

FINAL REPORT ON THE
YOUTH DIVERSIONARY UNIT

May, 1975

57538

LEAA EVALUATION TASK FORCE

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SUMMARY

The Youth Diversionary Unit of the Rhode Island Family Court began accepting referrals in September 1974. During the first six month period of program operation, 431 juveniles have been diverted from juvenile court procedures. Twenty-two of these juveniles were subsequently charged with a second offense, resulting in a recidivism rate of 5%. The diversion program has removed approximately 20% of the total referrals from routine court procedures. The caseworkers handle a case for periods ranging from one week to two months in which a juvenile may receive a simple warning, or supervision and counseling or he may be referred to another agency. The project's impact on the court's backlog is beginning to be felt and this effect should continue as the program continues. The Youth Diversionary Unit is achieving it's goals and objectives in an efficient manner. The project directors must be commended for the well designed and administered system of record keeping and data management.

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ACQUISITIONS

CONCLUSIONS

To determine whether the YDU has achieved its stated goals and objectives, it is necessary to analyze performance on two levels: (1) impacts on individual behavior and (2) effects on court system. These measures are inter-related.

I. Impacts on Individual Behavior

Goals 1, 2 - Objectives 1, 2: These goals and objectives address themselves to providing an alternative to court processing for first time offenders, and reducing the likelihood that those diverted will return to court on subsequent petitions. An analysis of the data collected demonstrated that the YDU is diverting an average of 72 juveniles per month from regular court processing. This figure is below initial projections but project managers felt that assigning a larger number of divertees to the workers' caseload would drastically reduce the quality of service delivered by the workers. Since the program was established in September 1974, nearly 500 cases have been investigated. Four hundred and thirty-one (431) of these have been successfully diverted. Of those diverted, 22 have returned to court on a second petition. This amounts to a recidivism rate of 5.1%. The number of juvenile offenders who return to Family Court on second or subsequent petitions, i.e. repeaters, contribute to more than one half of all petitions filed. There is presently no way to count those juveniles who make one appearance in court and never return. Although the recidivism rates for Family Court cases and diversion cases are not strictly comparable, they do indicate that diverting juvenile offenders from regular judicial channels

is an improved method for dealing with certain offenders.

II. System-Wide Effects

Goals 3, 4, 5 - Objectives 3, 4, 5: These goals and objectives seek to reduce the backlog of cases scheduled for hearings, shorten the period between referral and final disposition and lessen the caseload of judges where administrative relief is more appropriate. The data needed to examine the courtwide effects of diverting first time offenders from traditional judicial channels is not as readily available as the data on individual cases. If the YDU is removing 20% of all petitions from the court calendar, it should be expected that the backlog will decrease even if the total number of referrals increases by 20%. The impact of a diversion program on attorneys, the public defender's office, on prosecutors and on other related agencies is impossible to measure at this time. The current system of prosecution involves part-time attorney solicitors who represent their municipalities in charges against the juvenile. This results in continuances and dismissals and the time between referral and final disposition may be as long as one year. The YDU usually investigates and settles a case within eight weeks. In addition, the family and the juvenile are kept informed and participate in devising a plan for the juvenile. Prior to the inception of the program, 27 juveniles were diverted by the Intake Unit per month. The YDU has increased this figure by nearly 200%. Cases, like truancy, which have historically taken up a great deal of the court's time with minimal results are being handled by the YDU with success. Removing these cases from court hearings allows the court to concentrate on other offenders.

RECOMMENDATIONS

In order to obtain a more complete picture of the effect of the program on juveniles diverted and on the Family Court, a twelve month evaluation study should be considered. The development of an improved data management system at Family Court is underway. The reorganization of these records should contribute to a more accurate analysis of the court-wide effects of diversion. While certain internal reviews are done in staff meetings, the use of the third party consultant to evaluate and improve worker performance should continue. Continuous examination of the following project activities must be done to insure that the project is meeting its goals and objectives: (1) Staff performance must be monitored (2) Agencies that are most successful in dealing with clients should be identified (3) Factors leading to client success or failure must be isolated (4) Program policy must undergo constant re-evaluation to make the project responsive to the needs of the individual and to the demands of the court.

I. HISTORY AND DEVELOPMENT

The Youth Diversionary Unit (YDU) of the Rhode Island Family Court was established in 1974 to divert first-time offenders from the traditional court procedures. It is the first statewide diversionary program in the nation. The Youth Diversionary Unit is staffed by five Youth Diversionary Workers (YDW) directed by a Supervisor. The workers received three weeks of instruction in writing reports and interviewing clients. They were also introduced to the operations of the juvenile justice system and made aware of the wide range of community resources that they might use in referring their clients. The YDU began accepting clients in late September 1974.

A. The Intake Unit

Whether a child is referred to Family Court depends to a great extent on the policy of a police department or school administration and to a smaller degree on the severity of the offense or the actual behavior of the child. Some police departments refer all their juvenile problems and some school officials refer all their truants to the court. Some police departments, like the Providence Police, have developed written guidelines defining which juveniles ought to be referred to other than court channels. This department makes great use of the Youth Service Bureau.

All cases coming into Family Court are handled by the Intake Department. This unit screens all petitions to determine the action to be taken. The petition sets forth the specific charges against the juvenile, the name of the referral agent who is filing the complaint, information about the child's family and any additional facts that may be helpful to the court in

determining what will happen to the case. A search is made of the court records to find whether the child has been known to the court. If there is a prior record of referral, the petition will be scheduled for a court hearing. If the juvenile is a first time offender, the petition will probably be handled administratively. In a small number of cases, Intake Supervisor will directly refer the juvenile to another agency for action. Clients may be sent to the Driver Improvement Clinic, the Youth Service Bureau, Probation and Parole, Child Welfare Services or some other department.

B. Youth Diversionary Unit

The great majority of first time offender cases are sent to the Youth Diversionary Unit. Since these cases are new to the court, they have no court file. Cases selected for diversion are assigned a file number by the YDU Supervisor and are separated from all other Family Court files. The YDU Supervisor carefully inspects each petition and decides on the basis of several criteria whether to assign a worker to the case. These factors include age of the juvenile, whether restitution was made, whether guilt was admitted, and so on.

If the decision is to divert, a YDW is assigned to the case. A call is made to the juvenile's home as soon as possible to arrange an interview. During this initial contact, the worker informs the parents of the charges against the child, learns whether counsel has been retained and acquaints them with the diversion program. If an attorney has been retained, the YDW will contact the attorney to inform him of the diversion alternative. If the child and his parents insist the child is not guilty and want the case

to be heard, no further work is done by the worker. The file is returned to the Intake Unit for proper handling. If an attorney has not been retained and the child and his family are interested in participating in the program, an appointment is arranged for a home visit. Follow-up correspondence is sent to remind the family of the interview. During the personal visit, the worker explains the program in detail. After the worker is sure that the juvenile and his parents understand the philosophy of the program, and are willing to participate, a Parental Consent Form and Information Release Authorization are signed. These indicate that the rights to a hearing, to counsel and to remain silent are waived and that information about the case may be released by Family Court personnel to appropriate individuals and agencies. The signing of the consent form is interpreted by the court to be an admission of guilt to the charge. Once the case is diverted, the petition will not be acted upon further. If the child commits another offense, he will be heard on the latter petition. The worker will encourage that cases where a child is only marginally involved and his participation is questionable be returned to court. In most of these cases, charges against the child have been dropped by the complainants.

If the family agrees to participate in the program, the worker will gather information to assess the child's needs. A plan is developed by the worker, the parents and the child. This may consist of enrollment in a remedial reading program, employment in Call-A-Teen, counseling at a mental health center, referral to a Youth Service Bureau or any of a number of resources. A worker may determine that no further action is necessary on the

case. The projected period of worker involvement in a case is between one week and six months averaging around eight weeks. Complete follow-up of all referrals is done to insure that the juvenile has been enrolled in a program or counseled. All subsequent interviews and correspondence with the juvenile and his family are recorded in the file. A complete description of all actions taken by the worker on behalf of the juvenile and recommendation that the case should be closed are also included in the file. A subjective determination of success or failure is made by the worker. There is no established policy for terminating a case. Committing an offense will not mean that the youth is automatically dropped from the program. Each case is judged on its own merits.

Individuals who file complaints against the child are informed of the status of the case, i.e., that it is being diverted. Diversion is discussed with the referring agency, usually the police department or school administration, and an agreement is usually reached. If the police have filed a complaint for a victim, for example, a woman who has had her pocket-book snatched by a group of boys, the YDW will contact the victim to see if restitution can be made. This arrangement may involve paying for damages done, or "working off" the damages.

As alluded to previously, policies governing diversion of juveniles vary greatly among police departments. Some departments refer all youths to Family Court regardless of the severity of offense, prior record or complaint against the juvenile and existence of services in the community. Some police departments are tolerant of law-breaking behavior up to the

point where citizens demand action. Some departments are anxious to handle most juvenile cases at the local level. One of the reasons for this is the current system of prosecution in the juvenile court. Part-time attorney-solicitors represent cities and towns in proceedings against juveniles.

"Referrals to the court are made by the various police agencies without benefit of participation of the local solicitor. All investigative work, the designation of witnesses and charges, and pre-trial preparation in general is handled solely by the police. The solicitors do not ordinarily appear at arraignments and, as a practical matter, do not enter a case until a plea of not guilty is entered by the child. Where a plea of guilty or nolo contendere is entered at the arraignment, the solicitor would play no role at all." 1

This haphazard system of representation makes prosecution difficult in Family Court. Cases are poorly prepared; solicitors are unfamiliar with the case; hearings are delayed by continuances; and dismissals are frequent.

"Expanded prosecution services . . . would not only provide better community representation in meeting the growing number of adversary challenges, but would reduce the worst excesses of adversary conflict by emphasizing diversion, negotiation and rehabilitation." 2

The Youth Diversionary Workers establish good working relationships with police personnel and keep lines of communication open so that charges by the police that "the courts are babying the kids" and by the courts that "the police are hassling the kids" can be kept to a minimum.

If the child and his family are uncooperative, if there are no agencies in the community equipped to handle the problems of the juvenile and if it appears that diversion is not the appropriate alternative for the child, the case may be returned to Family Court. The number assigned to the case by YDU is removed and the folder is entered into regular court records. All

information dealing with the diversion program for the child is removed so that the hearing is based on the petition alone, not on the "failure" of the child who has been given the opportunity of a special program.

If a juvenile completes the program to the satisfaction of the worker and the YDU Supervisor, the petition remains in file and the case is retired or closed.

II. ANALYSIS OF GOALS AND OBJECTIVES

There are five major goals and related objectives outlined by the Youth Diversionary Unit. These are as follows:

GOAL 1: "To provide an alternative to the traditional procedures of the Juvenile Court System for those youths of the State of Rhode Island referred to Family Court for relatively minor offenses where no record of prior referral exists." 3

OBJECTIVE 1: The Youth Diversionary will divert between 100 and 150 first time and status offenses from regular court procedures per month.

The grant proposal projected that the YDU would be able to handle over 100 new referrals per month. Actual experience in project operations demonstrated that the needs of the clients could not be served by increasing the caseloads of the five workers above 30. Since the program began accepting referrals in late September, over 490 cases have been investigated by the YDU (see Table 1). Five of these have been returned to the Intake Department immediately because the juvenile was not a first time offender or because he was an out-of-state resident. Fourteen cases have been returned to the court because a second petition had come into the court before the diversion was completed. Thirty-three cases have been returned to the court because the juvenile insisted he was not guilty and/or demanded a hearing. Seven cases have been returned to the court after the worker assigned to the case has contacted the family and found them to be unwilling to participate in the program (see Table 2). In total, 59 cases have been investigated by

the YDU and returned to juvenile court procedures before the diversion plan was worked out for the juvenile.

Approximately 430 cases have been successfully diverted by the YDU (see Table 3). "Successful diversion" is defined here as "the absence of a petition filed against the juvenile subsequent to his completion of the diversion plan." This averages out to 72 juveniles diverted per month. Although this figure is below the projected level of 100 - 150 diverted per month, it represents a sizable portion (20%) of the total juvenile referrals to Family Court.

GOAL 2: To reduce the recidivism rate for those diverted.

OBJECTIVE 2: The recidivism rate for those diverted will be lower than the rate for other referrals processed through Family Court.

Of the 430 cases that have been successfully diverted, twenty-two (22) juveniles have been referred to the court on new petitions. This is the recidivist group. If one divides the recidivists by the total numbers diverted, a rate of recidivism can be obtained. The recidivism rate for the first six months of project operations is 5.1%. In comparison,

"Statistics from the Family Court Research Office show that a full 56% (1973) and 53.15% (1974) of all cases heard in the above categories (wayward and delinquent, excluding motor vehicle offenses) were appearances for a second or subsequent offense." 4

A six to twelve month follow-up of all juveniles diverted might be necessary to obtain a more accurate picture of recidivism. It could be expected that the numbers of diverted juveniles returning to court on a second petition will increase as their length of termination from program participation in-

creases. In other words, the effects of the program may begin to wear off after a certain period. There are no statistics currently available on the average length of time between first and subsequent charges for juvenile offenders. Whether a case that has been diverted ought to remain active until the juvenile reaches his eighteenth birthday or whether the file ought to be sealed upon successful completion of the juvenile in the diversion program is a record-keeping issue which has programmatic implications. Using either system will have an effect on the calculation of the recidivism rate.

GOAL 3: To reduce the backlog of juvenile cases.

OBJECTIVE 3: By removing those cases that can be handled more appropriately through other channels, the backlog of juvenile cases will begin to slow immediately and stop growing after a six month period.

Although there are no statistics indicating court backlog, it is apparent that the YDU has removed over 400 cases from the court calendar. Some of the most time-consuming cases faced by the court are truants, disobedient children and illegal use of alcohol. The Youth Diversionary Unit has handled 55 juveniles who were charged with truancy. Most of these cases were settled without a court hearing by arranging remedial reading programs, discussing problems with school administrators, enrolling the juvenile in a recreational program and supervising the juvenile. In regard to the illegal possession and use of alcohol, there is an Alcoholism Counseling Unit at Family Court and juveniles may be referred here.

It is difficult to measure the impact of diverting first time offenders from the regular juvenile court procedures on the backlog of cases in the court. It is possible at this time to suggest that a lower number of cases being heard will eventually result in a decreased backlog of cases.

GOAL 4: To reduce the time lag between referral of the case and final disposition of the case in Family Court.

OBJECTIVE 4: The time period between filing a petition and closing of the case will be reduced to between one week and two months for those diverted.

In regular Family Court proceedings, there may be a time lag of six months or more between the filing of a petition and the final disposition of the case. Cases may be continued for a year and often juveniles and their families become confused over the status of their case. The Youth Diversionary Unit emphasizes immediate intervention into the case. Families are contacted within three days of the filing of the petition. Final disposition of the case may take from one week to several months depending on the action taken. These actions are of three major types: warning and follow-up contacts, Youth Diversionary Worker counseling and supervision, and referral to agency. Of the 208 cases diverted between January 1, 1975 and March 31, 1975, 40% were handled by warnings, 40% by YDW counseling and supervision and 20% by referring the case to another agency (see Table 4). Using a community based agency will usually take up more of the worker's time. An average of three follow-up contacts will be made with the agency to insure that the juvenile is enrolled in a program. Regardless of the

action taken by the worker, the period spent on the case is usually shorter than that experienced in the juvenile court.

GOAL 5: To lessen the caseload of judges where administrative dispositions would be sufficient.

OBJECTIVE 5: Administrative dispositions will increase by 75% during the grant period.

All cases handled by the YDU are disposed of "administratively", through channels other than court procedures. Prior to the inception of this program, some cases were handled by the Intake Unit informally. Non-judicial dispositions averaged around 27 per month compared to the current figures of 72 per month. This is a sizable increase. The Intake Unit continues to divert or dispose of cases administratively, without recourse to the YDU (see Graph I). Most of these cases are sent to the Youth Service Bureau, Traffic Clinic, or Probation Department. When these cases are referred out to social agencies, little follow-up work is done by the Intake Department. The Intake Department hasn't the personnel to make certain that other agencies are effectively handling their clients. The development of a unit specifically designed to handle first time offenders through other than court channels has increased the numbers of administrative dispositions. Thorough follow-up of those diverted may also insure that the quality of services given to these juveniles has also improved.

In summary, it appears that the Youth Diversionary Unit is achieving its goals and objectives efficiently. Caseloads range from 25-30 for each worker and every effort is made to take action on a case as quickly as pos-

sible. The impact of removing minor cases from the court calendars is being felt in Family Court and this effect should continue. Relieved of status offense cases and minor complaints, judges are able to utilize their time more efficiently by concentrating on those serious cases that demand court attention.

The data collection system is well-designed and administered in this unit. Individual file folders are well-assembled and arranged, allowing the caseworker and the supervisor to accurately monitor the case. In addition, this information is transferred onto log sheets which record individual and offense characteristics like age, sex, residence, educational and occupational status of the juvenile and charge and petitioner against the juvenile. In addition, these sheets indicate whether the case has been successfully diverted and what action(s) were taken on behalf of the youth. These log sheets provide a third-party evaluator with an excellent base of information. The Youth Diversionary Unit is a good example of the need for evaluation planning before the program begins operating. The project directors were sensitive to this requirement and designed their information system so that evaluation could be done.

III DEVELOPING DIVERSION PROGRAMS

As stated previously, the Youth Diversionary Unit of the Rhode Island Family Court is the first state-wide diversion program in the nation. Diversion programs for adults and juveniles are usually designed to assist first time minor offenders. The actions taken as an alternative to court procedures involve job training and placement, counseling and educational assistance. The programs differ with respect to ages of clients, type of offenders excluded from diversion and point at which the programs intervene in the legal processing of the case. Recidivism rates for "divertees" vary widely. Juvenile diversion programs in Oklahoma and California have achieved a 3% and 10.3% recidivism rate respectively. Adult diversion programs have experienced recidivism rates of 43% in Manhattan, 19% in New Haven, 27% in Newark and 24% in 7 programs funded by the Department of Labor. Differences in rates can be attributed to size of caseload, training of staff, relationship to prosecutor's office, and type of offense the unit chooses to handle.

The development of programs to divert juveniles and adults from the criminal process has been endorsed and financially supported by the American Correctional Association, the American Bar Association and the National Advisory Commission on Criminal Justice Standards and Goals. Research findings have demonstrated that diversion is one method that can be used to not only address the problems of the offender but also assist the courts to concentrate on serious criminal matters.

TABLE 1

NUMBER OF CASES INVESTIGATED
BY THE YOUTH DIVERSIONARY UNIT:
MONTHLY BREAKDOWN: SEPTEMBER 23, 1974 - MARCH 31, 1975

<u>Month</u>	<u>Number of Cases</u>
September 1974	29
October 1974	72*
November 1974	72*
December 1974	72*
January 1975	95
February 1975	75
March 1975	82
Total	<u>497</u>

* This figure represents an approximation derived from quarterly progress reports.

TABLE 2

REASONS FOR CASES RETURNED TO COURT:

SEPTEMBER 1974 - MARCH 1975

Month	1	2	3	4	5	6
September 1974	2	1	1	1	0	0
October 1974	5	3	5	1	1	0
November 1974	5	3	5	0	1	0
December 1974	0	0	0	0	0	1
January 1975	1	5	2	10	2	4
February 1975	1	1	2	3	2	0
March 1975	0	3	2	7	1	0
Total 81	14	16	17	22	7	5

- 1 - Second petition filed before diversion.
- 2 - Juvenile claims not guilty as charged.
- 3 - Demands court hearing.
- 4 - Second petition filed after diversion of first = recidivism.
- 5 - Non-cooperation of child and/or family.
- 6 - Assigned to YDU in error.

TABLE 3

NUMBER OF CASES SUCCESSFULLY DIVERTED:

SEPTEMBER 1974 - MARCH 31, 1975

<u>Month</u>	<u>Number of Cases</u>
September 1974	29
October 1974	64*
November 1974	65*
December 1974	65*
January 1975	72
February 1975	67
March 1975	69
Total	<u>431</u>

* This figure represents an approximation derived from quarterly progress reports.

TABLE 4

ACTIONS* TAKEN ON 208 CASES SUCCESSFULLY DIVERTED:

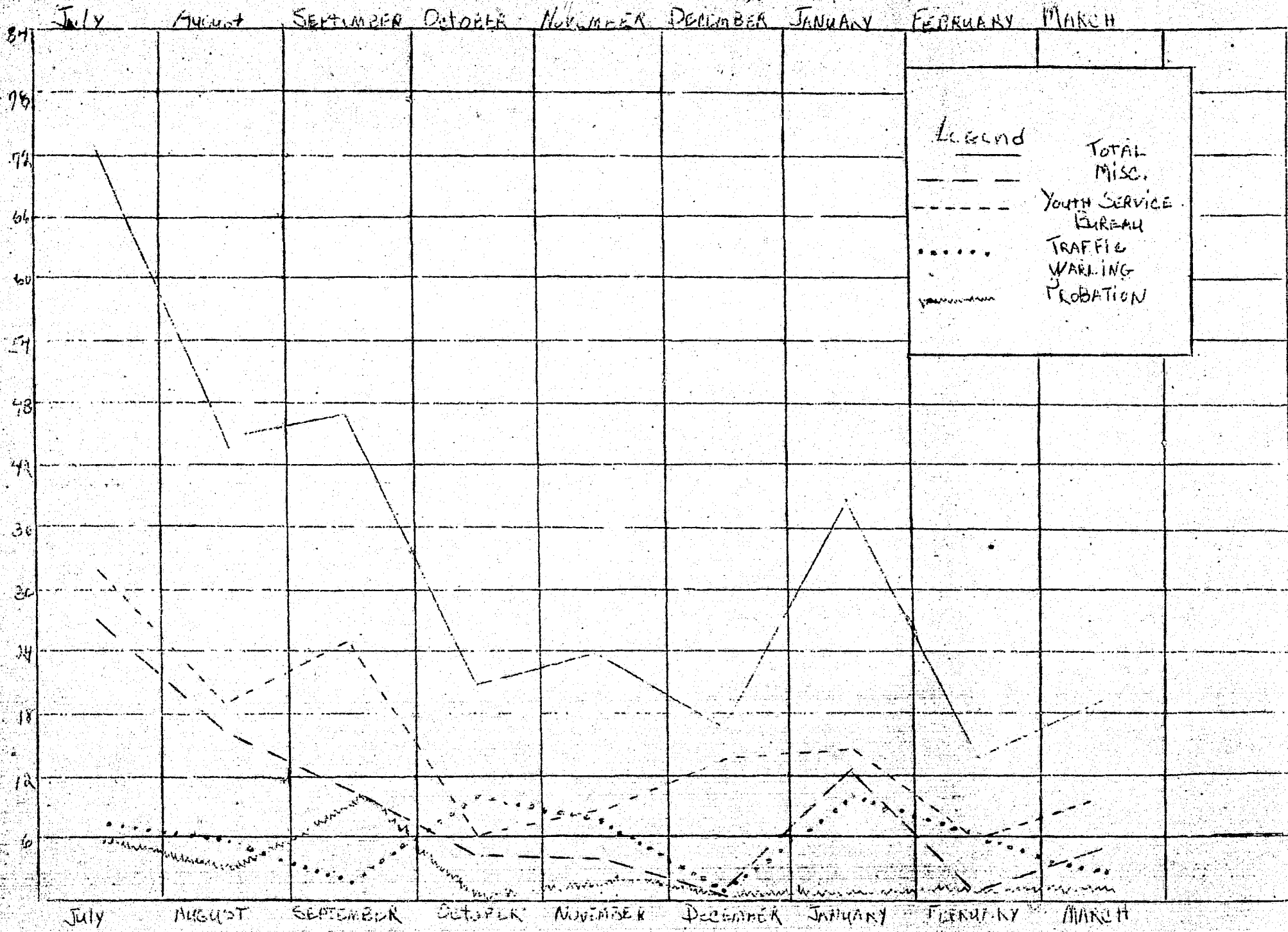
JANUARY 1975 - MARCH 31, 1975

Month	1	2	3
January 1975	30	34	19
February 1975	28	33	12
March 1975	26	19	16
Total	84	86	47

- 1 - Warning and follow-up contacts.
- 2 - Youth Diversionary Worker counseling and supervision.
- 3 - Referral to agency.

* Multiple actions were taken on a few cases.

JULY 1974 - MARCH 1975



FOOTNOTES

1. Prosecution in the Juvenile Courts: Guidelines for the Future by M. Marvin Finklestein et al. Law Enforcement Assistance Administration. December 1973. p. 76.
2. Ibid. p. 78.
3. Youth Diversionary Pilot Project. Quarterly Reports. October - December 1974. January - March 1975. p. 3.
4. Ibid. p. 4.

END