diverted justice-involved students at the time of their offense





We broke this age data down further by organizing a student's age at their time of first offense by their gender (Figure 5). This shows that across gender, students who are 15- and 16-years old account for the highest number of diverted cases.

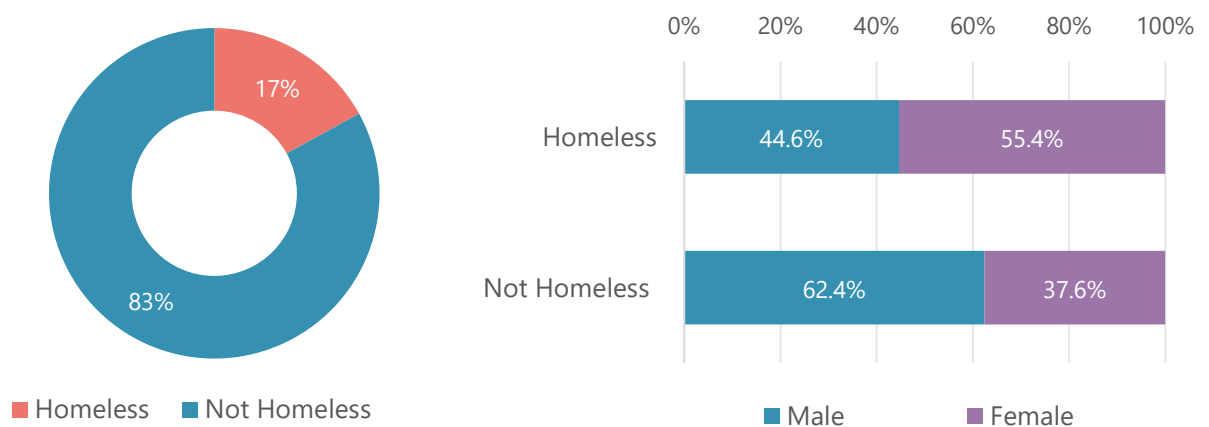
Figure 5: Age of diverted justice-involved students at the time of their offense by gender



### Housing status

The percentage of students who are homeless is around 17%. The breakdown by gender reveals that females experiencing homeless are more likely to be enrolled in diversion programs than males experiencing homelessness.

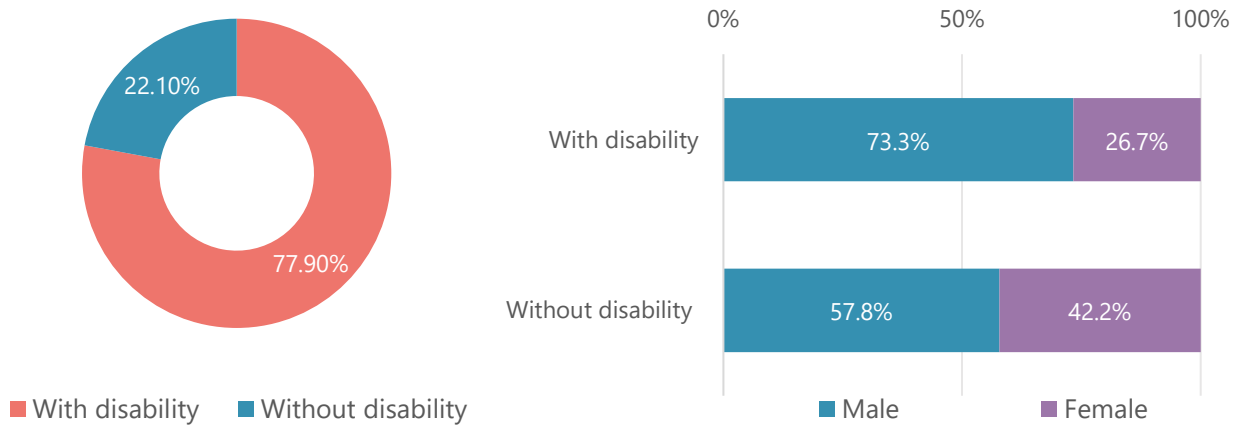
Figure 6: Housing status of diverted justice-involved students, overall and by gender



### Disability status and accommodations

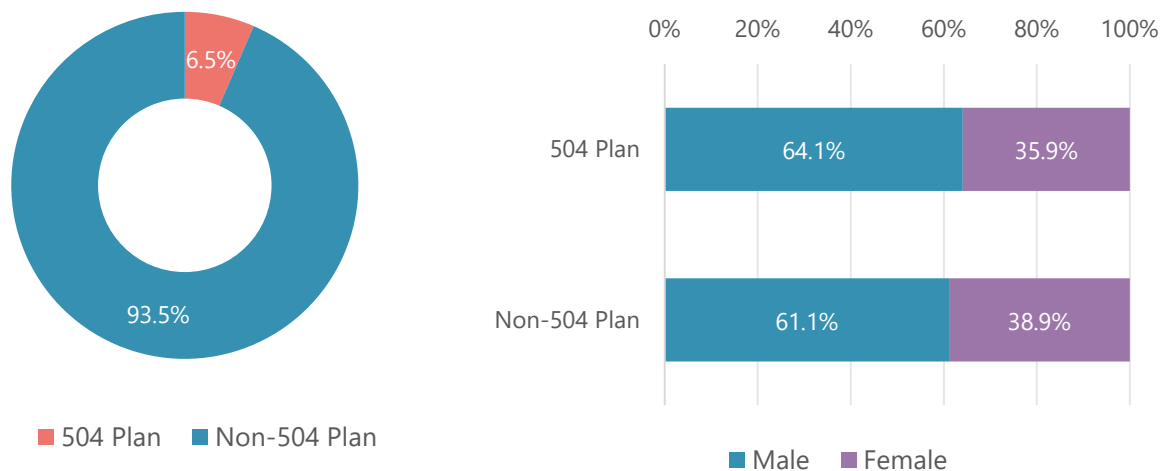
22% of students in the study were disabled, while the breakdown by gender reveals that males with disabilities were enrolled in diversion programs at a greater rate than female students with disabilities (Figure 7). Learning disabilities, health impairments, and emotional/behavioral disabilities are widespread disabilities that are often found in court-involved students (Gertseva and McCurley, 2018).

Figure 7: Disability status of diverted justice-involved students, overall and by gender



In the OSPI data, '504 status' means the student received some form of accommodation (called a 504 plan) in school for a disability that substantially limits one or more basic life activities. This includes learning, reading, communicating or thinking. Figure 8 shows that 6% of the sample had 504 plans. Again, males with 504 plans were enrolled in diversion programs at a greater rate than female students with 504 plans.

Figure 8: Plan 504 status of diverted justice-involved students, overall and by gender



White students account for more than 50% of students who experience homelessness, have a disability or have a 504 plan. However, this is not surprising since we know a higher proportion of White students take part in diversion programs.

**Table 1: Characteristics of diverted justice-involved students**

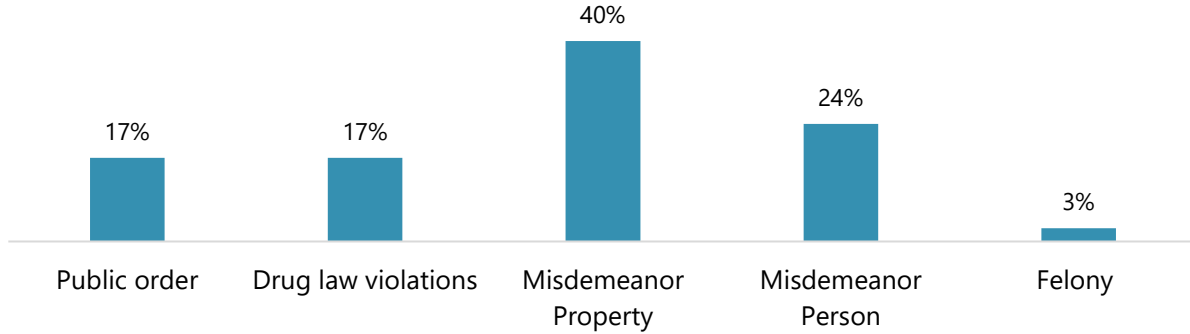
Race/Ethnicity	Homelessness		Disability		504 Plan	
	Homeless	Non-Homeless	Disability	No Disability	504 Plan	No 504 Plan
American Indian	236 4.36%	768 2.91%	251 3.58%	753 3.09%	67 3.26%	937 3.15%
Asian American	83 1.54%	715 2.71%	102 1.46%	696 2.85%	23 1.12%	775 2.60%
Black/African American	449 8.31%	1,465 5.55%	581 8.29%	1,333 5.47%	114 5.54%	1,800 6.05%
Multiple Races	425 7.87%	1,661 6.28%	465 6.64%	1,621 6.65%	195 9.48%	1,891 6.35%
Native Hawaiian/ Pacific Islander	74 1.37%	240 0.91%	62 0.89%	252 1.03%	*	305 1.02%
Hispanic/Latino	1,261 23.34%	7,194 27.23%	1,710 24.41%	6,745 27.66%	298 14.49%	8,157 27.41%
White	2,863 52.99%	14,346 54.31%	3,825 54.60%	13,384 54.89%	1,347 65.48%	15,862 53.30%
<b>Total</b>	<b>5,402</b>	<b>26,414</b>	<b>7,005</b>	<b>24,811</b>	<b>2,057</b>	<b>29,759</b>

*Note: \* indicates that n < 10, data suppressed to protect student privacy; students that did not have a race/ethnicity reported are excluded from this table but are included in the total.*

### Types of offense

Criminal offenses range in severity, with the following ranked from most severe to least severe: felony, misdemeanor, drug offense, and public order. Misdemeanor property offenses are the most common for students enrolled in diversion programs, while students commit felonies least often (Figure 9). More specifically, about 40% of the students enrolled in diversion programs were involved in property misdemeanors, followed by person misdemeanors (24%), public order (17%), drug violations (17%), and felonies (3%)

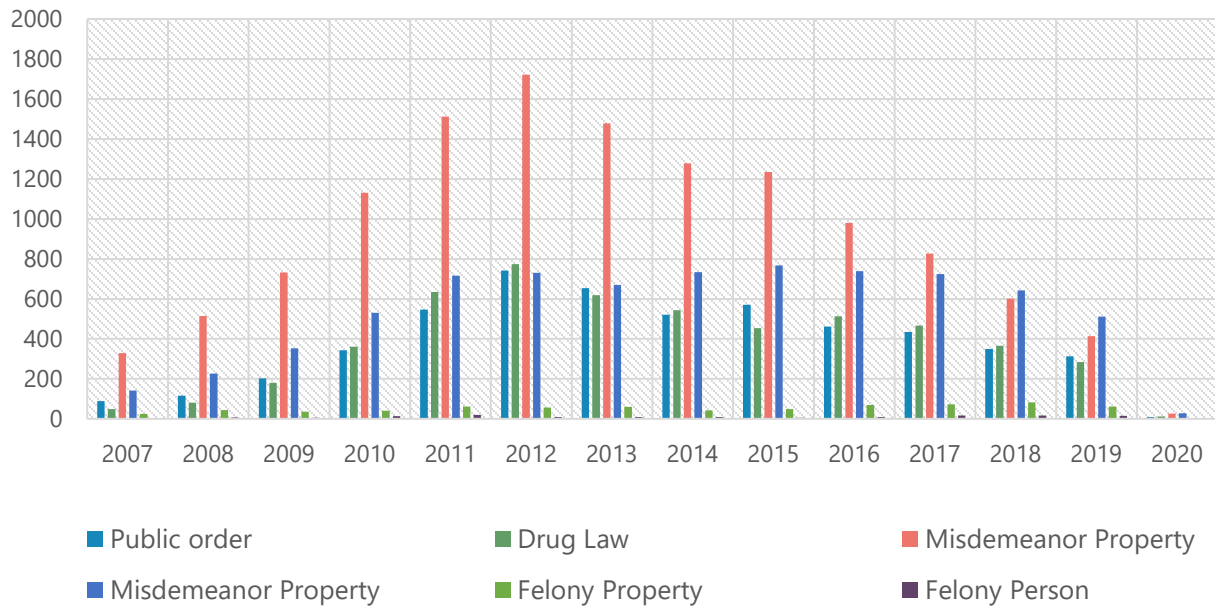
Figure 9: Offense type committed by diverted justice-involved students



Note: The felony category includes property and person felonies.

We found a declining trend in the number of students being diverted to these programs, with the highest number of students diverted in 2012 (Figure 10). This is similar to trends that other state agencies found (Washington State Department of Children, Youth & Families, 2020).

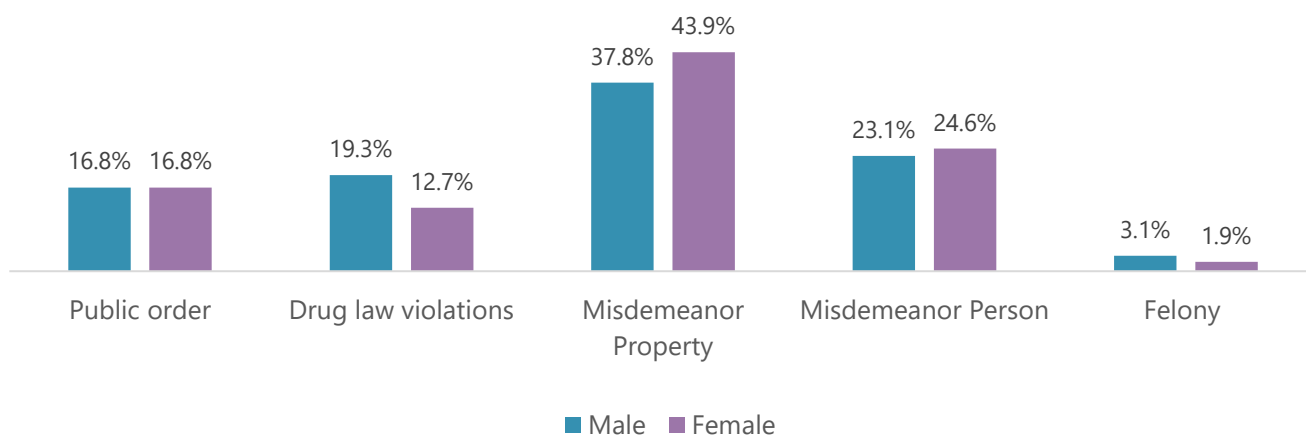
Figure 10: Offenses committed by diverted justice-involved students by the year



## Gender and the severity of offense

We broke down the offense severity by gender in Figure 11 and found that misdemeanors account in most cases for male *and* female diversion students.

Figure 11: Offense severity by gender



## Race/ethnicity and the severity of offense

The trends follow the overall racial distribution for enrollment in diversion programs, as the table below shows that more than 50% of the offenses were committed by White students. The second highest offense group was Hispanic/Latino students (they account for 25-29% of the offenses). Black/African American students account for 3-7% of the offenses.

Table 2: Offense type by race/ethnicity of diverted justice-involved students

Race/ ethnicity	Severity of Offense					Total
	Public Order	Drug law Violation	Misdemeanor Person	Misdemeanor Property	Felony	
American Indian	186 3.47%	166 3.11%	422 3.30%	203 2.70%	27 3.22%	<b>1,004</b> <b>3.16%</b>
Asian American	103 1.92%	89 1.67%	458 3.58%	133 1.77%	15 1.79%	<b>798</b> <b>2.51%</b>
African American	204 3.81%	173 3.24%	945 7.40%	544 7.24%	48 5.72%	<b>1,914</b> <b>6.02%</b>
Multiple Races	313 5.84%	327 6.13%	833 6.52%	554 7.38%	44 5.24%	<b>2,086</b> <b>6.56%</b>
Native Hawaiian	38 0.71%	29 0.54%	140 1.10%	91 1.21%	16 1.91%	<b>314</b> <b>0.99%</b>

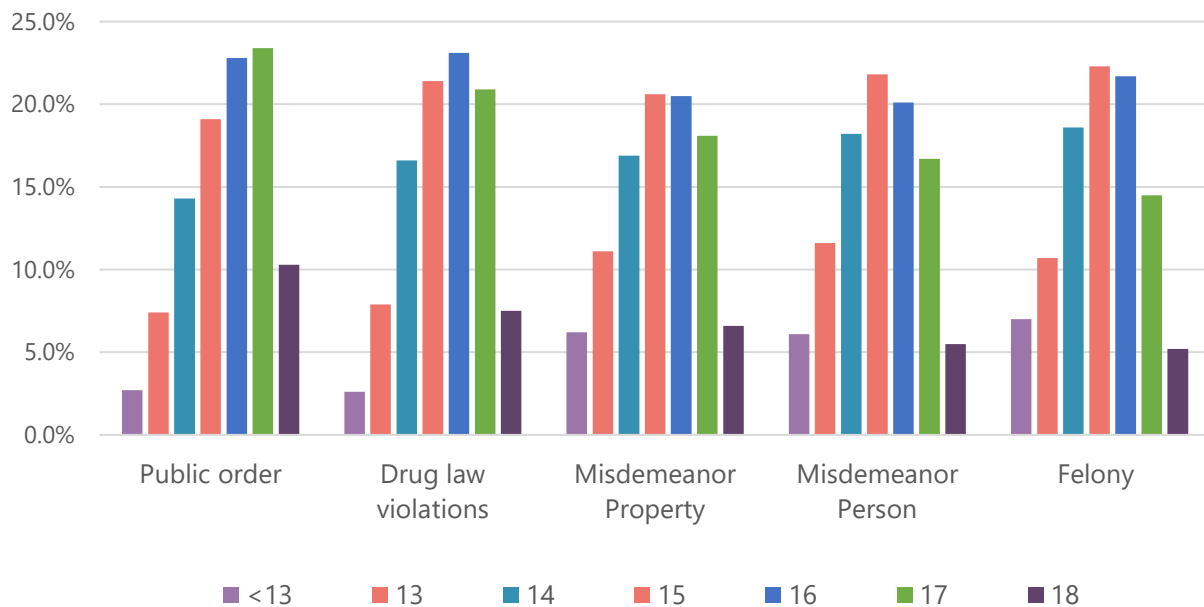
Race/ ethnicity	Severity of Offense					Total
	Public Order	Drug law Violation	Misdemeanor Person	Misdemeanor Property	Felony	
Hispanic/ Latino	1,360 25.39%	1,537 28.82%	3,263 25.54%	2,055 27.36%	240 28.61%	<b>8,455</b> <b>26.57%</b>
White	3,145 58.72%	3,000 56.24%	6,712 52.53%	3,920 52.20%	432 51.49%	<b>17,209</b> <b>54.09%</b>
<b>Total</b>	<b>5356</b>	<b>5334</b>	<b>12,777</b>	<b>7510</b>	<b>839</b>	<b>31,816</b>

Note: Students that did not have a race/ethnicity reported are excluded from this table but are included in the total.

### Offense severity and age

Regardless of the how serious the offense is, we found that 15- to 16-year-old students account for most of the cases.

Figure 12: Age distribution by the offense severity



## Student characteristics

### Social and educational services received

Students enrolled in diversion programs may qualify for a wide array of social and educational services. These services include Free and Reduced-Price Lunch (FRPL), special education, English Language Learner (ELL), and Learner Assistance Programs (LAP).

### Free and Reduced-Price Lunch

The figure below shows how many diversion students received FRPL (Figure 13). About 80% benefit from this program. FRPL typically indicates if a child lives in poverty. These findings indicate that most of the diverted students come from families with limited resources or that experience difficult economic conditions. The right-hand side of Figure 13 shows that 60.8% of males in the program and 39.3% of females in the program qualify and receive for FRPL.

Figure 13: Free and reduced-price lunch (FRPL) program status of diverted justice involved students, overall and by gender

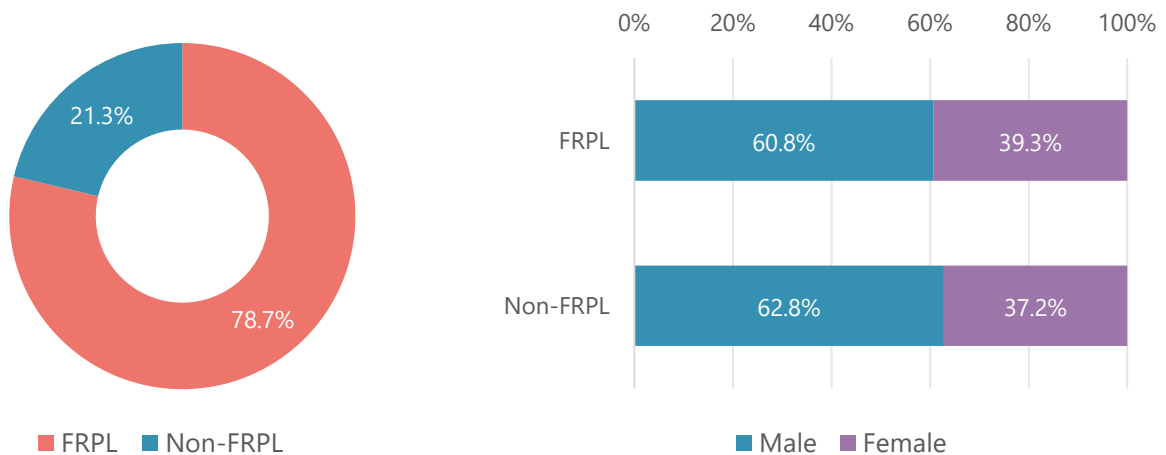
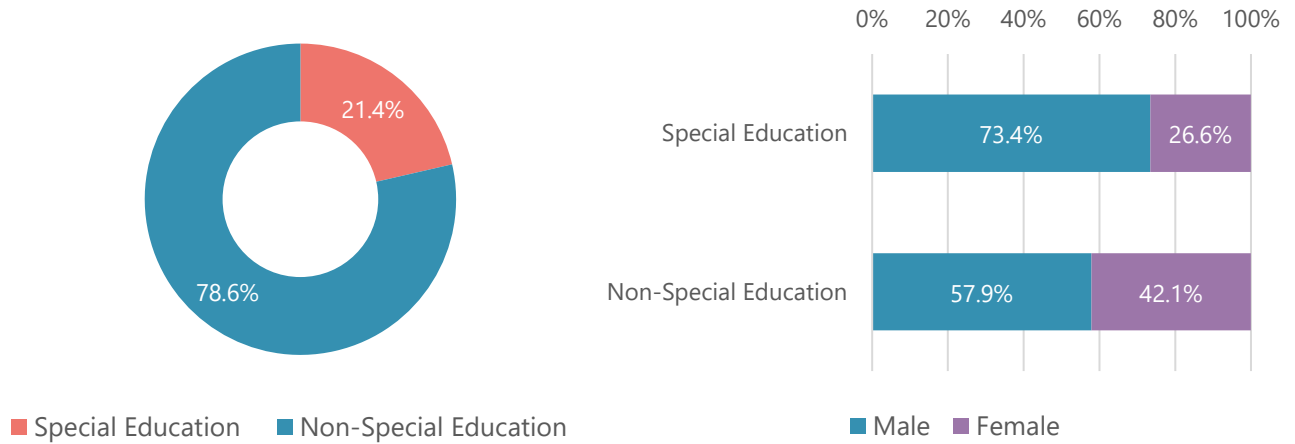


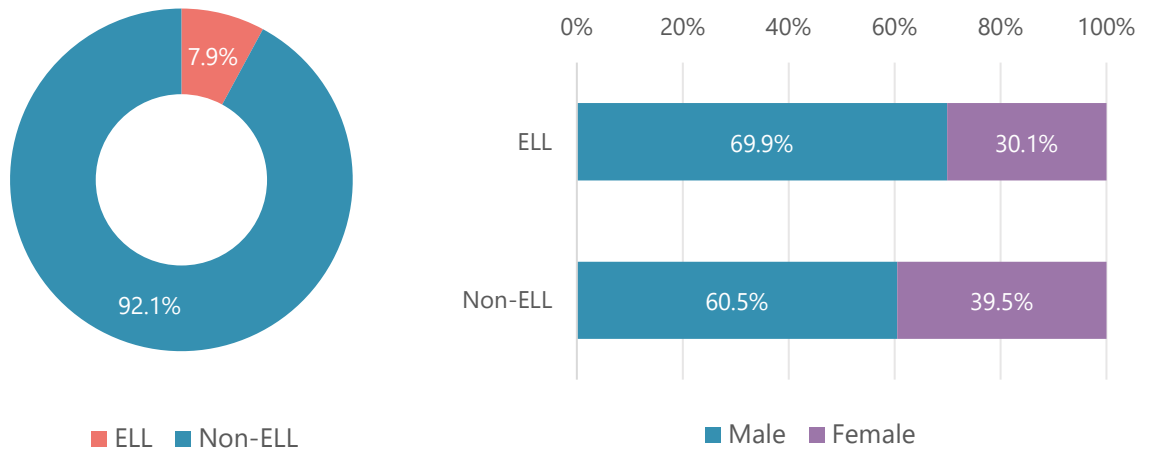
Figure 14 shows that 21% of these students receive special education, with more males in that group (73.4%) than females.

Figure 14: Special Education Enrollment status of diverted justice-involved students, overall and by gender



A small percentage of students in the diversion program receive ELL services (7.9%), with males making up the majority of this demographic (69.9%).

Figure 15: English Language Learner (ELL) status of diverted justice-involved students, overall and by gender





Another educational service that diverted students can access is a Learning Assistance Program (LAP). These programs help students who fall short of math, reading, and science expectations or who struggle in these subjects (Figure 16). At least 30% of students use LAP, with more males benefitting and using the program than females.

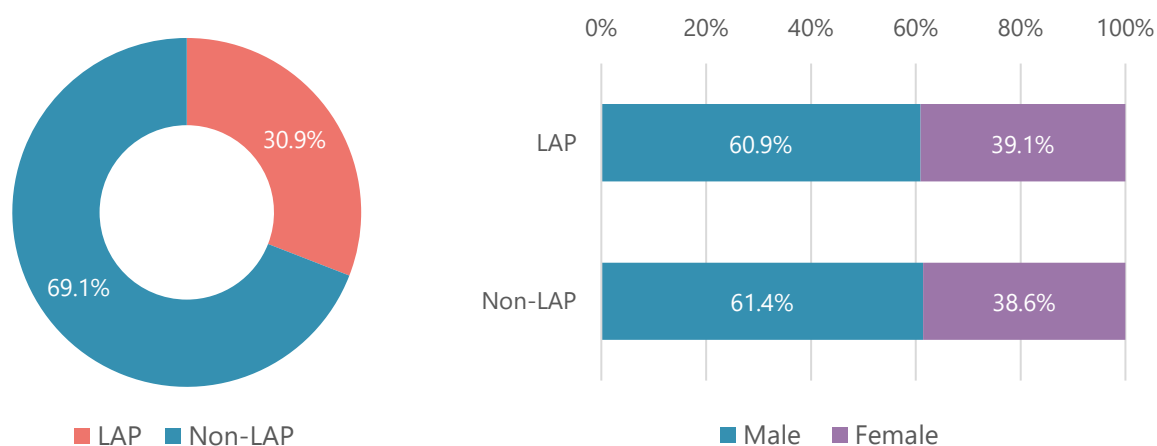


Figure 16: Learning Assistance Program (LAP) status of students, overall and by gender

White students account for a significant recipient of the social and educational services (see Table 3 below). For example, they account for about 49% of the FRPL recipients compared to Hispanic/Latino students (who account for about 31%) and Black/African American students (who account for 7%). The same holds true for special education programs. White students account for more than half (55%) of the recipients. African American students have the lowest rate of special education enrollment (8%). For the Learner Assistance Program (LAP), White students account for about 46%, Hispanic/Latino students account for about 34%, and Black/African American students account for about 6%. This is not surprising given a higher proportion of white students in the sample.

Finally, although the number of diverted students in the ELL program is minimal (less than 8%), Hispanic/Latino students account for a significant portion of the recipients, equivalent to about 82% of the participants in the sample. The frequency that Asian Americans, American Indian and Native Hawaiian/Pacific Islanders participate in the programs is very minimal, as we show below.

Table 3: Distribution of social and educational services recipients by race/ethnicity of diverted justice-involved students

Race/Ethnicity	FRPL	Non-FRPL	Special ED	Non-Special ED	ELL	Non-ELL	LAP	Non-LAP
American Indian	894 3.57%	110 1.62%	247 3.63%	757 3.03%	N/A	1,001 3.41%	365 3.70%	639 2.91%

Race/Ethnicity	FRPL	Non-FRPL	Special ED	Non-Special ED	ELL	Non-ELL	LAP	Non-LAP
Asian American	523 2.09%	275 4.06%	95 1.39%	703 2.81%	97 3.88%	701 2.39%	165 1.67%	633 2.88%
Black/African American	1,689 6.75%	225 3.32%	561 8.25%	1,353 5.41%	91 3.64%	1,823 6.22%	614 6.23%	1,300 5.92%
Multiple Races	1,625 6.49%	461 6.80%	451 6.63%	1,635 6.54%	14 0.56%	2,072 7.07%	588 5.97%	1,498 6.82%
Native Hawaiian/ Pacific Islander	280 1.11%	34 0.50%	61 0.89%	253 1.01%	72 2.88%	242 0.83%	102 1.04%	212 0.97%
Hispanic/ Latino	7,793 31.12%	662 9.77%	1,651 24.27%	6,804 27.20%	2,061 82.47%	6,394 21.18%	3,430 34.48%	5,025 22.88%
White	12,209 48.76%	5,000 73.77%	3,727 54.79%	13,482 53.89%	159 6.36%	17,050 58.16%	4,587 46.55%	12,622 59.02%
<b>Total</b>	<b>25,038</b>	<b>6,778</b>	<b>6,802</b>	<b>25,014</b>	<b>2,499</b>	<b>29,317</b>	<b>9,854</b>	<b>21,962</b>

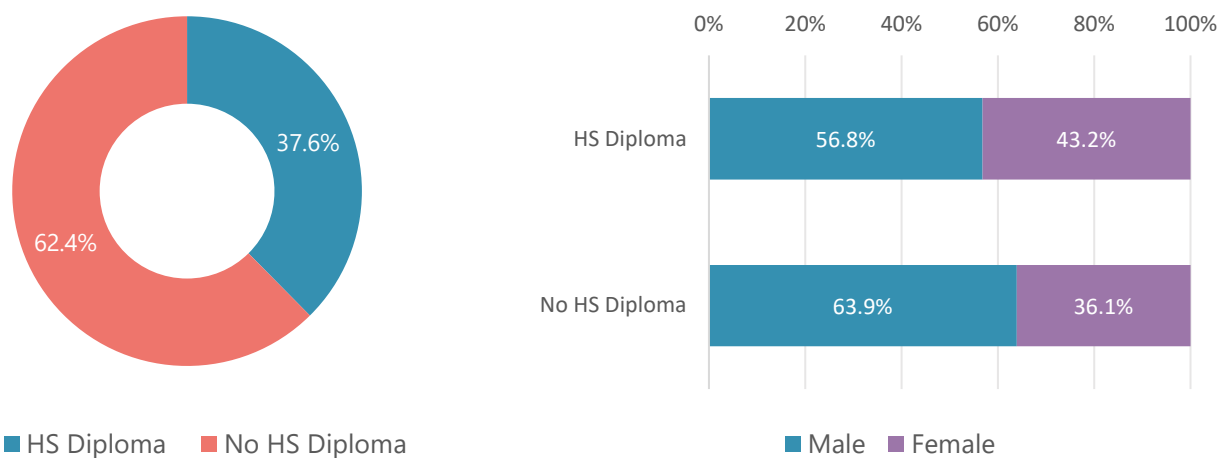
Note: Students that did not have a race/ethnicity reported are excluded from this table but are included in the total.

## Educational outcomes

### Graduation rates

Figure 17 shows that a majority of diversion students (62.4%), most of them male (63.9%), did not receive a diploma. About 20% of the students in the sample we studied dropped out of high school. Finally, the number of students who received GED certificates is about 1% of the sample.

Figure 17: High school diploma rate of diverted justice-involved students, overall and by gender



### Educational Outcomes by race/ethnicity

White students account for over 50% of students who received either a high school diploma or GED certificates. They also account for over 50% of students that dropped out of high school. This is followed by Hispanic/Latino students with 24% graduating high school and 19% earning their GED. They also account for 29% of high school dropout in the sample. Again, this isn't surprising given a higher proportion of White students in the data.

Table 4: Frequency of high school outcomes of diverted justice-involved students by race/ethnicity

Race/Ethnicity	High School Diploma		GED		Dropout	
American Indian	255	2.13%	12	3.52%	267	4.38%
Asian American	460	3.85%	*		106	1.74%
Black/African American	663	5.54%	28	8.21%	400	6.56%
Multiple Races	762	6.37%	22	6.45%	368	6.04%
Native Hawaiian/ Pacific Islander	99	0.83%	*		60	0.98%
Hispanic/Latino	2856	23.87%	65	19.06%	1741	28.57%
White	6852	57.29%	199	58.36%	3140	51.53%
<b>Total</b>	<b>11,961</b>		<b>341</b>		<b>6,093</b>	

Note: \* indicates that  $n < 10$ , data suppressed to protect student privacy; students that did not have a race/ethnicity reported are excluded from this table but are included in the total.

### Educational outcomes by offense type

As we mentioned before, diverted students with misdemeanor offenses (property and person) account for the majority of students in the study. This explains why, out of all diverted students that earned a high school diploma or a GED certificate, the majority of them had committed misdemeanor offenses (Table 5). The same is true for the percentage of students that dropped out of high school; students with misdemeanors account for more of the dropout numbers because there are more students with misdemeanors to start with. Students with felony involvement, 3% of the sample, accounted for the smallest percentage of students that earned high school diplomas and GED certificates.

Table 5: Frequency of high school outcomes of diverted justice-involved students by offense type

Offense type	High School Diploma		GED		Dropout	
Public order	2,152	17.99%	63	18.48%	994	16.31%
Drug law violation	1,933	16.16%	*		1,030	16.90%
Misdemeanor property	5,275	44.10%	157	46.04%	2,480	40.70%
Misdemeanor person	2,347	19.62%	63	18.48%	1,446	23.73%
Felony	254	2.12%	*		143	2.34%
<b>Total</b>	<b>11,961</b>		<b>341</b>		<b>6,093</b>	

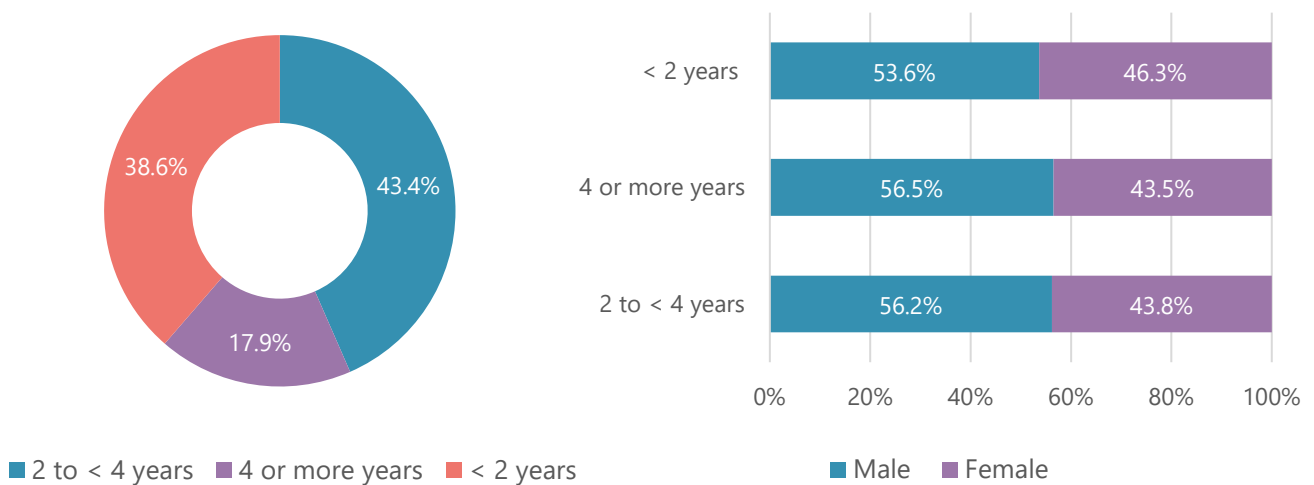
Note: \* indicates that  $n < 10$ , data suppressed to protect student privacy.

## Post-secondary outcomes

### Postsecondary enrollment

40% of diverted justice-involved students enrolled in post-secondary programs. The breakdown of the enrolled students into various programs is presented in Figure 19. The figure shows that 43% of students enrolled in 2-year programs (such as community technical college degrees), while 18% of students enrolled in 4-year programs. 38% of students enrolled in programs that take less than two years, such as apprenticeship or certificate programs.

Figure 19: Post-secondary enrollment rate of diverted justice-involved students, overall and by gender



### Postsecondary enrollment by race/ethnicity

White students account for more than 50% enrollment in post-secondary institutions. Hispanic students follow with 20-25% enrollment, and Native Hawaiian/Pacific Islanders account for the least number of students enrolled.

Table 6: Diverted justice-involved students with post-secondary enrollment by race/ethnicity

Race/Ethnicity	At least 2 but less than four years program		Four or more years program		Less than two years program	
American Indian	146	2.67%	53	2.36%	139	2.91%
Asian American	177	3.26%	84	3.74%	227	4.75%
Africa American	311	5.73%	165	7.34%	431	9.02%
Multiple Races	346	6.38%	161	7.16%	293	6.13%
Native Hawaiian/ Pacific Islander	46	0.85%	14	0.62%	32	0.67%
Hispanic/Latino	1,390	25.62%	451	20.05%	1,117	23.39%
White	3,005	55.40%	1,314	58.43%	2,526	52.86%
<b>Total</b>	<b>5,424</b>		<b>2,249</b>		<b>4,779</b>	

Note: students that did not have a race/ethnicity reported are excluded from this table but are included in the total.

### Postsecondary enrollment by offense type

Juveniles with a misdemeanor offense account for over 60% of the enrollment, regardless of the post-secondary institution (Table 7). This means that 14-18% of diversion students with public order offenses move on to college or post-high school education programs.

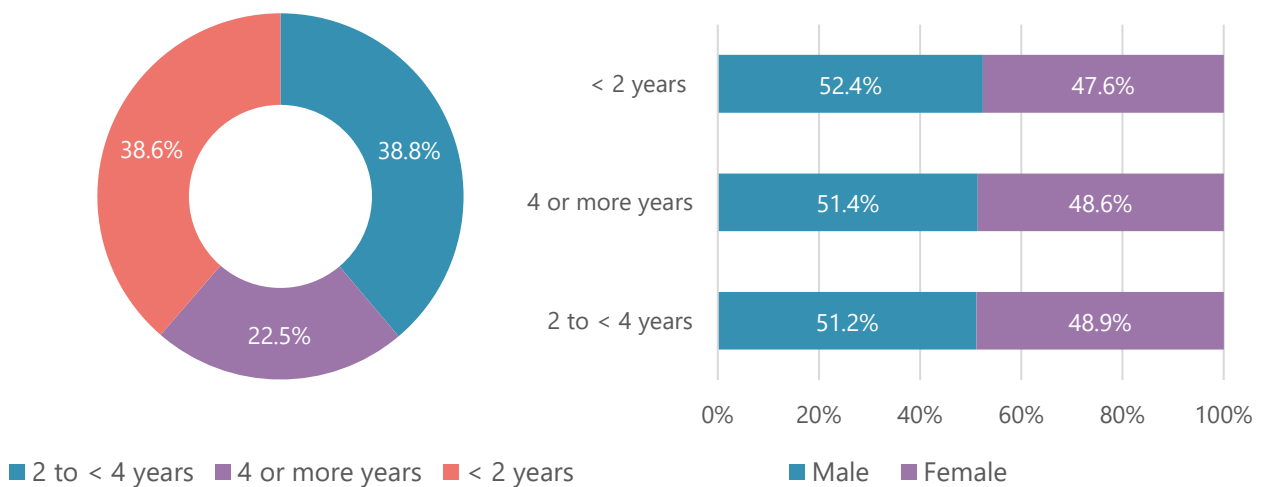
Table 7: Diverted justice-involved students with post-secondary enrollment by offense type

Offense type	Community technical college (associate degree)		Four-year institution (bachelor's or graduate degrees)		Community technical college (certifications that require less than two years to complete)	
Public order	989	18.23%	331	14.72%	847	17.72%
Drug law violation	876	16.15%	353	15.69%	688	14.39%
Misdemeanor property	2,336	43.31%	1,063	47.27%	2,169	45.39%
Misdemeanor person	1,073	19.78%	460	20.45%	976	20.42%
Felony	150	2.76%	42	1.87%	99	2.07%
<b>Total</b>	<b>5,424</b>		<b>2,249</b>		<b>4,779</b>	

### Postsecondary achievement

Overall, 8% of the diverted justice-involved students completed a degree of some kind. These include a certificate, work degree, an associate degree, associate transfer degree or a bachelor's degree. A breakdown by degree received shows that 39% of these students graduate from two-year programs (such as community technical college degrees), while 23% graduate from four-year programs (bachelor's degree). 39% take less than two years to earn a certificate or workforce degree. The breakdown by gender shows that males earn more degrees or certificates, regardless of the type.

Figure 20: Post-secondary achievement of diverted justice-involved students, overall and by gender



### Postsecondary achievement by race/ethnicity

White diversion students earned more than 50% of the degrees, while Hispanic/Latino students earned about 20%. Black/African Americans students and Asian American students account for about 7% and 6% of degrees. Again, this is not surprising given a higher proportion of White students in the data.

Table 8: Diverted justice-involved students with post-secondary achievement (by sector and race/ethnicity)

Race/Ethnicity	At least 2, less than 4 years (CTC / 2 Year)		Four or more years		Less than 2 years	
	Count	Percentage	Count	Percentage	Count	Percentage
American Indian	13	1.30%	*		19	1.92%
Asian American	61	6.11%	36	6.23%	85	8.57%
Black/African American	57	5.72%	42	7.27%	62	6.25%
Multiple Races	50	5.02%	54	9.34%	69	6.96%

Race/Ethnicity	At least 2, less than 4 years (CTC / 2 Year)		Four or more years		Less than 2 years	
Native Hawaiian/ Pacific Islander	18	1.81%	*		*	
Hispanic/Latino	215	21.56%	112	19.38%	202	20.36%
White	581	58.27%	319	55.19%	544	54.48%
<b>Total</b>		<b>997</b>		<b>578</b>		<b>992</b>

Note: \* indicates that n < 10, data suppressed to protect student privacy; students that did not have a race/ethnicity reported are excluded from this table but are included in the total.

### Postsecondary achievement by offense type

Our breakdown of post-secondary achievement by a student's type of offense varied considerably, with misdemeanor taking the largest percentage (Table 9). The table also shows that students with the felonies earned the least amount of post-secondary achievement.


Table 9: Diverted justice-involved students with post-secondary achievement by offense type

Offense type	Community technical college (associate degree)		Four-year institution (bachelor's or graduate degrees)		Community technical college (certifications that require less than two years to complete)	
Public order	207	20.76%	79	13.67%	197	19.86%
Drug law violation	137	13.74%	106	18.34%	128	12.90%
Misdemeanor property	467	46.84%	293	50.69%	465	46.88%
Misdemeanor person	153	15.35%	87	15.05%	180	18.15%
Felony	33	3.21%	13	2.08%	22	2.22%
<b>Total</b>		<b>997</b>		<b>578</b>		<b>992</b>

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