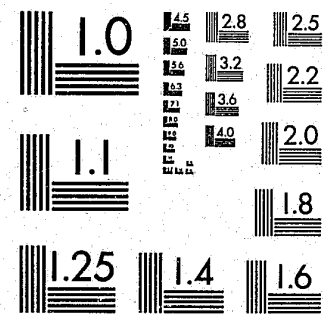


National Criminal Justice Reference Service

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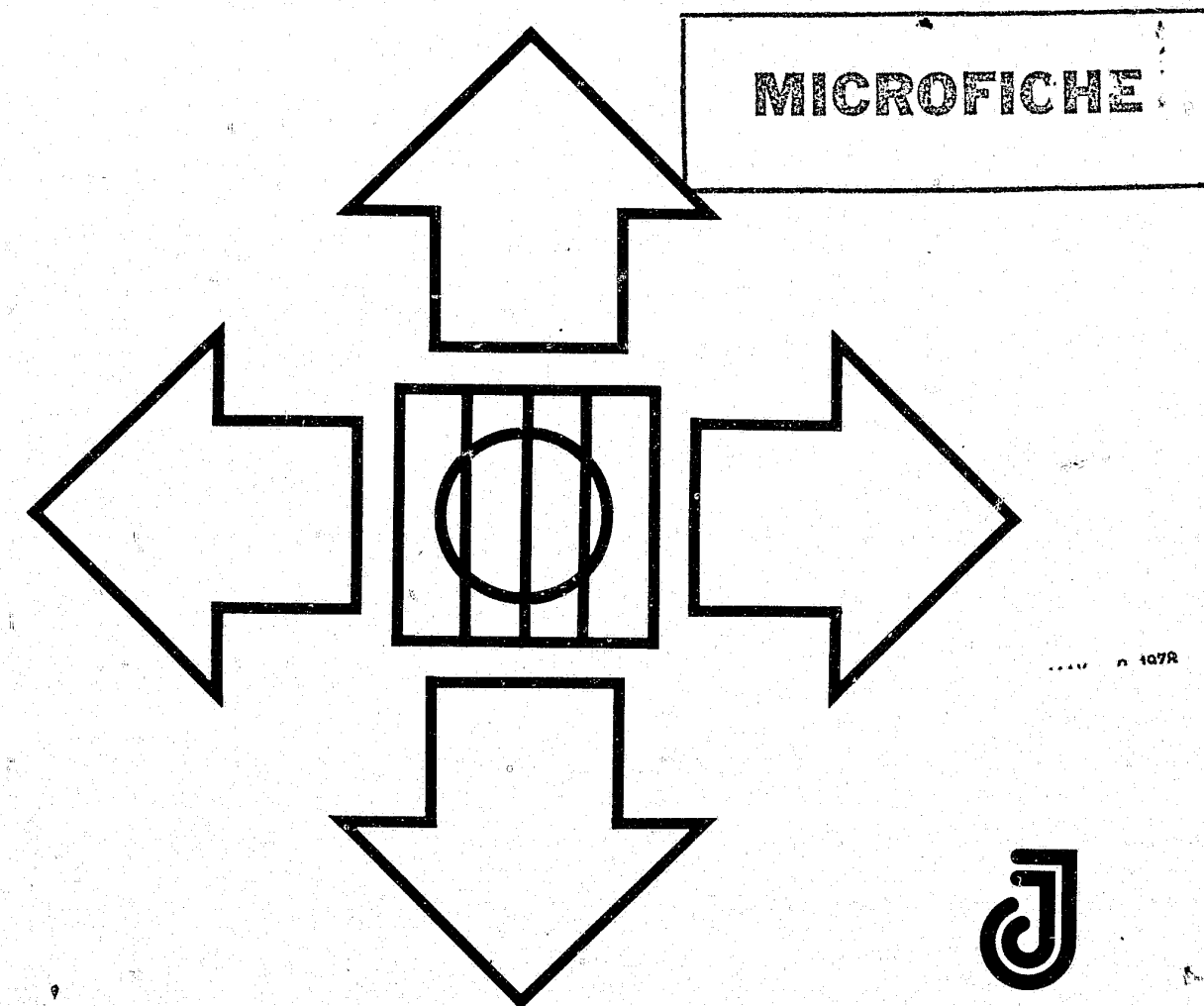
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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

5-27-82

PROGRAM ANNOUNCEMENT:

***DIVERSION OF YOUTH FROM
THE JUVENILE JUSTICE SYSTEM***



APRIL 1976

U.S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
Office of Juvenile Justice and Delinquency Prevention

39176

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531



OFFICE OF JUVENILE JUSTICE
AND DELINQUENCY PREVENTION

NCJRS
NATIONAL INSTITUTE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION

PROGRAM ANNOUNCEMENT

JAN 18 1977

Pursuant to the authority of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, the Law Enforcement Assistance Administration is giving major priority to the diversion of youth from the juvenile justice system through use of Omnibus Crime Control discretionary funds. Only a limited number of programs can be funded through this effort. Careful evaluation will be initiated at the beginning of the program in order to provide information about the most workable approaches. This effort will assist local jurisdictions and States in planning and implementing similar programs in the future under requirements of the new Juvenile Justice and Delinquency Prevention legislation.

Because of your interest in the welfare of youth, we felt it important to notify you of this effort. This packet contains all necessary information pertaining to the preliminary application for Federal assistance under this national program. The preliminary applications should be sent to the Office of Juvenile Justice and Delinquency Prevention, LEAA, 633 Indiana Avenue, N.W., Washington, D.C. 20531 by June 4, 1976. Upon receipt, the OJJDP will conduct an initial screening to determine those preliminary applications meeting eligibility and capability conditions based on the specifications and guidelines provided in this packet. Upon making this determination, notifications will be sent to applicants not meeting these conditions and copies of the remaining applications will be forwarded to the cognizant SPA and Regional Office for review. Review conducted at this point by all reviewers will consider the degree to which applicants meet the selection criteria. Refer to the enclosed Guideline Manual Section in completion of preliminary applications.

Applications will be rated and judged on the basis of all selection criteria outlined in the enclosed guideline. You will note that these criteria emphasize development of non-duplicative, workable and realistic programs which achieve specific objectives. Should you have any questions concerning application submission, I would suggest that you contact your State Planning Agency, LEAA Regional Offices or the Office of Juvenile Justice and Delinquency Prevention in Washington.

U.S. Department of Justice 39176
National Institute of Justice

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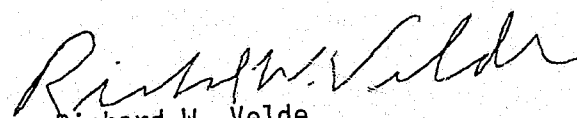
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It is perhaps useful to note that the Office of Juvenile Justice and Delinquency Prevention operates under two statutory funding authorities. While the diversion program is consistent with the policy direction of the Office established by Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974, the funding authority is Section 453(4) and 455(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. In carrying out the policy direction of the Office as required by Section 527 of the Juvenile Justice and Delinquency Prevention Act, LEAA has no authority to waive any of the statutory requirements applicable to Omnibus Crime Control Act funds. Therefore, the Agency cannot waive the cash match requirements for grants funded with Parts E or C Crime Control funds.

In the final analysis, the amelioration of conditions which result in the involvement of youth in the juvenile justice system is everyone's responsibility. No single agency or societal institution can unilaterally plan or implement a successful program to modify the deleterious and costly consequences of unnecessary stigmatization through law enforcement, judicial, legal defense, and correctional processing. Intensive training of police, court, and other service providers is an absolute requirement, if troubled youth are to be handled efficiently and humanely through this program initiative. Most important is the active and intensive involvement of those community forces --schools, religious leaders, mental health and social service agencies-- as well as parents and the youths themselves to participate in decisions and policies which affect their neighborhoods and lives.

It is hoped that through this latest initiative, cooperative planning and program implementation activities, involving public and private voluntary agencies, will be fostered. Your participation is encouraged.


Richard W. Velde
Administrator

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531



OFFICE OF JUVENILE JUSTICE
AND DELINQUENCY PREVENTION

NATIONAL INSTITUTE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION

ANUNCIO DE PROGRAMA

Conforme a las disposiciones aplicables de la Ley Miscelanea Para el Control del Crimen y Seguridad en las Calles de 1968, segun enmendada, asi como la Ley de Justicia Juvenil y Prevencion de la Delincuencia de 1974, la Administracion para Ayuda y Mantenimiento de la Ley (Law Enforcement Assistance Administration - LEAA), le esta dando preferencia a programas disenados para desviar a jovenes del sistema judicial utilizando para ello una cantidad limitada de fondos discrecionales.

Al inicio de cada programa una evaluacion detallada sera llevada a cabo para asi poder determinar los metodos, y programas mas efectivos. Dicha evaluacion permitira a jurisdicciones locales y estatales, el planificar e implementar programas similares como lo requiere la antes referida Ley de Justicia Juvenil.

Debido al gran interes que existe en el bienestar de jovenes en general, creemos importante el notificarle sobre este programa. Adjunto a esta notificacion encontrara literatura con informacion sobre las gestiones relacionadas con la solicitud preliminar para fondos federales bajo este programa nacional. Las solicitudes preliminares deberan ser enviadas a la siguiente direccion:

Law Enforcement Assistance Administration
Office of Juvenile Justice and Delinquency
Prevention
633 Indiana Avenue, N. W. - Room 444
Washington, DC 20531

Cuando la Oficina reciba su solicitud, la misma sera examinada para determinar elegibilidad conforme a las estipulaciones y condiciones contenidas en la literatura adjunta. Al hacerse dicha determinacion, las solicitudes rechazadas seran devueltas.

Aquellas solicitudes que satisfagan las condiciones aplicables seran referidas a las Agencias Estatales de Planificacion (State Planning Agencies) asi como a la Oficina Regional correspondiente de la LEAA. Estas entidades entonces examinaran, en detalle, dichas solicitudes, y determinaran el grado de conformidad de cada una de estas en lo que respecta a los elementos de seleccion.

Las solicitudes preliminares seran evaluadas conforme a los criterios (elementos) de seleccion enumerados en el panfleto (manual) adjunto. Notara que dichos elementos enfatizan el desarrollo de programas realizables y que a la vez tengan como meta objetivos especificos y definidos.

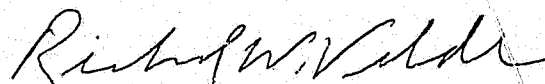
Solicitudes preliminares seran recibidas por la Oficina de Justicia Juvenil de la LEAA hasta el 4 de Junio de 1976. Si desea mas informacion sobre este programa comuníquese con su Agencia Estatal de Planificación (State Planning Agency), la Oficina Regional aplicable de la LEAA o con la Oficina de Justicia Juvenil de la LEAA en Washington, D. C. (Office of Juvenile Justice and Delinquency Prevention).

Debe de notarse que la Oficina de Justicia Juvenil opera bajo dos distintas autorizaciones de naturaleza legislativa. Por un lado, los esfuerzos encaminados a desviar jóvenes del sistema de justicia criminal se describen en la sección 201 de la Ley de Justicia Juvenil y Prevención de la Delincuencia de 1974. Por otro lado, la autoridad, para hacer disponibles fondos federales se estipula en las secciones 453(4) y 455(a)(2) de la Ley Miscelanea para el Control del Crimen y Seguridad en las Calles de 1968, segun enmendada. Llevando a cabo la política pública de la Oficina de Justicia Juvenil, como lo requiere la Sección 527 de la antes referida Ley de Justicia Juvenil, la LEAA no tiene la autoridad para obviar ninguno de las requisitos estatutarios que son aplicables a fondos provenientes bajo la Ley Miscelanea. Por ende, la LEAA no puede obviar los requisitos de proveer fondos en especie (cash) para parear subvenciones que la Agencia hiciere con fondos provenientes de las partes C o E de la Ley Miscelanea.

En ultima instancia, el minimizar las condiciones que conducen al envolvimento de jovenes en el sistema de justicia juvenil es la responsabilidad de todos. Ninguna agencia o entidad social puede unilateralmente planificar o implementar un programa que sea conducente a la reduccion de las circunstancias que contribuyen a la maculación, completamente innecesaria, que es el resultado de intervenciones por parte de agencias a cargo del mantenimiento de la ley, tribunales, asistencia legal y correccionales.

El adiestrar, en forma intensiva personal policiaco judicial y otros proveedores de servicios dentro del sistema de justicia juvenil, es absolutamente necesario. Esto es, si es que se quiere bregar en una forma efectiva y humana con los jovenes que seran la clientela bajo este programa. Mas importante aun es la participación activa de líderes de la comunidad, de entidades privadas, agencias que proveen servicios de salud mental y servicios sociales, así como de los padres y los propias jóvenes que partipan de una forma u otra en aquellas decisiones que puedan tener impacto en las vidas de dichos jovenes.

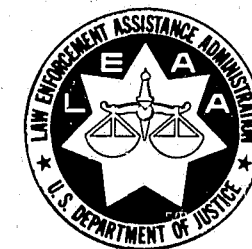
Tenemos la esperanza de que a traves de este esfuerzo, se estimule la cooperación entre agencias publicas y entidades privadas en lo que respecta a planificar e implementar proyectos bajo este programa.



Richard W. Velde
Administrador

UNITED STATES DEPARTMENT OF JUSTICE

news
release



LEAA
Law Enforcement Assistance Administration

Public Information Office
Telephone (202) 376-3820

Washington, D.C. 20531

FOR RELEASE AT 6:30 P.M. E.S.T.
THURSDAY, APRIL 22, 1976

The Law Enforcement Assistance Administration will provide \$10 million for public and private agencies with innovative programs that will divert juvenile offenders from the juvenile justice system, it was announced today.

LEAA Administrator Richard W. Velde said that "while there are significant variations among youthful offenders, many juveniles engage in episodic acts of lawbreaking that disappear as they grow older."

"For these youth, the diversion effort should provide more effective and less expensive treatment. It should upgrade the range of community resources so that we may forego formal court processing or incarceration," Mr. Velde said.

Diversion of juveniles from the criminal justice system was authorized under the Juvenile Justice and Delinquency Prevention Act of 1974.

Although LEAA will continue to provide funds for juvenile programs throughout the country, the diversion program "will be concentrated in urban areas where the most extensive juvenile delinquency problems exist," according to LEAA Assistant Administrator Milton Luger, who directs LEAA's Office of Juvenile Justice and Delinquency Prevention.



Applications are invited from public and private non-profit organizations outside the formal structure of the juvenile justice system in cities of 250,000 or more; counties of 350,000 or more; contiguous multiple jurisdictions of 500,000 or more; states with populations under 500,000; and Indian tribal groups on reservations of 4,000 or more.

All interested groups should submit preliminary applications of no more than 12 pages in accordance with the guideline issued for this program. After a preliminary screening, LEAA will ask for expanded proposals. The deadline for preliminary applications is June 1, 1976.

Applicants may secure program guidelines from their state criminal justice planning agency, LEAA Regional Office, or the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531

76-400
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UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION



Change

M 4500.1D CHG-1

Subject: GUIDE FOR DISCRETIONARY GRANT PROGRAMS

Cancellation
Date: After Filing

1. **PURPOSE.** The purpose of this change is to transmit chapter 13, entitled Diversion of Youth From Official Juvenile Justice System Processing, of the Guide for Discretionary Grant Programs, M 4500.1D.
2. **SCOPE.** This change is of interest to all individuals who hold the Guide for Discretionary Grant Programs.
3. **PAGE CHANGES.** Page changes should be made in accordance with the chart below. The change involving chapter 12 is to add a subparagraph 122a(7).

Page Control Chart			
REMOVED PAGE	DATED	INSERT PAGE	DATED
xxiii and xxiv	July 10, 1975	xxiii	April 12, 1976
		xxiv	April 12, 1976
		xxiv-1	April 12, 1976
Chapter 12		Chapter 12	
99 and 100	July 10, 1975	99 and 100	April 12, 1976
		Chapter 13	
		101 thru 121	April 12, 1976

Richard W. Velde
Richard W. Velde
Administrator

Distribution: SPAs; CO and RO
Professional Personnel; Holders of
M 4500.1D; OJJDP Special List

Initiated By: Office of Juvenile Justice
and Delinquency Prevention

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CHAPTER 12. INTRODUCTION TO JUVENILE JUSTICE
AND DELINQUENCY PREVENTION PROGRAMS (X)

122. PURPOSE .

a. The objectives of the Office of Juvenile Justice and Delinquency Prevention, as mandated by the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415, are to make grants to and contracts with public and private agencies, organizations, institutions, or individuals to:

- (1) Develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs.
- (2) Develop and maintain community-based alternatives to traditional forms of institutionalization.
- (3) Develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system.
- (4) Improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent.
- (5) Facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice and the National Institute for Juvenile Justice and Delinquency Prevention.
- (6) Develop and implement model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.
- * (7) Develop and maintain programs which prevent and control juvenile delinquency. *

b. The objectives of the Office as mandated by the Crime Control Act of 1973, P.L. 93-83, are to develop programs which would have a significant impact on both the high rates of crime and delinquency and on the overall operation of the juvenile justice system. This objective is consistent with LEAA's mission to "develop, test and evaluate effective programs, projects and techniques to reduce crime and delinquency."

123. SCOPE OF PROGRAMS.

a. Programs will be announced in the following general areas:

- (1) Diversion of juveniles from the juvenile justice system.
- (2) Program for reducing serious crime committed by juveniles, through advanced techniques for changing the behavior of serious juvenile offenders and other strategies aimed at the settings and groups through which serious juvenile crime occurs.
- (3) Program for the prevention of juvenile delinquency through selected strategies which support development of constructive patterns of juvenile behavior through improving the capacity of agencies and institutions responsible for supporting youth development.

b. The program objective, description, and specifications for Chapter 14 and 15 will be issued as changes to this Manual as the program areas are developed by the Office. *

c. The program for the deinstitutionalization of status offenders is deleted from the discretionary grant program. This was chapter 27 of M 4500.1C dated November 22, 1974.

d. No applications for the programs briefly described in paragraph 123a. above will be considered until such time as program descriptions are issued.

CHAPTER 13. DIVERSION OF YOUTH FROM OFFICIAL JUVENILE JUSTICE SYSTEM PROCESSING (X1)

124. PURPOSE. Pursuant to Sections 224(a)(3) and 527 of the Juvenile Justice and Delinquency Prevention Act of 1974, and Sections 301 and 451 of the Omnibus Crime Control Act of 1968, as amended, the purpose of this program is to design and implement demonstration projects which develop and test effective means of diverting juveniles from involvement with the traditional juvenile justice system at the critical points of penetration, and to determine the significance of providing effective and coordinated services to a portion of those youth diverted. DIVERSION PROCESS, for the purposes of this program initiative, is defined as a process designed to reduce the further penetration of youths into the juvenile justice system. Diversion can occur at any point following apprehension by the police for the alleged commission of a delinquent act and prior to adjudication. It focuses on specific alternatives to juvenile justice system processing which are outside the system, including provision of services and complete release. The diversion process makes use of a range of community resources which support the normal maturation of children, and seeks to remedy specific adjustment problems depending on the individual needs of youth. OTHER DEFINITIONS essential to completion of applications are provided in paragraph 133 of this chapter. Supplementary material referenced in this Guideline is only available in the Program Announcement issued April 1976. It can be obtained from the Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.

a. Major Program Goals.

- (1) To reduce by a significant number, adjudication of juveniles alleged to be delinquent in selected jurisdictions over a three year period.
- (2) To achieve a more comprehensive and coordinated approach to the diversion process through redirection and expansion of existing community resources and provision of more cost-effective services.
- (3) To reduce delinquent behavior of those youth diverted by providing effective services to that portion of youth diverted who need such services.
- (4) To improve the quality and efficiency of juvenile justice decision making.

b. Subgoals.

- (1) To develop and strengthen community-based service models which encourage youth employment and youth participation in decision making.
- (2) To enable the juvenile justice system, as a result of diversion of less serious offenders, to concentrate more of its resources on the juvenile offender whose offenses preclude consideration for diversion.

c. Program target is youth who would otherwise be adjudicated delinquent. While automatic exclusion of children alleged to have committed serious offenses is inconsistent with the aims of diversion, youth charged with such crimes as murder, forcible rape or armed robbery are not generally considered appropriate for diversion unless substantial evidence supports their not being a further danger to the community. Youth who would normally be warned and released, screened and referred to community services, or released by the court are not the target for this program. Using data on the number of youth adjudicated in 1975, each community will define the target population by precise criteria, identify the critical points of penetration into its jurisdiction's juvenile justice system and develop action projects which reduce further penetration by this target population.

125. WORKING ASSUMPTIONS. The program is based on the following assumptions:

- a. When viewed as a process, operating within a continuum from police warning and release to adjudication, diversion impacts the efficiency of the entire system at the various levels of official action. Thus, the juvenile justice system is likely to become more efficient and effective at each level as a result of increased diversion.
- b. While there are significant variations among youthful offenders, many juveniles engage in episodic acts of lawbreaking interspersed with longer periods of law-abiding conduct. More often than not, such lawbreaking is transitory and disappears as youth grow older, with or without juvenile justice system intervention or special services. Thus, a good number of youths can be diverted without referral for services or further system supervision.

- c. Variations in police reporting procedures, organization of juvenile courts, child welfare and other components of the community juvenile justice system markedly influence the handling of lawbreaking youths in different jurisdictions. Thus, community toleration of contemporary youth behavior as well as organizational willingness and capacity to respond constructively to youth problems significantly affect diversion rates.
- d. Negative labeling, with the consequence of stigmatization, suggests that there is a relationship between formalized court processing and future delinquency. While research findings have not been definitive, if community stigmatization has the likely effect of reinforcing or perpetuating delinquent behavior, diversion of youth from formal processing is an approach which merits further testing.

126. EVALUATION DESIGN. The evaluation will seek:

- a. To determine the extent to which diversion can occur at the most critical points in juvenile justice system processing and result in a reduction in adjudication.
- b. To assess the impact of diversion programs on juvenile justice system processes and procedures.
- c. To determine the extent to which services were redirected and coordination increased.
- d. To determine whether the target population benefits more from diversion with services than from diversion without services.
- e. To determine the relative impact of diversion vs. traditional juvenile justice system processing on social adjustment and delinquent behavior.
- f. To assess the impact of a range of alternative diversion services on social adjustment and occurrence of delinquent behavior.
- g. To compare the cost of traditional juvenile justice system processing with alternative forms of diversion.

127. PROGRAM STRATEGY.

- a. Program Impact. Applications are invited which propose action programs to divert increased numbers of juveniles at the most critical points of penetration into the juvenile justice system. While program design will vary according to the characteristics of jurisdictional needs and resources, the overall program thrust, in all instances, should:
- (1) Identify and address existing problems and procedures in the diversion process.
 - (2) Provide legal safeguards to protect the rights of youth participating in diversion.
 - (3) Provide solutions which reduce fragmentation in the youth services delivery system and focus resources upon those children at greatest risk of being further involved with the juvenile justice system.
 - (4) Strengthen existing service components to facilitate public and private coordinated service delivery.
 - (5) Include program approaches which test new concepts in service delivery, develop or refine service models suitable for replication in other areas, and include innovative media techniques for increasing public understanding of the program.
- b. Proposal Development. Project proposals will be developed in two phases. A preliminary application will be submitted and a limited number of applicants will be invited to prepare full program designs based upon the degree to which their preliminary design meets the stated selection criteria. The Office of Juvenile Justice and Delinquency Prevention will provide technical assistance, through use of consultants and staff, with program development. Those applications will be selected for grant award which are judged to meet all selection criteria at the highest level.
- c. Range and Duration of Grants. Awards for this program will be for a three year period, funded in annual increments. LEAA's commitment to continue in the second and third years is contingent upon satisfactory grantee performance in achieving stated objectives in the previous program year(s) and compliance with the terms and conditions of the grants. No continuations are contemplated beyond the third year. It is

anticipated that grants will range up to \$2.0 million for a three year period with grant size based upon the number of juveniles served, complexity of problems addressed, and the jurisdiction's capacity to absorb the program after this funding terminates. Funds for this program are allocated under the Omnibus Crime Control Act of 1968, as amended. Pursuant to Sections 306(a) and 455(a) of the Crime Control Act, funds awarded in response to this Guideline require a 10 percent cash match.

d. Program Eligibility.

- (1) While this program is subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention as prescribed in Section 527 of the Juvenile Justice Act of 1974, the authority to use Part E funds for this program is Section 453(4) of the Omnibus Crime Control Act of 1968, as amended. This authority permits no waiver of statutory requirements applicable to Part E funds.
- (2) Public and Private non-profit organizations and agencies are eligible to apply, but if selected must become subgrantees of one of the eligible groups listed in paragraph 127d(3) below.
- (3) Programs must meet eligibility requirements for Part E discretionary funds as established in M 4500.1D, July 10, 1975, Chapter 1, paragraph 4b. Discretionary grants authorized under Part E (Grants for Correctional Purposes) of the Act can be made only to State Planning Agencies, local units of government, or combinations of local units of government.
- (4) Pursuant to Section 453(4) of the Omnibus Crime Control Act of 1968, as amended, projects are eligible which service those youth within the cognizance of the juvenile court system upon entry into the program. While projects are expected to meet the eligibility requirements under this Section, police functions and some service components considered essential to program effectiveness, but not clearly meeting requirements for Part E, will be funded under Part C of the Omnibus Crime Control Act.

- e. Applicant Eligibility. Applications are invited from public and private not-for-profit organizations and agencies in: (use 1970 U.S. Census Reports)
- (1) Cities of 250,000 or more.
 - (2) Counties of 350,000 or more.
 - (3) Contiguous multiple jurisdictions of 500,000 or more. (This could include 1 or more counties or an entire state).
 - (4) States with populations under 500,000.
 - (5) Indian tribal groups on reservations of 4,000 or more.
- f. Applicant Capability. While applications may reflect the participation of several public and private youth serving agencies and organizations, the official applicant must meet the following conditions of special capability.
- (1) Be located outside the formal structure of the juvenile justice system while having the capacity to involve law enforcement agencies and courts in development and implementation of the overall program.
 - (a) Multiple-function agencies administering a variety of planning and human resource program components as well as juvenile justice system components (intake, corrections, after-care) are considered to be outside the formal structure for purposes of this response. Although multiple-function agencies may apply, their justice system components may not administer the project, but may operate components through contracts.
 - (b) While law enforcement agencies, juvenile courts and probation departments do not meet the capability requirements for applicants, in all instances they are expected to play a major role in planning and implementation of the project. Support for their functions must be reflected in coordination mechanisms, budget and program design.
 - (c) Where private youth serving agencies are applicants, public youth serving agencies are expected to play a major role in planning and implementation with support provided for their functions as outlined in paragraph 127f(1)(b) above.

- (2) Have substantial responsibility for providing leadership in planning, standard setting, and coordination of youth services as evidenced by statutory authority or broadly based community sanction and support, in combination with a newly created or already established budget for this responsibility.
 - (3) Have the demonstrated capability or experience to develop management and fiscal systems essential to the coordination of a multi-dimensional program.
 - (4) Be able to provide access to data essential to the national evaluation of projects funded in response to this Manual.
128. PRELIMINARY APPLICATION REQUIREMENTS. This initial application will consist of a preliminary project design of 12 pages with supporting addenda. Where data are not available in time for submission of the Preliminary Application, indicate when they can be obtained and from what sources. This document should include:
- a. Statement of Need. (Include Addendum I in Preliminary Application.)
- (1) Briefly describe the jurisdiction in terms of socio-economic and demographic characteristics. Identify the area(s) of principal impact for this program. Provide statistical data in the addenda on the number of juveniles under 18 for the entire jurisdiction as well as the impact area(s); population density; crime rates; school drop-out rates; adult and youth unemployment statistics.
 - (2) Using Supplement V (flow-chart) as a model, document and describe fully the flow of youth through the juvenile justice system. Describe the established diversion process in terms of ordinances or codes regulating juvenile behavior, administrative procedures or policies existing in courts, law enforcement agencies, schools and social agencies. Describe the projects or programs which are considered to be primarily "diversion services" and identify the clientele and types of services provided. Describe and prioritize problems within the existing diversion process and related services.
 - (3) Describe the major points of juvenile justice system penetration for all youth penetrating the system and identify the most critical points along with reasons for

their designation. Identify those juveniles penetrating the system at each point of penetration and describe them in terms of socio-economic characteristics and official offense records for 1975. Indicate the number of juveniles to be diverted at each point in this program.

- (4) Data requested in paragraph 128(a)(2) and (3) are critical to selection of preliminary applications as they document the basis for selection of the target population and describe the diversion process now in effect.

b. Project Goals and Objectives.

- (1) Identify the target population and designate the critical points of penetration. Define program goals and objectives in terms of expected decreases in actual numbers of youth officially processed at each of the specific points of penetration and expected reduction of delinquency adjudications within the target jurisdiction. Identify the major problems to be addressed in the diversion process in terms of expected changes in official processing by juvenile justice system agencies; capability and focus of existing public and private youth services programs; community capability for planning and coordination; expected benefits to juveniles affected.

- (2) Define objectives for each of the problems identified in measurable terms, i.e., specific activities in relation to expected results.

- c. Methodology. Develop a methodology in accordance with the specifications outlined in paragraph 128b above. Identify any significant problems which would need to be addressed in order to achieve the objectives of the program and explain proposed methods for resolving. Identify specific agreements essential to project success and describe your progress in securing them. Copies of agreements consummated should be included in the addenda.

- d. Benefits Expected. Describe expected impact upon youth involved in the diversion process, as well as the juvenile justice system (court, police and correctional facilities), school system, public and private service providers and other relevant institutions in the affected jurisdictions. Identify the expected positive and negative implications of this impact.

- e. Capability of Applicant. Describe the nature of your accountability for services to juveniles as specified in paragraph 127f, experience of key personnel, fiscal experience, kind and scope of program(s) administered, relationships with organizations, institutions and interest groups vital to achievement of stated goals. Identify sources and amount of your operating budget, and describe your agency's policy-making structure, relationship to or location within county, city or state government.
- f. Evaluation Requirements. Provide assurance that your project would cooperate fully in the evaluation effort as outlined in paragraph 131d of this chapter, and that access can be secured to essential juvenile justice system data. Identify the data routinely recorded by the police and juvenile court and indicate whether it is computerized or manually stored.
- g. Budget. Develop a preliminary budget in accordance with specifications outlined in paragraphs 128b and c of this chapter and paragraph 131d which reflects expenditures over three years.

129. APPLICATION REQUIREMENTS. (These are not to be addressed in the Preliminary Application.)

- a. Program Goals. Restate the program goals and objectives pursuant to instructions in paragraphs 128a and b.
- b. Problem Definition and Data Needs. Information provided about problems within the jurisdiction's diversion process, characteristics of the target population, proposed solutions, and documentation of the critical points of juvenile justice system penetration are essential to review and selection of projects. City and state comprehensive criminal justice plans should be used as resources in meeting data requirements. The following information, if not already provided in the addenda to the preliminary application must be provided in the application. If information was provided, refer to that document in accounting for data required in each of the categories outlined below:
- (1) A socio-economic profile of the jurisdiction with such demographic data as are necessary to document crime rates, racial/ethnic population, adult and youth unemployment, population density, school enrollment and drop-out rates.

- (2) A system description and flow chart of official processing, including but not limited to juvenile justice system agencies (police, courts and correctional institutions). Agencies with authority to refer to court for official action should be included along with an explanation of the nature of their authority.
 - (3) Statistical documentation of juveniles entering the system at each point of penetration over the past year (1975) along with their ages, offenses, socio-economic characteristics, and disposition by the processing agency using the model flow chart provided in Supplement V.
 - (4) A description of the statutory rules, codes, and ordinances governing juvenile behavior; a description of administrative procedures (including formal or informal policies) which regulate or prescribe methods for responding to juvenile behavior in juvenile justice system agencies and others capable of initiating court referral or other official action.
 - (5) An inventory of public and private youth serving agencies with known diversion functions or services, described in terms of selection criteria, major foci, operating budget, geographic location in relation to the target population for this program, number of youth served, and commitment to participation in this program.
 - (6) Identification of gaps in services, anticipated need for modification in scope or thrust of existing services along with an explanation of anticipated problems in closing gaps or in achieving modifications considered necessary to support a more effective diversion process.
- c. Program Methodology. Based upon the information provided in this paragraph, develop a project design which provides a clear description of the following:
- (1) The target population and selection criteria for juveniles participating in the diversion process.

- (2) The range of public and private services to be provided to the target population including a description of (a) new services, (b) existing services that will continue to be available, and (c) existing services which will be improved or expanded as part of this program. Indicate ways in which service components for diverted youth will maximize participatory activities, provide experiences which are non-stigmatizing, and encourage youth employment and youth participation in decision-making.
- (3) The safeguards that will be developed to protect the legal rights of juveniles at any stage in the diversion process where there is danger of abrogation of such rights. Minimally, such safeguards must provide right to legal counsel during the period of intake, if it involves admission of guilt, and at termination hearings, if such hearings are conditions of diversion. Other desirable legal safeguards are suggested in Supplement IV. Pursuant to Section 524(a) and (c) of the Crime Control Act of 1968, as amended, confidentiality of program records used or gathered as part of a research or statistical project or project component must be provided along with assurance that no prosecutorial use may be made of them in pending or future legal proceedings. Additionally, assurances must be provided that program information gathered under funds from this program, identifiable to a specific private person is used only for the purpose for which obtained and may not be used as a part of any administrative or judicial proceeding without the written consent of the child and his/her legal guardian or legal representative.
- (4) The organizational structure for implementing the project with sufficient detail to make clear its official authority or public sanction for leadership; staff capability; potential for performing an effective advocacy role in the redirection of resources and standard-setting; and ability to coordinate planning and provide leadership in setting goals.
- (5) The administrative procedures and coordination mechanisms to be employed in implementing the project, including the role of law enforcement agencies, juvenile courts, and public and private youth service providers. This

discussion should include the involvement of participating agencies in the planning, development and implementation of the project in addition to the methods for maintaining coordination, assuring accountability and establishing monitoring procedures for service delivery.

(6) The educational and public relations activities that are required to gain and maintain public understanding and support for the program.

- d. Workplan. Prepare a work schedule which describes specific program objectives in relation to milestones, activities and time-frames for accomplishing the objectives.
- e. Budget. Prepare a budget of the total costs to be incurred in carrying out the proposed project over three years with a breakout for each budget year. Indicate plans for supplementing LEAA funds with other Federal, state, local or private funds in excess of the required ten percent cash match.

130. SELECTION CRITERIA. Applications will be rated and selected in relation to all the following selection criteria. Preference will be given to those projects presenting specific opportunities for intergovernmental coordination of resources. Other criteria being equal, consideration will be given to geographic spread in project selection. Applications will be rated and ranked in relation to all selection criteria and only those meeting all criteria at the highest level will be selected for grant award. Ratings appear in parenthesis after each selection criterion. Preliminary applications will be rated and selected only in relation to paragraphs 130 a, b, c, e, f, g, and h of this chapter:

- a. The extent to which there is a significant numerical decrease, over 3 years, in youth formally processed at the most critical points of penetration into the juvenile justice system; and the extent to which there is a decrease in formal processing at all other points of penetration into the system. Decreases in formal processing and delinquency adjudications will be established by reference to data indicating numbers and characteristics of youth handled during the prior year. Performance at the end of each program year will be measured in part by achievement of projected decreases. (20 points)

- b. The extent to which the target population includes youth at greatest risk of further juvenile justice system penetration as evidenced by type and number of offenses, socio-economic characteristics, high community rates of youth unemployment, school drop-out and delinquency. (25)
- c. The extent to which the court, law enforcement and correctional agencies, schools and public and private youth service providers agree to participate in an expanded diversion process. This should be evidenced by written agreements which describe how they will participate, the kinds of mechanisms which involve them in planning and coordination and whether they will provide access to essential data. (25)
- d. The extent to which safeguards are developed in connection with screening, referral and delivery of services which protect the legal rights of youths and avoid widening the network of control by the juvenile justice system. Evidence of this will be examined in connection with:
 - (1) Conditions associated with disposition.
 - (2) Conditions associated with voluntary or involuntary termination from service programs.
 - (3) Assurances of confidentiality of records. (15)
- e. The extent to which screening and referral mechanisms reflect the range of dispositional alternatives, from release without services or further system supervision to referral for intensive services with effective tracking of outcomes. (15)
- f. The extent to which randomization is assured by juvenile justice agencies in assignment of youth to the range of dispositional alternatives outlined in the program. Randomization is possible because the resources of the diversion programs will not allow provision of services to all youth diverted. Random assignment of youth to services is therefore a reasonable and equitable procedure to follow in the allocation of limited resources. Among those youth determined to be eligible for diversion in this program, some will be referred for normal Juvenile Justice System processing, and tracked. Others will be diverted as program participants. Their dispositions will include:

- (1) Diversion with services.
- (2) Diversion without services. (10)
- g. The extent to which the program approaches:
 - (1) Build public understanding and support for the new responses to juvenile behavior.
 - (2) Provide overall support services to public and private youth serving agencies participating in the diversion effort for purposes of improving their capacity to provide services to diverted youth, e.g., training, information systems, evaluating, accounting services. (10)
- h. The extent to which there is redirection of existing public and private services and more use of these services for youth at greatest risk of further juvenile justice system penetration. (25)
- i. The extent to which service models (see Supplement III for examples):
 - (1) Encourage youth employment.
 - (2) Encourage youth participation in planning, implementation and evaluation of the program.
 - (3) Are non-stigmatizing as evidenced by a mixture of non-juvenile justice referrals with system referrals.
 - (4) Are cost effective as evidenced by use of existing public and private youth serving agencies as service providers, and retraining existing staff to assume new responsibilities or acquire new skills. (20)
- j. The extent to which the diversion process expands in scope and thrust as evidenced by projected:
 - (1) Changes in administrative procedures for official processing of juveniles.
 - (2) Modifications in ordinances, regulations or codes which define delinquent behavior, prescribe standards for delivery of youth services or outline new requirements for official processing. (20)

- k. The extent to which there is use of new public or private funds beyond the required 10 percent cash match. (10)
- l. The extent to which there is capability and interest in continuing the program after termination of this grant. (15)

131. SPECIAL REQUIREMENTS.

- a. The conditions of capability outlined in paragraph 127 are critical to implementation of a successful diversion program. Therefore, concurrence by the cognizant SPA and LEAA Regional Office that the applicant meets the conditions of capability will be required prior to an invitation to develop a full application.
- b. To support coordination and information exchange among projects, funds will be budgeted in applications to cover the cost of nine meetings during the course of the three year projects. Meetings will be planned with the grantees by mutual agreement, with the exception of the first, which will be called shortly after grant award. A meeting schedule will be developed and the LEAA project monitor informed of any changes within two weeks of a scheduled meeting.
- c. Sixty days following grant award, grantees will submit a revised budget and statement of work which reflects essential adjustments in tasks and milestones.
- d. A grant will be awarded by the National Institute for Juvenile Justice and Delinquency Prevention for a national evaluation of the diversion initiative. The national evaluator will develop the evaluation design to be implemented at each site by a local evaluator under contract to the cognizant State Planning Agency. The applicant should include in the proposed budget an allocation for this expenditure in an amount up to 15% of the total award requested. All grantees selected will be required to participate in the evaluation, make reasonable program adjustments which enhance the evaluation without reducing program effectiveness, and collect the information required by the evaluation design. Grantees must agree to an acceptable level of randomization. This will be determined by the national evaluator and project staff at each site prior to grant award, based upon program design.

132. SUBMISSION REQUIREMENTS.

a. Preliminary Application.

- (1) All applicants will submit the original preliminary application and two copies to the LEAA Central Office of Juvenile Justice and Delinquency Prevention. One copy should be sent to the appropriate A-95 clearinghouse. SPAs will provide the addresses of clearinghouses.
- (2) Upon receipt, the Office of Juvenile Justice and Delinquency Prevention will conduct an initial screening to determine those preliminary applications meeting eligibility specifications and capability conditions as outlined in paragraph 127 of this Manual. Upon making this determination, notifications will be sent to applicants not meeting these conditions and copies of the remaining applications will be forwarded to the cognizant SPA and Regional Office for review. Review conducted at this point by all reviewers will consider the degree to which applicants meet the full range of initial selection criteria.
- (3) Upon receipt, SPAs will review and, if appropriate, coordinate preliminary applications within their state. They will forward their comments and concurrence or non-concurrence to the appropriate Regional Office and the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C. Statements of concurrence must address the specifics of paragraph 127 of this Manual. Statements of non-concurrence must provide facts regarding the specifics of paragraph 127 of this Manual.
- (4) Regional Offices, following review will forward their comments and statements of concurrence or non-concurrence to the Office of Juvenile Justice and Delinquency Prevention in Washington.
- (5) Upon receipt of SPA and RO comments, the OJJDP will select those preliminary applications judged to best meet the conditions of capability and selection criteria. Prior to final selection, site visits will be made by LEAA Central and Regional staff. Applicants determined to have elements most essential to successful program development will be invited to develop full applications. Unsuccessful applicants will be notified and information copies forwarded to SPAs and ROs.

- (6) Preliminary applications must be mailed or hand delivered to the OJJDP at the LEAA by JUNE 4, 1976.

(a) Preliminary applications sent by mail will be considered to be received on time by OJJDP if sent by registered or certified mail not later than June 4, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service.

(b) Hand delivered preliminary applications must be taken to the OJJDP of LEAA, Room 444 of the LEAA building at 633 Indiana Avenue, N.W., Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m. except Saturdays, Sundays or Federal holidays, not later than JUNE 4, 1976.

b. Applications.

- (1) The Diversion Program has been determined to be of national impact and applications should be submitted in accordance with the format outlined in paragraph 23, Chapter 1 of Guideline Manual 4500.1D issued July 10, 1975.
- (2) Guideline Manual 4500.1D will be forwarded to those applicants invited to develop full applications.

133. DEFINITIONS. For the purposes of responding to the Program Guideline, the following working definitions are provided.

a. System

- (1) Juvenile Justice System refers to official structures, agencies and institutions with which juveniles may become involved, including, but not limited to, juvenile courts, law enforcement agencies, probation, aftercare, detention facilities, and correctional institutions.
- (2) Law Enforcement Agencies means any police structure or agency with legal responsibility for enforcing a criminal code, including, but not limited to, police and sheriffs' departments.

- (3) Critical Points of Penetration means the specific points in the juvenile justice system at which decisions are made whether or not to pursue a charge against a youth further along the formal procedural path leading to juvenile court adjudication. For example:
- (a) After apprehension by the police and prior to official referral to court.
 - (b) After referral to court intake and prior to petitioning.
 - (c) After petitioning and prior to preliminary hearing.
 - (d) At preliminary hearing and prior to dispositional hearing.
- (4) Delinquent Acts refers to behavior of juveniles that is in violation of a statute or ordinance in the particular jurisdiction and which would constitute a crime if committed by adults.
- (5) Dispositional Alternatives refers to the options available to juvenile justice system officials at the various points where a child is in contact with the system. These might range from counsel and release by police to participation in a community-based public or private residential program by direction of the juvenile court prior to adjudication.
- (6) Administrative Procedures are those non-statutory, internal agency policies which organize and define police, court and school behavior.
- (7) Apprehension refers to an action by law enforcement agencies which involves actual filing of an official arrest report.
- b. Programmatic.
- (1) Jurisdiction means a unit of general local government such as a city, county, township, town, borough, parish or village or a combination of such units.
 - (2) Community refers to an area within a designated juris-

diction which has a specific set of characteristics which demographically distinguish it from others within the same jurisdiction.

- (3) Program refers to the national diversion effort supported by the Office of Juvenile Justice and Delinquency Prevention.
- (4) Project means the set of activities designed to achieve the overall objectives of diversion in a particular jurisdiction.
- (5) Project Components refers to the particular diversion efforts taking place within a project.
- (6) Private Voluntary Youth Serving Agency means any agency, organization or institution with experience in dealing with youth, designated tax exempt by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code.
- (7) Public Youth Serving Agency means any agency, organization or institution which functions as part of a unit of government and is thereby supported by public revenue, for purposes of providing services to youth.
- (8) Agreements refers to the assurances between and among juvenile justice system components and service providers which are necessary to ensure attainment of program goals.
- (9) Legal Safeguards refers to the assurance that a juvenile's constitutional, statutory, and civil rights are protected during his participation in the diversion process.
- (10) Legal Advocacy is the process of protecting and ensuring the right of due process on behalf of youth in the juvenile justice system.
- (11) Youth Advocacy is a process of intervening on behalf of juveniles to ensure that community institutions, social service agencies and the juvenile justice system respond to those needs of youth which are presently not being met.

- (12) Screening is a process of determining whether a child's needs can be met by a particular project or project component.
- (13) Referral is the process of directing a program participant to those services or activities appropriate to his/her needs.
- (14) Tracking System refers to the procedure used for the monitoring and follow-through of activities in which youth are involved in the diversion process for purposes of ensuring proper delivery of services.
- (15) Accountability refers to planning, management, and evaluation procedures which cause precise use of resources and design of activities, to attain approved objectives and provide independently verifiable information to judge how well activities attain objectives.
- (16) Contemporary Youth Behavior is that behavior generally associated with adolescence, which is sometimes labelled as deviant, depending on the degree of tolerance in the community for such behavior.
- (17) Negative Labeling is a theory that some youth who are defined and described in a disparaging manner by significant others (parents, teachers, juvenile justice system officials) come to accept, and as a result, behave according to the negative definition.
- (18) Stigmatization is the process whereby society views a youth unfavorably according to certain characteristics, such as those of his associations, environment, or his participation in services, all of which may be a result of negative labeling.
- (19) Voluntary Participation is the act of involvement of youth in activities which the youth chooses.

- (20) Youth Participation is the ongoing active involvement of young people in activities and decisions which directly affect their lives.
- (21) Coordination is the process by which the various agencies and systems responsible for carrying out program objectives work together to provide a comprehensive, non-duplicative service network.
- (22) Individualization of Youth Needs is the process of determining the specific needs of a youth and designing an appropriate service plan to meet these needs.
- (23) Replicable Findings refers to those data gleaned from the projects which can be used by other jurisdictions in establishing projects of a similar nature with similar goals and objectives.
- (24) Non-stigmatizing means programs which mix juvenile justice system referrals and non-juvenile justice referrals in the same program or service.
- (25) Research or Statistical Information means any information which is collected during the conduct of a research or statistical project or derived from such information, and which is intended to be utilized for research or statistical purposes. The term includes information which is collected directly from the individual or obtained from any agency or individual having possession, knowledge or control thereof.
- (26) Program Information is records, files or written reports developed in conjunction with services provided to juveniles by agencies, organizations, institutions or others supported in whole or in part with funds provided pursuant to this program announcement.

LEAA'S DISCRETIONARY FUNDING FOR JUVENILE DIVERSION PROGRAMS

BACKGROUND

Since the establishment of the first juvenile court in Illinois in 1899, the problem of treatment and prevention of juvenile delinquency has been an especially tenacious one. The early hopes and expectations that juvenile courts would drastically reduce youthful crime have been largely unmet. (In 1957, the juvenile court referral rate nationwide was 19.8 cases per 1,000 children 10 through 17 years of age; by 1972 the rate had jumped to 33.6.)

Recent observers of the juvenile court have argued that we have expected too much of them, overloading them with cases and calling upon them to deal with difficult and complex behavioral and social problems at the same time that we have failed to equip them with resources for achieving those goals. Then too, there are limits to the extent to which courts can be transformed entirely into therapeutic organizations. Courts often tag juveniles with the stigma of being "delinquents" in spite of their best efforts to avoid doing so. Consequently, many persons have come recently to argue for more modest expectations for courts, in which they would restrict their efforts to "hard core" offenders (Schur, 1973; Lemert, 1971). Those same commentators argue that new structures outside the official juvenile justice system are required, to which less serious cases can be diverted, and where they will receive services that address many of the individual and collective problems of youth in contemporary society.

The proposals for diversion have grown out of other, reciprocal interests as well. Recent criminological theory and research regarding delinquency, the development of social reaction theory, and shifts in types and number of offenses being committed by youth, have all provided a strong case for diversion.

DELINQUENT BEHAVIOR AND CAUSATION

Traditional sociological and psychological views have generally characterized the delinquent as much different from his nondelinquent peers. Causes have been sought by comparing past histories of apprehended offenders with those of nondelinquents (Glueck and Glueck, 1950).

However, the newer evidence indicates that most youngsters engage in at least occasional acts of delinquency (of varying degrees of seriousness). Moreover, the "delinquency problem" is a social product involving the interactions between juveniles, adult audiences, and social control agencies, including the police and courts. The level of official delinquency observed in a particular community bears some relationship to the quantity of misconduct on the part of youths, but it is also influenced by public attitudes, police practices, and other factors, all of which vary from community to community.

Research on "hidden delinquency" has shown that delinquency is not restricted to lower class youth, youngsters from broken homes, or children who do poorly in school. Juveniles from myriad social backgrounds engage in delinquent behavior. And, most of these hidden offenders "grow out of" lawbreaking and become stable citizens, without receiving any ministrations from the juvenile justice system.

Another thing which is clear is that juvenile delinquency takes a number of forms, varying in frequency, duration, and seriousness. Many youngsters engage in only a few relatively petty acts of lawbreaking, while others carry out sex offenses, predatory acts, or other patterns of misconduct. Some are fitting subjects for juvenile court intervention while others are candidates for diversion.

Much recent research indicates that many youths engage in episodic flirtations with lawbreaking, rather than being deeply entangled in misconduct. Also, delinquency is often a transitory phenomenon, related to the problems of "growing up" so that many youths apparently "grow out of" this activity, whether anything is done with them or not.

Detailed discussion of the causes of delinquency would take us too far afield. However, it is fair to say that theories emphasizing psychological maladjustment often are off the mark. Many juvenile lawbreakers are psychologically normal, so that their lawbreaking conduct cannot be attributed to psychological maladjustment.

Also, recent thinking lays stress upon "institutional" factors such as school experiences which exacerbate delinquency, variations in police policies, etc. as important sources of delinquent conduct. These newer perspectives direct attention toward community influences in fostering youth misconduct and away from exclusive focus upon juvenile offenders.

Newer orientations direct attention to: (1) the way control agencies such as the police are organized and the importance these agencies place upon the delinquency problem (Bordua, 1967; Wilson, 1968; Gibbons, 1976); (2) the extent to which youth are allowed meaningful participation in the world of work, significant decision-making in the schools, and effective participation in other institutional spheres; (3) social and demographic characteristics of the community; (4) the willingness of agencies outside the police and courts to respond to problems of youthful misconduct, and (5) the amount and type of public concern about juvenile lawbreaking.

What of social-structural or "institutional" factors in delinquency? Youths occupy marginal roles, are barred from adult status and responsibility, and are faced with a number of difficulties which are not experienced by other age groups. They are expected to develop "mature" attitudes and beliefs but are denied access to adult rights and prerogatives. They are compelled to attend school, even though the school frequently fails to offer meaningful educational experiences to them. Juveniles have no significant voice in educational decision-making (Schafer and Polk, 1967). Schools sometimes engender self-perceptions of failure on the part of juveniles and push some toward dropping out of school and into misconduct. These problems of youth are exacerbated in large urban metropolitan centers because of high mobility rates, widespread social anonymity, substandard schools, deficient recreational outlets, lack of employment opportunities for youth, and related characteristics found there. Attempts to reduce the level of misconduct must address these conditions and must endeavor to alter the status situation of youth by creating meaningful new roles and opportunities.

The other side of the coin is that agencies outside of the juvenile justice system have often been unwilling to deal with problems of juveniles, thereby leading to higher rates of delinquency. The juvenile court has often been seen as a dumping ground for the school, the family, and welfare agencies (cf. Emerson, 1969).

The level of community concern also effects delinquency rates. If citizens are upset about delinquency and agitate for its control, the police and courts are likely to respond to such pressure by arresting and processing more offenders than in a community where juvenile misconduct is not perceived as a major community ill. Levels of community tolerance vary from community to community (Parker, 1970; Lentz, 1966; Carter, 1968). On this same point, the higher arrest rates of black youths in lower class neighborhoods may be partially explained by the higher likelihood of the victim to demand action (Lemert, 1971; Piliavin and Briar, 1964).

SOCIAL REACTION THEORY

In the past decade or so, a large number of sociologists have offered a host of plausible claims about the potentially adverse impact that social reactions may have upon socially-identified deviants of one kind or another (cf. Gibbons and Jones, 1975). Social reaction theorists view deviance, including delinquency, as frequently situational in character. An act may or may not be responded to as delinquent, depending upon the situation in which it occurs. Young boys kicking over garbage cans in an alley are sometimes viewed as "incorrigible hoodlums" and sometimes as "a few kids sowing wild oats." In either case, the reaction to the behavior depends upon who observes it, who the actors are, when the activity occurs, and a number of other factors as well.

Social reaction theory also focused upon the effects of labeling upon the actor so labeled. Lemert (1972), argues that a personal role-orientation as a deviant frequently grows out of the experience of being tagged as a deviant by a social audience. A feedback process often operates in which repeated misconduct or deviation triggers social reactions to the behavior (police arrest, court referral, expulsion from school, etc.), which stimulate further acts. Deviant careers arise out of stigmatization brought about by a societal reaction to particular behavior. Social reaction theory, with its emphasis on the consequences of stigmatization and the role of a formalized court processing as a possible contributing agent to future misbehavior, has provided a strong buttressing argument for youth diversion (Lemert, 1971).

Social reaction contentions regarding the deleterious effects of official intervention, court processing, and the like, have a ring of plausibility to them, but the empirical accuracy of such claims is uncertain, (Gibbons and Jones, 1975). Program evaluation efforts joined to federal funding of diversion programs ought to provide increased factual data on stigma and the effects of social labeling.

PROBLEMS OF THE JUVENILE COURT

Juvenile courts have come increasingly under attack from a number of diverse directions, including the United States Supreme Court. Recent court rulings (Kent, Gault, Winship) have limited the court's decision-making powers and have provided youth with some of the legal protections guaranteed adults.

Most of the criticism of juvenile courts centers about three propositions: (1) they are quasi-legal organizations characterized by "overreach of the law" (Lemert, 1971:5); (2) they are poorly organized to deal with the problems which come before them because they are understaffed, lack sentencing alternatives, and are overly bureaucratic in function; and finally, (3) they have failed as a method of providing treatment.

"Overreach of the law" in juvenile courts refers to the jurisdiction they have over dependency and neglect cases, status violations, and other behaviors which would not be punishable for adults. There are many who would have the reach of the law reduced through diversion (Schur, 1973; Lemert, 1971).

Juvenile courts are often faced with hordes of youth with whom they must deal in their day-to-day functioning, at the same time that they are understaffed, under-budgeted, and overworked. Courts are forced to bureaucratize their operations to such an extent that individuals under their care are too often subjected to dispositions based not in the child's needs but on the needs of the court to get the case out of the way and to get on to another one. People-processing becomes the major work of the court. The solution to this problem lies in reduction of the number of cases brought before the court through diversion of youth out of the court machinery.

The notion that juvenile courts provide much treatment is questionable (cf. Gibbons, 1976). Emerson's (1969) study of a court in one Eastern city came to the conclusion that rather than rehabilitating lawbreakers, the court was much more interested in bringing about social control. It was bound together with other organizations in the community in such a way as to maximize the satisfaction of the needs of those agencies, but with lesser concern for the youth who were processed by the court. Similar findings have been reported by Langley (1972) from a study of a metropolitan juvenile court in Tennessee.

The problems of juvenile courts include excessive workloads, a paucity of treatment alternatives, and coercive, stigmatizing features. Courts are courts, not therapeutic communities. Accordingly, ways must be found to divert less serious delinquents away from juvenile courts. Sarri (1975:11) has summed up the benefits of diversion:

1. The powers of the juvenile court are extraordinary and should be reserved for extraordinary, not minor cases.
2. Large numbers of cases interfere with optimal functioning of the court, with the result that processing of cases will be slow and highly bureaucratized.
3. Juvenile courts have limited resources of staff and monies. If they are overloaded, ineffectiveness will increase and it will not be possible to concentrate on serious delinquency cases.
4. The juvenile court was established to be a court of law, and its limitations in remedying all social ills must be accepted. It cannot order morality, or induce respect for authority.

DIVERSION--GENERAL COMMENTS

The principle of diversion is of long standing. The police have long practiced diversion by giving youngsters verbal tongue lashings or telling them to "go home and keep out of trouble." Schools have engaged in diversion by setting up special classes and devices such as student-run traffic courts to deal with misbehaving students.

Then too, youth diversion is part of a broader trend toward reducing the involvement of offenders in the criminal justice system. The growth of community treatment facilities, increased use of probation and parole for adult offenders, and decriminalization of certain offenses have, like diversion, been aimed at reducing the involvement of offenders with the criminal justice system.

The need for diversion is clear enough. But, there are at least six basic questions concerning youth diversion that must be confronted:

1. What is diversion? (Are there differing conceptions of diversion and different forms of diversion in practice? If so, what kind of diversion strategy ought to be encouraged?)
2. Who should be diverted? (Relatively petty offenders? Relatively serious offenders? If the latter, how are "serious offenders" to be identified?)

3. At what point should diversion take place? (Prior to police arrest? At the station house? At court intake?)
4. To what should youth be diverted? (To no program? To an alternative program? What kind? Should diversion programs be inside or outside the juvenile justice system?)
5. What legal issues must be addressed in diversion? (Should admissions of guilt be required of diversion candidates? Should courts retain some jurisdiction or hold over divertees?)
6. What are some of the potential consequences of diversion programs which might well maximize their effectiveness, or conversely, that might limit their impact?

WHAT IS DIVERSION?

A plethora of ideas and themes revolving around the notion of diversion has sprung up in the United States in the past decade. "Judicious nonintervention," "benign neglect," "decriminalization," "diversion," "youth services bureaus," "release on own recognizance," and other notions are all elements of a central theme of reducing the number of offenders in the criminal and juvenile justice system. Additionally, a heterogeneous collection of programs has grown up, all identified as "diversion" endeavors. The situation is parallel to that of youth services bureaus, which are supposed to be used for diversion of juvenile referrals out of the juvenile court. A wide variety of youth services bureaus are now in existence, with little in the way of a shared theoretical rationale, organizational structure, agency procedures, or other indicators of conceptual coherence to be found in them (Polk, 1971; Seymour, 1972).

The diverse meanings currently attached to "diversion" have been discussed by Cressey and McDermott (1974) and by the Phase I, N.E.P. diversion effort assessment (McDermott and Rutherford, 1975).

The President's Commission on Law Enforcement and Administration of Justice (1967) defined diversion as: "A process of referring youth to an existing community treatment program or prevention program in lieu of further juvenile justice system processing at any point between apprehension and adjudication." The N.E.P. definition of diversion (McDermott and Rutherford, 1975) parallels the President's Commission

definition: "Diversion occurs after a youth's initial contact with an agent of law (provided that the contact gives law enforcement personnel the opportunity to impose legally sanctioned, coercive control over a youth's actions) and prior to formal adjudication. Diversion involves a cessation (at least temporarily) of formal processing in favor of informal disposition."

Considerable variability exists regarding opinions concerning the ingredients of diversion. For example, many would contend that diversion requires more than "screening," in which offenders are completely released from any further scrutiny or processing. Diversion, to most persons involves doing something with the offender. At the same time, some would extend the meaning of the diversion concept to policies of "benign neglect," "judicious nonintervention," or doing nothing further to cases.

Another point of confusion has to do with whether diversion must be to an alternative program that is completely outside of the official juvenile justice system. Some programs, such as the Sacramento County 601 project, operating within the juvenile court system, have been labeled as diversion.

To many persons, diversion means referral to programs outside the justice system. Sarri (1975:2) likens diversion to "those activities by public officials such as police, intake and probation officers, and so forth that result in direct referral of the juvenile to agencies and persons who are capable of handling the problem outside the jurisdiction of the juvenile justice system." Elliott (1974:14) concurs with Sarri: "Diversion represents a referral to a community-based program or agency which is independent of the justice system." The National Advisory Commission on Criminal Justice Standards and Goals (Courts, 1973:27) on the other hand, includes as diversion, programs "run by agencies of the criminal justice system."

There are two elements of the definition of diversion employed in this federal effort:

1. Diversion must limit penetration of youth into the juvenile justice system. Diversion can occur at any point between apprehension and adjudication. (Diversion is not prevention nor is it synonymous with alternative to incarceration.)

2. Diversion must remove youths from the juvenile justice system. to be handled by some agency or person outside of that system. Programs such as "informal probation" are not diversion.

The existing evidence on diversion programs to date (see review of existing studies below) is far from clear regarding whether referral to services of some kind or another is superior in impact upon youths to referral to services of some kind or another is superior in impact upon youths to referral without continued services or intervention. At the same time, the data on this point are so scanty that this issue must be regarded as a major research question. What is needed are experimental studies in which some portion of a group of comparable youngsters is diverted to programs while others are simply screened out of further processing of any kind. Only in this way can the question of the effects of "diversion to what" be answered.

WHO SHOULD BE DIVERTED?

A number of suggestions have been made regarding candidates for diversion. Sarri (1975:12) argues that diversion should be automatic for youth who are "first offenders charged with status offenses or minor misdemeanors, repeated status offenders, or youth known to be receiving service in community agencies." It has also been suggested that youth who are referred to the court because of problems with school, or because social service agencies do not wish to handle them be diverted to programs which can more appropriately deal with these types of cases.

One major recurrent fear expressed by many persons is that diversion programs will end up by "widening the nets" of the juvenile justice apparatus, rather than reducing the number of youngsters who are singled out for attention. That is, many have drawn attention to the possibility that diversion may come to be used most often as an alternative disposition for youths who would normally be screened entirely out of the system in the absence of a diversion program, with few youths who normally would be processed through the justice machinery being diverted.

"Widening of the nets" is more than a hypothetical possibility against which we must be on guard. Duxbury's (1971:1) study of nine experimental youth services bureaus in California reported that: "Although it was anticipated that the bulk of referrals would be from law enforcement and probation, only about one-third of the youth served have been from these sources." Similarly, the N.E.P. (Phase I) Diversion

report describes a number of instances of ongoing diversion programs which deal principally with youngsters who would be ignored entirely were there no diversion program.

The answer to the question: "Who is to be screened out, diverted, or sent on to court referral?" will in all probability be different for different communities. There are wide variations in the nature of "the delinquency problem" from community to community, both in terms of levels of community concern and the patterns of juvenile misconduct found in different communities. But, one thing is clear in all of this: however juvenile justice system administrators define the pool of youths eligible for diversion in particular communities, great care will need to be taken to insure that juveniles get diverted out of official system processing in increased numbers, so as to avoid "widening the net."

AT WHAT POINT SHOULD DIVERSION TAKE PLACE?

Arguments have been put forth for diverting youngsters at a number of points in the juvenile justice system. Most definitions of diversion allow it to take place at any point between apprehension and adjudication. If the goal of diversion is to minimize the penetration then youngsters probably ought to be diverted at every possible opportunity. Youth can be diverted (1) after initial police apprehension, (2) at court intake, and (3) still more might be diverted prior to adjudication.

Diversion at different points will involve picking out youths differentiated in terms of behavioral seriousness and the like: those diverted out of the system at initial police contact are likely to be less serious offenders than those diverted out at court intake. Similarly, programs to which divertees are sent will also differ at these various diversion points, such that court intake divertees may well require a more detailed, complex program than those diverted out at initial contact.

TO WHAT SHOULD YOUTH BE DIVERTED?

There are theoretical reasons to suppose that diversion programs must do more than simply remove youth from the juvenile justice system. Diverted youth should be provided with positive life experiences directed at opening up legitimate roles for them in American society. Diversion programs should work toward enhancing positive self-images

on the part of juveniles. Polk and Kobrin (1972:4-5) outline four basic components of a legitimate identity: "(1) A sense of competence. . . (2) A sense of usefulness. . . (3) A sense of belongingness. . . (4) A sense of power or potency" (emphasis in original).

Polk and Kobrin (1972:21-22) have enumerated five conditions that must be met by any program which purports to provide "access to legitimacy:"

First, such access starts from the assumption that young people, including the troublesome, have positive resources to contribute to the community. This assumption is quite different than the classical rehabilitation programs, which begin with the premise that the youth has a problem which must be identified and corrected.

Second, the program proceeds immediately to place the young person in an active role where something valuable is contributed, rather than in a passive role where some service is provided.

Third, it is located within a legitimate institution, i.e., the school, a crucial factor in the formation of legitimate identities.

Fourth, the experience can be organized quite easily so that a mix of "good" and "bad" youth is possible.

Fifth, the activity constitutes diversion, both in the sense that it is not connected with the court process and in that legal coercion is not present, i.e., the program is purely voluntary.

The possibilities for creating structures within individual communities to address the needs of youth are probably somewhat different from place to place, so that no single recipe for creating diversion organizations can be provided.

Some broad goals for diversion programs can be identified, paralleling the model put forth by Polk and Kobrin, among others. Diversion programs should stress youth involvement and youth participation, moreover, they should endeavor to include youth in various aspects of decision-making and most important they should regard youth as integral parts of the program, and not merely as clients.

Diversion programs must avoid a "more of the same" approach to treatment and rehabilitation. Time after time traditional treatment models--intensive counseling, therapy, and other "change the offender" types of programs--have been shown to be ineffective. In one analysis of delinquency prevention programs, the John F. Kennedy Center for Research on Education and Human Development (1975:3) concluded that: "... recreation, individual and group counseling, social casework, and the use of detached workers have consistently failed to be shown to be effective methods in the prevention or reduction of juvenile delinquency." Clearly, what is called for is new approaches to the delinquency problem. The broad strategy advocated here, including youth participation and involvement, holds promise for success in reducing youth alienation and lawbreaking.

The diversion program model, centered about expanding legitimate social roles for youth, along with increasing their sense of self-worth, is one that has roots in delinquency theory and research alluded to in these pages. There is a good deal of theoretical support that could be marshalled in support of program directions of the kind sketched out here, thus it can be said that strategies of this kind "ought to work." At the same time, there is still no convincing evidence that intervention into the lives of delinquent youngsters, even by means of programs buttressed with a theoretical rationale of great sophistication, will turn out to be more effective than policies of minimal interference into their lives. For example, it is possible that the problems of implementing theoretically-sound diversion programs will turn out to be massive ones, frustrating the efforts at innovative programs. As a result, it is crucial that programs be tested both against conventional justice system processing and against the option of minimal interference with juveniles.

EVALUATION OF EXISTING PROGRAMS OF JUVENILE DIVERSION

One of the major current fads in criminal and juvenile justice programming is diversion of offenders from the juvenile system. A number of observers have noted that virtual explosion of such programs upon the scene. However, there is much disagreement about the nature of diversion as a process, discrepancies in the use of key terminology, and a good deal of other confusion about diversion. A related observation that has been offered widely is that almost nothing is known about the impact, if any, of these varied efforts all proceeding under the name of diversion. Elliott and Blanchard (1975:2) have observed:

While there seems to be widespread agreement about the desirability of diverting youth from the juvenile justice system and a sizeable mobilization of federal, state and local resources for the development of community diversion programs, there is as yet no systematic evaluation of the consequences of diverting youth compared to simply releasing them or maintaining them in the justice system. The little research which has addressed this question has focused exclusively upon a comparison of the recidivism rates with no attention to other postulated "effects" of this processing practice on youth.

Gibbons and Blake (1975) have reviewed a number of diversion projects that have been subjected to evaluation of some kind.¹ The studies summarized in that assessment include the Pivotal Ingredients of Police Juvenile Diversion Programs Project by Klein (1975a) in Los Angeles County. Although that research did not assess the impact of diversion operations on referrals, it did examine a number of results from establishment of diversion activities in the Los Angeles Police Department and in 35 police departments within Los Angeles County. Klein's major findings were that:

1. There are major differences in styles and levels of commitment to police diversion programs, and these relate differently to types of offenders referred.
2. Evaluation components of the programs reviewed generally had little or no impact on the operations of the programs.
3. Referrals to community agencies have increased significantly over the past five years, but remain relatively low.
4. Referred youngsters, rather than being diverted from the juvenile justice system, are most commonly drawn from those ordinarily released without further action.
5. This pattern of referral as an alternative to release is strongly manifested in the variables of age, sex, prior record, and seriousness of instant offense.

¹ The Gibbons and Blake report is available from the authors, LEAA Project, Portland State University, P.O. Box 751, Portland, Oregon, 97207; or from the Office of Juvenile Justice and Delinquency Prevention.

6. Current police referral rates are very much a function of the infusion of outside--federal and state--funds. In the absence of continuation of such funds, our data imply that referral rates will recede toward their earlier, very low level.

Gibbons and Blake also examined evaluation results from Project Crossroads in Washington, D.C. (Leiberg, 1971); Alternate Routes in Orange County, California, (Carter and Gilbert, 1973); and the Sacramento County 601 Project (Thornton, Barrett, and Musolf, 1972; Baron, Feeney, and Thornton, 1973). They also reviewed the Pre-Trial Intervention and Diversion Project in Huntington Beach and Costa Mesa, California (Binder, 1974); an evaluation of two diversion projects by Elliott and Blanchard (1975); and a study of diversion programs employing volunteers, one in Denver (Forward, Kirby, and Wilson, 1975) and the other in the midwest (Davidson, Rappaport, Seidman, Berck, and Herring, 1975). The final study summarized by Gibbons and Blake took place in a large police agency on the west coast (Lincoln, n.d.).

Several of these evaluations reported apparent greater success for the diversion undertaking than for more traditional processing of offenders, while others indicated that "widening of the nets" occurred from diversion, with youngsters who would not normally be retained in the juvenile justice system being most frequent in the diversion caseloads. At least one of the assessments suggested that diversion without services was associated with lower recidivism than either diversion with services or regular justice system processing.

But, the main conclusion to be drawn from these studies collectively is that no firm statements are in order regarding the impact of diversion on juveniles. These evaluation studies were plagued with such problems as very small sample numbers; ambiguity about process elements, that is, scanty information regarding the nature of the diversion activity as it actually operated; insufficient follow-up periods for gauging diversion impact; serious departures from random assignment of cases or comparability of cases in diversion and regular processing samples; failure to employ measures of program effect other than gross recidivism indicators; and other shortcomings. On balance, these evaluation studies stand as testimony to the need for large-scale, sophisticated evaluation of new programs. Clearly, there is insufficient evidence in the nine studies examined by Gibbons and Blake for one to have much confidence in diversion arguments and contentions.

SUPPLEMENT I

THE NATURE AND EXTENT OF DELINQUENT BEHAVIOR

Ideally, public policy formation regarding delinquency prevention and control ought to be based upon comprehensive, detailed, and highly accurate data regarding the extent of "hidden" and recognized delinquency, delinquency rates in different communities, variations in types of misconduct from one area or community to another, recidivism patterns, and kindred facts about youthful lawbreaking. Unfortunately, the existing information on the epidemiology (extent and distribution) of delinquency falls markedly short of this ideal. Delinquency authorities are only able to offer rough estimates of the incidence of delinquency in one community or another, framed in relative and imprecise terms.

Probably the most comprehensive set of data regarding distribution and patterns of delinquency is in the study in Philadelphia by Wolfgang, Figlio, and Sellin (1972). Those researchers obtained information on the delinquency histories, as measured by police contacts, of the cohort of all boys born in 1945 who lived in Philadelphia at least between their tenth and eighteenth birthdays, a total of 9945 boys. This study indicated that 28.6 per cent of the white youths and 50.2 per cent of the black youngsters were classified as offenders at some time during this age span. However, two points limit the applicability of this study: the investigation was limited to Philadelphia and restricted to police contacts.

It is possible to piece together a reasonably accurate characterization of delinquency by collating a number of specific, relatively limited studies that have been conducted in various communities, along with nationwide juvenile court statistics. Gibbons (1976:32) has summarized the picture that emerges from the statistics currently at hand:

1. American delinquency statutes empower juvenile courts to intervene in cases in which youngsters are involved in violations of criminal statutes. But in addition juvenile court laws specify that youths can be made wards of the court and dealt with as delinquents if they are involved in various status offenses enumerated under omnibus clauses of these statutes. The behavioral categories identified in status provisions are extremely general and ambiguous

ones, e.g., ungovernability, waywardness, or immorality. In effect, these laws put nearly all youths "at risk" of being dealt with as delinquents, for they could be interpreted broadly so as to sweep nearly all juveniles into courts.

2. Less than four percent of the juveniles in this nation are actually referred to juvenile courts in any single year although a larger portion of the youth population comes to court attention sometime during the adolescent years. Only about one-half of these referrals are regarded by court officials as serious enough to warrant the filing of a petition and a court hearing, the other half are dealt with informally.
3. Police agencies come into contact with almost twice the number of children known to the court. In general, they refer the serious cases to juvenile courts, while disposing of the less serious offenders informally, within the department, by admonitions and warnings.
4. A fairly large number of offenders is dealt with by public and private social agencies in the community, but many of the individuals they process are also known to the juvenile court. The majority of the cases known to agencies but which are unknown to the courts are relatively petty ones.
5. A large number of youths at all social class levels and in all kinds of communities engage in acts of misconduct and lawbreaking which remain hidden or undetected. In this sense, nearly all juveniles are delinquent in some degree. However, many of the deviant acts of hidden delinquents are the kinds which would often be handled informally or ignored if reported to the juvenile court.
6. Not all of the hidden delinquency in the United States is petty and inconsequential. An indeterminate but important number of serious delinquencies is enacted by juveniles who manage to stay out of the hands of the police or courts.

"HIDDEN" DELINQUENCY

Most of the early studies of delinquency in the United States were based upon police and juvenile court statistics which suggested that delinquent behavior was by and large confined to the poor, inner-city dwellers, blacks and children from broken homes. Studies based on these data resulted in etiological conclusions which located the

the causes of delinquent behavior in deleterious social circumstances. However, recent research has shown youthful misbehavior to be widespread in the United States, rather than being relatively uncommon and restricted to working-class neighborhoods.

The pioneering study of "hidden" delinquency by Porterfield (1943) involved a comparison of college students and actual juvenile court cases. The offenses of the juvenile court cases were incorporated into a questionnaire which was administered to several hundred college students. Virtually all of the latter reported committing at least one of the delinquent acts. The major difference between the two groups centered about offense seriousness, with college students admitting less serious violations than those committed by the official delinquents. Findings similar to Porterfield's were reported by Murphy, Shirley and Witmer (1946), Short (1954), Short and Nye (1958), Dentler and Monroe (1961), Akers (1964), Arnold (1965), and Clark and Wenninger (1962).

However, it should be emphasized that nearly all of the inquiries into "hidden delinquency" indicate that the majority of undetected offenders confess to relatively petty acts of misconduct. These studies do not show that "hidden" offenders are involved in serious and repetitive acts of delinquency to the extent observed among offenders who have been adjudicated by juvenile courts. Nettler's (1974:74-76) review of these studies concluded: "While some criminality is normal, persistent and grave violations of the law are the experience of a minority. This holds whether the measure is confessions or official statistics" (emphasis in the original).

Recent inquiries into "hidden" delinquency have concentrated on the relationship between delinquent behavior and social class membership. For example, Williams and Gold (1972) in a national sample of 842 boys and girls 13 to 16 years of age discovered that 88 percent of all respondents had committed at least one delinquent act while only 20 percent had contact with the police and only 4 percent turned up in police records. Relatively few of the juveniles in this national study reported that they had been involved in repetitive, serious misbehavior. Williams and Gold found no marked relationship between social class and delinquent behavior. Results parallel to those of Williams and Gold have been reported by Akers (1964), Voss (1966), Nye, Short, and Olson (1958), and Hirschi (1969). However, all of these investigations dealt with admissions of relatively petty acts of misconduct, for the most part.

When attention turns to more serious acts of delinquency, a different picture of socio-economic relationships appears. The differential involvement of working-class youths in serious delinquency emerged in an early study by Short and Nye (1958), contrasting high school youths and training school wards. The latter reported involvement in relatively petty offenses more frequently than the "hidden" lawbreakers as well as confessing participation in more serious forms of misconduct. Parallel findings have been reported by Gold (1970).

In summary, the research on hidden delinquency strongly suggests that lawbreaking among American youth is widespread; flirtations with some delinquent behavior is the norm rather than the exception. The delinquent-nondelinquent dichotomy is highly misleading. At the same time, these data indicate that serious, repetitive acts of lawbreaking are differentially concentrated among youths from lower economic circumstances.

THE FLOW OF YOUTHS THROUGH THE JUVENILE JUSTICE SYSTEM

The "hidden" delinquency studies indicate that some unknown but very large proportion of all American youths engage in delinquent acts of varying degrees of seriousness at some time during their adolescent years. In turn, some unknown segment of this group falls into the hands of the police. The FBI Uniform Crime Reports (1974) indicate that in 1973, 1,235,389 juvenile arrests were reported by 4,144 police agencies. However, these statistics do not cover all police departments in the nation. Moreover, we have no way of determining the precise number of lawbreaking youths who are not arrested by the police.

The police perform a major sifting operation with apprehended juveniles, as they send some further into the juvenile justice system while releasing others outright. FBI statistics for 1973 indicate that the 4,144 reporting agencies counseled and released 45.2 percent of the arrested juveniles while sending 49.5 percent of them to juvenile court intake. However, police referral policies are not uniform from one jurisdiction to another. Bordua (1967) has presented data for over 2,000 police agencies in 1965, showing wide variations in the number of youths referred to court. Some agencies released over 95 percent of the youths they encountered, while other departments sent nearly all of the apprehended juveniles to juvenile court. In short, delinquency statistics are often a more revealing measure of police agency activity than they are an index of youthful misbehavior in the community.

What are the determinants of police decisions to refer or not refer a youth to juvenile court? Studies conducted in various communities around the country have provided information on this question. Most of them stress offense seriousness as a paramount consideration in police decision-making, while a number also suggest that racial background and socioeconomic status of the offender also weigh fairly heavily in police dispositions. These inquiries have produced somewhat discordant results, for some investigators contend that racial and economic factors are only incidentally associated with offense seriousness, while others have claimed that the police tend toward harsher dispositions directed at blacks and low income group members, even when offense seriousness is controlled. Studies emphasizing offense seriousness in police decisions include those of Goldman (1963), Terry (1967), McEachern and Bauzer (1967), and Black (1970). Investigations pointing to race as an important, independent factor in police decisions include those of Ferdinand and Luchterhand (1970), Wolfgang, Figlio, and Sellin (1972) and Thornberry (1973). What these findings probably indicate is that racial factors are of varying significance from one community to another.

Police decisions regarding juveniles have also linked to variations in department policies. Bordua's (1967) analysis suggests that the level of delinquency reported to juvenile courts is influenced by departmental policies from one community to another. Evidence on this point is also contained in Wilson's (1968) study which revealed differences in referral policies between two different police departments.

Police decision-making regarding juveniles is affected by many variables. Some researchers have reported that attitude of the victim often has much to do with the police decision to refer or not refer a case to court (Hohenstein, 1969; Sellin and Wolfgang, 1964:87-113), while others have stressed the part played by the demeanor of juveniles in the dispositional decisions of the police officers (Piliavin and Briar, 1964; Werthman and Piliavin, 1967).

Once a youth has been referred to juvenile court there is considerable discretion involved in disposition of the case. Court intake officers can counsel, warn and release a youth; they can place a youngster on probation, refer him to another agency; or send him on for petition and court hearing of the case. The decision-making criteria used by court workers are complex ones, although it appears that much the same types of information are taken into account by intake officers as by police.

Robert Emerson's (1969) report on a juvenile court in a northern United States metropolitan area observed that it provided assembly-line handling of offenders rather than individualized treatment. Also, he argued that court workers arrive at dispositional decisions regarding juveniles in terms of judgments of moral character, so that "bad kids" receive harsh dispositions while those thought to be misguided youngsters are dealt with more leniently. Emerson's commentary suggests that judgments of moral character are frequently both in error and class-linked, such that working-class youths are most likely to be identified as "hard core" delinquents.

Scarpitti and Stephenson (1971) examined the processing of 1200 cases in a juvenile court in a large eastern county. This research indicated that judicial sorting of delinquents into those who receive probation, institutional commitment, or some other disposition revolved around assessments of delinquency risk, therefore the most socially disadvantaged, delinquent, and psychologically atypical boys were sent to training schools.

A parallel study by Arnold (1971) had to do with court dispositions in Austin, Texas. He observed that probation officers did not discriminate against blacks and Mexican-American youths when they referred juveniles to a formal court hearing; rather their decisions were based on offense seriousness. However, he did indicate that judges sent more minority group members than whites to the state correctional authority.

An investigation by Lemert and Rosberg (1948) in Los Angeles County indicated that court-adjudicated blacks and Mexican-Americans were less likely to be placed on probation than were whites, even when variables such as offense history were controlled. Differently, Eaton and Polk (1961) found bias against males in Los Angeles County in that boys were disproportionately committed to institutions by the court but no evidence of ethnic discrimination in the court. Shannon (1963) found that economic status was not a factor in the dispositions made of delinquents in Madison, Wisconsin. He did note that probation decisions were influenced by the seriousness and repetitiveness of misconduct and that males were more harshly dealt with than females on the average. On the other hand, females held for official court handling were more likely to be sent off to a training school, a finding also reported in Washington State by Gibbons and Griswold (1957). Axelrad (1952), Cohn (1963), and Gross (1967) have also indicated that probation officer assessments of delinquency-risk loom large in the dispositional decisions.

The research on dispositional decision-making by police and court officers presents a somewhat confused picture, but it does reveal how the juvenile justice system filters out certain youths while sending others on through the system. Starting with a cohort of norm violators, the number moving through the juvenile justice system is steadily reduced to the point where very few are held in custody following adjudication.

Table 1 indicates the national trends in juvenile court referrals from 1957 to 1972. A summary portrayal of the juvenile justice filtering process is shown in Figure 1.

Table 1. -- NUMBER AND RATE OF DELINQUENCY CASES DISPOSED OF BY JUVENILE COURTS, UNITED STATES, 1957-1972*

Year	Delinquency cases <u>a/</u>	Child population 10 through 17 yrs. of age (in thousands)	Rate <u>b/</u>
1957.....	440,000	22,173	19.8
1958.....	470,000	23,443	20.0
1959.....	483,000	24,607	19.6
1960.....	510,000	25,368	20.1
1961.....	503,000	26,056	19.3
1962.....	555,000	26,989	20.6
1963.....	601,000	28,056	21.4
1964.....	686,000	29,244	23.5
1965.....	697,000	29,536	23.6
1966.....	745,000	30,124	24.7
1967.....	811,000	30,837	26.3
1968.....	900,000	31,566	28.5
1969.....	988,500	32,157	30.7
1970.....	1,052,000	32,614	32.3
1971.....	1,125,000	32,969	34.1
1972.....	1,112,500	33,120	33.6

a/ Data for 1957-1969 estimated from the national sample of juvenile courts. Data for 1970, 1971 and 1972 estimated from all courts reporting whose jurisdictions included more than three-fourths of the population of the U.S.

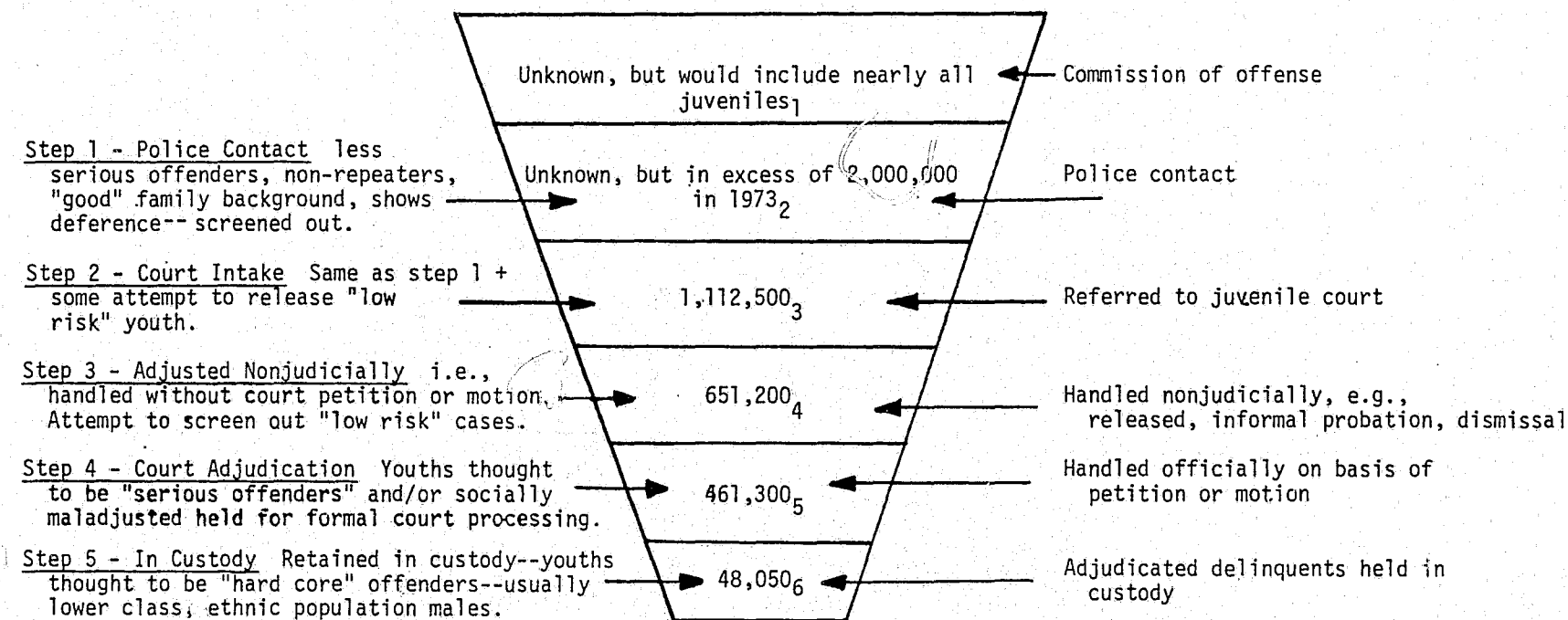
b/ Based on the number of delinquency cases per 1,000 U.S. child population 10 through 17 years of age.

* Source: U. S. Department of Health, Education, and Welfare (1973).

Figure 1 THE DELINQUENCY FILTERING PROCESS

Attributes of those youth filtered into or out of system at each stage of processing

Stages in the juvenile justice process



1. See Gibbons (1976:16-33).

2. While actual numbers are unknown the Uniform Crime Reports, 1973, p. 19, show that 49.5 per cent of juveniles taken into custody are referred to juvenile court while 45.2 per cent are handled within the department and released.

3. Department of Health, Education, and Welfare (1973:8).

4. Ibid, p. 8.

5. Ibid, p. 8.

6. Detention Status of Children in Juvenile Facilities, June 30, 1971 (U.S. Department of Justice, 1972:7).

SUPPLEMENT II

PROGRAM RATIONALE

LEAA's discretionary funding program, is based on the following logic:

1. Delinquent offenders constitute a disparate group of youths, ranging from youngsters involved in petty, transitory, and isolated acts of misbehavior to youths who represent "hard core" recidivists.
2. Hard core offenders are the most appropriate cases for official juvenile court attention, while less serious juvenile lawbreakers can often be better dealt with outside the framework of the juvenile court.
3. Juvenile misconduct is often a manifestation or product of problems encountered by juveniles within major institutional areas or life arenas, such as schools or the world of work and is less frequently a symptom of individual psychological maladjustment.
4. Diversion programs are often ineffective because they focus upon youth whose misconduct is minor and a reflection of normal maturational stress; or, because they are inadequately funded, not coordinated and fragmented in their approaches.
5. The number of juveniles entering the juvenile justice system is more a function of police arrest patterns and community tolerance of youth behavior than of the nature of seriousness of juvenile misconduct.
6. Diversion must mean the referral of youth to programs outside of the auspices of the juvenile justice system in order to reduce the likelihood of expansion of control by juvenile justice agencies over an increased number of youth.
7. The process for diverting youth is often not identified or is confused with diversion programs and therefore does not become subject to systematic and deliberate efforts directed toward its improvement.
8. Diversion must limit penetration of youth into the juvenile justice system. Diversion can occur at any point between apprehension and adjudication.
9. Attempts to reduce delinquency through diversion programs must do more than simply remove youths from the juvenile justice system. Diverted youngsters should be provided positive life experiences through diversion programs that provide meaningful and viable roles for youth.

10. Diversion of less serious cases from the juvenile court should allow the courts to deal more effectively with the more serious lawbreakers, for diversion would relieve some of the present congestion of cases within the official juvenile justice system.

11. The programs developed will vary from community to community, providing various program models which can be compared through evaluation to determine the relative utility of alternative approaches.

12. Although there are plausible arguments that can be advanced in favor of diversion programs which provide positive experiences and services for youths, this is still a relatively untested assumption. The program design requirement of assignment either to diversion with services or diversion without services will provide for the assessment of the gains, if any, to be achieved through diversion to services.

SUPPLEMENT III

Service Models

Some Examples in Diversion Programs

The Office of Juvenile Justice and Delinquency Prevention encourages applicants to develop innovative ways to involve youth in experiences which affect their lives. One way to accomplish this is through employing youth within diversion programs. OJJDP visualizes numerous roles that youth can assume in diversion programs, both as program staff and as participants in diversion program activities. In fact, youth diverted from the Juvenile Justice System, as well as other youth, constitute a valuable resource to diversion program planners. It is the hope of OJJDP that applicants will recognize this essentially untapped resource and will develop programs and activities to take advantage of the capabilities and interests of youth.

It should be stressed that employing youth in diversion programs requires strong educational support. This support should take two forms: one, insuring that youth receive the training and information that will enable them to perform the duties required of a particular task and two, where appropriate, insuring that youth receive school credit for their work experience. Youth within diversion programs can perform such functions vital to program operation as:

- program planning aides (entry level positions)
- program planning assistants
- research aides (entry level positions)
- research assistants
- program evaluation aides and assistants
- intake aides
- peer counselors/youth advocates
- team leaders for research projects

Youth in various diversion program activities or components can also engage in:

A. Activities related to school:

- tutors/student advisors
- teacher aides
- curriculum development aides/assistants

B. Activities related to communications/public education:

- journalistic writers
- editors
- printers/publishers
- photographers
- interviewers
- community workshop organizers/participants

C. Activities related to cultural enrichment:

- artists
- dancers
- library researchers
- photographers

D. Activities related to human service:

- day-care aides/assistants
- elderly care aides/assistants

E. Activities related to community restoration:

- carpenters
- painters
- electricians
- aides and assistants

The examples of youth employment cited here are by no means exhaustive. They are offered to illustrate the variety of roles the youth can assume in diversion programs. Further examples of youth employment/youth participation projects can be found in the following:

New Roles for Youth, by the National Commission for Resources for Youth, Citation Press, New York, N.Y., 1974.

The Arts, Youth, and Social Change, by the National Council on Crime and Delinquency, and the Department of Health, Education and Welfare, Office of Youth Development, April, 1968.

Model Program: Youth Diversion Project, by J. Galvin, G. Blake and D. Gibbons, available from OJJDP, or write directly to National Criminal Justice Education Project, Portland State University, Portland, Oregon, 97207.

SUPPLEMENT IV

Suggested Standards for Safeguarding The Constitutional Rights of Juveniles

Important constitutional rights are often compromised in the course of juvenile court processing, to the lasting detriment of the very children that juvenile courts operating under the doctrine of parens patriae strive so earnestly to protect.

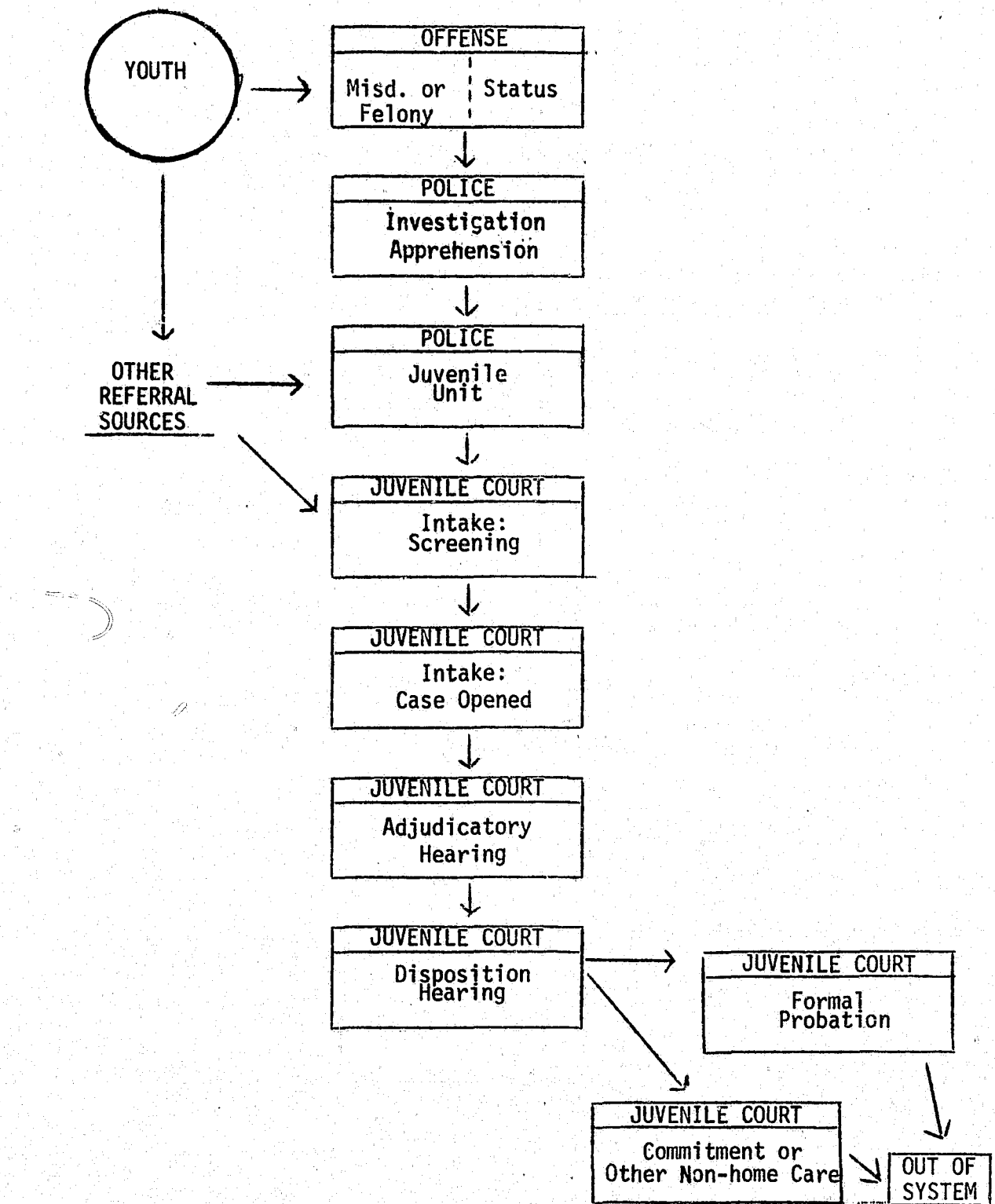
Accordingly, we urge applicants to give serious consideration to establishing such standards and practices which offer maximum legal protection of children coming into contact with programs for which funding is sought. The following are not mandatory for application submission, but are recommended for serious consideration:

1. That both divertees and potential divertees be accorded full due process safeguards from initial contact with program representatives through final contact, whether the child be accepted or not, and whether or not the program is successfully completed.
2. That diversion intake interviews be surrounded by a confidential privilege sufficient to bar later prosecutorial use of potentially damaging information or the fruits thereof.
3. That there be no requirement of a guilty plea as a condition of admission into a program.
4. That no speedy trial waiver be required as a condition of admission, and that any such waiver sought, be limited to the projected length of the diversion period or such lesser period as the child shall actually spend in diversion.
5. That the right to counsel be granted at all critical stages of the diversion process, including intake and termination hearings or other procedures.
6. That a counselor-client confidential privilege be established with the right running to the child, of sufficient strength to bar later prosecutorial use of potentially damaging information or the fruits thereof in pending or future juvenile proceedings. This privilege does not extend to withholding knowledge or information about the intention

of a youth to commit a crime or to information necessary to prevent commission of a crime.

7. That confidentiality of program records be protected so as to insure that no later prosecutorial use be made of them or the fruits of information contained therein in pending or future juvenile proceedings.
8. That no child be unsuccessfully terminated without a hearing which should include: (a) written notice of the claimed violations, (b) disclosure of the evidence against them, (c) opportunity to be heard in person and to present witnesses and documentary evidence, (d) the right to confront and cross examine witnesses, (e) a neutral and detached hearing body, and (f) a written statement by the fact-finders as to the evidence relied on and the reasons for revocation, should that be the decision.

FIGURE 2
JUVENILE JUSTICE SYSTEM: SIMPLIFIED FLOWCHART



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ADDENDUM

ADDENDUM I STATISTICAL SUMMARY

(must be included in all preliminary applications)

- Number of juveniles adjudicated in: 1973 _____ 1974 _____ 1975 _____
- Number of juveniles diverted at each critical point in the juvenile justice system (critical point as described by applicant in preliminary application):

Critical Point	Number Diverted		
	1973	1974	1975
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTAL
Number of juveniles who are expected to be diverted during the course of the project:

	Number	Percent decrease over prior year
Year 1	_____	_____
Year 2	_____	_____
Year 3	_____	_____

Total percent decrease comparing 1975 to end of project: _____

- Population of jurisdiction to be impacted by this program:

	Name	Population
City	_____	_____ or,
County	_____	_____ or,
Contiguous Multiple Jurisdictions	_____	_____
	_____	_____
	_____	_____

- Number of juveniles (youth under 18) in jurisdiction as defined in (3) above _____
- Population density of geographical area covered by program (use 1970 Census) _____
- Crime rates by 1975 FBI Uniform Crime Report _____

ADDENDUM II UNITED STATES DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION WASHINGTON, D. C. 20530

OMB NO. 80-R0187

PREAPPLICATION FOR FEDERAL ASSISTANCE PART I		1. State Clearinghouse Identifier	
		2. Applicant's Application No.	
3. Federal Grantor Agency		4. Applicant Name	
Organizational Unit		Department Division	
Administrative Office		Street Address - P.O. Box	
Street Address - P.O. Box		City County	
City State Zip Code		State Zip Code	
5. Descriptive Name of the Project			
6. Federal Catalog No.		7. Federal Funding Needed	
		\$	
8. Grantee Type			
State, County, City, Other (Specify)			
9. Type of Assistance			
Grant, Loan, Other (Specify)			
10. Population Directly Benefiting from the Project		12. Length of Project	
11. Congressional District		13. Beginning Date	
a. _____		14. Date of Application	
b. _____			
15. The applicant certifies that to the best of his knowledge and belief, the data in this preapplication are true and correct, and the filing of the preapplication has been duly authorized by the governing body of the applicant.			
Typed name		Title	
		Telephone Number	
		AREA CODE	NUMBER EXT.
Signature of authorized representative			
For Federal Use Only			

INSTRUCTIONS

This form shall be used for all Federal assistance projects for construction, land acquisition or land development in excess of \$100,000 Federal funding. It is not applicable to continuing grants after the initial grant has been awarded, or to requests for supplements or revisions to existing grants or loans. However, the applicant may submit the preapplication form for other assistance requests, and the Federal grantor agency may require the preapplication form for other assistance requests.

Submit the original and two copies of all required forms. If an item cannot be answered or does not appear to be related or relevant to the assistance requested, write "NA" for not applicable.

Item 1 — Enter the State clearinghouse identifier. This is the code or number assigned by the clearinghouse to applications requiring State clearinghouse coordination for programs listed in Attachment D, Office of Management and Budget Circular No. A-95.

Item 2 — Enter the applicant's preapplication number or other identifier.

Item 3 — Enter the name of the Federal grantor agency, the name of the primary organizational unit to which the application is addressed, the name of the administrative office having direct operational responsibility for managing the grant program, and the complete address of the grantor agency.

Item 4 — Enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity and the complete address of the applicant.

Item 5 — Enter the descriptive name of this project.

Item 6 — Enter the appropriate catalog number as shown in the Catalog of Federal Domestic Assistance. If the assistance request pertains to more than one catalog number, leave this space blank and list the catalog numbers in Part III.

Item 7 — Enter the approximate amount that is requested from the Federal government. This amount should include the total funds requested in this application and should agree with the total amounts shown in Part III, Line 6, Column (a).

Item 8 — Check one grantee type. If the grantee is other than a State, county, or city government, specify the type of grantee on the "Other" line. Examples of other types of grantees are council of governments, interstate organizations, or special units.

Item 9 — Check the type of assistance requested. If the assistance involves more than one type, check two or more blocks and explain in Part IV.

Item 10 — Enter the number of persons directly benefiting from this project. For example, if the project is a neighborhood health center, enter the estimated number of residents in the neighborhood that will use the center.

Item 11

- a. Enter the congressional district in which the applicant is located.
- b. Enter the congressional district(s) in which most of the actual work on the project will be accomplished. If the work will be accomplished city-wide or State-wide, covering several congressional districts, write "city-wide" or "State-wide".

Item 12 — Enter the number of months that will be needed to complete the project after Federal funds are made available.

Item 13 — Enter the approximate date the project is expected to begin.

Item 14 — Enter the date this application is submitted.

Item 15 — Complete the certification before submitting the report.

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20530
PREAPPLICATION FOR FEDERAL ASSISTANCE

OMB NO. 80-R0187

PART II

1. Does this assistance request require State, local, regional or other priority rating? Yes No

2. Does this assistance require State or local advisory, educational or health clearance? Yes No

3. Does this assistance request require Clearinghouse review? Yes No

4. Does this assistance request require State, local, regional or other planning approval? Yes No

5. Is the proposed project covered by an approved comprehensive plan? Yes No

6. Will the assistance requested serve a Federal installation? Yes No

7. Will the assistance requested be on Federal land or installation? Yes No

8. Will the assistance requested have an effect on the environment? Yes No

9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms? Yes No

10. Is there other related assistance for this project previous, pending, or anticipated? Yes No

PART III — PROJECT BUDGET

FEDERAL CATALOG NUMBER (a)	TYPE OF ASSISTANCE LOAN, GRANT, ETC. (b)	FIRST BUDGET PERIOD (c)	BALANCE OF PROJECT (d)	TOTAL (e)
1.				
2.				
3.				
4.				
5.				
6. Total Federal Contribution		\$	\$	\$
7. State Contribution				
8. Applicant Contribution				
9. Other Contributions				
10. Totals		\$	\$	\$

PART IV — PROGRAM NARRATIVE STATEMENT
(Attach per instruction)

INSTRUCTIONS

PART II

Negative answers will not require an explanation unless the Federal agency requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with the instructions.

Item 1 — Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2 — Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the date it will be obtained.

Item 3 — Attach the clearinghouse comments for the pre-application in accordance with the instructions contained in Office of Management and Budget Circular No. A-95.

Item 4 — Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 5 — Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 6 — Show the population residing or working on the Federal installation who will benefit from this project.

Item 7 — Show the percentage of the project work that will be conducted on federally-owned or leased land. Give the name of the Federal installation and its location.

Item 8 — Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it. Federal agencies will provide separate instructions, if additional data is needed.

Item 9 — State the number of individuals, families, businesses, or farms this project will displace. Federal agencies

will provide separate instructions, if additional data is needed.

Item 10 — Show the Federal Domestic Assistance Catalog number, the program name, the type of assistance, the status, and amount of each project where there is related previous, pending, or anticipated assistance.

PART III

Complete: Lines 1-5 — Columns (a)-(e). Enter the catalog numbers shown in the Catalog of Federal Domestic Assistance in Column (a) and the type of assistance in Column (b). For each line entry in Columns (a) and (b), enter in Columns (c), (d), and (e), the estimated amounts of Federal funds needed to support the project. Columns (c) and (d) may be left blank, if not applicable.

Line 6 — Show the totals for Lines 1-5 for Columns (c), (d), and (e).

Line 7 — Enter the estimated amounts of State assistance, if any, including the value of in-kind contributions, in Columns (c), (d), and (e). Applicants which are States or State agencies should leave Line 7 blank.

Line 8 — Enter the estimated amounts of funds and value of in-kind contributions the applicant will provide to the program or project in Columns (c), (d), and (e).

Line 9 — Enter the amount of assistance including the value of in-kind contributions, expected from all other contributors in Columns (c), (d), and (e).

Line 10 — Enter the totals of Columns (c), (d), and (e).

PART IV

The program narrative statement should be brief and describe the need, objectives, method of accomplishment, the geographical location of the project, and the benefits expected to be obtained from the assistance. The statement should be typed on a separate sheet of paper and submitted with the preapplication. Also attach any data that may be needed by the grantor agency to establish the applicant's eligibility for receiving assistance under the Federal program(s).

M 4500.1D
July 10, 1975

ADDENDUM III

APPENDIX 12. SUGGESTED FORM OF STATE PLANNING AGENCY APPROVAL AND CERTIFICATION RE DISCRETIONARY GRANT AWARD



U. S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance
Administration

DISCRETIONARY GRANT APPLICATION
ENDORSEMENT STATE PLANNING AGENCY
CERTIFICATION AND APPROVAL

Discretionary Grant Application Title: _____

Implementing Agency or Governmental Unit: _____

To: Regional Office _____
Law Enforcement Assistance Administration

The undersigned State Planning Agency ("SPA"), duly constituted under P.L. 93-83, as amended, has reviewed the attached grant application and represents as follows:

1. The proposed project is not inconsistent with the general thrust of the state comprehensive law enforcement plan and is endorsed for favorable consideration by LEAA pursuant to the terms of the discretionary funds program under which it is being submitted.
2. If approved for grant award by LEAA, the State Planning Agency will integrate or incorporate the project as an action effort within the current year action plan component of the State's next comprehensive law enforcement plan.
3. If approved for grant award by LEAA, the State Planning Agency is willing to be the grant recipient and, in turn, to subgrant funds to the relevant unit of State or local government, or combination of units, for execution of the project in accordance with the application. This endorsement will constitute the SPA as co-applicant with the implementing agency or unit of government for such purposes and the SPA reserves the right to apply its normal subgrant administration and reporting requirements to this project.
4. If the application is approved for grant award by LEAA, the State Planning Agency certifies that its "block grant" allocations or subgrants to the implementing State agency or unit of local government or to the region or metropolitan area in which it is located will not, by virtue of such discretionary award action, be reduced or curtailed.
5. This application has been submitted to the State, regional and metropolitan Clearinghouses in accordance with OMB Circular A-95. Clearinghouse review ☐ has ☐ has not been completed.

State Planning Agency: _____

Date: _____ By: _____
(authorized officer)

Note: Where the State Planning Agency, for any reason, is unable to complete the endorsement as constituted, it should promptly notify the presenting unit or LEAA and explain the reasons or submit a certification containing such modifications as it may deem acceptable.

Where the State cannot enforce liability, the following SPA certification should be added:

M 4500.1D
July 10, 1975

APPENDIX 12. (CONTINUED)

"The State does not have an adequate forum in which to pursue subgrantee liability in the event of illegal use of funds under this grant. Therefore, this certification is subject to LEAA waiver of State liability and LEAA agreement to pursue legal remedies for fund misuse if necessary."

ADDENDUM IV
M 4500.1D
July 10, 1975

CHAPTER 2. FINANCIAL ADMINISTRATION OF GRANTS

25. APPLICABILITY OF LEAA'S FINANCIAL MANAGEMENT GUIDE TO DISCRETIONARY GRANTS. Discretionary grants will be administered in accordance with M 7100.1A, Financial Management for Planning and Action Grants. M 7100.1A relates primarily to fiscal administration of planning grants (Part B of the Act) and action grants ("block grants") allocated on the basis of population (Part C of the Act). This chapter of the manual contains basic information. Applicants are urged to obtain copies of the Financial Management Guide.
26. ALLOWABILITY OF COSTS. The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items set forth in GSA Federal Management Circular FMC-74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Government" and in the LEAA Guideline Manual, Financial Management for Planning and Action Grants, M 7100.1A.
 - a. Each individual project supported under the discretionary grant program will, unless otherwise provided in program specifications, be subject to a separate grant application to the Administration incorporating a detailed budget of proposed project costs.
 - b. The budget narrative will set forth the details of cost items specified in Chapter 3 of M 7100.1A as requiring specific prior approval.
 - c. Award of the discretionary grant will constitute approval in each instance of specified cost items and therefore "prior approval" items will receive consideration and subsequent approval or disapproval as part of the award process.
 - d. Cost items requiring "grantor approval" under M 7100.1A may be handled by the State Planning Agency exactly as in the case of subgrants under the block grant program EXCEPT where a budget change is involved above the dollar limits set forth in paragraph
 - e. Where M 7100.1A requires the specific approval of LEAA or when changes in any of the budget categories exceed the budget transfers set forth in paragraph 29 these items will receive consideration and subsequent approval or disapproval by LEAA.

- f. Changes among items within one of the budget categories may be made by the subgrantee without prior approval but will otherwise remain subject to M 7100.1 cost allowability and budget requirements.
- g. Limitations of travel and subsistence charges by grantee personnel who are in a travel status on official business incident to a grant program shall be consistent with those normally allowed in like circumstances in the non-federally sponsored activities of the grantees. But under no circumstances shall such charges exceed the maximum amount allowed under current Federal travel regulations. The maximum allowable per diem rate under Federal regulations is \$33.00. This rate is based upon the average cost of lodging not to exceed \$19.00 plus a \$14.00 subsistence allowance. Grantee shall use less than first class accommodations in air and rail travel. (see LEAA Guideline G 7100.1, titled Principles for Determining Travel Cost Applicable to LEAA Grants).
- h. Grants to nonprofit organizations will be subject to future GSA Financial Management Circulars setting forth cost principles for such organizations.

27. AWARD AND PAYMENT OF GRANT FUNDS.

- a. As grant applications are approved by the Administration, grantees will receive formal statements of award evidencing such action and indicating the amount and type of grant and any special conditions of the grant.
- b. State Planning Agencies will normally be the grantees and as such will be obligated to proceed promptly to award subgrants for execution of the project by intended implementing agencies. Exceptions to this requirement must be negotiated with the LEAA awarding office.
- c. Payments of Federal grant funds under the discretionary grant program will be through the Letter of Credit procedure currently in existence with the State Planning Agencies.
- d. Recipients of subgrants will make all applications for Federal funds to the State Planning Agencies through which the discretionary grant application was processed and the grant was awarded, and such applications will be in accordance with normal subgrant regulations and procedures of the State Planning Agency.
- e. The provisions of chapter 5, paragraph 6 of M 7100.1A are not applicable to grants under the discretionary grant program. Discretionary grant funds will be obligated within the specific grant period indicated on grantee's statement of award and must 90 days in advance of expiration of the grant and in writing.

- f. Request for change or extension of the grant period must be made at least ninety days in advance.

28. POTENTIAL POST AWARD REDUCTIONS. The following general conditions apply to all grants awarded by LEAA:

- a. "THIS GRANT, OR PORTION THEREOF, IS CONDITIONAL UPON SUBSEQUENT CONGRESSIONAL OR EXECUTIVE ACTION WHICH MAY RESULT FROM FEDERAL BUDGET DEFERRAL OR RESCISON ACTIONS PURSUANT TO THE AUTHORITY CONTAINED IN SECTIONS 1012(A) AND 1013(A) OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974, 31 U.S.C. 1301, PUBLIC LAW 93-344, 88 STAT. 297 (JULY 12, 1974)."
- b. "ALL PUBLISHED MATERIAL AND WRITTEN REPORTS SUBMITTED UNDER THIS GRANT OR IN CONJUNCTION WITH THIRD PARTY AGREEMENTS UNDER THIS GRANT MUST BE ORIGINALLY DEVELOPED MATERIAL UNLESS OTHERWISE SPECIFICALLY PROVIDED IN THE GRANT DOCUMENT. WHEN MATERIAL NOT ORIGINIALLY DEVELOPED IS INCLUDED IN THE REPORT IT MUST HAVE THE SOURCE IDENTIFIED. THIS IDENTIFICATION MAY BE IN THE BODY OF THE REPORT OR IN A FOOTNOTE. THIS PROVISION IS APPLICABLE WHETHER THE MATERIAL IS IN A VERBATIM OR EXTENSIVE PARAPHRASE FORMAT."

29. STATE PLANNING AGENCY SUPERVISION AND MONITORING RESPONSIBILITY.

- a. When it is the grantee, the State Planning Agency has responsibility for assuring proper administration of subgrants under the discretionary grant program including responsibility for:
 - (1) Proper conduct of the financial affairs of any subgrantee or contractor insofar as they relate to programs or projects for which discretionary grant funds have been made available; and
 - (2) Default in which the State Planning Agency may be held accountable for improper use of grant funds.
- b. A SUBGRANTEE may transfer, between direct cost object class budget categories, the following:
 - (1) The cumulative amount of 5 percent of the grant budget (Federal and non-Federal funds) or \$10,000 whichever is greater (for grant budgets in excess of \$100,000) or
 - (2) A cumulative 5 percent change of the grant budget (Federal and non-Federal funds) (for grants of \$100,000 or less).

c. The cognizant monitoring office shall give prior approval for:

- (1) Extensions of grants for up to 12 months, with total grant period not to exceed 24 months. Where extensions result in grant periods exceeding a total of 24 months, prior LEAA Central Office approval is required.
- (2) Cost items normally requiring grantor approval.
- (3) All other deviations from a discretionary grant.

30. SUSPENSION AND TERMINATION OF GRANTS.

a. Suspension and Termination for Cause. When a subgrantee has failed to comply with the terms and conditions of a grant, the SPA may recommend (a) suspension of the grant, (b) termination of the grant for cause or (c) take such other remedies as may be legally available and appropriate in the circumstances.

- (1) The decision to terminate or suspend a grant represents a serious judgement that must reflect a thorough analysis of all relevant factors. Initially, the SPA must determine that the subgrantee has failed to comply with one or more of the terms and conditions of the grant. Additionally, it must be determined that such non-compliance is of sufficient magnitude to warrant the termination or suspension of subgrantee support. Each case must be considered on the basis of its individual set of circumstances, recognizing that the decision to terminate or suspend a subgrant contains a responsibility to conform to the principles of due process. An SPA that is considering recommending the termination or suspension of a subgrant should seek early advice from the cognizant LEAA office; and at the same time should notify the subgrantee or local funding unit of its action.

- (2) LEAA prefers that deficiencies be corrected whenever practicable. Therefore recommendations by the SPA to suspend or terminate a grant shall normally be taken only after subgrantee has been informed of the deficiency and given sufficient time to correct it.

- (3) When conditions are identified which may be serious enough to cause the SPA to consider termination or suspension of a subgrant, the SPA shall advise the subgrantee by letter of the nature of the problem and that failure to correct the deficiency may result in suspension or termination of the grant. The subgrantee shall be required to respond in writing within 30 days of the date of such letter, describing the action taken or the plan designed to correct the deficiency.

- (4) If a satisfactory written response to the letter described in paragraph 30a(3) is not received within 30 days of the date of such letter, the SPA shall inform the cognizant LEAA office of its recommendation to suspend or terminate a subgrant. Such notice shall fully set forth the reasons for the action.

- b. When the SPA wishes to terminate its administration of a subgrant, it shall provide written notification to the cognizant LEAA office setting forth the reasons for such termination and the effective date. The decision shall thereafter be made by LEAA as to the action to be taken. Where the SPA is authorized to terminate a grant, such action must be in accord with the States' hearing and appeal procedures. If LEAA takes direct action to terminate, then such action will be taken in accord with LEAA's Hearing and Appeal Procedures. The cognizant LEAA Regional or Central Office will be responsible for forwarding the information to all parties concerned.

ADDENDUM V
M 4500.1D
July 10, 1975

ADDRESSES AND MAP OF LEAA REGIONAL OFFICES

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617/223-5665 (Fin.Mgmt Div)

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212/264-4482 (TA)
212/264-2535 (Opns)

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215/597-9443 thru 46 (TA)
215/597-0804 thru 06 (Grants Mgmt Div)

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303/837-4265 (PD & TA) -4141 (BOP)

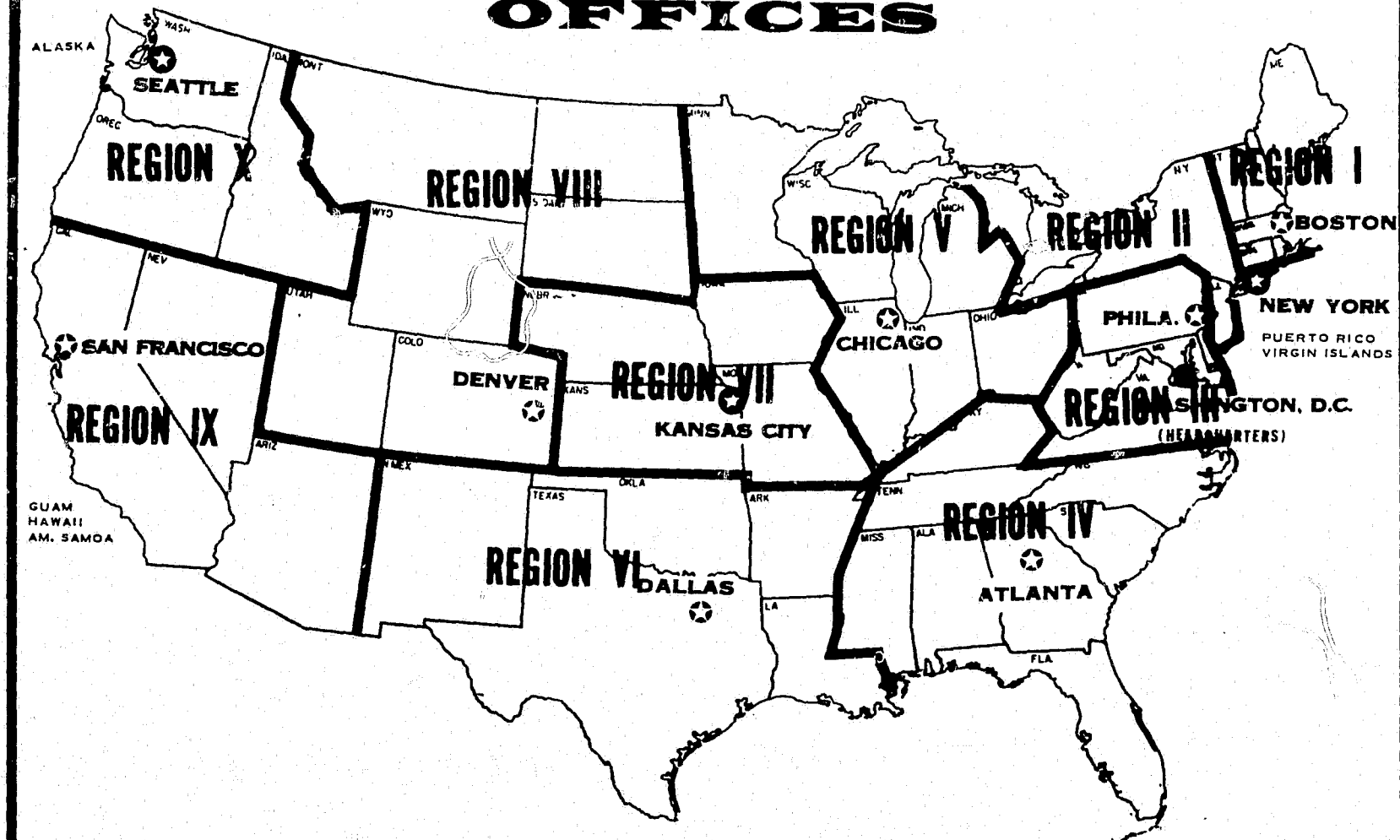
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LEAA REGIONAL OFFICES



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July 10, 1975

CONTINUED

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END