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A Diversionary Approach for the 1980's.—Various changes in social thought and policy of the past several years carry important implications for the treatment of young offenders. These changes include a marked decrease in public willingness to spend tax money for social programs, a shift in focus from offender-rights to victim-rights, and an increase in the desire for harsher treatment of serious offenders. The general social ethos reflected in those positions has prompted a reassessment and new direction for the delivery of juvenile diversion services in Orange County, California. Authors Arnold Binder, Michael Schumacher, Gwen Kurz, and Linda Moulson discuss a new Juvenile Diversion/Noncustody Intake Model, which has successfully combined the collaborative efforts of law enforcement, probation, and community-based organizations in providing the least costly and most immediate level of intervention with juvenile offenders necessary to protect the public welfare and to alter delinquent behavioral patterns.

Home as Prison: The Use of House Arrest.—Prison overcrowding has been a major crisis in the correctional field for at least the last few years. Alternatives to incarceration—beyond the usual probation, fines, and suspended sentences—have been tried or proposed. Some—such as restitution, community service, intensive probation supervision—are being implemented; others have simply been proposed. In this article, authors Ronald P. Corbett, Jr. and Ellsworth A.L. Fersch advocate house arrest as a solution to prison overcrowding and as a suitable punishment for many non-violent, middle-range offenders. The authors contend that with careful and random monitoring of offenders by special probation officers, house arrest can be both a humane and cost-effective punishment for the offender and a protection to the public.

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A Diversionary Approach For The 1980's

BY ARNOLD BINDER, MICHAEL SCHUMACHER, GWEN KURZ AND LINDA MOULSON*

Cultural Values and the Treatment of Delinquents

Earlier Eras

THE MODES and methods of dealing with young offenders over the years have been good barometers of changing cultural values and attitudes toward human welfare. For example, during a primitive cultural era, Anglo-Saxon days in England, the Laws of King Ine (about 700 A.D.) stated that a boy as young as 10 years could be put into slavery for being "privy to a theft" (Sanders, 1970, p. 3). And Blackstone (1884, originally published 1765, Book IV, p. 23), writing during an era when the penalty for every felony (even including offenses that are now considered petty theft) was execution, commented, "Thus a girl of thirteen has been burnt for killing her mistress: and one boy of ten, and another of nine years old...have been sentenced to death..."

However, the 19th century in the United States was an era of humanitarian reform and of substantial advances in the diagnosis and treatment of disease. In the realm of juvenile offenders, the 19th century was marked by significant reforms ranging from the opening of the first House of Refuge for children early in the century to the establishment of separate court hearings and probation services for children during the latter half of that century. The process of reform culminated with the promulgation of the first Juvenile Court Law in 1899.

Under that law, hearings were informal and non-public. Probation officers were available for investigation and guidance. The purpose of these early juvenile court proceedings was to determine if there was a need for treatment, not if there was guilt. Further, while the outcome could be a finding of criminal involvement with recommendations for appropriate treatment, it did not involve either conviction or formal sentencing.

Modern Era

Miller (1979) argues that the Federal government, beginning after the initial years of the Great Depres-

sion, recognized the well-being of the American public as one of its central responsibilities. What he refers to as the "Positive State" was in evidence in legislation, court decisions, and executive directives. There were two major effects in the realm of juvenile justice, both starting in the years 1966-67.

The first, as a result of decisions of the U.S. Supreme Court (primarily *Kent v. United States*, 383 U.S. 541, 1966 and *In re Gault*, 387 U.S. 1, 1967), was the granting of almost full due process rights to youths in juvenile court proceedings. And the second, motivated by the report of a Presidential Commission, was the establishment of formal linkages between the juvenile justice system and community agencies for the prevention and treatment of juvenile delinquency (President's Commission on Law Enforcement and Administration of Justice, 1967, and the separate report of its Task Force on Juvenile Delinquency, 1967).

One recommendation of the Task Force on Juvenile Delinquency of the Commission was particularly important (p. 19):

Community Agencies; Youth Services Bureau: There should be expanded use of community agencies for dealing with delinquents nonjudicially and close to where they live. Use of community agencies has several advantages. It avoids the stigma of being processed by an official agency regarded by the public as an arm of crime control. It substitutes for official agencies organizations better suited for redirecting conduct. The use of locally sponsored or operated organizations heightens the community's awareness of the need for recreational employment, tutoring, and other youth development services.

A summary of the social and related factors that led to Commission recommendations like the preceding is provided by Palmer and Lewis (1980, p. 4):

Clearly, the commission's views reflected more than the salient events, the major sociological theories, and the growing disillusionment of the 1960's. They involved additional factors and were based on a much longer history instead.

Of these factors, perhaps the most significant were the concepts of rehabilitation and normalization. Rehabilitation referred to the modification or improvement of attitudes, behaviors, and skills, usually through programs that dealt with youths as individuals. Normalization meant keeping youths in their natural environment, where possible, and minimizing their exposure to institutional life or "hardened criminals," where feasible. Theoretically, normalization would help youths focus more on their real-life interests and needs than on those which related to largely artificial environments, such as jails and institutions. In this respect it was directly related to maximal community integration or reintegration—for example, returning incarcerated youths to their home communities as quickly as possible.

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explains that exclusionary rules developed to keep illegally obtained evidence from being used in court and that both arrests and searches can occur without a warrant in specific circumstances.

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In 1968, the Federal government began implementation of the recommendations of the President's Commission with two acts: the Juvenile Delinquency Prevention and Control Act and the Omnibus Crime Control and Safe Streets Act. The latter authorized programs aimed at assisting state and local governments in combating crime and delinquency on a broad basis; the former provided the grants necessary to establish Youth Services Bureaus and similar approaches to the diversion of young offenders. Diversionary efforts became the responsibility of the Youth Development and Delinquency Prevention Administration (YDDPA) located within the Department of Health, Education and Welfare—outside the justice system—and the Law Enforcement Assistance Administration (LEAA) of the Department of Justice—within the justice system.

The joint efforts of YDDPA and LEAA involved a strategy which Gemignani (1972, p. 1) summarized as follows:

The strategy calls for the establishment, Nationwide, of youth services systems which will divert youth, insofar as possible, from the juvenile justice system by providing comprehensive, integrated, community-based programs designed to meet the needs of all youth, regardless of who they are or what their individual problems may be.

In 1972, the National Council on Crime and Delinquency published a guide to the establishment, operation, administration, and modes of evaluating diversion programs in the form of Youth Service Bureaus (Norman, 1972). The model was of an agency which would accept referrals from such units of the justice system as police and probation, and then pass these referrals on to appropriate service agencies in the community. In addition to service brokerage, the bureau was to advocate the development of services needed for youths in their communities, and work to modify conditions within the schools or other youth-serving agencies, where in-

dicated, to minimize the frictions believed to contribute to delinquency.

The Juvenile Justice and Delinquency Prevention Act of 1974 provided greater leverage in the direction advocated by the President's Commission by using Federal financial incentives to encourage states to prohibit detaining status offenders in locked facilities. This represented a further move toward community-based, rather than institutional, services for youngsters. The preference for diversion in the act was expressed as follows: "It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination...to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization."

The impact of the Federal actions on the field have been great indeed. To illustrate, in their edited book on juvenile diversion, Carter and Klein (1976, p. xi) state, "Seldom in the history of criminal justice has a concept erupted on the scene and generated as much interest as that of diversion." Many hundreds of diversion programs came on line during the 1970's and almost as many evaluations appeared in the formal and informal literature.¹

Indeed, there were so many evaluations that collective evaluations of evaluations appeared, as, for example, Rutherford and McDermott (1976) and Wright and Dixon (1977). Of the many original evaluations, the following may be singled out for comprehensiveness: Cressey and McDermott (1973), Baron, Feeney and Thornton (1973), Ku and Blew (1977), Quay and Love (1977), and Palmer and Lewis (1980).

A substantial number of the programs have operated as service brokers, in the style of the Youth Service Bureau suggested in the guide prepared by Norman (1972). But most have provided direct service as well as referrals to other agencies as necessary. Many, perhaps most, diversion programs have also been affiliated with units of the juvenile justice system (formally or loosely), accepting referrals exclusively or predominately from the particular unit of affiliation.

During the latter part of the 1970's and the early 1980's, several developments at the national, state and local levels have had effects on the juvenile diversion movement.² First, there has been a markedly increased demand for accountability in the use of tax monies. Proposition 13 in California, Proposition 2½ in Massachusetts, and the domestic budget trimming efforts of the Reagan administration are obvious examples of this social posture. Sec-

¹ To demonstrate more concretely the expansion of diversion, the following is a statement from Teilmann, Klein, and Styles (1974, p. 2): "Aside from the city of Los Angeles—policed by the Los Angeles Police Department—there are forty-seven independent cities in Los Angeles County which have their own police departments. The remaining cities and areas of the county are policed by contract with the County Sheriff's Department. Of the forty-seven cities, we determined that thirty-two had diversion programs as of October 1974, the beginning of the data-gathering period."

² It should be pointed out that there has also been a subcultural change in attitude toward diversion in a group that compensates for its limited size by stridency. The group consists of academic sociologists and their followers. During the early days of the formulation of diversionary theory and its operationalization, these sociologists were on the forefront of advocacy for diversion. They were consultants to the President's Commission and to its Task Force on Juvenile Delinquency, and the sociologist Lemert wrote one of the key documents that provided scholarly justification for diversion. That justification was based on labeling theory, the notion that delinquency is created by the very agencies of justice that are trying to eliminate it. For a complicated array of reasons, including but not limited to the argument that family counseling and vocational guidance may be as labeling as appearance in court, the sociologists damned diversion.

Their positions are summarized in Binder (1977) and in Binder and Geis (1984) and (in the opinion of at least one and perhaps all of us) effectively answered.

ond, substantial concern for the victims of crime emerged as a major public issue. The concern has taken such operational forms as the spread of programs aimed at providing direct services to victims, legislation to provide crime victims compensation from public funds for losses incurred (according to Harland and Lamborn, 1981, five states passed compensation laws in 1976 alone), reemphasis on restitution by offender to victim for damages, and legislation aimed at easing the courtroom tribulations of rape and other sexual abuse victims. (An interesting sidelight of this issue is that concurrence on the need to do more for crime victims spans the political spectrum, from extreme left to extreme right—and that cannot be said of many issues.)

A third and highly significant factor affecting the diversion movement in recent years has been the hardening of society's attitude toward offenders (both adult and juvenile). That attitude has been conditioned by high crime rates, the utter savageness of many assaults, the repetitiveness of criminal patterns accompanied by research indicating the difficulties (or hopelessness) of rehabilitating certain offender groups, and a pervasive fear of crime. The effects have taken several forms, including shifts to determinate from the rehabilitative ideal of indeterminate sentencing, limitations on plea bargaining, demands for tougher sentencing with a higher rate of imprisonment for those convicted, and harsher treatment of young offenders in such forms as criminal trials and life-time prison sentences for youths as young as 14 (see, e.g., Chapters 478 and 481, Sections 10.00 and 70.05, Laws of New York, enacted September, 1978).

While such attitudinal change in the realm of juvenile offenders seems to have been directed solely at more serious and, most particularly, violent young offenders, there does indeed seem to be a pervasive feeling that the administration of sanctions or consequences is appropriate for most, if not all, juvenile offenders. In this context it is interesting to note that despite the changed attitude toward criminal behavior on the part of both adults and juveniles, society shows no indication of diminished compassion for status offenders nor diminished tolerance for a youngster who has committed one, or

perhaps two, offenses (so long as an offense is not of a repugnant nature).³ (See Binder, 1979, for a discussion of the contrasting attitudes of society toward "serious" and "minor" young offenders.)

Clearly, any new program with expectations of success in the criminal or juvenile justice areas must be based on the best theoretical positions available, the empirical evidence gleaned from earlier experiences, and the traditions of justice, ethics, and morality established over the years. However, in addition, it should reflect in a sensitive way, the nonephemeral attitudes of the social group it serves (provided these attitudes do not violate the basic traditions of justice, ethics, and morality).

We were motivated by that entire array of factors in the development of the new program presented below.

A Program for the 1980's

The County of Orange, California, where the new program is in operation, participated in the establishment of diversion programs at both the police and probation levels from the earliest years of development following the report of the President's Commission (see, for example, Binder, Green, and Newkirk, 1973; and Binder, Monahan, and Newkirk, 1976).

The apparent success of diversion in the county over subsequent years is indicated in the following statement from a background paper prepared by the county administrative officer that accompanied a letter recommending the new diversionary approach to the Board of Supervisors:

In late 1973, the County was confronted with the difficult task of deciding whether to build a second Juvenile Hall. Juvenile arrests were climbing and threats by the California Youth Authority to "decertify" the Hall for overcrowding had occurred on more than one occasion.

An analysis of the problem concluded that continuation of the County's diversion program together with an expected reduction in the growth rate of the age group served by Juvenile Hall, would cause detentions in the Hall to level out by 1978. The County Administrative Officer recommended, and the County adopted, a number of programmatic changes to alleviate the overcrowding on a more immediate basis. The success of the County's diversion programs, as well as the programmatic changes within the formal system, were considered to be responsible for the subsequent drop in the average daily population (down 17.5 percent from 1974 to 1975).

That letter from the administrative officer was motivated primarily by drastic reduction in external funding for diversion programs (in particular LEAA funds) and by the disbanding in October 1981 of the management structure that administered all LEAA funds, including those for diversion.

The time became ideal for planning a new direction for diversion.

³ The occurrence of a strict law enforcement attitude for criminal offenders side-by-side with an attitude of tolerance for status offenders is well illustrated in a report of the Joint Commission on Juvenile Justice Standards of the Institute of Judicial Administration and the American Bar Association (Flicker, 1977). On the one hand, the report recommended a "just deserts" approach to juvenile criminal offenders with rejection of the traditional rehabilitative, treatment model of the juvenile court, punishment proportional to seriousness of offense, and determinate sentencing. On the other hand, the report recommended removal of status offenders from the jurisdiction of the juvenile court. Truants, runaways, disobedient children would fall entirely within the corrective domain of the schools, crisis center, and agencies for mental health or family counseling.

In March 1982, the Board of Supervisors approved implementation of a new county-wide model designated the Juvenile Diversion/Non Custody Intake Program (JD/NCI Program). The Probation Department was assigned responsibilities for initiating, administering, coordinating, and evaluating JD/NCI, but in a non-obstrusive manner that would enable the contributing agencies to cooperate in accord with their independent strengths. Support came from a combination of Federal juvenile justice, state, and local general funds. The primary goals were to be reduction in the number of youths referred to the prosecuting attorney and to the juvenile court, the provision of services for minors where their well-being was in jeopardy if such services were not otherwise available, and cost-savings as compared with the previous manner of delivering diversionary and non-custody intake services.

The county was divided into four regions for purposes of JD/NCI with an advisory board in each for the establishment of policy and broad supervision of operations. Each board was responsible for recommending (to the County Board of Supervisors) the community agency in its region to work cooperatively with probation and the police. The task of attracting candidates was accomplished by Requests for Proposals (R.F.P.'s); specific recommendations were based on analysis of the responses to the R.F.P.'s supplemented by oral presentations and interviews. Since a single agency was selected to serve two regions and one agency was selected in each of the other two regions, the ultimate team consisted of the Probation Department, police departments, and three community agencies.

The major aspects of service delivery are as follows:

1. A team of deputy probation officers and personnel from the selected community agency are assigned to each of four regional sites. At each site, the probation officers handle noncustody applications for petition, supervise youths on informal probation, and provide the necessary support services for those activities and the work of community agency personnel. These personnel, in turn, provide such services as intake assessment, individual and family counseling, crisis intervention, the collection of restitution and supervision of minors performing voluntary service in their communities, alcohol and drug-abuse education, job development and career counseling, community consultation, and training in parenting skills.

2. The community personnel also spend time in various police departments in each region. There,

they establish and maintain working relationships with the police and provide the same array of services to clients referred directly by police as those provided to probation referrals at the regional site.

3. Police officers, probation officers, and community personnel meet regularly to discuss operating procedures, difficulties in the flow of cases and modes of enhancing mutual service delivery.

4. A supervising probation officer has been assigned to JD/NCI as program administrator. That administrator supports and coordinates the efforts of the regional boards, provides linkages of program operations with city officials and police chiefs, prepares grant applications for continued funding and prepares the necessary reports to funding sources, is responsible for monitoring all service delivery associated with JD/NCI, meets with directors of community agencies to facilitate services and maintain the cooperative spirit, and provides ties between agency staffs and the fiscal and research staffs of the Probation Department.

5. Fees are assessed for services in accord with a sliding scale based on ability to pay. In many cases, these fees are paid by insurance companies. (An analysis of fee-collection in this context and its effect on services may be found in Newkirk, 1981.)

The counseling staffs of the community agencies consist predominately of licensed clinical psychologists, social workers, and marriage and family counselors. Well-supervised interns, who are either students working for graduate degrees or persons who have advanced degrees and are working toward fulfilling licensure requirements, are used to supplement the efforts of the professional counselors. The approach to restitution in the two regions served by a single agency is modeled on the method described by Shichor and Binder (1981) where community boards decide the terms of restitution after referral by the police or probation. In the other two regions, a restitution specialist establishes the amount or type of restitution after conferences with victims, the referred youngsters, parents and, where appropriate, the probation officer. Restitution may be in the form of direct reimbursement to the victim for an amount judged fair by the restitution board (or restitution specialist) or a period of community service.

Since a primary goal of the program is cost-savings via a reduction in the number of youngsters processed beyond probation in the juvenile justice system, criteria specifying minimum "hardness" were established for acceptance as program clients. The attempt was to strike a balance between

youthful mischievousness that will disappear from the behavioral repertoire with no intervention and sophisticated criminal behavior that can best be handled by the formal elements of the justice system. It should be noted, in this context, that Palmer and Lewis (1980) recommended that diversion efforts focus mainly on individuals who were arrested once prior to the arrest of referral and secondarily on those with two prior arrests. The criteria for the current program are as follows:

- A. Minors alleged to come under the provisions of W&I Code Section 601, namely: [that is, they are status offenders] AND under the following conditions:
 1. The minor's own well being would be placed in jeopardy if appropriate intervention services were not available; and
 2. The minor has been referred by police, S.A.R.B., District level CW&A officers, a Shelter Care operator, or Probation intake; and,
 3. There is evidence/knowledge of prior 601 behavior.
- B. Minors alleged to come under the provisions of W&I Code, Section 602 in that they have allegedly committed a law violation under the following conditions:
 1. The case has been screened and is referred by a juvenile detective or disposition officer or by Probation intake; and,
 2. The minor has a prior police contact and/or the referring source has knowledge of prior law violational behavior.
 3. The severity of, or the degree of the minor's involvement in, the current offense suggests a greater sophistication on the part of the minor than would be expected, given the minor's age and known prior record.

There are referral resources available for those youngsters who seemed needy of special services but who did not meet requirements. The referral resources include counseling personnel supported in police budgets or general city budgets.

In summary, the program seems to follow the best features of the tradition of diversion established most forcefully during the final years of the 1960's decade. It provides such alternative services as individual and family counseling, job development and career counseling, crisis intervention, alcohol and drug-abuse education, and community intervention on behalf of youngsters. In addition, the program is responsive to social changes and expectations of the latter 1970's and beyond, in its emphasis on cost-effectiveness, using a team approach to the problems of young offenders in place of a more fragmented police, probation, and detached community approach; in bringing the victim into the picture by providing restitution services as adjuncts to traditional diversionary methods; in recognizing the valid role of sanctions in dealing with young offenders;⁴ and in aiming at the young offender who

has a problem beyond the norm (such as those shown in studies of hidden delinquency) but below the level that many (or most) in society consider to warrant harsher sanctions. The focus is clearly on youths who would otherwise penetrate further into the justice system. However, services are maintained for runaways, incorrigibles and habitual truants whose welfare could be endangered without such services.

Program Evaluation

The two primary goals of the program are as follows:

1. To reduce the number of noncustody intake referrals to the district attorney. (Under California law, it is the district attorney who petitions for a hearing in juvenile court for a youngster who allegedly violated a criminal code.)

2. To achieve the cost savings implicit in the preceding goal without an increase in recidivism.

Secondary goals are to provide increased emphases on compensation for the victims of crime and on appropriate sanctioning of young offenders.

A quasi-experimental design was used, involving comparisons between service delivery under the new program and service delivery under the former program during a comparable period the preceding year (see Cook and Campbell, 1979).

Process Assessment

Table 1 presents a profile of agency clients under the new program and also, for comparison purposes, under the more fragmented diversion of the preceding or baseline year. The pattern does indicate that the new program is serving the type of client intended. Thus, most (52 percent) had prior arrests, and 71 percent either had prior arrests or were referred on the basis of a felony arrest; respective figures for the baseline period are 16 percent and 23 percent. The differences between years in offender severity are statistically significant ($\chi^2 < .01$)

The "Other" category, containing 41 percent of the clients during the baseline period, includes self-referrals (predominately) and minors referred by parents and teachers (none had prior arrests). They were mostly youngsters with problems in relationships rather than youngsters with a high probability of requiring criminal justice expenditures over the near or long term. The new program in its attempt to serve a "harder" juvenile offender, narrowed both criteria of acceptability and referral source. Thus, the 0 percent entry for "Other" under the new program reflects the hardening effort; appropriate cases in that category are now referred to other programs.

⁴ The importance of sanctioning in community-level handling of young offenders has recently been emphasized by Toby (1981).

TABLE 1. JUVENILE DIVERSION CLIENT CHARACTERISTICS (MONTHLY AVERAGES)

| Sex | Baseline | | New Program | |
|----------------------------------|----------|------------------|-------------|------------------|
| | N | Percent of Total | N | Percent of Total |
| Male | 66 | 58 | 88 | 74 |
| Female | 48 | 42 | 31 | 26 |
| <u>Age</u> | | | | |
| 15 or younger | 81 | 71 | 64 | 54 |
| 16 or older | 33 | 29 | 55 | 46 |
| <u>Client Severity</u> | | | | |
| Felony, Prior Arrests | 4 | 3.5 | 20 | 17 |
| Misdemeanor, Prior Arrests | 10 | 9 | 34 | 29 |
| Status Offense, Prior Arrests | 4 | 3.5 | 7 | 6 |
| Felony, No Prior Arrests | 8 | 7 | 23 | 19 |
| Misdemeanor, No Prior Arrests | 30 | 26 | 29 | 24 |
| Status Offense, No Prior Arrests | 11 | 10 | 6 | 5 |
| Other | 47 | 41 | 0 | 0 |
| | 114 | | 119 | |

Further indications that the process has produced the desired effect of focusing on the more "criminally oriented" youngster may be found in the differences in sex and age distributions between the 2 years. A final indication lies in the differences in referral sources between the years. In the baseline year, 41 percent were referred by sources having no direct ties with the criminal justice system, 59 percent were referred by sources with such ties (such as school attendance officers) or criminal justice personnel (primarily the police), and 0 percent came in conjunction with overall supervision under informal probation. Comparable figures for the new program year are, respectively, 0 percent, 57 percent, and 43 percent.

A concluding point is worth making to the effect that the differences noted in overall client characteristics between periods is also in evidence when only referrals from criminal justice personnel and criminal justice related officials are considered. For example, within that category, almost twice as many youngsters either had prior arrests or were referred on the basis of a felony arrest during the new period as compared with the baseline period (71 percent vs. 39 percent).

We turn now to the characteristics of service delivery. Sixty-eight percent of new program clients received counseling services and 47 percent were seen by restitution specialists. Clients were seen for an average of about six hours in counseling, and an average of about three hours were devoted to each restitution case. About 40 percent of the restitution clients repaid victims an average of \$177; the remaining clients performed community work to satisfy restitution requirements. That the process is in accord with the goals set for the program is indicated by comparison with the baseline year when only 5 percent of clients received restitution services. Further, only half of that group actually paid victims (the other half did community service), with payments averaging per minor only \$67.

As a last issue in the process of service delivery, it is possible to compare clients in the new program who were referred as part of informal probation and those referred from criminal justice sources on other bases. The two groups differ in the percentage that received counseling services—41 percent for informal probation clients versus 58 percent for criminal justice referrals—and percentage that were assigned for restitution management—66 percent for those on informal probation versus 33 percent for the others.

Impact Assessment

A primary goal of the program was to reduce the proportion of noncustody intake cases referred by probation to the district attorney for petitioning. Table 2 presents a comparison of dispositions by noncustody intake officers between baseline and new program periods. The reduction in number of cases referred to the district attorney between years is sizeable numerically and statistically significant ($\chi^2 < .05$). Considering both that the reduction in referrals to the district attorney is almost equal to the increase in assignment to informal supervision

TABLE 2. DISPOSITIONS BY PROBATION (NONCUSTODY INTAKE) (MONTHLY AVERAGES)

| Dispositional Category | Baseline | | New Program | |
|------------------------|----------|------------------|-------------|------------------|
| | N | Percent of Total | N | Percent of Total |
| Dismiss | 141 | 34 | 126 | 36 |
| Informal Supervision | 42 | 10 | 90 | 25 |
| Refer to D.A. | 234 | 56 | 140 | 39 |
| | 417 | | 356 | |

and that 52 percent of those in informal supervision during the new year received diversion services (compared with 0 percent the prior year), it does seem that the new program has had considerable impact on that level of disposition.

It is important to note that the decrease in percentage referred to the district attorney at NCI came in the context of an increase in offender severity between periods (see Table 1). In addition to that percentage decrease in referrals, Table 2 shows a decrease in the absolute number of youngsters evaluated at NCI (417-356=61 per month). To demonstrate the effect of new pre-NCI diversion services in producing that reduction, we proceeded as follows.

We computed the relative frequency that a youngster of a given severity category was diverted by the police rather than referred to probation during the baseline period. Each relative frequency was then used as an estimate of the probability that a youngster (of a given severity category) would be diverted during the new program year if the former service delivery model had still been in effect. Each probability was then multiplied by the pool of youngsters available for diversion in the new year to obtain an estimate, for each severity category, of the number that would have been diverted if the former program had remained in effect. These results are shown in Table 3. It is clear that the greatest effect of pre-NCI diversion (at the police level) occurred with youngsters more likely to be referred to the district attorney if they had gone on to probation intake.

We turn now to consideration of the effects of the new program on recidivism. A simple comparison of recidivism rates under baseline and new program conditions is not too useful since there was a marked change in "hardness" of clients served between years. Instead, to achieve some comparability in of-

fense characteristics, a sample of youngsters was chosen from the earlier year who had roughly the same distribution over severity groupings as new program clients. The two distributions are shown in Table 4.

TABLE 4. CURRENT OFFENSE/PRIOR ARREST PATTERNS OF COMPARISON SAMPLES

| Severity Group | Baseline Year | New Program |
|-------------------------------|---------------|-------------|
| Felony, Prior Arrests | 16 | 19 |
| Misdemeanor, Prior Arrests | 28 | 32 |
| Felony, No Prior Arrests | 23 | 22 |
| Misdemeanor, No Prior Arrests | 33 | 27 |

The measure of recidivism that was chosen (primarily on the grounds of availability and reliability of the data) was subsequent referral to probation with an application for petition. The time period was 6 months from the point of case disposition. The recidivism rate is 19 percent for the earlier sample and 16 percent for the new sample. Clearly, the desired goal of cost savings with the new program was not attained at the expense of increased criminal behavior.

Summary and Conclusions

During the earliest days of the modern diversion movement, the overwhelming emphasis was on removing youngsters from paths of progression in the juvenile justice system, preferably as close to initial entry as possible. The emphasis resulted primarily from the relative dominance during that era of labeling theory in sociological criminology. Those early years, too, were part of an era when Federal and state governments and the general public focused more on the human gains than on the costs of social programs.

Over later years, a number of changes occurred in professional, governmental, and public thinking regarding social programs, generally, and diversion programs, particularly. There was vastly increased demand for restraint in expenditures for these programs. There was a decrease in the hope of rehabilitating the more serious offender and an increase in a desire for "just deserts." And concern for the victims of criminal behavior came to the fore as a major social issue. Despite those changes, there remained an interest in providing whatever counseling help is required to guide youngsters and their

TABLE 3. EFFECTS OF PRE-NCI DIVERSION SERVICES (MONTHLY AVERAGES)

| Offender Severity Category | Actually Diverted New Program | Estimated Number From Baseline | Increase in Pre-NCI Diversion |
|-------------------------------|-------------------------------|--------------------------------|-------------------------------|
| Felony, Prior Arrests | 9 | 4 | 5 |
| Misdemeanor, Prior Arrests | 27 | 16 | 11 |
| Felony, No Prior Arrests | 16 | 10 | 6 |
| Misdemeanor, No Prior Arrests | 37 | 44 | -7 |
| Status Offense | 17 | 17 | 0 |

families into life styles that lower the probability of future crime.

In the realm of theoretical motivation for diversion, labeling passed out of popularity among sociologists. Concomitantly, much of the early support coming from sociologists for juvenile diversion has vanished (see Binder and Geis, 1984).

While the present program had its roots in the early phase of development of juvenile diversion, recent alterations in modes of service delivery have been in directions that are concordant with social changes. In accord with the demands for economy, the focus of attention has been on a more serious juvenile offender in a coordinated approach involving the police, probation, and community agencies. In accord with increasing concern for victims and a desire for consequences when there has been criminal behavior, a comprehensive restitution program was instituted that required community service and/or the reimbursement of victims of the criminal behavior. However, family counseling, employment counseling, coordination of counseling activities with school programs, and similar traditional diversionary efforts continue as components of the broad approach.

In particular, during the baseline period only 5 percent of clients were involved in restitution, while in the new program 47 percent were assigned to restitution. Diversion resources seem now to be more focused on youths who would otherwise be expected to penetrate the juvenile justice system, into and beyond probation intake. Prior to implementation of the new program, 41 percent of total diversion clients were referred by noncriminal justice sources for personal problems that are not included in the codes of the justice system. In the new programs, no clients were referred by noncriminal justice sources and 71 percent of clients had a felony-level referral offense or prior arrests.

Finally, the evaluative data support the conclusion that, in addition to direct gains for victims and young offenders, the program reduced the proportion of probation intake cases referred to the district attorney. During the baseline year, 56 percent of total cases processed by probation officers were referred to the district attorney; the figure for the new year is 39 percent. Moreover, youths served by the new program were found to have no higher recidivism rates (in terms of subsequent applications for petition) than youths of comparable severity handled during the earlier year.

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