

DIVERSION 101: THE IMPORTANCE OF COMMUNITY ENGAGEMENT TO DIVERSIONARY PROGRAMS

In this series, we have examined what diversion is and what it is not, the four primary purposes of diversion, whether diversion contributes to public safety, how the “what works” research can be used to determine who should be considered for diversion, the key justice system decision points at which diversion can take place, the eight principles that should guide diversionary efforts, the research pertinent to diversion, and the role of victims and victim service providers in establishing diversion options. This article discusses reasons for engaging communities in establishing diversionary programs.

Understanding “Community” in the Context of Criminal Justice

The involvement of communities in the development, implementation, and ongoing management of diversion programs is crucial to their success. Diversionary efforts not only impact the individuals directly affected by the justice system (i.e., victims, diversion participants) but also the neighborhoods and wider communities in which those individuals live. Families, friends, neighbors, potential diversion participants, and community leaders (e.g., advocacy centers, community-based service organizations, faith leaders and communities, public safety organizations, political action groups, businesses, and researchers) all have a stake in ensuring justice system responses are equitable, efficient and effective, and tailored to the needs of the local community.

The Role of Community Members in Crafting Justice System Solutions

Until relatively recently, it was uncommon for community representatives—other than perhaps a few isolated individuals—to have active, meaningful engagement in criminal justice policymaking. That dynamic is changing rapidly for several reasons:

1. Community perspectives: Justice system professionals are increasingly aware of the fact that

to address matters of public safety and community wellness, the persons directly affected by these issues must be active partners at the table. Community members’ understanding of and perspective on a variety of issues—for example, the conditions that lead to criminal involvement; the needs of justice-involved persons, their families, and also of victims, who oftentimes are known to perpetrators and may transition between perpetrator today and victim tomorrow; and the resources available and needed to craft solutions—may be quite different from the perspective of justice system professionals. As in the parable of the blind men and the elephant, people have a tendency to draw conclusions based upon their own limited view of the world. The more perspectives, the more likely we are to fully grasp the possibilities in front of us.

2. Community support: Justice system interventions are strongest when they are supported by the broader community. To be sure, many communities view the criminal justice system as monolithic and perplexing, if not also arbitrary and capricious. And, while system actors may embrace and seek procedural justice,¹ the lack of opportunity for meaningful involvement stands as a barrier to achieving it. Only through true partnership will this divide be bridged.

3. Community solutions: Increasingly, justice system professionals realize that solutions to crime and criminal penalties—especially the programs and services that seek to address criminal behavior and prevent it from being repeated—result from partnerships between the justice system and its local community. These neighborhood and community member-based solutions are not new. In fact, John Augustus, said to be “the father of probation,” was an ordinary citizen who, in the early 1800s, took it upon himself to offer rehabilitative and supervision services to “a common drunkard” facing sentencing.² Similar efforts are returning to the courtrooms of today, where community organizations and members are embraced as a critical component of the crime solution. Not only does this expand the overstretched capacity of the justice system but the approach builds communication, transparency, trust, and credibility among community members and between the community and justice system professionals. Importantly, this approach relocates a portion of the responsibility for community well-being back onto the community itself.

Ultimately, a true effort to increase public safety is built on a foundation of community ownership and empowerment. The root of that ownership and empowerment will come from involvement, understanding, and the trust that naturally stems from it.

Identifying and Engaging Community

It is important to be clear that the community—whether a small rural or a large urban area—is made up of many microcosms. To ensure true representation, justice system leaders will need to invest considerable effort in identifying the many subcommunities within their local jurisdiction and in reaching out to understand how (and if) they are organized, those who can best speak for them and share their truths, and how to bring them to the policymaking table to provide meaningful input on an ongoing basis. Extensive writings describe the strategies for identifying and engaging community members, both initially and over time. While it is beyond the scope of this article to summarize them, the final article in this series provides direction to these resources.

References

The following resources were cited in this paper. For resources pertinent to the entire series, see the last article in the series, *Additional Diversion Resources*.

Bennett, S., Hine, L., & Mazerolle, L. (2018). *Procedural justice*. Retrieved from Oxford Bibliographies Online website: <https://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0241.xml>

National Initiative for Building Community Trust & Justice. (n.d.). *Procedural justice*. Retrieved from <https://trustandjustice.org/resources/intervention/procedural-justice>

Notes

¹ The concept of procedural justice (also referred to as procedural fairness) refers to the fairness with which citizens are treated by criminal justice authorities, and how those interactions shape the public’s view of the justice system, and thus influence crime rates and public safety. In general, research demonstrates that the way citizens are treated rather than the outcome of their involvement in the justice system has a greater impact on whether they are likely to perceive authorities as legitimate, and therefore to obey the law (Bennett, Hine, & Mazerolle, 2018; National Initiative for Building Community Trust & Justice, n.d.).

² For more information, see <https://www.encyclopedia.com/law/legal-and-political-magazines/probation-and-parole-history-goals-and-decision-making>

About This Article Series

This is the ninth in a series of papers that examine pre-conviction diversion options, provide clarity around their purposes, propose guiding principles, and explore their public safety and other benefits. The articles, which build upon one another, honor the foundational work that has been done by others and continue to advance our thinking and work in this area.

Previous Articles in This Series

What Is Diversion?

The Purposes of Diversion

Do Diversion Options Put Public Safety at Risk?

Using the “What Works” Research to Determine Who Should Be Considered for Diversion

Diversion Opportunities at Key Justice System Decision Points

The Guiding Principles of Diversion

A Synopsis of Pertinent Research

The Role of Victims and Victim Service Providers in Establishing Diversion Options

Author: Madeline M. Carter, Principal, Center for Effective Public Policy

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The Bureau of Justice Assistance seeks to support criminal justice policymakers in the establishment of data- and policy-driven diversion options. This paper is one in a series designed to provide clarity around this important justice system issue.

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