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COERCION: A STUDY OF ITS PRESENCE IN THE ESSEX COUNTY  
DIVERSION PROGRAM

by

Patricia E. Morneau

A thesis  
presented to the University of Windsor  
in partial fulfillment of the  
requirements for the degree of  
Master of Social Work  
in  
the School of Social Work

Windsor, Ontario, 1984

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## ABSTRACT

The purpose of this study was to determine the existence of coercion in the Essex County Diversion Program, Inc., a program in which voluntary participation of clientele makes it distinct from the Provincial Court (Family Division), its pre-existing counterpart. An exploratory research design was utilized in order to determine the existence of coercion either structurally in the program itself or in the perception of youths who have experienced the process.

The data were obtained by means of a systematic selection of files of youths who participated in the Diversion Program in its 1980-81 fiscal year. Data analysis responded to the research question which dealt with whether coercion was a feature built into the program, and whether clients perceived the program as a coercive one.

The research findings suggested that, since the inception of the program, it has become more closely linked to the Court, rather than developing a distinct profile of its own. While most youths in this study did not perceive their participation in the program as coerced, the only other alternative was the Court process.

The major recommendation to come forth from this study was that increased efforts should be made to establish a distinction between the Diversion Program and the Provincial Court (Family Division) with respect to the processing of youths in order for the Diversion Program to function as an alternative to the existing juvenile justice system and avoid becoming an adjunct or preliminary process to the Court.

## ACKNOWLEDGEMENTS

I wish to take this opportunity to thank the Essex County Diversion Program staff and administration for their co-operation during the process of this research.

To Professors Bernhard J. Kroeker, thesis Committee Chairman, and Robert G. Chandler, member of my thesis Committee, I wish to offer my thanks for their constant assistance, especially when it seemed the process was unending. I particularly appreciate their efforts in providing immediate feedback on drafts when I am sure they had other equally important tasks to attend to.

I appreciate the many helpful suggestions provided by Professor A. Stuart Nease as a Member of my thesis Committee.

Special thanks are extended to the young persons and their families who made it possible to obtain important information whereby the Diversion Program and its impact could be better understood.

To Gavin Shaw, my thanks for assisting me with the coding and statistical analysis of the data.

I wish to thank my colleagues, Andre Breton and William Barger, for their many helpful suggestions during the process of thesis research. Chapter One and Chapter Three of

this study were the results of our joint efforts. Much success to them both.

I owe a very special thanks to my family and friends whose unending support and encouragement enabled me to continue with this research when at times the task seemed overwhelming.

## CONTENTS

M.S.M. APPROVAL . . . . .	ii
ABSTRACT . . . . .	iii
ACKNOWLEDGEMENTS . . . . .	v

<u>Chapter</u>	<u>page</u>
I. REVIEW OF DIVERSION LITERATURE . . . . .	1
INTRODUCTION . . . . .	1
STATUS OF PRE-TRIAL DIVERSION IN CANADA . . . . .	7
RATIONALE FOR DIVERSION . . . . .	9
PHILOSOPHICAL BASIS OF DIVERSION . . . . .	9
THEORETICAL BASIS OF DIVERSION . . . . .	13
PRAGMATIC BASIS OF DIVERSION . . . . .	19
II. REVIEW OF COERCION LITERATURE . . . . .	21
INTRODUCTION . . . . .	21
LEGAL DEFINITIONS OF COERCION . . . . .	22
SOCIOLOGICAL DEFINITIONS OF COERCION . . . . .	24
THE USE OF COERCION IN SOCIAL PROGRAMS . . . . .	27
CONCLUSIONS . . . . .	41
III. DESCRIPTION OF THE ESSEX COUNTY DIVERSION PROGRAM . . . . .	43
HISTORICAL DEVELOPMENT . . . . .	44
ADMINISTRATIVE STRUCTURE . . . . .	45
FUNCTIONS OF COMMITTEE . . . . .	45
FUNCTIONS OF THE ADMINISTRATOR . . . . .	46
FUNCTIONS OF PROGRAM DIRECTOR . . . . .	48
FUNCTIONS OF STAFF MEMBERS . . . . .	50
FUNCTIONS OF SECRETARY . . . . .	50
GOALS . . . . .	51
ELIGIBILITY CRITERIA . . . . .	52
PROGRAM PROCESS . . . . .	53
SELECTION OF DIVERSION CANDIDATES . . . . .	53
NOTIFICATION OF YOUNG PERSON . . . . .	53
INTAKE INTERVIEW . . . . .	53
SOCIAL PROFILE . . . . .	55
VICTIM CONTACT . . . . .	55
THE PLAN . . . . .	55
COMPENSATORY TASK FOR THE VICTIM . . . . .	56
COMPENSATORY TASK FOR A COMMUNITY RESOURCE . . . . .	56



VERBAL OR WRITTEN APOLOGY TO THE VICTIM OF THE OFFENCE . . . . .	57
MONETARY RESTITUTION TO THE VICTIM . . . . .	57
REFERRAL TO A SOCIAL SERVICE AGENCY . . . . .	57
FOLLOW-UP . . . . .	58
ADJOURNMENT OF CASES . . . . .	58
RETURNING A CASE TO COURT . . . . .	59
VERBAL CAUTION . . . . .	60
PROGRAM PERFORMANCE . . . . .	61
IV.    METHODOLOGY . . . . .	62
DESCRIPTION OF THE RESEARCH DESIGN . . . . .	62
RESEARCH QUESTION . . . . .	63
OPERATIONAL DEFINITIONS . . . . .	63
Dispositional Coercion . . . . .	63
Perception . . . . .	64
Essex County Diversion . . . . .	64
ASSUMPTIONS . . . . .	65
THE SAMPLE . . . . .	65
DATA COLLECTION INSTRUMENT AND INTERVIEW APPROACH . . . . .	65
LIMITATIONS OF THE STUDY . . . . .	68
V.    RESEARCH FINDINGS AND ANALYSIS . . . . .	70
INTRODUCTION . . . . .	70
PRESENTATION OF THE RESEARCH SAMPLE . . . . .	72
Age . . . . .	72
Implications . . . . .	73
Sex . . . . .	73
Implications . . . . .	73
Duration of Participation in Diversion Program . . . . .	74
School Attendance . . . . .	74
Education Level Attained . . . . .	75
Domicile . . . . .	75
RESPONDENTS' PERCEPTION OF THEIR PARTICIPATION IN DIVERSION . . . . .	75
How Respondents First Heard of the Diversion Program . . . . .	75
Knowledge of Difference Between Court and Diversion . . . . .	76
Implications . . . . .	76
What Entering Diversion Meant to the respondents . . . . .	77
Implications . . . . .	77
How Respondents Felt About Entering Diversion Implications . . . . .	78
Youths' Knowledge of Alternatives to Diversion . . . . .	79
EXAMINATION OF VARIABLES THAT INFLUENCED RESPONDENT PARTICIPATION . . . . .	80
Initial Diversion Meeting . . . . .	80

Implications . . . . .	80
Parental Influence to Enter Diversion . . . . .	81
Implications . . . . .	82
Police Influence to Enter Diversion . . . . .	82
Implications . . . . .	83
Influence of Lawyer to Enter Diversion . . . . .	83
Implications . . . . .	84
Influence of Diversion Worker to Enter Diversion . . . . .	84
Implications . . . . .	85
Influence of Friends to Enter Diversion . . . . .	85
Implications . . . . .	85
Others' Influence to Enter Diversion . . . . .	86
Fear of Court . . . . .	86
Implications . . . . .	86
Knowledge About Diversion after Initial Meeting . . . . .	87
Implications . . . . .	87
Diversion Task . . . . .	88
Implications . . . . .	88
Hours Allotted to Complete Diversion Task Plan . . . . .	88
Implications . . . . .	89
Parental Influence on Development of Task Plan . . . . .	89
Implications . . . . .	90
Influence of Lawyer on Development of Task Plan . . . . .	90
Implications . . . . .	91
Influence of Diversion Worker on Development of Task Plan . . . . .	91
Implications . . . . .	91
Influence of Youths on Development of Task Plan . . . . .	92
Implications . . . . .	92
Offense . . . . .	92
Implications . . . . .	93
Victim Involvement in Task Plan . . . . .	93
Implications . . . . .	94
Why Respondents Felt Required To Do Task . . . . .	94
Implications . . . . .	94
How Youths Feel Now About Task . . . . .	96
Implications . . . . .	96
Youths' Decision to Enter Program Their Own . . . . .	97
Implications . . . . .	97
Purpose of Diversion Was Not to Punish . . . . .	97
Implications . . . . .	98
Diversion Gave Youths a Chance to Resolve Their Problems . . . . .	98
Implications . . . . .	99
Diversion Task was Fair in Relation to Offense . . . . .	99
Implications . . . . .	99

Diversion Gave Immediate Attention to Youths' Problems . . . . .	99
Implications . . . . .	100
Diversion Tried to Make Youths Admit to Problems They Did Not Have . . . . .	100
Implications . . . . .	100
Diversion Helped Youths Admit to Their Problems . . . . .	102
Implications . . . . .	102
Would Youths Recommend Diversion To Friends in Trouble? . . . . .	102
Implications . . . . .	103
Would Youths Change Anything About the Program? . . . . .	104
Would Youths Change Staff or Volunteers in the Diversion Program? . . . . .	104
Would Youths Make Changes in Diversion Tasks? . . . . .	104
Implications . . . . .	105
Frequency Cross-Tabulations of the Data . . . . .	105
Incidental Findings . . . . .	107
VI. CONCLUSIONS AND RECOMMENDATIONS . . . . .	109
Conclusions . . . . .	109
Recommendations . . . . .	111
Future Research . . . . .	114
BIBLIOGRAPHY . . . . .	115
REFERENCE NOTES . . . . .	119
<u>Appendix</u>	<u>page</u>
A. VITA AUCTORIS . . . . .	120
B. INTERVIEW SCHEDULE AND RAW DATA . . . . .	122
RE: INITIAL DIVERSION MEETING . . . . .	126
RE: DIVERSION TASK . . . . .	129
Attitude toward Diversion . . . . .	132
C. INITIAL LETTER TO RESEARCH SAMPLE . . . . .	136
D. SECOND LETTER TO SAMPLE MEMBERS RESEARCHER UNABLE TO FOLLOW-UP . . . . .	138
E. INITIAL LETTER SENT BY DIVERSION PROGRAM . . . . .	140

P.	DIVERSION PROGRAM PAMPHLET . . . . .	142
G.	ADMISSION OF FACTS FORM . . . . .	147
H.	RELEASE OF INFORMATION FORM . . . . .	149
I.	STATEMENT OF INTENTIONS FORM . . . . .	151
J.	SOCIAL PROFILE . . . . .	153
K.	LETTER TO POLICE RE: ENTRY OF YOUTH INTO PROGRAM	163
L.	LETTER TO POLICE RE: VERBAL CAUTION . . . . .	165

## Chapter I

### REVIEW OF DIVERSION LITERATURE

#### 1.1 INTRODUCTION

The following literature review was undertaken in an effort to gain an appreciation of where the Essex County Diversion Program stood in relation to diversion practices in general. In this context, therefore, a selective review of the literature was undertaken which focussed principally on some of the issues relevant to the diversion program under study. Among the issues to be discussed are the legal status of pre-trial diversion in Canada and the various rationales advanced for the development and continued use of diversion.

As will be noted, substantial use is made of non-Canadian literature. As Moyer (1980) has noted, there is a lack of Canadian literature on diversion (p. 187). The sometimes extensive use of non-Canadian literature is, therefore, by default rather than by choice. However, when possible, Canadian sources are cited.

At the outset, it is necessary to define the concept under study in order to set parameters on the topic of discussion. However, it was soon discovered that while diversion is a concept which is now relatively widely discussed,

debated, and practised, it has yet to be defined in precise, universal terms. In effect, there is no single, widely accepted definition of diversion. Stated otherwise, "No one definition of diversion seems capable of comprehending everything done in its name" (Law Reform Commission, 1975, p. 1).

Although a general definition is useful as a starting point, an operational definition is required to delimit the purview of the study. Therefore, the following is not intended as a comprehensive definition of all things called "diversion", but rather a refinement of its meaning in relation to the specific program under study.

A suitable starting point from which to begin the refinement of the concept of diversion is a general definition which encompasses as many of the practices referred to as "diversion" as possible. At that point it will be possible to speak of different "types" of diversion, as outlined by the Law Reform Commission (1975). The "type" which best characterizes the subject of the study will then be explored in greater depth.

Klein (1973) defines diversion in the following general terms:

Any process employed by components of the criminal justice system (police, prosecution, courts, corrections) to turn suspect and/or offenders away from the formal system or to a lower level in the system. (p. 370)

The preceding definition identifies the components of the criminal justice system as those having the authority to divert suspects or offenders. Katkin, Hyman, and Kramer (1976) add "individuals" and "the community in general" to this list, noting that these have a "primary mandate to control and care for young people who commit delinquent acts" (p. 404). A general definition of diversion therefore implies that it is a process which can be initiated at the discretion of a diverse number of individuals, officials and institutions.

The general definition also implies that diversion can occur at any point in the criminal justice process. Again Katkin et al. (1976) would add a pre-system stage at which diversion can occur, that being at the point of identification (p. 404).

The initial definition identifies the "divertee" as a suspect or offender. This further highlights the fact that diversion can occur at any point between the identification of a suspect and sentence fulfillment.

The substantive aspect of diversion is referred to as the avoidance of the formal justice process or at least a return to a lower level of the justice process. This, thereby, implies that diversion can be both "diversion to" or "diversion away from" something. The definition is not very explicit as to what that "something" entails. Jensen and Rojek, (1980) are more explicit, noting that diversion

can mean "taking no action at all" or "involving the individual in formal diversion programs" (p.x). Therefore diversion can presumably be both unstructured or structured.

So far we have identified who can initiate diversion, when it can occur, who can be diverted, and a general idea of what diversion entails. The general definition illustrates that a wide variety of actions or inactions by a number of individuals can all be referred to as diversion. For the purposes of this study however, this wide latitude of meaning is encumbering. At this stage, it is therefore propitious to examine the different "types" of diversion, in order to develop an operational view of the concept.

In an effort to remove the ambiguity surrounding the concept of diversion, the Law Reform Commission (1975) outlined four conceptually different "types" of diversion:

1. Community absorption
2. Screening
3. Pre-trial diversion
4. Alternatives to imprisonment (p. 1).

This division of the concept into four types is functional and also retains the integrity of the general definition previously cited. As will be demonstrated, the four types highlight different individuals and different stages at which diversion can occur.

Community absorption as generally defined by the Law Reform Commission (1975) is either "individuals or interest



groups dealing privately with trouble in their areas, outside the police and courts" (p. 1). Illustrative of this type of diversion is the Neighborhood Accountability Project which was established in the town of Essex, Ontario. This program, through the actions of "neighborhood mediators", seeks to "provide a neighborhood based accountability process as an alternative to the juvenile court process" (Rolle, Note 1).

The second type of diversion is screening and is characterized by the police referring an incident back to the family or community or simply dropping a case rather than laying criminal charges (Law Reform Commission, 1975, p. 1). The most informal form of screening occurs when the police simply decide not to lay charges. A more formal approach to screening which is operational in Essex County is referring the suspect at the pre-charge level to a program which may include a compensatory task, an apology to the victim, restitution, and counselling (Gaspar, Note 2). Participation is voluntary and a formal charge is not laid in this screening type of diversion.

A third form of diversion is pre-trial diversion where "instead of proceeding with charges in the criminal court, (a case is referred) out of the pre-trial level to be dealt with by the settlement or mediation procedures" (Law Reform Commission, 1975, p. 4). Windsor's version of this type of diversion consists of juveniles voluntarily agreeing to un-

dertake a program consisting of one or more of the following: a compensatory task for the victim or the community, an apology to the victim, monetary restitution, and counselling (Lajeunesse, 1982, pp. 13-14). Once juveniles have fulfilled the requirements of their participation, further processing by the juvenile justice system is discontinued.

The fourth type of diversion, alternatives to imprisonment, is applicable to adults only. It is described as "increasing the use of such alternatives as absolute or conditional discharge, restitution, fines, suspended sentence, probation, community service orders, partial detention in a community based residence, or parole release programs" (Law Reform Commission, 1975, p. 7). The main thrust of such sentencing options is the avoidance of the harshest sanction available, incarceration.

It is evident from the preceeding that the four "types" of diversion are all distinct approaches to the concept of diversion. They address themselves to different populations at different stages of the normal justice process. The types are administered differently, by different individuals in the justice system. Yet, despite these differences, the four "types" all adhere to the general definition of diversion discussed earlier.

Given that the Essex County Diversion Program is of the "pre-trial" type, the remainder of this report will focus exclusively on pre-trial diversion.

## 1.2 STATUS OF PRE-TRIAL DIVERSION IN CANADA

Prior to recent legislative revision, the practice of pre-trial diversion was not formally recognized in Canadian law. Before the permissive legislation, diversion was "non-legal" in that it was not formally recognized by law, but, at the same time, it was not "illegal" in that it did not run contrary to existing legislation. Although The Juvenile Delinquents Act, (1970) allows for a variety of dispositions following adjudication, "it does not specifically provide a process to enable the use of community and other resources prior to the adjudication" (Solicitor General Canada, 1975, pp. 9-10).

Due to the absence of pertinent legislation, diversion had an uneven development in Canada. A federal government inventory of post-charge, pre-court diversion programs for juveniles in Canada lists only six in this category (Solicitor General Canada, 1979, p. 7). As a result of the absence of pertinent legislation, standardized criteria, goals, and procedures were not developed. There is, therefore, a general lack of uniformity in the present operation of diversion programs in Canada.

The recently passed Young Offenders Act (1982) not only recognizes the practice of diversion, but also sets some guidelines for the administration of these programs. The legislation partially fills the void which perhaps delayed the consistent development of diversion in Canada.

Although the federal legislation is permissive, its actual implementation remains a provincial responsibility. The Young Offenders Act (1982) simply allows for the use of "alternative measures":

Alternative measures may be used to deal with a young person alleged to have committed an offence instead of judicial proceedings. (Young Offenders Act, 1982, Sec. 4 (1))

The "screening mechanism" by which the juveniles will be selected for diversion and which will process diversion cases, in the terms of composition and administration, will be left to the discretion of the provinces (Solicitor General Canada, 1975, p. 27).

To conclude, therefore, while the practice of diversion has until the present been unencumbered by legislation, the absence of pertinent guidelines has perhaps delayed a swifter and more uniform development of diversion in Canada. The new Young Offenders Act (1982) will legalize the operation of diversion, which may provide for more consistent application of the diversion principle. The Act (1982) establishes several criteria for the use of "alternative measures" in Canada:

1. A program must be sanctioned by the Attorney General or Lieutenant Governor or a province or persons designated by them.
2. Participation in the program must be voluntary.
3. The young person has a right to legal counsel.

4. The young person must accept responsibility for the offence (Young Offenders Act, 1982, Sec. 4).

Additionally, the Act (1982) also states that:

Taking no measures or taking measures other than judicial proceedings... should be considered for dealing with young persons who have committed offences. (Young Offenders Act, 1982, Sec. 3(d))

These and other provisions of the new legislation would appear to promote the development of measures such as diversion, and provide basic guidelines for the implementation of such programs in Canada.

### 1.3 RATIONALE FOR DIVERSION

Proponents of diversion have advocated its application and expansion on several fronts. An examination of the literature reveals that diversion is promoted on three separate levels:

1. Philosophical
2. Theoretical
3. Pragmatic.

#### 1.3.1 PHILOSOPHICAL BASIS OF DIVERSION

It would be quite presumptuous to expect there to be a distinct "philosophy of diversion" given that its proponents have yet to settle the matter of an overall definition. However, descriptive and analytic literature on diversion displays several recurring themes or principles which appear to be characteristic of diversion. These common themes or

principles form the basis of a "philosophy" which is defined as "the fundamental principles of a particular branch of knowledge, [or] an activity" (Halsey, 1979, p. 756). If a single theme were required to describe this "philosophy" of diversion, "social accountability" would probably be advanced.

First, diversion programs stress that the offender should be made to be responsible, at least in part, for his actions (Calhoun, 1976, p. 43). In Canada, the legislation which formally recognizes diversion makes this point quite clear:

While young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should nonetheless bear responsibility for their contraventions. (Young Offenders Act, 1982, Sec. 3 (1) a)

The concept of "responsibility" is a significant departure from the spirit of the Juvenile Delinquents Act (1970) and its view of the juvenile offender:

As far as is practicable, every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance. (Juvenile Delinquents Act, 1970, Sec. 38)

The thrust of the new legislation is to reflect prevailing attitudes and practices (Solicitor General Canada, 1979, p. 1). These attitudes and practices stress the desirability that the offender be held accountable for his actions (Lajeunesse, Note 5). This is, therefore, the first philosophic principle of diversion: individual responsibility for action.

The second feature of social accountability which is present in diversion practices is a desire to make the community in general more responsible for the treatment and care of young offenders. This idea has its origin in the recognition of the "social roots" of crime (Law Reform Commission, 1975, p. 23). Carter (1975) refers to this as the "rediscovery of the ancient truth that the community itself significantly impacts on behaviour" (Carter, 1975, p. 373). Given this premise of the social basis of crime, programs which take into account community and social responsibility are seen as desirable.

Carter (1975) believes that the populace is presently predisposed and eager to become involved in what has been until now, the exclusive affairs of government (p. 373). Further, Katkin et al. (1976) believe that not only is society predisposed to an option such as diversion, but that it has been an active participant in diversion on an informal basis for some time:

Diversion begins in the community where delinquent acts occur. It is social institutions in the broader community--families, churches, schools, social-welfare agencies, etc.--which have the primary mandate to control and care for young people who commit delinquent acts. It is only when individuals or institutions fail to divert (or decide not to divert) that the formal processes of the juvenile justice system are called into action. (p. 404)

This awareness and willingness on the part of the community to be actively involved is reinforced by the additional belief that dispositions should "take into account

not only the offender but the community and the victim as well" (Law Reform Commission, 1975, p. 23). Finally, Elderson and Hartinger (1976) point out that the diversion literature implies that an emphasis on diversion also suggests an emphasis on parental responsibility for the behaviour of their children (p. 267). This emphasis on parental responsibility is also mentioned in the Young Offenders Act (1982, Sec. 3 (h)). The second philosophic principle of diversion, therefore, is an emphasis on community responsibility.

A third and final philosophic principle of diversion to be discussed here is a desire to reduce or restrict the amount of official state intervention into and control of the lives of citizens. This principle is conveyed in the following excerpt from the Solicitor General's report on the Young Offenders Act (1975):

In intervention in the life of a young person is justified on the basis of the alleged commission of an offence, then the option should be available to deal with a young person without the necessity of resorting to the court process. (p. 10)

Diversion is seen as a viable social alternative to the traditional justice system (Jensen & Rojek, 1980, p. 334).

The rationale for diversion in Canada is that too much socially-problematic behaviour is referred to the courts for solution (Moyer, 1980, p. xvii). However, the courts can only provide legal resolutions to these socially defined problems (Moyer, 1980, p. 64). Diversion is believed to offer social, rather than legal solutions:



In effect, diversion seeks to offer the offender a set of social controls in lieu of the criminal justice system, our most drastic and overpowering form of social control. The assumption is that many who violate criminal laws are people whose lives will always be difficult and who need continuing support and that supervision and supplemental services may be more promising than the combination of a stigma and a cage. Diversion, with its gentler, less debilitating controls, may offer the best hope of developing in such people a lasting capacity to deal with a complex and difficult society. (Vorenberg & Vorenberg in Quinney, 1975, pp. 253-254)

The underlying philosophy of diversion therefore emphasizes three main points :

1. Increasing the offender's responsibility for his actions;
2. Increasing society's responsibility to deal with the problem of crime;
3. Decreasing the State's role for intervening in what are in many cases, social, rather than legal, problems.

### 1.3.2 THEORETICAL BASIS OF DIVERSION

Proponents of diversion advance a number of theoretical propositions to justify its development and continued use. The advocates of diversion reject a number of assumptions upon which the practices of the traditional juvenile justice system are based, and at the same time, advance an alternate set of assumptions to justify the use of diversion. Some of these assumptions are made explicit, while others can be subsumed from writings of various practitioners and advo-

cates. The first group of theories to be examined are those which the proponents of diversion reject or protest against.

The first theoretical argument against the existing system of juvenile justice is that it has failed on all fronts:

(It) is a negative argument against the existing system. The assumption is that the present justice system is sufficiently bad that any alternatives for diverting offenders away from it is better than any that will move the offender further into it. (Nimmer, 1976, p. 52)

These alleged shortcomings are specified by various authors.

Jensen and Rojek (1980) argue that the concept of treatment, upon which the juvenile justice system is based, has failed to prove to be successful (p. 334). Moyer (1980) also makes this point, noting that the juvenile court has failed to provide individualized treatment, or to demonstrate that it is effective in rehabilitating offenders and reducing recidivism (pp. 60-63). Blomberg (1977) has also remarked that the juvenile court has failed in its official goal of providing individualized treatment due to the requirements of the every day routinized processing of clients (p. 275).

Some believe that the court appearance itself is harmful. Kobetz and Sosarg (1973) believe that this harm can stem from the fact that over-crowded court dockets often lead to "plea bargaining", and the child may thereby come to believe that "he can get away with anything" (p. 81). If such is the case, "the effectiveness of the juvenile court

as an agency of rehabilitation is also nullified" (Kobetz & Bosarge, 1973, p. 81).

A final criticism of the formal juvenile justice process is that probation is ineffective due to large case-loads:

As a result, the child gets no help or guidance from the juvenile court and the problems which led to the initial delinquent transgression are left unsolved. (Kobetz & Bosarge, 1973, p. 81)

These arguments against the formal system of justice are, at the same time, arguments in favour of diversion. These were termed "theoretical" arguments in that not everyone concedes the failure of the formal juvenile justice system so readily. Klein (1973) for example, states that there is an "absence of proof that insertion [into the justice process] is an unsuccessful policy" (p. 377).

The preceding arguments pointed to the failures of the traditional juvenile justice system as reasons for considering the diversion option. Proponents of diversion attempt to justify this option by pointing to more formalized theories. The most prevalent theoretical justification for diversion is the adverse effects that are assumed to result from formal judicial proceedings as outlined in "labelling theory".

Aker, Cole, and Peacock (1980) state that the consensus of the literature is that "labelling theory is the strongest theoretical force behind the diversion movement" (p. 38). Given the importance that proponents of diversion

place on this theory, a short summation of its major points are presented, as outlined by Thorsell and Kleake (1979) :

The labelling theory approach to the analysis of deviance depicts stable patterns of deviant behaviour as products or outcomes of the process of being apprehended in a deviant act and publicly branded as a deviant person. The involvement of an individual in this process is viewed as depending much less upon what he does or what he is than upon what others do to him as a consequence of his actions. (p. 654)

Labelling theory postulates that as a result of being apprehended and labelled as a deviant (primary deviation), a consistent pattern of non-conforming behaviour (secondary deviation) evolves "out of adaptations and attempted adaptations to the problems created by official reactions to the original deviance" (Lemert, cited in Moyer, 1980, p. 67). This process has also been referred to as the "self-fulfilling prophecy" (Moyer, 1980, p. 65).

Advocates of diversion believe that formal court processing of juvenile offenders results in labelling as described by this theory. Proponents of diversion believe "becoming enmeshed in the juvenile justice system increases, rather than decreases, the young person's commitment to deviant norms" (Moyer, 1980, p. ii). Diversion, seen as "an alternative less formal than the court process" (Solicitor General Canada, 1978, p. 110), is believed to reduce the effects of labelling "by removing the youth to another or less official program" (Moyer, 1980, p. 79).

Although labelling is the major theoretical force behind diversion, it must be recalled that labelling is a theory which perhaps remains open to question. Some question the theory itself noting that "there is little empirical evidence which supports the proposition of labelling theory" (Moyer, 1980, p. 18). Other questions regarding this theory include the possibility that "the process of acquiring a spoiled identity may be gradual, beginning long before the first legal contact" (Moyer, 1980, p. 79).

Other writers have questioned the claim that diversion programs can prevent the incursion of stigma:

Creating new labels by new programs will have little effect on the labeling process or on the secondary deviance labeling is thought to engender. (Bullington et al., 1973, p. 67)

With the expansion of diversion, labelling may occur as easily in diversion programs as in the formal court process:

The 'bad kid' stigma is not necessarily avoided either since the youngsters in diversion programmes quickly come to identify themselves as consisting of a fairly homogeneous group: a group of kids who get into trouble a lot, and as a result, have to take part in such programmes. (Cavoukian, 1979, p. 28)

Other than labelling theory, diversion advocates a reintegrative model of treatment. "A reintegrative model is one which "is less concerned with specific causes and rather emphasizes the individual meeting their basic needs in order to increase their ability to function in society" (Calhoun, 1976, p. 48). Such a model places more responsibility on the offenders, requiring them to be active participants (Calhoun, 1976, p. 48; Gromer, 1976, p. 143).

A reintegrative model, of which diversion is an example, rejects the "sickness" notion of criminality (Calhoun, 1976, p. 48). In this regard, Morris (1970), cited in Benoit (1976) states that:

The evidence to support such a view is lacking and the contributions that psychiatrists have made to the problems of treating offenders have been extremely rare. (Benoit, 1976, p. 48)

Pre-trial diversion programs which make use of such devices as compensatory tasks and restitution would seem to incorporate a number of theoretical postulations. The concept of accepting responsibility for actions was discussed earlier. In addition to this, compensatory tasks and restitution seem to be based on the acceptance of the idea that "social success depends on specific acceptable behaviours" (Young, 1945, p. 6). Compensatory tasks may be viewed as a means to acquire such acceptable behaviours. They may also be employed because proponents of diversion accept the following:

Necessary therapy should be task oriented based on daily activities which provide the necessary coping skills and teach the individual to recognize alternative behaviour choices. (Novotny, 1976, p. 54)

It is also plausible that advocates of diversion are not unaware that gainful employment is considered to be by some the most important factor in helping offenders lead law abiding lives (Spencer, 1980, p. 343). Compensatory tasks can simulate the experience of employment and in some cases provide skills which are marketable.

To summarize, diversion is seen as a response to the perceived failures of the traditional juvenile justice system. Labelling theory is the major theory used to justify an alternate response such as diversion. In practice, diversion is a reintegrative model which does not seek to uncover the causes of juvenile delinquency but instead uses techniques such as compensatory tasks and restitution to illustrate to offenders socially acceptable and responsible behaviours.

### 1.3.3 PRAGMATIC BASIS OF DIVERSION

Other than the philosophic and theoretical reasons proposed to justify diversion, advocates also point out a number of consequences which would have immediate utility. Two potential consequences of diversion are:

1. A reduction in the number of cases appearing in court, thereby clearing the backlog;
2. A financial saving resulting from fewer court and related expenses.

Sandhu (1977) remarks that while the juvenile court was created as a diversion from the criminal court, "since delinquency covers such a wide spectrum of behaviour, it became imperative to divert a part of this behaviour to non-criminal channels" (p. 245). Kobetz and Bosarge (1973) have noted that much of the court backlog is due to "the huge volume of minor offences" (p. 88). Given this backlog, diversion

is an attractive alternative because the courts simply cannot handle the huge volume of cases (Quinney, 1975, p. 253).

Advocates of diversion claim that such programs can reduce the backlog of minor offences while at the same time "fulfill the objectives of the administration of juvenile justice" (Kobetz & Bosarge, 1973, p. 82).

In reducing the court backlog, the claim is made that this will be accompanied by a reduction in costs, both directly and indirectly. There would be a direct saving in that the time and resources of the court would not be spent on adjudicating the diverted cases (Kobetz & Bosarge, 1973, p. 82). Indirect savings could result from a reduction in referrals to agencies such as probation, aftercare and institutions. The resources saved could be rechannelled to other areas.



## Chapter II

### REVIEW OF COERCION LITERATURE

#### 2.1 INTRODUCTION

Diversion programs were developed to offer an alternative to the juvenile justice system and to traditional delinquency prevention, control and treatment programs. One rationale for diversion is the belief that coercion is a prominent feature of the traditional justice system and that diversion is an alternative voluntary program to this system. The following review of the literature takes a circuitous approach to locating references regarding coercion and the potential of such in a voluntary program such as the Essex County Diversion Program, Incorporated. The primary reason for taking such an approach is due to the lack of literature that deals specifically with the existence of coercion in social services. Its existence is acknowledged and referred to but not explored in any depth. Because of this lack of specific information in correctional and social work literature, it was necessary to refer to legal and sociological literature to clarify coercion as a concept. This search will comprise the first and second part of the literature review.

The third section deals with locating sources of coercion in social service programs generally and in diversion programs specifically. Some potential client responses to diversion will also be explored in order to understand the effects of service-coercion on the client population it serves.

The fourth section of the literature review focuses upon the new legislation replacing the old Juvenile Delinquents Act, R.S.C., 1970, c. J-3. The Young Offenders Act, 1982, is significant in the context of this research because it legalizes diversion programs for the first time in Canada. It sets out some standardization for program intake procedures and better defines the rights of young persons not only in a youth court but in diversion programs as well. It attempts to eliminate administrative discretion as much as possible.

## 2.2 LEGAL DEFINITIONS OF COERCION

Legally, coercion is what someone does to someone else; it is an exercise of power. Bayles (1972) calls attention to three features of coercion:

First, coercion involves both the success of the coercer and in some sense the voluntary actions of the person coerced. Second, coercion is an interpersonal relation involving an intention on the part of the coercer. Third, coercion usually involves a threat of harm and "never involves a promise or benefit" (p. 13).

Thus, four elements must be present for coercion to take place. There must first be the coercer or the agent, secondly the person to be coerced or the victim, thirdly an intention on the part of the agent, and fourthly a sanction imposed by the agent on the victim. The intention usually consists of a wish on the part of the agent for the victim to carry out an act. Agents use threats of harm to get the victims to carry out their wishes. In order for the coercion to take place the victim would have chosen otherwise had there not been a threat. Coercion involves a negation of freedom, individuality and liberty. Success is an important feature of coercion. If the victim does not carry out the request of the agent, coercion has not taken place.

The use of coercion is usually viewed as negative because it is physically or psychologically painful, or because it interferes with individual autonomy. Coercion is where one person affects the behavior of another.

The use of sanctions by an agent can take two forms--occurrent or dispositional. Occurrent coercion involves the "direct application of physical force to get a person to behave in a specific manner" (Bayles, 1972, p. 17). Dispositional coercion is where the agent threatens a victim with a sanction if a request is not carried out. An example of such an exchange occurs in juvenile probation. If the juvenile does not adhere to the conditions set out in the probation order, the youth will be returned to court and face sanctions. There is no promise or benefit.

As Pennock (1972) points out, the concept of coercion directs attention to "the source of the coercion (since it refers to the use of force rather than to its effect)" (p. 3). Clearly, coercion is used as a means to an end. It is a method of social control by which one person or group affects the behavior of another person or group. The use of coercion is not exclusive to the social services or government agencies. It is utilized in everyday interactions in such relationships as those between parent and child or teacher and student. To clarify the role of coercion in social control, the sociological literature is examined.

### 2.3 SOCIOLOGICAL DEFINITIONS OF COERCION

Social control refers to the various means whereby the behavior of the individual is "regulated so the the prevailing social norms are adhered to" (McDowell, 1975, p. 1). Coercion is one method of social control. It is the power which compels people to act "against their will, by using force or the threat of force" (Weston et al., 1977, p. 549). It involves the constraint of some persons by others. The concept of coercion is closely related to those of power and influence. Power refers to the ability of certain persons to make things happen, to move people to action. It is the ability of "people to realize their will, even against others' opposition" (Weston et al., 1977, p. 558). Influence is a more subtle form of power in which people are persuaded to do what they might not otherwise do.

Conflict theorists in sociology regard coercion and coercive organizations as absolutely essential elements in our society:

the reality of social life is found in clashing sets of individual and group interests. The ultimate glue holding society together for the conflict theorists is coercion, that is, the constraint of some by others. (Weston et al., 1977, p. 88).

That the social order of society rests on the use of coercion is also a basic assumption of conflict theory.

Coercion, therefore, is a type of social power as are authority and influence. Authority is somewhat different than coercion and influence. It relies on voluntary compliance, "the consent of the governed", a power people recognize as essential (Weston et al., 1977, p. 293). Coercion does not recognize consent.

Force or the threat of force is used to compel people to act in a manner the coercer wishes them to act. In modern societies, government has "a near monopoly on the major means of coercion, such as military and police organizations" (Weston et al., 1977, p. 294).

Influence and more subtle forms of coercion are sometimes difficult to distinguish from each other. Influence has to do with perceptions of those persons being influenced, which may or may not involve direct interaction between the two parties. Influence, therefore, is a milder form of power while coercion is a stronger form, where "even subtle coercion will reveal an effort to manipulate or con-

trol behavior by a hint of punishment...." (Weston et al., 1977, p. 299).

The preceding discussion has been concerned with dispositional coercion, where an agent threatens a victim with a sanction if a request is not carried out. Physical coercion is a different matter. In our society, only the police are legitimized to use responsive force. It provides a "constant backdrop or factor that makes a policeman's role different from all other occupations" (Vincent, 1979, p. 66). Bittner (1972) clarifies the use of physical coercion by the police:

The use of force not involving firearms is almost entirely unchartered.... Withal, the exercise of physical coercion is remarkably devoid of models, precepts, or rules. Perhaps the main reason why this area has been left unregulated--and to recognize that it is even a little regulated...is the belief that he who risks life and limb ought not to be unduly restricted. There are other reasons (such as)...the hope that fear will inspire respect, and in ignorance of the fact that it only causes hatred. (pp. 102-103).

The use of physical coercion appears to be discretionary by those administering it. It can be used for the purpose of restraint and to inspire respect, in other words to "teach someone a lesson". However, the latter use of physical coercion is self-defeating. Using force to teach someone a lesson "is not only a violation of trust; it is also silly, for there are scarcely any two other things that are as completely opposed as violence and teaching" (Bittner, 1972, p. 122).

Police are often required to work alongside social workers, physicians and psychiatrists. It is the position of Bittner (1972) that total disengagement of the police would mean allowing many problems "to move unhampered in the direction of disaster" (Bittner, 1972, p. 43). The implication appears to be that a certain amount of force is necessary to maintain the social order.

#### 2.4 THE USE OF COERCION IN SOCIAL PROGRAMS

Extensive research on the use of coercion in social service programs is woefully limited. Joel Handler (1973) examined the use of counselling services by a financial aid agency, namely the American program "Aid to Families with Dependent Children". Handler (1973) points to two myths taken as operating truths by the providers of social services. The first is that if clients do not like the services, they can go away. Their participation is not forced. This is a fallacy because if social services have something to offer, then poor people will be forced to participate: they simply do not have other alternatives.

The second fallacy has to do with personal or family counselling tied to a cash grant. Provision of cash grants, such as welfare payments, includes the right to investigate personally sensitive areas of clients' lives. Where there is no cash grant, the client can walk away from the service. Financial aid is one source of coercion in a program, but by no means the only one:

The separation of financial aid from social services does remove one potentially coercive element from the exercise of coercion, but it is a mistake to assume that because social services will now be "voluntary" the problem of protection from government lawlessness has been solved. Nothing could be farther from the truth. (Handler, 1972, p. 13).

Another element of coercion in service programs is administrative discretion. The coercive power of (i.e., government) officials "varies with the amount of discretion they have over the distribution of goods and services that other people need and want" (Handler, 1973, p. 14). However, should a client require these services, he or she has no choice but to be subjected to official control by them. The justice of social welfare programs can be measured along two dimensions--the level of quality of benefits and the conditions attached to the legislation and regulations outlining procedures and conditions for accepting or rejecting applications for aid. Such regulations and legislation are open to wide interpretation by the directors of such programs. Hence, these directors are able to exercise a great deal of discretionary authority. Consider the following from Handler (1973):

Most of the consumers of public social services are in poverty; thus we are dealing with serious questions of the exercise of power over the lives of dependent people. The poor in...welfare programs suffer from manipulation and coercion, invisible discretionary administration, invidious discrimination, and a variety of onerous rules of behavior not required for the non-poor in society (p. 1).



In response to those opponents of social services and cash grants combined in one service, there have been some attempts at separation. The primary supporters of such separation are welfare rights groups. They view social services as being "coercive intermeddling and additional discretionary levers that the welfare department can apply to recipients" (Handler, 1973, .12). They question the effectiveness of social services in a coercive setting. Can public assistance recipients ignore advice and guidance if loss of a grant is feared?

The current trend in social services today is a move away from the soft services to the provision of hard services, such as subsidized day care, special assistance to pay for medication, dental care and vocational rehabilitation. Handler (1973) comments on the impact of this trend on recipients:

To the extent that this reform effort is successful poor people will be less free to reject the "voluntary" services. "Hard" services are the very things that poor people need. The "harder" the service that is distributed, the more social services will come to resemble in-kind welfare assistance. (p. 15)


It would appear that this trend toward the provision of hard services potentially exerts further control over recipients as they are in no position to reject such assistance.

One further element of coercion in a social service agency is its theoretical basis for intervention. If it is not clearly defined conceptually or operationally, almost

any kind of intervention can be justified. Phrases like "strengthen and enhance family stability" serve as neither guides nor limits to constructive intervention. They allow for a great deal of discretion. The "assumptions for counselling and methods for counselling and methods for implementing casework theory are also unproven" (Handler, 1973, p. 157). Handler also criticizes the lack of controls and standards of evaluation as being rudimentary at best.

While the preceding section has discussed sources of coercion in social services attached to financial aid programs, social service policy has distinct affiliations with crime and delinquency prevention programs. The assumption underlying this affiliation is that delinquency was the end product of a disturbed family situation; that if social work could get to the "family early enough, delinquency could be prevented" (Handler, 1973, p. 86). The way to abate the occurrence of deviant behavior is for social work intervention with the disorganized family to get at the roots of such behavior. Family casework is prevalent in delinquency prevention programs because of the youth of the offender and because of the assumptions underlying causes of youthful deviant behavior. If an agency's approach is not clearly defined then almost any kind of intervention can be justified.

One of the purposes of juvenile diversion programs is to minimize interference by a juvenile court, that is, "le-



gal, coercive interventions" (Handler, 1973, p. 59). Lemert (1981) criticizes diversion because what began as an effort to reduce discretion in juvenile justice became a warrant to increase discretion and extend control where none existed before. This author objects to diversion programs on the following grounds:

With pressures to produce cases for programs to justify their funding or refunding, police perhaps most easily by dipping into this reservoir of youths who otherwise would have gone free in order to make the desired referrals. In some instances, this has meant rilling up diversion programmes almost entirely with status offenders. (Lemert, 1981, p. 40-41)

The implication appears to be that such referrals are inappropriate in that a large number of youths would previously have been screened out and released with a warning after a brief contact with the police. Another criticism of referring youths to diversion programs has to do with the discretion used by referral agents for this selection process. Hackler (1978) believes "diversion could lead to a possible increase of injustice" (p. 134). Youths may be selected for a diversion program for certain desirable characteristics, such as not having previous police contact. Those with less desirable characteristics would be left to the formal system of justice. Restitution, an essential component of diversion, may compound this issue:

A middle class child may be better able to compensate the victim and be actively involved in undoing his wrong. The lower class, poorly socialized, might not view his behavior as wrong. In other words, diversion contains the same potential bias that have always existed, and could lead to even

greater stigmatization for those not diverted.  
(Hackler, 1978, p. 134)

It would seem that diversion cannot control for racism and socioeconomic inequalities any better than the formal juvenile justice process can. This poses a continuing risk for the client in that equality of treatment is not guaranteed.

Early interpreters of the diversion concept maintained that "voluntary referral was a cornerstone of the approach" (Moyer, 1980, p. 84). Yet at the same time there are those critics who suggest that diversion can never be completely voluntary. Nejjelski (1974) expands on this issue:

Where participation in some program or treatment is required, voluntary diversion is a contradiction in terms. The coercive power of the state and the court is always present in diversion. The child and his parents "agree" to enter a particular program "recommended" by some state official, because they can be ordered in the alternative by a judge to accept this same program or one which is substantially more unpleasant. (Nejjelski quoted in Moyer, 1980, p. 85)

While the original intent of diversion programs was voluntary client participation, there are a number of factors that may preclude such voluntary participation or alter the nature of it. One significant problem as pointed out by Moyer (1980) involves the admission or assumption of guilt on the part of the youth found in many programs. The youth may perceive that admission leading to diversion may be a less "drastic" intervention than denial and a court referral, thus "pressuring them to acknowledge complicity in the offence" (Moyer, 1980, p.85). An issue related to this is

as follows: "Can the state force an unadjudicated individual to participate in a program before there is presented any legal proof of the alleged offender's guilt" (Moyer, 1980, p. 86)? This could potentially place the youth in legal jeopardy. A youth may prefer to enter the diversion program rather than go to court, but may not be convinced that he or she has committed a delinquency. The alternative is to choose the court process, and essentially, to "take a chance". Moyer (1980) also points to the possibility that some youths may be obliged to stay in diversion programs with more restrictions and for a longer time than if they had been referred to court and received a probation order, for example. It is because of this potential for legal jeopardy of the juvenile that Grosman (1978) considers diversion to be institutionalized informal pre-trial discretion. He accuses diversion programs of bureaucratizing discretionary power and making intake decisions that run contrary to legal process:

Programs of diversion directed at keeping property offenders, among others, out of the criminal justice system...have developed with little regard for legal values, the rule of the law, or individual protections. The development of these control systems increases the move away from the law's concern with proof, guilt, individual and procedural rights, and the protections afforded by a day in court. (Grosman, 1978, p. x)

Grosman's objection to diversion programs are directed primarily at the intake level. Diversion programs rely heavily upon referrals from social control agencies such as

the police and juvenile courts. Moyer (1980) points to two problems that arise in this referral process. The first is that social control agents are somewhat reluctant to refer youths over whom they would no longer have any jurisdiction. The second issue is that client referrals draw upon official social control agencies; the "voluntariness" of client participation must be closely guarded from the taint of subtle or implicit coercion" (Rutherford and McDermott quoted in Moyer, 1980, p. 85).

It appears that the exercise of discretionary judgement is a major issue not only in diversion programs but in all police-juvenile dealings as well. The primary activity of the police is law enforcement, "a highly rule-oriented activity where individual police officers exercise wide discretion with regard to how the law will be enforced and even whether or not, under certain circumstances, to enforce it" (Grosman, 1975, p. 77). Discretion for serious violations, of course, is severely limited in that the police do not have any choice but to lay charges in these circumstances. Juvenile matters, however, are often handled differently. Consider the Toronto Youth Bureau Statistics. These statistics indicate that the police often take the initiative with youth, in that "43 per cent of all police contacts with juveniles are not crime-related" (Baum, 1979, p. 88). This would indicate a major portion of contacts with the youths might be for the purpose of checking general behavior. Dis-

cretion is a "key element in police-juvenile interaction" (Leeson and Snyder, 1981, p. 199). Baum (1979) also notes an interesting finding in terms of referrals out of the Toronto Youth Bureau:

About only one per cent of all matters that come before the police are referred to other social agencies. The reason is that police simply are not confident that such agencies such as the Children's Aid can handle the problems (Baum, 1979, p. 88)

This would support Moyer's (1980) observation that social control agents are reluctant to refer youths over whom they would no longer have jurisdiction. The police appear to have little faith in the ability of social service agencies or alternative programs to handle such problems.

Coercion is a prominent feature of the traditional justice system, a system that has been a subject of heated debate as to its effectiveness in dealing with crime and offenders, particularly juvenile offenders. Diversion was designed as an alternative to the traditional justice system. The objective was to deal with as many social problems as possible "outside the system of courts and corrections, by encouraging the community to deal with these problems utilizing methods of conciliation, restitution and problem-solving" (Humphrey, 1977, p. 3). It was hoped to minimize the use of discretion in the juvenile courts, a consequence of the "parens patriae" doctrine or the former juvenile delinquency legislation. Yet there have been questions raised as to whether such objectives have been met by diversion

programs or if discretion has only been extended. Is coercion also a prominent feature of diversion programs, in particular, the Essex County Diversion Program? Are diversion programs "coercion in disguise" (Fox, 1977, p. 41)? Why would a youth and his or parents choose diversion over the court process? What factors affected their choice? Was there actually a choice, from the youth's point of view? It has been suggested that a youth who participates "in a specific program with the belief that it will increase the likelihood of early release may have a greater interest in manipulating the release process than a sincere desire to change" (Hackler, 1979, p. 211). What choice does diversion present to young first offenders? Waugh (1978) questions the ability of corrections to develop alternatives to itself:

True alternatives are competing alternatives: the correctional establishment is poorly prepared, both by tradition and ideology to nurture its own replacement. The surest way to defeat such a program would be to place it under control of those who have been unable to acknowledge or to correct their own fundamental error (Waugh, 1978, p. 535).

The former legislation regarding juveniles did not recognize the diversion concept or process. In this sense, diversion programs were nonlegal. The new Young Offenders Act does recognize "alternative measures" and attempts to provide for some standardization of procedure and uniformity for such programs. What follows is an examination of the relevant sections of the new Act pertaining to the coercive



elements in the legislation. Although the old law does present the juvenile court judge with a choice of dispositions following an adjudication of delinquency, "it does not specifically provide a process to enable the use of community and other resources prior to the adjudication" (Solicitor General of Canada, 1975, p. 9-10).

The Young Offenders Act is based on a "personal accountability model" whereby young persons are to be held accountable for their actions. It represents a shift from the "parens patriae" doctrine and the "treatment orientation" of the former legislation. It was the position of the Solicitor General Canada (1978) that "when emphasis for determining referrals is placed on a case-by-case consideration of psycho-social characteristics, the danger exists that Diversion Programs will be based on a coercive treatment model rather than on the concept of personal responsibility" (Solicitor General Canada, 1978, p. 23). The new Act also reflects the growing opinion that a court appearance is unnecessary and in some cases, even harmful:

One objective of the new legislation is that in appropriate cases alternative social and legal measures be used, especially in those cases which involve less serious offences. In order to achieve this, the new law will formally recognize and sanction screening and diversion practices. (Solicitor General Canada, 1979, p. 7).

The Young Offenders Act recognizes the potential of juvenile diversion, and provides for its existence "in areas where the community supports it" (Humphrey et al., 1977, pp.

4-5). The screening mechanism proposed by the Act would vary between provinces in terms of its composition and administration. This screening agency would "be the formal mechanism to provide pre-court screening to facilitate the diversion of young persons from the court process (Solicitor General Canada, 1979, p. 7). The new legislation strongly emphasizes that a voluntary relationship be maintained between the youth and the screening agency. The screening agency should be a forum for the development of voluntary agreements rather than "become a pre-court tribunal that is characterized by elements of compulsion and duress" (Solicitor General Canada, 1975, p. 31). In other words, the screening agency will not have any real form of judicial proceedings nor could it order any youth's appearance before it. The agency will not be able to order any youth's co-operation. The Solicitor General's Committee (on proposals for the Young Offender's Act) also recommends to the Attorney General that the procedures of a screening agency not be reviewable by a court "due to the voluntariness of the relationship between the screening agency and the young person" (Solicitor General Canada, 1975, p. 32). A youth would also have the right to representation by a lawyer, parent, guardian or friend during dealings with the screening agency. The Committee (1975) also recommends that a record of proceedings before a screening agency be kept by the agency and a copy be given "to the young person and his parent, except

that the young person may request, if he is at least 16 years of age, that a copy be given to his parent" (Solicitor General Canada, 1975, p. 32).

It is hoped that the screening agency and the young person will arrive at a mutually satisfying agreement as to what should be done to resolve the situation at hand. The agreement should be voluntary and contain reasonable conditions.

An appeals mechanism would also be available should the youth feel conditions of the agreement are too onerous to comply with or do not reflect changes in the youth's situation should they occur. A formalized appeals procedure currently does exist in the local program, but it has never been used. This may suggest that either youths are not made sufficiently aware of the appeals process, or that there has been no need for the process as yet.

A screening agency will have the authority to determine an agreement unnecessary. It would have two months to provide a recommendation to the Attorney General that the young person not be further proceeded against, "the Attorney General would then be barred from proceeding further with the laying of a charge" (Solicitor General Canada, 1975, p. 20). Should the youth breach the agreement, the screening agency may recommend that the Attorney General proceed with the charge. The potential will therefore still exist for a screening agency to use the "threat or possibility of con-

viction to encourage an accused person to supervision" (Fox, 1977, p. 41). However, the Committee (1975) believes that any diversionary process must be "credible from the perspectives of young persons" (Solicitor General Canada, 1975, p. 31). The sanctions must be kept to a minimum for two reasons. The first is to maintain a voluntary relationship between the screening agency and the youth. This approach is supported in diversion literature. Kobetz and Bosarge (1973) believe the nature of participation on the part of the juvenile offender in diversion programs "must be voluntary because coercion often defeats the purpose of rehabilitation: The juvenile offender must want assistance with the problems which led him to trespass against society" (p. 71). The second has to do with the functioning of the screening agency itself. The Committee (1975) believes that "the absence of sanctions will cause the screening agency to carefully measure possible consequences and risks in performing its functions and believes this is necessary to achieve an effective and efficient process" (Solicitor General Canada, 1975, p. 31).

The new legislation does attempt to maintain diversion programs as voluntary. It is difficult to assess how successful this attempt will be until it is implemented. As Guinney (1975) comments, "compulsory commitment and treatment of persons are in reality not much different whether carried out in a prison or a mental hospital" (p. 255). A

mere change of setting does not qualify diversion as an alternative in the true sense of the word. Moreover, "among children at least, deviant behavior seems to yield better to trust, fairness, credibility, and affiliation than to coercion" (Pennock, 1972, p. 3).

## 2.5 CONCLUSIONS

Although coercion is a prominent feature of various social service programs, it is an area that is little researched in terms of its actual effects on clients as opposed to its intended effects.

The concept of coercion has both social and legal implications. It requires the act of one person or group affecting the behavior of another for a specific purpose. Coercion involves the application of sanctions or physical force. It is a widely used method of social control and a form of power.

The combination of counselling and service in social programs needs to be examined in more depth. What often results from such a combination is coercive treatment as discussed in the preceding literature review. This is not to say that such programs are "wrong" or "bad", but their impact on clients should be better understood. Diversion, for example, describes itself as a "voluntary" alternative to the traditional justice system for young first offenders. But do the clients of a diversion program perceive their

participation as voluntary? Are they in a position to make a voluntary decision regarding their participation? Or are there influential or coercive factors affecting their decision that a diversion program cannot or does not control for? These are the questions this study seeks to answer.

### Chapter III

#### DESCRIPTION OF THE ESSEX COUNTY DIVERSION PROGRAM

The Essex County Diversion Program Inc. is an incorporated body which is responsible for the administration of three separate "diversion" programs. This body administers the Neighborhood Accountability Program (N.A.P.) which operates in Essex, Ontario. N.A.P. is a diversion program of the "community absorption" type. The program receives referrals from the police, and volunteer mediators attempt to reconcile the offender and the victim (Lajeunesse, 1982, p. 18).

A second "diversion" program administered by this body is Project Intervention, a pre-charge program, which is of the "screening" type. The police refer offenders to the program instead of laying a charge. Participation is voluntary and may include any or all of the following:

1. Compensatory task for the victim or community.
2. Apology to the victim.
3. Restitution.
4. A donation to a charity of the victim's choice.

(Gaspar, Note 2).

The third program under the aegis of the Essex County Diversion Program Inc. is a post-charge, pre-trial program. It is this program that is the subject of this study.

The following is an account of the development and administration of the post-charge, pre-trial program (hereafter referred to as the "Diversion Program" or "Program"). After a short account of the Program's historical development, a detailed description of the Program goals, structure and process is given. The material for this section was gathered from Program reports and minutes of the Diversion Committee meetings.

### 3.1 HISTORICAL DEVELOPMENT

The Essex County Diversion Program is the product of the early efforts of a Windsor Family Court judge, Professor Bernhard Kroeker who involved the John Howard Society of Windsor, and the local Juvenile Probation and Aftercare Department. Early in 1975, they jointly developed an interest in diversion. A planning group was formed, consisting of representatives from both the public and private sector. The planning group determined the initial program structure, eligibility criteria, and administration. The program became operational as a one year pilot project, within four months of the initial discussions, on June 18, 1975 (Lajeunesse, 1982, pp. 11-12).

Initially, the Family Court judge "directed" the program, which was staffed by two part-time workers from the John Howard Society and one full-time person from the Ministry of Correctional Services, Juvenile Probation and After-



care. In the early part of 1976, a Diversion Committee was formed to "scrutinize and amend the administration, policy, program, procedure, documentation and practice" of the Program, as well as to "hear complaints" regarding the Program (Diversion Committee, Note 3). The Diversion Committee was composed of representatives from business, labour, and various professions.

### 3.2 ADMINISTRATIVE STRUCTURE

#### 3.2.1 FUNCTIONS OF COMMITTEE

Since its inception, the Diversion Committee has taken on the major role of developing the overall direction of the three programs it directs. The following are the functions of the Committee as established in 1979 :

1. To serve as the advisory body responsible for the administration of the Essex County Diversion Program and the Support Services for the Windsor Police Youth Branch. [The "Support Services" program has since been renamed "Project Intervention". In addition, a third program has since been added, the "Neighborhood Accountability Program"]
2. To routinize the programs in order to adequately respond to the needs of the community.
3. To consider amendments, modifications and additions considered necessary for the growth and development of the programs.

4. To establish procedure, documentation and practice designed to meet the objectives of the program.
5. To engage such staff as deemed necessary and to have autonomy over the direction of staff and functioning of the programs.
6. To establish policy for the guidance of staff to maximize their level of efficiency.
7. To accept and consider input from concerned government officials and community agencies.
8. To secure funding necessary for the operation of the programs.
9. To act as an appeal board for the young person and his/her family should a problem arise requiring arbitration.
10. To meet regularly as called by the Chairperson to deal with business at hand.
11. To make such appointments within the committee as may be necessary.
12. To replace or to add to the membership of the committee to maintain a cross-section of the community served (Essex County Diversion Program, Note 4).

### 3.2.2 FUNCTIONS OF THE ADMINISTRATOR

The Program Administrator is responsible for the administrative duties of the three programs under the aegis of the Essex County Diversion Program Inc.. Presently, this position

is staffed by a Juvenile Probation and Aftercare Officer. While this individual is officially employed by the Ministry of Community and Social Services, he acts as full-time Administrator of the programs. The following are the functions of this position :

1. To provide professional leadership to carry out the aims and objectives of the program.
2. To manage the affairs of the Diversion Committee.
3. To act as a "clearing house" for external input.
4. To prepare and present reports as required by the Committee.
5. To work in co-operation with Chairperson to establish agendas for meetings.
6. To act as a "go-between" for Committee with funding sources.
7. To be responsible for the public image of the programs.
8. To be involved in the hiring procedure of new staff.
9. To act as recording secretary until such time as Committee sees otherwise.
10. To delegate authority, duties and responsibilities to program director.
11. To keep staff informed and be informed about the staff.
12. To develop and establish procedures.

13. To be responsible for the staff training and development.
14. To maintain harmonious staff relations, to resolve differences.
15. To present to the Committee unresolvable staff issues.
16. To be present at all Committee meetings.
17. To be a member of the Diversion Committee.
18. [Non-Voting Status]
18. Other duties as assigned by the Committee (Essex County Diversion Program, Note 4).

### 3-2.3 FUNCTIONS OF PROGRAM DIRECTOR

This intermediate supervisory position entails responsibility for the day to day administration of the post-charge pre-trial program. Presently, in the absence of a full-time Program Director, the position is partially assumed by the same individual who acts as Program Administrator. The duties of the Program Director are the following :

1. To develop and establish procedures in conjunction with the Administrator.
2. To maintain appropriate statistical data.
3. To supervise the work performance of staff and to ensure proper handling of cases.
4. To supervise students in accordance with University requirements, act as a liaison person with the University.

5. To scrutinize and monitor all potential incoming cases.
6. To ensure contact is made with potential cases as required by program guidelines.
7. To be responsible for the development of and negotiation with community work resources.
8. Staff training and development in conjunction with Administrator.
9. To be involved in the hiring procedure of new staff.
10. To maintain liaison between program and appropriate persons.
11. To submit monthly attendance sheets and monthly mileage reports to Administrator.
12. To assist in maintaining harmonious staff relations and resolve differences.
13. To present to Administrator unresolvable staff issues.
14. To submit to Administrator topics for agenda for Committee meetings when the need arises.
15. To attend Committee meetings.
16. Other duties as assigned by Administrator (Essex County Diversion Program, Note 4).

#### 3.2.4 FUNCTIONS OF STAFF MEMBERS

Staff members (Diversion Workers) are responsible for the processing of diversion cases. Presently, there is one Diversion Worker, who is employed directly by Essex County Diversion Program Inc.. The Diversion Worker's duties are the following :

1. Staff (full-time or on loan) will be responsible to the program management for program duties and not their respective agencies.
2. To do intake and process cases as according [sic] to program guidelines.
3. To submit monthly attendance reports and monthly mileage statements to program director.
4. To submit monthly case report to program management.
5. To develop community work resources (Essex County Diversion Program, Note 4).

#### 3.2.5 FUNCTIONS OF SECRETARY

The secretary is employed directly by Essex County Diversion Program Inc., and is responsible for clerical duties arising from the operation of all its programs. The duties of this position are the following :

1. To answer telephone and schedule appointments.
2. Responsible for filing and record-keeping.
3. To do typing.
4. To maintain office stationery, forms and supplies.

5. To submit weekly attendance sheet to Administrator.
6. Other duties as assigned (Essex County Diversion Program, Note 4)A

### 3.3 GOALS

The goals of the Essex County Diversion Program, as stated in the 1979 report are the following:

1. To allow the young person to be actively involved in undoing his wrong.
2. To involve the victims of delinquent acts in the resolution of the problem, i.e., confrontation and compensation.
3. To provide an informal means of solving problems involving delinquent acts of young people.
4. To offer assistance to young persons on a voluntary basis without court intervention.
5. To give immediate attention to the problem to protect the community from a young person's continued delinquent behaviour.
6. To engage parents in formulating and carrying out a plan to deal with their young person's behaviour.
7. To elicit the participation of community groups and institutions in response to the young person's behaviour which enhances the young person's self-concept.
8. To instill the concept of responsibility for conduct and to de-emphasize the classical concepts of punishment (Lajeunesse, Note 5).

### 3.4 ELIGIBILITY CRITERIA

Not all juvenile offenders are eligible to enter the Diversion Program. The original criteria for eligibility to enter the program have been modified over the years. The following criteria are those in effect at the time of writing:

1. The young person who allegedly committed the offence must not previously have appeared in court on a criminal offence.
2. The Crown Attorney must not insist on court process on the offence.
3. The young person and the young person's parents must admit guilt and agree to enter Diversion rather than go to court.
4. The prosecutor's case must not become stale or unprovable through the lapse of time.
5. Alleged offences of murder, rape, armed robbery, serious arson and assault causing bodily harm are not eligible for Diversion.
6. The young person has not been found delinquent within the last two years nor has he participated "unsuccessfully" in the Diversion Program within that period. (Essex County Diversion Program, Note 6; Gaspar, Note 2)



### 3.5 PROGRAM PROCESS

#### 3.5.1 SELECTION OF DIVERSION CANDIDATES

The Program Administrator is responsible for selecting candidates for the Diversion Program. He does so by regularly reviewing the court clerk's list of juveniles charged in Essex County. Selection is based on the criteria outlined above (Lajeunesse, 1982, p. 12).

#### 3.5.2 NOTIFICATION OF YOUNG PERSON

Once the candidates have been selected, they are notified by letter and are asked to contact the Diversion Secretary to arrange an intake appointment (Appendix E). A brochure explaining the Program is sent along with the initial letter (Appendix F). If a reply is not received within 48 hours of the anticipated receipt of the letter, the Diversion Secretary telephones the young person to arrange the intake interview. If the Diversion Secretary is repeatedly unsuccessful in contacting the young person, or if the young person and his parents refuse to take part in an interview, the case is returned to the court process (Lajeunesse, 1982, pp. 12-13).

#### 3.5.3 INTAKE INTERVIEW

At the intake interview, the Diversion Worker explains the alleged occurrence and the charge to the young person and the parents. The options available to the young person and

the implications of those options are also explained. The Diversion Worker then leaves the room and is replaced by Duty Counsel who "inform the juvenile of the sufficiency of evidence and the advisability of entering into the Diversion Program" (Corrent & Young, Note 12).

Once the family understands the available options and their implications, the Diversion Worker returns to get the family's decision. If the family rejects the Diversion option, the case is referred back to the formal court process. If the family accepts the Diversion option, the family is then required to sign a "General Admission of Facts" statement (Appendix G), which indicates that the family has spoken to legal counsel and that the youth admits guilt to the charge as stated in the Information. At this time, the family is also required to sign a "Release of Information" statement (Appendix H), authorizing the Diversion Worker to contact various agencies, individuals and institutions regarding the child and family (LaJeunesse, 1982, p.13).

In those cases when more than one charge is laid and the child is not willing to admit guilt to all of them, or, when the child disputes the facts contained in the Information, the Diversion Worker contacts the police to determine if they are willing to amend the Information. If they choose not to do so, the case is returned to the formal court process. If the police do agree to amend the Information, the diversion process goes on to the next stage (Reynolds, Tyler and Vanderzwet, 1976, pp. 183-184).

#### 3.5.4 SOCIAL PROFILE

At this stage of the process, the Diversion Worker is required to assemble a social profile of the child. The Worker is guided in this process by a standardized Social Profile format (Appendix J) which was adopted by the Diversion Program, and which is to contain information considered pertinent to the purposes of the Program. The Worker meets with the child, family, any other individuals, institutions or agencies that are considered to have relevant information concerning the child's functioning in the home and the community in general. The information contained in the Social Profile is intended to serve diagnostic and planning purposes (Essex County Diversion Program, Note 7).

#### 3.5.5 VICTIM CONTACT

In those cases where there is an identifiable victim, the victim is contacted to ascertain the extent of the loss, damage and/or inconvenience caused by the offender. The victim's willingness to participate in the formulation and implementation of a plan for the offender is also solicited. (Lajeunesse, 1982, p.14)

#### 3.5.6 THE PLAN

Based on the information contained in the Social Profile, and through the co-operation of the child, parents, victim and Diversion Worker, a diversion plan is formulated. This

time-limited, individualized plan may contain one or more of the following elements.

#### 3.5.6.1 COMPENSATORY TASK FOR THE VICTIM

In those cases where the offence has a victim, and the victim is willing to participate, a mutually agreeable task for the victim's benefit is arranged. The terms of this task, indicating the number of hours to be worked, the nature of the work, scheduled times and completion date are written into a "Compensatory Task Agreement" (Appendix I) which is signed by the offender and his parents. The number of hours to be worked may not exceed 40, and the offender's involvement in the Program may not exceed nine months from the date on which the contract was signed. Factors which are considered in striking this agreement include police time, personal suffering and inconvenience incurred by the victim, and the child's age and work capacity (Reynolds et al., 1976, pp. 185-186).

#### 3.5.6.2 COMPENSATORY TASK FOR A COMMUNITY RESOURCE

In those instances where the youth's offence was "victimless", or when the victim chooses not to participate or where the victim is the community at large, a compensatory task for a community resource may be required. The same considerations, conditions and procedures apply in this case as in those which are for the benefit of a victim (Reynolds et al., 1976, pp. 185-186).

### 3.5.6.3 VERBAL OR WRITTEN APOLOGY TO THE VICTIM OF THE OFFENCE

A verbal or written apology may be required in those cases where there is an identifiable victim of the offence. (Essex County Diversion Program, Note 8).

### 3.5.6.4 MONETARY RESTITUTION TO THE VICTIM

In those cases where a victim incurred a loss or damage to property, restitution by the offender may be required. This option may be selected in those cases where the youth has a personal source of income. Depending on the amount of loss incurred by the victim and the child's financial resources, partial or full restitution may be required. Currently, there is no fixed maximum amount of restitution prescribed by the Diversion Program. (Essex County Diversion Program, Note 9)

### 3.5.6.5 REFERRAL TO A SOCIAL SERVICE AGENCY

Where the Social Profile indicates a need for more intensive assessment or intervention for the child or family, referral for counselling may be included as part of the plan. Where such a need is deemed to exist, the Diversion Worker approaches the prospective counselling service to discuss the propriety and feasibility of referral. If the Diversion Worker and the referral agency are in agreement, the family is consulted as to its willingness to such a referral, and the nature and extent of the proposed referral. If all par-

ties are in agreement, the conditions are written into a "Referral Agreement" (Appendix G) which is signed by the child and parents. The duration of the agreement can not exceed nine months from the date on which the contract was signed. The policy of the Diversion Program is that the same resource can not act as both the referral agency and the site of the compensatory task (Essex County Diversion Program, Note 7).

#### 3.5.7 FOLLOW-UP

The worker is responsible for assuring that the agreements made between the child and the Diversion Program are upheld. In the case of the Referral Agreement, feedback is required from the referral agency on the child's progress at 1, 3, 6 and 9 month intervals. There are no specific guidelines to this effect in the case of a Compensatory Task Agreement, but the Diversion Worker is expected to "systematically follow-up on the youth's involvement in the selected process" (Reynolds et al., 1976, p. 187).

#### 3.5.8 ADJOURNMENT OF CASES

The charge against the child remains pending until the child fulfills the agreement of participation in the Program. When the agreement is fulfilled, and upon recommendation of the Diversion Worker, the charge is adjourned "sine die". A closing letter indicating the child's successful completion

of the Program and recommendation for "sine die" adjournment is sent to the child, the court, the police and the referral agency (Appendix H) (Reynolds, et al., 1976, pp. 187-188).

### 3.5.9 RETURNING A CASE TO COURT

Since the effect of the Diversion Program is to "temporarily deflect, or administratively side-track" the formal court process (Corrent & Young, Note 12), the charge remains pending until the program is successfully completed. This means that the child may be returned to court to deal with the charge at any point during the diversion process. The program literature identifies several conditions under which a child can be returned to the court process:

1. Child refuses to attend initial intake interview.
2. Child refuses to sign General Admission of Facts.
3. Child is generally "out of control".
4. Child refuses to cooperate within Program guidelines.
5. Child does not fulfill the terms of the Compensatory Task Agreement.
6. Child does not fulfill the terms of the Referral Agreement.
7. Child is charged with an offence subsequent to his acceptance in the Diversion Program.

In all instances where the worker believes the youth should be returned to court, the case is to be conferenced with the Program Administrator to obtain his concurrence

prior to returning the child to court (Essex County Diversion Program, Note 9). If the Program Administrator does not agree, but the Worker still believes the case should be returned to court, the Worker may appeal the Administrator's decision to the Diversion Committee. The Committee's decision is then implemented.

When a child is to be returned to court, he is informed of the reasons why by the Diversion Worker. The child has the right to appeal this decision to the Diversion Committee if he believes that he is being treated unjustly. The Committee has the final decision in such matters.

### 3.5.10 VERBAL CAUTION

At any time in the diversion process, the Worker has the option of issuing a "Verbal Caution" to the child. A "Verbal Caution" signifies that in the opinion of the Worker, the child was not in need of further intervention. It further implies that any diversion plan undertaken by the child is deemed to be fulfilled upon the issuance of the "Verbal Caution". In such cases, the Worker recommends immediate "sine die" adjournment to the court, and a letter indicating this course of action is sent to the child, court, police, and referral agency (Appendix L). Before a verbal caution may be issued, the Program Administrator's concurrence is required. In the absence of such concurrence, the Diversion Worker may appeal to the Diversion Committee for a final decision (Reynolds, et al., 1976, p. 188).



### 3.6 PROGRAM PERFORMANCE

The Essex County Diversion Program is currently in its eighth year of operation. During its first six years of operation, a physical count of the files reveals that it has processed 1,105 juveniles.

A research component has not been built into the program as had been intended, which makes the assessment of its effectiveness and impact problematic. The Program has produced a number of "in-house" reports, and has conducted some minor studies of its own. In addition, the Program was the subject of a previous evaluation which resulted in a thesis for the School of Social Work (Keynolds et al., 1976). A study by Breton (1982), also a thesis for the University of Windsor School of Social Work, evaluated the program utilizing PERT.

However, definitive statements regarding the overall effectiveness and impact of the program based on these studies is precluded, given their piece-meal nature and due to the fact that they cover over-lapping time frames.

## Chapter IV

### METHODOLOGY

The purpose of this study was to determine if sources of coercion existed in a voluntary diversion program utilizing the perceptions of youths who had been involved in the Essex County Diversion Program, Inc., in the fiscal year 1980-1981. The research sought to discover whether clients perceived their participation in the program as coerced and if their perception of such was related to their performance in the program.

While coercion is a prominent factor in many public service programs, few research projects documenting the presence of coercion in voluntary programs such as diversion programs and its effects on client response and participation have been reported. It is a greatly misunderstood concept both socially and professionally.

#### 4.1 DESCRIPTION OF THE RESEARCH DESIGN

A research design "is the arrangement of conditions for the collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure" (Selltiz et al., 1976, p. 90). The selected design for this research was exploratory-descriptive, accord-

ing to Tripodi's (1969) classification of research design. The research was descriptive in that it sought to determine the existence of coercion in the Essex County Diversion Program Inc., through exploring and describing in quantitative terms how the youths involved perceived their participation.

#### 4.2 RESEARCH QUESTION

The research question this study seeks to answer is as follows: Do youths perceive the presence of coercion in their participation in the Essex County Diversion Program?

#### 4.3 OPERATIONAL DEFINITIONS

##### 4.3.1 Dispositional Coercion

The central concept in this study was "dispositional coercion". Operationally defined, it is an interpersonal relation where a coercer (agent) threatens a person (victim) with a sanction if a request is not carried out. The sanction will not be beneficial to the victim, but promises a greater harm or negative consequence. In the context of this study, possible sources of dispositional coercion included the youths' parents, the lawyer or Duty Counsel, the Diversion Worker, police, policies and practices of the Essex County Diversion Program, siblings and significant others.

#### 4.3.2 Perception

For the purpose of this study, perception is defined as:

the process in which the individual is sensitized toward, differentiates an impending event, and places it psychologically in some sort of relationship to his existing conceptual standards by evaluating it as being in some degree either compatible or incompatible with them. Such an act of relating can occur at varying levels of articulateness or subject awareness. (Harvey et al., 1961, p. 51).

#### 4.3.3 Essex County Diversion

Diversion is given a multitude of definitions. No single definition is all inclusive. Kratcoski and Kratcoski (1979) describe diversion as having two levels. These are named total and partial diversion. Total diversion, as described in Chapter One, occurs when a youth receives a warning from the police, school or perhaps a neighbour. There is no court involvement whatsoever, but there may be a referral to a social agency. Partial diversion includes limited court contact. The youth does attend court but is then referred to a social agency where "the youth is obliged to seek the treatment indicated" (Kratcoski and Kratcoski, 1979, p. 212). The Essex County Diversion Program has elements of both total and partial diversion. It maintains a level of total diversion in that a youth enters diversion without a court order. It also contains an element of partial diversion in that a youth can be ordered to enter the

Essex County Diversion Program by the juvenile court, though this does not occur frequently.

#### 4.4 ASSUMPTIONS

The first assumption had to do with the youth's ability to recall information related to an event that, for most of them, took place a year or two previous. It was assumed that respondents could remember how they were feeling, even though it was some extended period of time since the event had occurred. A further assumption of this study is that the answers given by sample members are true and to the best of their knowledge.

#### 4.5 THE SAMPLE

The sample for this study was drawn from all young persons involved in the Essex County Diversion Program Inc., between June 1, 1980 to May 31, 1981 by means of systematic selection.

#### 4.6 DATA COLLECTION INSTRUMENT AND INTERVIEW APPROACH

The youths whose names were selected systematically from the fiscal year 1980-1981 Diversion files were sent a letter addressed to both the parents and the youths jointly. The letter (see Appendix C) described the purpose and the nature of the research involved and why the youths' participation was being sought. It strongly emphasized the volun-

tary nature of this study and that the researcher would be in contact with them by telephone for the twofold purpose of:

1. providing a follow-up to the letter;
2. setting up a convenient date and time for the interview should the youth consent to such.

All interviews were conducted in the youths' homes and took place during the month of May, 1982. The interviews were in duration of one-half hour to forty minutes each.

Approximately 6.00% (n=6) of the letters were returned because the addressees had moved and left no forwarding address. One youth had left the province and another had recently been incarcerated. Eighteen youths could not be reached by telephone because their telephone numbers had been changed and were non-published.

By the end of May, 1982 twenty-one interviews had been completed. A second letter (see Appendix C) was sent out to those youths and their parents whose telephone number was unpublished, or who had not yet been contacted. Eighteen such letters were sent out. These elicited only two responses, both being negative. At that point, it was decided that it would not be reasonable to pursue this sample any further.

Interviews were standardized in that questions were "presented with exactly the same wording and in the same order, to all respondents" (Selltiz et al., 1976, p. 309).

The interview schedule consisted of 26 fixed alternative questions, of which 6 were "yes", "no" or "not sure" alternatives, and 19 questions provided for various degrees of agreement or disagreement.

Eighteen open-ended questions were utilized. The "open-ended" question is designed to "permit a free response from the subject rather than being limited to stated alternatives" (Selltitz et al., p. 312). The purpose of using this mode of questions was to provide respondents with the opportunity "to answer in their own terms and in their own frames of reference" (Selltitz et al., 1976, p. 312). The questions were aimed at ascertaining facts, feelings, attitudes, and what respondents believed the facts to be. To have used fixed-alternative questions throughout would have required the respondents to make judgments about their attitudes. This was not deemed desirable for the purpose of this research.

Open and fixed-alternative questions were used to maximize efficiency. Selltitz et al. (1976) support the use of this combination for three reasons: 1) to obtain complex information, 2) it is the most efficient style, and 3) "an interview or questionnaire need not consist of one type or the other" (Selltitz et al., 1976, p. 317). A mix of questions was used to hold the respondent's interest throughout the interview.

The interview method was selected for the reasons that follow:

1. Personal interviews tend to yield a higher response rate compared to mailed questionnaires;
2. Interviews "can be used with almost all segments of the population" (Selltiz et al., 1976, p. 296);
3. People generally like to talk about themselves and what they think;
4. It is easier to make sure the questions are understood in a personal interview.

Also, as Selltiz et al. (1976) point out, the flexibility of an interview makes for a "far superior technique for the exploration of areas where there is little basis for knowing either what questions to ask or how to formulate them" (p. 297).

#### 4.7 LIMITATIONS OF THE STUDY

Since there has been no legislation to standardize diversion programs, some of the findings which related to the youths' perceptions of their experience in the Essex County Diversion Program may not be generalizable to other diversion programs in operation at present. Also, the sample is not a random sample of all diversion programs.

Two further limitations of this study are related to the research sample. It is not a representative sample due to its limited size and those who were sent to court during



their involvement with the Diversion Program were not included in the sample.

Chapter V  
RESEARCH FINDINGS AND ANALYSIS

5.1 INTRODUCTION

The presentation and analysis of the data will be dealt with in four major sections. The first section is a demographic description of the respondents according to the following variables:

1. age;
2. sex;
3. duration of participation in the Diversion Program;
4. school attendance;
5. education level attained;
6. domicile.

The second section of this chapter describes the respondents' general perceptions of their participation and experience in the Diversion Program and documents their expectations of it.

The third section is a discussion of the respondents' experience at the intake interview and the variables which influenced the respondents' decision to enter Diversion. The specific variables are as follows:

1. parents;
2. police;

3. lawyer;
4. fear of Court;
5. Diversion worker;
6. friends;
7. another variable given by the respondent.

Section three also reports the responses relating to the influence of specific persons upon the development of the respondent's Task Plan. They are:

1. parents;
2. lawyer;
3. Diversion worker;
4. respondent.

Section four documents those variables as identified in the review of the literature as being 1) the goals of the Essex County Diversion Program and 2) potential sources of coercion in a social service program. Section four also provides a two-way analysis of various cross-tabulations to determine if certain variables are related to the youths' participation in the program. For example, is there any significant relationship between the age of a youth and the duration of his or her participation in the Diversion Program? An incidental finding is also presented in this chapter to support the youths' perceptions of the program.

## 5.2 PRESENTATION OF THE RESEARCH SAMPLE

As indicated previously in the methodology chapter, the research sample was selected systematically from those youths who participated in the Diversion Program in the fiscal year of June 1, 1980 to May 31, 1981. It was possible to complete twenty-one interviews, including the seven members used in the pre-test.

### 5.2.1 Age

The research sample consisted of twenty-one young persons ranging in age from fourteen to seventeen years as shown in Table 1

TABLE 1

Age of Respondents by Frequency and Percentage

Age in Years as of June 1, 1982	Frequency	Percentage
14	3	14.29%
15	4	19.05
16	0	28.57
17	3	38.10
Total	21	100.00%

The largest age category was the seventeen year-olds who accounted for 33.10% (n=8) of the research sample. The next largest age category were those of age sixteen years which represented 28.57% (n=6) of the sample. Fifteen year-olds accounted for 19.05% (n=7) and fourteen year-olds 14.29% (n=3) of the research sample.

The mean age of the research sample was 15.90 years while the mode was seventeen. The standard deviation was 1.28.

#### 5.2.1.1 Implications

The research suggests that police may exercise more informal discretion with younger juveniles than with the older ones by either rendering a verbal caution, sending them home, or referring them to a community agency.

#### 5.2.2 Sex

Slightly more than 95.00% (n=20) of the sample were males while only one sample member was female.

##### 5.2.2.1 Implications

The overwhelming majority of sample members were male, with only one member being female. This predominant ratio of males is not exclusive to juveniles, but holds true for adults as well. There are, by far, a greater number of incarcerated males than females in Canadian penal institutions

both at the provincial and federal levels. Such a phenomenon may indicate a number of speculations:

1. females commit fewer crimes than males;
2. female criminal activity is not detected as frequently as male criminal activity;
3. females are processed differently in the criminal justice system.

#### 5.2.3 Duration of Participation in Diversion Program

The duration of the youths' involvement in the Diversion Program ranged from eight days to slightly more than five months. Of the research sample, 36.85% (n=7) were in the program for two months, and 21.05% (n=4) had a one month involvement in the Diversion Program. The same figure holds true for three month and five month involvement.

The mean length of time spent by the research sample in the program was sixty-one days or, approximately two months.

Two of the youths did not provide the data required for this question.

#### 5.2.4 School Attendance

Of the twenty-one youths in the research sample, 90.48% (n=19) were attending school. Those not attending school represented 9.52% (n=2) of the research sample. There was no indication why the two youths were not attending school.

### 5.2.5 Education Level Attained

The education level attained by the youths attending school in the research sample ranged from grades seven to twelve. Three youths did not answer this question.

Of the eighteen youths who responded to this question, 77.78% (n=14) were attending high school (grades 9-12) and 22.22% (n=4) were attending elementary school in grades seven or eight.

### 5.2.6 Domicile

Those youths living in the family home while in the Diversion Program accounted for 95.24% (n=20) of the research sample. Only one of the respondents reported living outside of the home at the time of involvement with the Diversion Program. All of the twenty-one respondents in the research sample were living with their own families, or with one of their biological parents at the time of data collection.

## 5.3 RESPONDENTS' PERCEPTION OF THEIR PARTICIPATION IN DIVERSION

### 5.3.1 How Respondents First Heard of the Diversion Program

The police and Diversion Program were the primary sources of introduction to the Diversion Program for 66.67% (n=14) of the research sample. Only 9.52% (n=2) first learned of the Program through a letter from the Juvenile Court (presumably from Diversion) and 19.05% (n=4) first learned of the Program from some other sources. These other

sources included a high school principal and a social worker.

### 5.3.2 Knowledge of Difference Between Court and Diversion

Those youths who said they knew the difference between Court and Diversion accounted for 85.71% (n=18) of the research sample. Those respondents who did not know the difference accounted for 9.52% (n=2), and one respondent was unsure as to the difference between Court and Diversion.

#### 5.3.2.1 Implications

The majority of sample members thought there was a difference between Court and Diversion. Only three youths did not know or were unsure as what those differences were. The fact that only three youths did not know the difference between the two processes may be attributed to one or more of the following:

1. the age or maturity of the youths at the time of program involvement;
2. the intake process experienced by the youths;
3. the nature of the task assigned to the youths.

The eighteen sample members who did think there was a difference between Court and the Diversion Program stated that Diversion is less severe or punitive than the Court process. Their responses were based on the potentially negative consequences of a Court appearance. According to



these youths, one could "get a record", a "sentencing", be "charged", or be the recipient of a "severe punishment" from the courts. Most of the youths believed one or more of these consequences could have been the result for them had they proceeded to Court rather than participate in Diversion.

Of the eighteen youths who said they did know the difference between Court and the Diversion Program, 25.00% (n=8) said that Diversion is less severe than Court.

### 5.3.3 What Entering Diversion Meant to the Respondents

Some of the respondents gave more than one answer to this question, while one youth chose not to respond.

Entering the Diversion Program meant additional work or pressure for 37.50% (n=9) of the research sample. Diversion was also perceived as a means to avoid Court for 25.00% (n=6) of the research sample. Another 12.50% (n=3) indicated that Diversion was meant to "teach them a lesson." The following responses were each given by one of the youths in the research sample. The Diversion Program meant "punishment", a "second chance", a "way to pay back the community for the youth's actions", a "form of probation", and a "boring task". All responses are shown in Table 2

#### 5.3.3.1 Implications

TABLE 2

What Diversion Meant to Respondents by Frequency and Percentage

Response	Frequency	Percentage
Work/Pressure	9	45.00%
Avoid Court	6	30.00
Teach a Lesson	3	15.00
Other	5	25.00
Total	23*	115.00%*

\*Note: Some respondents gave more than one answer.

Clearly, the sample members perceived Court as a form of punishment with negative consequences, and Diversion as a very different process. Both Court and Diversion held various meanings for sample members. This may be due to the youths' inexperience with the juvenile justice system, their lack of understanding of terms such as a "record" or a "charge", the manner in which they were introduced to the program at intake, or memory capacity over time.

#### 5.3.4 How Respondents Felt About Entering Diversion

Those youths who felt positive about entering the Diversion Program represented 23.81% (n=5) of the research sample. Youths saying they felt negatively about entering the program accounted for 28.57% (n=6). The latter figures

hold true for those respondents who felt neither positive nor negative about going into Diversion. These youths expressed an indifference about their participation in the program. Those youths who indicated being nervous or unsure when entering the program represented 19.05% (n=4) of the research sample.

#### 5.3.4.1 Implications

The researcher was interested in learning how respondents felt personally about entering the program. Responses showed that the youths' feelings were almost equally divided among positive, ambivalent, nervous, and negative. It was speculated that how the youths felt about entering the program was related to what entering the program meant to them. However, when these variables were cross-tabulated, no significant relationship was found.

#### 5.3.5 Youths' Knowledge of Alternatives to Diversion

Two-thirds of the research sample knew what could happen if they chose not to participate in the Diversion Program (n=14). Those youths who did not know accounted for 28.57% (n=6) of the sample. One respondent was unsure of what would happen if Diversion was not chosen.

Of the fourteen youths who responded affirmatively to this question, some gave more than one answer. The possibility of a Court appearance was given by 64.29% (n=9). Those

who believed they could have been fined or placed on probation represented 28.57% (n=4) and those who thought they may have been charged accounted for 21.43% (n=3) of the research sample. One respondent indicated placement in a residential treatment centre would have been a possibility. Another youth believed 'nothing' would have happened.

#### 5.4 EXAMINATION OF VARIABLES THAT INFLUENCED RESPONDENT PARTICIPATION

##### 5.4.1 Initial Diversion Meeting

Some youths gave more than one response to this question.

When asked what happened at the initial Diversion meeting, 80.95% (n=17) of the research sample said the Diversion worker explained the program to them, the work to be done, the time allowed for task completion and what would happen if Diversion was not chosen. Those respondents who indicated their home life was discussed accounted for 19.05% (n=4), and youths who said their offence was talked about represented 14.29% (n=3) of the research sample. Only two respondents were unsure as to what transpired at the initial Diversion meeting.

##### 5.4.1.1 Implications

The small range of answers to this question given by sample members suggests that the events that occur in the initial Diversion meeting are consistent. Approximately

80.00% (n=17) of the research sample stated that the Diversion Program was explained to them at this meeting. It appears that the goal of introducing the program to youths at intake is being accomplished. The youths in this sample were provided with adequate information upon which to base a decision as to whether they will proceed to Court or Diversion.

The researcher was interested in discovering what persons or factors played a role in influencing a youth to enter the Diversion Program. Responses showed that parents, fear of Court, and the Diversion Worker were the three strongest sources of influence on the youths' decision to enter the program, with lawyer, police and friends exerting the least influence.

#### 5.4.2 Parental Influence to Enter Diversion

All but three sample members indicated strong parental influence in their decision to participate in the Diversion Program. One third (n=7) of the research sample said their parents' influence on their decision was "rather strong". Another 28.57% (n=6) said their parents' influence was very strong. Extremely strong parental influence was stated by 23.81% (n=5) of the research sample. Those who indicated their parents' influence was not very strong accounted for 9.52% (n=2), and only one youth said parental influence was not strong at all.

#### 5.4.2.1 Implications

The strong parental influence suggests that parents and youths are given the opportunity for discussion amongst themselves at the initial meeting. Two-thirds (n=14) of sample members stated that they had an opportunity to discuss with their parents entering Diversion at the meeting.

It is interesting to note that Reynolds et al. (1976) found parental influence in their research population was weaker. In their study, they found that only "30.00% (N=15)...felt that their parents exerted a very or extremely strong influence upon their decision" (Reynolds et al., 1976, p. 243). The difference between the study conducted by Reynolds et al. (1976) and the current research may suggest that more opportunity is now being given to youths and their parents to discuss the decision to enter Diversion amongst themselves.

#### 5.4.3 Police Influence to Enter Diversion

Almost 20.00% (n=4) of the research sample indicated an "extremely strong" influence by the police on their decision to enter Diversion. Those who stated a "very strong" influence accounted for 14.29% (n=3) of the research sample, while youths stating a "rather strong" influence represented 9.52% (n=2).

One-third of the research sample (n=7) said police influence to enter Diversion was "not very strong at all".

Another 19.05% (n=4) said police influence was "not very strong". One youth did not respond to this question.

#### 5.4.3.1 Implications

Responses show that more than half of the sample members were not influenced strongly by the police in making the decision whether to enter Diversion. This may be due to the fact that the police are not present at the initial meeting. The discussion of the alleged offense is Duty Counsel's role during intake.

In the study by Reynolds et al. (1976), police had even less influence upon youths' decision to enter the program. Only "14.00% (N=7) indicated that police had a rather strong or greater degree of influence" (Reynolds et al., 1976, p. 248). This difference suggests police may be increasingly aware of Diversion as a viable resource for the young offenders they come into contact with and are actively commenting on it to prospective juveniles.

#### 5.4.4 Influence of Lawyer to Enter Diversion

Almost one-half (n=10) of the research sample said that the lawyer had a strong influence on their decision in varying degrees on their decision to enter Diversion. Those who indicated a "rather strong" influence by the lawyer accounted for 23.81% (n=5) of the research sample. Another 19.05% (n=4) stated an "extremely strong" influence, and one youth

said the lawyer had a "very strong" influence. Almost 43.00% (n=9) said the lawyer's influence on the decision to enter Diversion was "not strong at all" and 9.52% (n=2) stated that the lawyer had a "not very strong" influence on their decision to enter the Diversion Program.

#### 5.4.4.1 Implications

The wide range of responses given by sample members would suggest the role of the lawyer to be varied at the initial Diversion meeting. The function of Duty Counsel at this first meeting consists of the following:

1. to advise the young person and his family of the likelihood of a finding of delinquency should the Court process be chosen;
2. to explain to the youth that he must plead "guilty" to his offense in order to qualify for acceptance into the Diversion Program.

The youths' understanding of the role of Duty Counsel may be affected by their cognitive maturity and understanding at the time of intake.

#### 5.4.5 Influence of Diversion Worker to Enter Diversion

One-third (n=7) of the research sample said the Diversion Worker had a "rather strong" influence on their decision to enter Diversion, 23.10% (n=5) indicated the Worker's influence was "extremely strong", and 14.29% (n=3) said it



was "very strong". Those who indicated a "not very strong" and "not strong at all" influence each represented 14.29% (n=3) of the research sample.

#### 5.4.5.1 Implications

Responses show that, overall, the Diversion Worker has a strong influence on youths' decision to enter the Diversion Program. This may be due to the fact that the Diversion Worker is in charge of the youths' program, is responsible for conducting the initial meeting, and possibly represents the youths' only alternative to the Court process. While the youth may not know what Court holds for him, the Diversion Worker clarifies the program expectations and requirements, possibly alleviating some of the youths' fears of the unexpected.

#### 5.4.6 Influence of Friends to Enter Diversion

Only two sample members stated that their friends' influence was "rather strong". One youth said his friends' influence was "very strong" and another youth said it was "extremely strong". However, over three-quarters (n=17) of the research sample stated their friends had no influence on their decision to enter the Diversion Program.

#### 5.4.6.1 Implications

Responses suggest that the friends of sample members had little influence on youths' decision to enter the Diversion Program. It is possible that youths did not discuss Diversion with their friends, or that such discussion was not possible due to the youths' lack of knowledge about the program. Also, none of the youths' friends were present at any initial Diversion meeting.

#### 5.4.7 Others' Influence to Enter Diversion

Four members of the research sample named persons other than those in the interview schedule who influenced their decision to enter Diversion. The people named are as follows: a sister, a brother, a social worker, and a teacher.

#### 5.4.8 Fear of Court

More than two-thirds ( $n=17$ ) of the research sample indicated that a fear of Court was a "strong" influence on their decision to enter Diversion in varying degrees. They are as follows: for 42.86% ( $n=9$ ), this fear was an "extremely strong" factor, 19.05% ( $n=4$ ) indicated it was a "very" strong influence, and the latter figure holds for those who said a fear of Court was a "rather strong" influence.

##### 5.4.8.1 Implications

Responses suggest that sample members were strongly influenced by their perceived fear of Court in their decision to enter Diversion. Court posed a fear of the unknown and the possibility of severe punishment in one form or another, whereas Diversion is presented in a non-threatening manner. Also, the Diversion Program is the only alternative to Court.

#### 5.4.9 Knowledge About Diversion after Initial Meeting

The vast majority of the research sample, 85.71% (n=18), knew the difference between Court and Diversion after the initial Diversion meeting. Those who did not know the difference accounted for only 9.52% (n=2). One respondent was unsure of the difference between Court and Diversion after the initial meeting.

##### 5.4.9.1 Implications

Responses show that respondents were provided with enough information about Diversion and the differences between the program and the Court process during the intake meeting to make an informed decision. It appears the goal of providing the necessary information at intake is largely being accomplished.

#### 5.4.10 Diversion Task

There was little variability in the responses to this question among sample members. The vast majority of the research sample participated in maintenance-related work in a senior citizens' apartment building. One youth was required to write a short essay entitled "Why Crime Doesn't Pay", another coached children's games at the YMCA, and one youth had the combined tasks of maintenance work and attending group counselling sessions at a local family agency.

##### 5.4.10.1 Implications

The lack of variability in scores may suggest that the Diversion Program does not offer its clients a wide range of task choices, or has not developed a strong network of community resources to provide task choices. This service gap could have some important implications as to how youths experience and perceive the program particularly upon completion. These implications will be elaborated in following sections.

#### 5.4.11 Hours Allotted to Complete Diversion Task Plan

Two youths were unsure as to how many hours they were allotted as part of their Diversion Task Plan.

The number of task hours allotted by sample members ranged from 16 to 62. Slightly more than half of the research sample ( $n=11$ ) were allotted 16 to 32 task hours.

Those who were allotted 35-62 task hours represented 38.10% (n=8) of the research sample, with 42.86% (n=9) being allotted 32 to 40 task hours.

The mean number of task hours allotted was 32.84, with the standard deviation of 10.82.

#### 5.4.11.1 Implications

The wide range of hours allotted for the Task Plans presents a number of possible speculations:

1. Task Plans are designed to meet the individual needs of each youth;
2. the number of hours assigned to youths is at the discretion of the Diversion Worker handling the case;
3. the number of hours assigned is related to the age and nature of the offense.

A chi-square was performed to test for the existence of a relationship between the age of the child and the number of task hours assigned and the offense committed and the number of hours assigned. No significant relationship was found in either test.

#### 5.4.12 Parental Influence on Development of Task Plan

Almost 20.00% (n=4) of the research sample stated their parents had an extremely strong influence on the development of their Diversion Task Plan. Those who indicated a "very strong" and "rather strong" influence each represented 9.52%

(n=2). Slightly more than half of sample members felt their parents' influence on the development of the youth's Diversion Task Plan was "not strong at all". Those youths who stated their parents' influence was "not very strong at all" accounted for 9.52% (n=2) of the research sample.

#### 5.4.12.1 Implications

Responses show that parental influence on the development of the youths' Task Plan was not very strong. Less than one-half of the research sample reported their parents' exerting a strong influence.

While parental influence is strong when the decision to enter the program is made, it is diminished when it comes to the Task Plan. Speculation suggests that the Diversion worker plays the greater role in determining what the youth will do while in the program. Setting up the task forms a major part of the Diversion Worker's duties.

#### 5.4.13 Influence of Lawyer on Development of Task Plan

Those respondents reporting a "very strong" influence by the lawyer represented 23.31% (n=5) of the research sample. One youth believed the lawyer had an "extremely strong" influence on the development of the Diversion Task Plan.

Slightly more than half of the research sample (n=13) stated that the lawyer's influence was "not strong at all".

and youths reporting a "not very strong" influence represented 9.52% (n=2) of sample members.

#### 5.4.13.1 Implications


The lawyer appeared to have even less influence on the development of the Diversion Task Plan than did the parents. It would seem that once Duty Counsel explains the Court procedure to the youths and parents, his role has ended.

#### 5.4.14 Influence of Diversion Worker on Development of Task Plan

Slightly more than one-third (n=8) of the research sample indicated that the Diversion Worker had an "extremely strong" influence on the development of their Diversion Task Plan. Another 23.31% (n=5) felt the Worker's influence was "very strong". Those youths reporting a "rather strong" influence accounted for 9.52% (n=2). Almost 15.00% (n=3) of sample members thought the Worker's influence was "not very strong" and the same figure held true for those reporting a "not strong at all" influence by the Diversion Worker.

#### 5.4.14.1 Implications

Responses suggest that the Diversion Worker plays the stronger role in developing the task than the lawyer, parents and the youths themselves. The Diversion Worker is aware of the resources available to the program around which the Plan is to be developed.



#### 5.4.15 Influence of Youths on Development of Task Plan

Respondents who felt they had a "very strong" influence on the development of their Task Plan accounted for 23.81% (n=5) of the research sample. This figure held true for those youths who felt their influence was "rather strong", while those who stated an "extremely strong" influence represented 19.05% (n=4). Those youths who thought they had a "not strong at all" influence accounted for 23.81% (n=5), and two sample members perceived their influence to be "not very strong".

##### 5.4.15.1 Implications

Since two-thirds of the research sample stated they had a strong influence on the development of their Plan, it would appear that a joint effort is made by the Diversion Worker and the youth to formulate a Plan acceptable to both the youth and the Diversion program. The researcher speculates that Task Plans are designed to meet the individual needs of each youth and the youths believe they are allowed ample input into the process.

#### 5.4.16 Offense

The types of offenses committed by members of the research sample varied considerably. One youth did not know which offense he was charged with.



Of those who did respond to this question, almost one-third (n=6) had been charged with a break and enter offense. The next largest categories were "possession of stolen property" representing 20.00% (n=4), "break, enter and theft over \$200.00" accounting for 10.00% (n=2). "Theft of an automobile", "intoxication in a public place", "property damage", "theft under \$200.00", and "drinking under the age of majority in a licensed establishment" were the remaining offenses.

#### 5.4.16.1 Implications

The majority of offenses committed by the youths of the research sample were offenses against property, with only two non-property offenses. In the study by Reynolds et al. (1976), the vast majority of their research population consisted of property offenses as well. It would seem that the program policy of non-diversion of offenses involving violence continues.

#### 5.4.17 Victim Involvement in Task Plan

Slightly more than half (n=12) of the research sample indicated that the victim of the offense was not involved in any way in their Diversion Task. For 28.57% (n=6), the offense did not involve a victim, while 14.29% (n=3) indicated the victim was involved in the Diversion Task Plan.

#### 5.4.17.1 Implications

The low incidence of victim involvement in Diversion Task Plans indicates that victim-offender reconciliation is occurring in a very limited number of cases. Over half of the research sample never had any contact with the victim whatsoever during their involvement in the Diversion Program.

#### 5.4.18 Why Respondents Felt Required To Do Task

Almost one-half (n=10) of the research sample believed they were required to complete their task in order to avoid Court. The next most common reason given by sample members, 28.57% (n=6), was to "repay the community", while 23.81% (n=5) felt it was a "deserved punishment" for the offense they had committed. For 9.52% (n=2), respondents stated that they were required to do the task to "teach them a lesson". Other reasons given included the following: in order to avoid a record, to stay out of jail and one youth was unsure as to why he was required to complete the Diversion Task Plan. Some youths gave more than one response to this question. Responses to this question can be seen in Table 3, following.

#### 5.4.18.1 Implications

Responses to this question of why respondents felt obliged to do the task are consistent with the responses given

TABLE 3

## Why Youths Felt Required to Do Task

Reason	Frequency	Percentage
To Avoid Court	10	47.62%
Repay Community	6	28.57
Take Punishment	5	23.81
Teach me a lesson	2	9.52
Stay out of jail	1	4.76
Avoid a record	1	4.76
Not sure	1	4.76
TOTAL	26*	123.71%*

\*Note: Some youths gave more than one response.

in previous questions with respect to how youths felt about participating in the Diversion Program. Avoidance of a Court appearance or a related consequence is a strong factor for the youths in this study. It is interesting to note that while Court was a process youths wished to avoid almost one-fourth of the research sample completed their task in order to "take their punishment". Speculation suggests that sample members perceived Diversion as a milder form of punishment than Court.

#### 5.4.19 How Youths Feel Now About Task

One youth gave more than one answer to this question.

More than one-third of the research sample said they enjoyed the Task they did, while 16.19% (n=4) did not have strong feelings about it one way or another. The same figure held true for those youths who said they learned nothing in practical terms, and 14.29% (n=3) stated that the work was "difficult". The latter figure held true for those youths who said the Task was "worth it" to avoid Court proceedings. One respondent said there was some practical learning involved for him, another believed the Task was "deserved", and another youth stated that the work was "not difficult".

##### 5.4.19.1 Implications

It is interesting to note the varied responses considering that there was little variability in the Task Plans among sample members. All but three of the youths engaged in maintenance work in a senior citizens' apartment building. Speculation suggests that due to the passage of time since their involvement in the program, the youths have had the opportunity to compare their experience with others they may have had.

#### 5.4.20 Youths' Decision to Enter Program Their Own

Almost one-half ( $n=9$ ) of the research sample did not believe the decision to enter the Diversion Program was completely their own.

Those respondents who "strongly" disagreed with the statement given represented 14.29% ( $n=3$ ) and those who "mildly" disagreed accounted for 9.52% ( $n=2$ ). Almost 20.00% of sample members were "undecided".

One-third ( $n=7$ ) of the youths "strongly" agreed that it was their own decision to enter Diversion, while 23.81% ( $n=5$ ) "mildly" agreed.

##### 5.4.20.1 Implications

Though responses were divided, most of the sample members basically agreed that they made their own decision to enter the program despite the presence of strong parental influence.

#### 5.4.21 Purpose of Diversion Was Not to Punish

Two-thirds ( $n=14$ ) of the research sample did not agree that the purpose of Diversion was not to punish them for the offense they committed. More than one-quarter ( $n=6$ ) of the respondents "strongly" disagreed with the given statement, 9.52% ( $n=2$ ) "mildly" disagreed, and 28.57% ( $n=6$ ) were "undecided".

Those youths who "strongly" agreed with the given statement represented 23.81% (n=5) of the sample, while those who "mildly" agreed accounted for 9.52% (n=2).

#### 5.4.21.1 Implications

This was an interesting finding in that the majority of youths did not think that the Diversion Program was a non-punitive alternative program. It is possible that the nature of their Diversion Task Plan was a factor in their perception of the program itself. As noted previously, most of the Diversion Task Plans were maintenance work consisting of cleaning, painting and raking the grounds of a senior citizens apartment complex. The term "punishment" may have held different meanings to individual sample members.

#### 5.4.22 Diversion Gave Youths a Chance to Resolve Their Problems

One-third (n=7) of sample members did not entirely agree with the given statement. Slightly less than 15.00% (n=3) "strongly" disagreed and the same figure held true for those who "mildly" disagreed. One youth was "undecided".

One-third of the research sample "strongly" agreed that Diversion gave them a chance to resolve their problems, while another one-third (n=7) "mildly" agreed.

#### 5.4.22.1 Implications

responses suggest that youths did perceive Diversion as a means of providing them with a resource for resolving offense behaviour problems outside of the juvenile justice system.

#### 5.4.23 Diversion Task was Fair in Relation to Offense

Only one youth "strongly" disagreed with this statement and another youth "mildly" disagreed. Two respondents said they were "undecided"

Almost one-half (n=10) of sample members said they "strongly" agreed that the Diversion Task was fair considering the offense they committed, while one-third (n=7) "mildly" agreed that this was the case.

#### 5.4.23.1 Implications

It appears that sample members did not find the terms of their Task Plan too onerous to comply with. The researcher speculates this to be a result of the strong input youths had in the development of their Diversion Task Plan.

#### 5.4.24 Diversion Gave Immediate Attention to Youths' Problems

Almost 15.00% (n=3) of sample members "strongly" disagreed with this given statement, while 9.52% (n=2) "mildly" disagreed. One youth was "undecided".

The vast majority of the research sample agreed with the given statement with one-third (n=7) "strongly" agreeing, and another one-third (n=7) "mildly" disagreeing. Two youths did not respond.

#### 5.4.24.1 Implications

Responses suggest that youths perceive the program to provide swift intervention for the crisis initiated by their offense. The majority of youths indicated a feeling of relief after the the initial Diversion meeting.

#### 5.4.25 Diversion Tried to Make Youths Admit to Problems They Did Not Have

Almost one-third (n=6) of the research sample agreed that Diversion was trying to make them admit to problems the youths did not believe they had. Approximately 15.00% (n=3) "strongly" agreed this was the case for them as did those who "mildly" agreed. One respondent was "undecided".

Those who "strongly" disagreed with the given statement accounted for 42.86% (n=9) of sample members, and those who "mildly" disagreed represented 19.05% (n=4). One youth chose not to respond. Responses are shown in Table 4, following.

#### 5.4.25.1 Implications

The researcher found that the majority of youths did not agree that the Diversion Program was trying to make them



TABLE 4

## Diversion Tried to Make Youths Admit to Problems

Response	Frequency	Percentage
Strongly Disagree	9	42.86%
Mildly Disagree	4	19.05
Undecided	1	4.76
Mildly Agree	3	14.29
Strongly Agree	3	14.29
No response	1	4.76%
Total	21	100.00%

admit to problems they did not have. The Diversion Program was designed to serve as a "buffer" between the youth and the youth's community, not as a youth counselling program. Speculation suggests the following:

1. the youths' offense behavior may not have been symbolic of a deeper emotional difficulty, but rather an isolated event in the youths' life;
2. the offense was committed in conjunction with his or her peers or as the result of a "dare" at the encouragement of peers.

The Diversion Program does not provide a counselling service to clientele, but Diversion workers may suggest counselling

to the youths and families. One youth in the research sample attended group therapy sessions weekly at a local family service agency as part of his Diversion Task Plan.

#### 5.4.26 Diversion Helped Youths Admit to Their Problems

One-third (n=7) of sample members disagreed with the given statement. More than 20.00% (n=5) "strongly" disagreed and 9.52% (n=2) "mildly" disagreed. One youth did not give a response.

Almost 40.00% (n=3) did agree with the given statement. Those youths who "strongly" agreed accounted for 28.57% (n=6), while 9.52% (n=2) "mildly" agreed.

##### 5.4.26.1 Implications

The variation of scores indicates some mixed opinions as to whether the program helped youths admit to their problems. Again, some youths may not have perceived their offense behaviour as problematic in their lives. It is also possible that youths did not see the relationship between the task and their offense.

#### 5.4.27 Would Youths Recommend Diversion To Friends in Trouble?

The vast majority (n=17) of the research sample said they would recommend the Diversion Program to their friends in trouble. Two youths said they would not, and two respondents were unsure as to whether they would recommend Diversion or not.

Of the 17 youths who would recommend Diversion, some gave more than one reason. Almost 65.00% (n=11) said Diversion was the best way to avoid a Court appearance, while 29.41% (n=5) said that Diversion can "help" or "deter" a young offender. Some youths, 23.53% (n=4), would recommend Diversion on the basis of their personal experience in the program. The latter figure held true for those who said the Diversion Task was "easy" and "fun". One respondent indicated that participation in Diversion provided a way to "make up to society", and another youth would recommend Diversion because it was "not a severe punishment".

Of the two youths who said they would not recommend Diversion to their friends in trouble, one stated that a youth really has "no choice" in the matter, and the other said that Diversion used youths for "free labour" purposes.

Of the sample members who were unsure, one youth said it should be up to the youth whether or not to enter the program. The other respondent said Diversion was "too easy".

#### 5.4.27.1 Implications

Most of the research sample would recommend the Diversion Program to their friends primarily, to avoid the Court process. Speculation suggests that youth perceive the program as a viable alternative to the Court process.

The youths who would not recommend Diversion to their friends based their objections on the tasks. One youth believed he was used as "free labour". Another thought the program was appropriate for twelve and thirteen year olds but was "too easy" for older youths.

#### 5.4.28 Would Youths Change Anything About the Program?

More than 20.00% (n=5) of sample members said, if given the opportunity, they would like to make some changes in the program, while 70.19% (n=16) said they would not change the Diversion Program.

#### 5.4.29 Would Youths Change Staff or Volunteers in the Diversion Program?

As with the preceding question, 23.81% (n=5) of the research sample would make some staff or volunteer changes if given the opportunity. Those who would not make such a change accounted for 76.19% (n=16) of sample members.

#### 5.4.30 Would Youths Make Changes in Diversion Tasks?

Those youths who stated they would make changes with regard to Diversion Tasks represented 38.10% (n=3) of the research sample. Respondents who did not believe they would make such changes if given the opportunity represented 61.92% (n=13).

#### 5.4.30.1 Implications

The area in which youths would like to see the most changes was in the Diversion tasks. Most youths felt they were given little choice in terms of what task they did. The Diversion Program appears to have developed few resources in order to provide for relevant learning experiences during their involvement in the Diversion Program.

#### 5.5 FREQUENCY CROSS-TABULATIONS OF THE DATA

The following frequency cross-tabulations of the data were made:

1. offense with Diversion Task Plan;
2. offense with time spent in Diversion Program;
3. age of youths with:
  - a) how youths felt about entering the Diversion Program;
  - b) perceived coercive treatment;
  - c) parental influence to enter the Diversion Program;
  - d) police influence to enter the Diversion Program;
  - e) lawyer's influence to enter the Diversion Program;
  - f) "fear of Court" influence to enter the Diversion program;
  - g) influence of Diversion Worker to enter the Diversion program;
  - h) influence of friends to enter the Diversion program;

- i) influence of "others" to enter the Diversion program;
- j) parental influence on the development of the Diversion Task Plan;
- k) lawyer's influence on the development of the Diversion Task Plan;
- l) Diversion worker's influence on development of Diversion Task Plan.

Of the fourteen frequency cross-tabulations made, no statistically significant relationships between variables were found. Because the sample size was so small, the chi-square may not have been a valid test.

The chi-square procedure was utilized in an attempt to determine the relationship, if any, between the following variables:

1. age of youths with:
  - a) how youths felt about entering the Diversion Program;
  - b) response to the statement "Diversion Program was trying to make me admit to problems I did not have";
  - c) parental influence to enter the Diversion Program;
  - d) police influence to enter the Diversion Program;
  - e) lawyer's influence to enter the Diversion Program;
  - f) "fear of court" influence to enter the Diversion Program;

- q) Diversion Worker's influence to enter the Diversion Program;
- h) friends' influence to enter the Diversion Program;
- i) others' influence to enter the Diversion Program;
- j) parental influence on Diversion Task Plan;
- k) lawyer's influence on Diversion Task Plan;
- l) Diversion Worker's influence on Diversion Task Plan;
- m) youths' influence on Diversion Task Plan.

No statistically significant relationships between these variables were found using the chi-square analysis.

#### 5.6 INCIDENTAL FINDING

An incidental finding was made during the process of data collection. It was discovered that 23.81% (n=5) members of the research sample had been through the Diversion Program twice. However, Diversion Program policy states that the program serves first offenders. Obviously, these five youths were not first offenders upon their second involvement in the program. All five youths said they had been ordered to return to Diversion by the Juvenile Court. In order to explore this finding in more depth, a series of frequency cross-tabulations were done to compare certain features of youths who had been through the Diversion Program once, and those who had been through the program twice. Cross-tabulations were performed on the following variables:

1. age;
2. time spent in Diversion Program;
3. how youths felt about entering the Diversion Program;
4. Diversion Task;
5. parental influence on Diversion Plan;
6. lawyer's influence on Diversion Plan;
7. youths' influence on Diversion Plan;
8. responses to "The purpose of the Diversion Program was not to punish me for the offense I committed";
9. responses to "The Diversion Program was trying to make me admit to problems I did not have".

The purpose of attempting these cross-tabulations was to test for the effect of coerced participation as opposed to voluntary participation. The occurrence of "ordered" entry into the Diversion Program also carries administrative implications in terms of who is really in control of the program. The policy and practice of uncoerced participation is essential if the program is to maintain its voluntary nature. No significant relationships were found between these variables.



## Chapter VI

### CONCLUSIONS AND RECOMMENDATIONS

#### 6.1 CONCLUSIONS

The conclusion is made that the Essex County Diversion Program Inc. is perceived by its clientele to be a voluntary program. Based on client responses to the research questionnaire (see Appendix B, nos. 21-27, 44, and 49) youths are aware of parental, police and Court influence, but believe the decision to enter the program is essentially their own. The implication to be drawn is that youths are allowed adequate input into the intake process and are the primary focus at the intake interview. They are being encouraged to make responsible decisions concerning their behaviour, which is a major goal of the program.

The conclusion is made that the Diversion Program does not provide an adequate range of tasks relevant to assisting youths to deal with their offense behaviour responsibly and present youths with alternative behaviour choices. This conclusion is based on the following research findings:

1. Nineteen of the twenty-one youths in the research sample did maintenance work as their Diversion Task;
2. Program Tasks was the area in which sample members wanted to see the most change (see Appendix B, no. 54c).

The implication to be drawn is that the Diversion Program has not developed a strong community support base to enable the Diversion Program to select tasks which are suited to the needs of the respective youth.

The conclusion is made that program involvement does not mean an avoidance of Court for clientele. During any youths' involvement, the possibility of being sent back to Court is always in the background. The incidental finding in this study also supports this conclusion in that five members of the research sample had been ordered to re-enter the Diversion Program despite the fact they had been returned to Court for breach of their Diversion Task. Furthermore, a recent procedural development in the Diversion Program requires all clientele to attend Court even upon successful completion of the Task Plan. The implication of these findings is that the Diversion Program's authority is either not recognized or is, on occasion, simply overlooked by the Court. It appears there is a real danger of the program becoming an adjunct of the existing juvenile justice system. However, diversion programs were developed as an alternative to the existing system in order to reduce Court intervention and control. The program under study is quickly becoming a preliminary process to the Court, threatening the voluntary nature of the program.

The conclusion is made that there is no substantial victim involvement in the program under study. More than

half of the sample members indicated that the victim of their offense was not at all involved in their Task Plans. This represents a departure from the program goal to include the victim in Task Plans (in cases where there is an identifiable victim) so youths can understand and take responsibility for their offense behaviour. From the available data, it is difficult to determine if victims were contacted by the program, and if in fact they were, what their response was to such an invitation. While the Court process does not facilitate victim-offender reconciliation, the Diversion Program does not seem to do so either. One goal of the program is to "involve the victims of delinquent act in the resolution of the problem, i.e., confrontation and compensation" (Lajeunesse, Note 5).

## 6.2 RECOMMENDATIONS

The recommendation is made that Diversion workers continue to encourage open discussion between youths and parents pertinent to the youth's entry and participation in the program at the initial meeting. This is to ensure that youths and parents may gain an understanding of the following:

1. the differences between the Court process and the Diversion Program;
2. the youth's rights and obligations should participation in the program be the choice.

The purpose of providing program information and ensuring that such is understood is the best way to limit implied or overt coercion in a voluntary program. In light of the new Canadian Charter of Rights and Freedoms, the protection of individual rights is an area that must be addressed and dealt with sensitively by program staff, administration, and the Diversion Committee. The Young Offenders Act (1982) generally supports maintaining a voluntary relationship between youths and Diversion Programs.

The recommendation is made that the Diversion Program increase efforts to establish a solid network of community resources in order to provide compensatory task choices for clientele. Such an expansion would be beneficial to both the program and clientele for the following reasons:

1. it would present a wider range of task choices to youths;
2. it would help increase community involvement and responsibility for offender behaviour;
3. it would increase offender involvement and responsibility to the community;
4. the program goal of assisting youths to hold themselves socially accountable for their behaviour could be better met.

Furthermore, the youth in this research study whose Task Plan was not maintenance-related believed he was contributing more to "undoing his wrong" than those whose Task Plan consisted of maintenance work.

The recommendation is made that the Diversion Committee examine issues arising from Court ordered participation in the Diversion Program and mandatory Court appearance for all youths upon completion of the Task Plan. Should such practices be determined as unacceptable, the Court should be made aware of such in order to clarify mandate and legitimacy and establish a form of autonomy. If such practices are deemed acceptable, they should be instituted as program policy.

The recommendation is made that increased efforts be directed at encouraging victim involvement in the Diversion Task Plans in order to better meet the program goal of encouraging youths to be accountable for their offense behaviour. Victim involvement may also provide a further source of Task Plan beneficiaries.

The recommendation is made that counselling or treatment not be instituted as part of a youth's Diversion Task Plan. Treatment could be discussed with the youths and their families in terms of how such could be beneficial to the family and what community agencies provide the service most appropriate for their needs. Forced treatment must be avoided because, as Kobetz and Bosarge (1975) point out:

coercion often derails the purpose of rehabilitation: the juvenile offender must want assistance with the problems which led him to transgress against society. (p. 71).

### 6.3 FUTURE RESEARCH

The following are suggestions for areas for future research on the Essex County Diversion Program:

1. How do the parents perceive the Diversion Program? Do they think the Program had any effect on the youth's behavior? What did they think of the Task Plan their child was involved in? The family is directly involved in dealing with their children's behaviour and may be able to offer some insight as to it and how the program affected youths' post-program behaviour. How do community lawyers, judges and Diversion staff perceive the program? How does the program affect police, court, and probation functions? Is there a relationship between various Task Plans and outcomes? Is there a relationship between the number of hours spent on a task and outcomes? The findings of such research may be helpful in clarifying which tasks are suited to the needs of program clientele.
2. Is there a difference in outcomes between those Plans that involved a victim and those that did not? The findings in a study of this nature could indicate if victim involvement affects post-program involvement behaviour of youths.

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- 9

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## Appendix A

### VITA AUCTORIS

Patricia Elizabeth Morneau was born on December 31, 1958, in Windsor, Ontario. Her elementary school education was completed at St. Gregory's School in St. Clair Beach, Ontario, and her secondary education was obtained at Belle River High School in Belle River, Ontario, and at Ste. Anne's High School in Tecumseh, Ontario.

Ms. Morneau was graduated in 1981 with a B.S.W. degree and her name appears on the Dean's Honour Roll. During her fourth year of the Bachelor of Social Work Program, she undertook her field placement at Community Legal Aid, Faculty of Law, University of Windsor, in an effort to establish social work as a secondary service in this setting. After receiving her B.S.W. degree, Ms. Morneau enrolled in the Administrative concentration of the Human Justice and Corrections Specialization of the Master of Social Work Program at the University of Windsor and expects to graduate in June, 1984. In the course of the academic year, she undertook a Directed Field Study at the John Howard Society, where she became involved in a project of assisting a local community to plan a Delinquency Prevention program. In addition to her regular course of studies, she held a Teaching

Assistant position and undertook employment at Legal Assistance of Windsor on a grant basis from the Ministry of Community and Social Services from May to September, 1982.

Ms. Morneau is presently employed at the Windsor-Essex Mediation Centre as Program Counsellor. The Centre is a pilot project sponsored by the Canadian Bar Association offering the community an alternative means of dispute resolution. She is also a certified mediator at her place of employment.

Appendix B

INTERVIEW SCHEDULE AND RAW DATA

1. DATE OF BIRTH (PRESENTED BY SAMPLE AGES)

seventeen years old	38.10% (n=8)
sixteen years old	28.57% (n=6)
fifteen years old	19.05% (n=4)
fourteen years old	14.29% (n=3)

2. DATE OF

ADMISSION TO PROGRAM (see question 4)

3. DATE PROGRAM COMPLETED (see question 4)

4. TIME IN PROGRAM (DAYS)

one month	21.05% (n=4)
two months	57.90% (n=7)
three months	21.05% (n=4)
five months	21.05% (n=4)

5. SEX:

Male	95.24% (n=20)
------	---------------

Female 4.76% (n=1)

6. PRESENTLY IN SCHOOL:

yes 90.48% (n=19)

no 9.52% (n=2)

7. IF YES, WHAT GRADE ARE YOU IN?

grade seven 5.56% (n=1)

grade eight 10.67% (n=3)

grade nine 11.11% (n=2)

grade ten 33.33% (n=6)

grade eleven 22.22% (n=4)

grade twelve 11.11% (n=2)

8. WITH WHOM WERE YOU LIVING WHEN YOU WERE IN THE DIVERSION PROGRAM?

1. own family 95.24% (n=20)

2. relative 4.67% (n=1)

3. group home 0

4. friends 0

5. foster home 0

6. other (specify): 0

9. WITH WHOM ARE YOU PRESENTLY LIVING?

1. own family 100.00% (n=21)

2. relative 0

3. group home 0

4. friends 0

5. foster home 0

6. other Specify: 0

# NOTIFICATION OF PROGRAM

## 10. HOW DID YOU FIRST LEARN OF THE DIVERSION PROGRAM?

1. police	33.33% (n=7)
2. letter from Diversion Worker	33.33% (n=7)
3. letter from Court	9.52% (n=2)
4. friends	0
5. lawyer	4.76% (n=1)
6. other Specify:	19.05% (n=4)

## 11. DO YOU THINK THERE IS ANY DIFFERENCE BETWEEN COURT OR BEING IN DIVERSION?

yes	85.71% (n=18)
no	9.52% (n=2)
not sure	4.76% (n=1)

## 12. IF YES, PLEASE DISCUSS WHAT YOU THINK THESE DIFFERENCE ARE.

In Court, one receives a "record"	27.78% (n=5)
In Court, one receives a "sentence"	16.67% (n=3)
In Court, one is "punished"	5.56% (n=1)
In Court, one is "charged"	5.56% (n=1)
In Court, one is "ordered"	5.56% (n=1)
Diversion is a "less severe punishment"	44.44% (n=8)
Diversion is more work (than Court)	22.22% (n=4)
Diversion is "making up to society"	5.56% (n=1)
Diversion is a means to avoid probation	5.56% (n=1)



## 13. WHAT WOULD HAVE BEEN DIFFERENT IF YOU HAD GONE TO COURT?

not sure	23.81% (n=5)
probation/fine	14.29% (n=3)
a more severe penalty	14.29% (n=3)
nothing	14.29% (n=3)
would have received a "record"	9.52% (n=2)
would have been taken from home	9.52% (n=2)
would have been "charged"	4.76% (n=1)
would have received "publicity"	4.76% (n=1)
would have been sent to Diversion	4.76% (n=1)

## RESPONDENT'S GENERAL DESCRIPTION REGARDING DIVERSION PROGRAM

In this section I am asking you to take a look at what you personally think about your experience in the Diversion Program. Although you are no longer in the program, try to think back and remember how you felt about that experience.

## 14. DESCRIBE WHAT THE DIVERSION PROGRAM MEANT TO YOU.

work/pressure	42.86% (n=9)
to avoid Court	28.57% (n=6)
to "teach me a lesson"	14.29% (n=3)
a "second chance"	4.76% (n=1)
to "pay for what I did"	4.76% (n=1)
punishment	4.76% (n=1)
a form of probation	4.76% (n=1)
no response	4.76% (n=1)

boring 4.76% (n=1)

15. HOW DID YOU FEEL ABOUT ENTERING THE PROGRAM?

neither positive nor negative 28.57% (n=6)

negative 28.57% (n=6)

positive 23.81% (n=5)

nervous/unsure 19.05% (n=4)

16. DID YOU KNOW WHAT WOULD HAPPEN IF YOU CHOSE NOT TO ENTER DIVERSION?

yes 66.67% (n=14) no 28.57% (n=6)

not sure (n=1)

17. IF YES, PLEASE DISCUSS.

go to court 64.29% (n=9)

fine/probation 28.57% (n=4)

"charged" 21.43% (n=3)

taken from home 7.14% (n=1)

nothing 7.14% (n=1)

B.1 RE: INITIAL DIVERSION MEETING

I am going to ask you to think back to the first time you met with the Diversion worker and the lawyer. Making decisions, such as the one you made to enter Diversion, is often difficult. The following questions concern how you felt about entering the program and how you finally made this decision.

18. WHAT TOOK PLACE AT THIS FIRST MEETING?

program was explained	30.95% (n=17)
talked about offense	19.05% (n=4)
talked about my home life	14.29% (n=3)
not sure	9.52% (n=2)

19. BOTH PARENTS WERE PRESENT. 28.57% (n=6)
- ONLY MOTHER PRESENT. 28.57% (n=6)
- ONLY FATHER PRESENT. 9.52% (n=2)
- NEITHER PARENT PRESENT. 4.76% (n=1)
- CANNOT REMEMBER. 28.57% (n=6)

20. WHY WAS (WERE) YOUR PARENT(S) PRESENT?

Parents "told" to be there	76.19% (n=16)
Parents wanted to be there	9.52% (n=2)
to find out about program	9.52% (n=2)
Parents were not there	4.76% (n=1)

How did the following influence your decision to enter the Diversion Program? (The key to number codes is as follows: 1-not strong at all; 2-not very strong; 3-rather strong; 4-very strong; 5-extremely strong).

21. YOUR PARENTS

1 4.76% (n=1)	2 9.52% (n=2)	3 33.33% (n=7)
4 28.57% (n=6)	5 23.81% (n=5)	

22. THE POLICE

1 33.33% (n=7)	2 19.05% (n=4)	3 9.52% (n=2)
4-14.29% (n=3)	5-19.05% (n=4)	

23. LAWYER

1-42.86% (n=9)	2-9.52% (n=2)	3-23.81% (n=5)
----------------	---------------	----------------

4-4.76% (n=1) 5-19.05% (n=4)

24. FEAR OF COURT

1-9.52% (n=2) 2-9.52% (n=2) 3-19.05% (n=4)

4-19.05% (n=4) 5-42.86% (n=9)

25. DIVERSION WORKER

1-14.29% (n=3) 2-14.29% (n=3) 3-33.33% (n=7)

4-14.29% (n=3) 5-23.81% (n=5)

26. FRIENDS

1-71.43% (n=15) 2-9.52% (n=2) 3-9.52% (n=2)

4-4.76% (n=1) 5-4.76% (n=1)

27. OTHER

1-00.00% (n=0) 2-00.00% (n=0) 3-14.29% (n=3)

4-00.00% (n=0) 5-4.76% (n=1)

28. BY THE END OF THE FIRST DIVERSION MEETING, I KNEW

THE

DIFFERENCES BETWEEN COURT AND DIVERSION.

yes 65.71% (n=13)

no 9.52% (n=2)

not sure 4.76% (n=1)

29. COULD YOU DESCRIBE WHAT HAPPENED BETWEEN YOU AND

YOUR

PARENT(S) BEFORE THIS FIRST MEETING?

discussed Diversion, but my decision 28.57% (n=6)

no discussion/no response 28.57% (n=6)

parents encouraged diversion 23.81% (n=5)

parents upset about offense 23.81% (n=5)

30. COULD YOU DESCRIBE WHAT HAPPENED BETWEEN YOU AND YOUR PARENTS AT THIS FIRST MEETING?

little interaction 38.10% (n=8)

much interaction 28.57% (n=6)

no interaction 23.81% (n=5)

no response 9.52% (n=2)

31. COULD YOU DESCRIBE WHAT HAPPENED BETWEEN YOU AND YOUR

PARENT(S) AFTER THIS FIRST MEETING?

discussed meeting/offense 38.10% (n=8)

parents and self "relieved" 33.33% (n=7)

no discussion 14.29% (n=3)

cannot remember 14.29% (n=3)

## B.2 RE: DIVERSION TASK

THE FOLLOWING QUESTIONS HAVE TO DO WITH HOW YOUR PLAN WAS DEVELOPED.

32. WHAT WAS THE TASK YOU DID WHILE YOU WERE IN DIVERSION?

general maintenance work 85.71%  
(n=16)

coaching sports 4.76% (n=1)

counselling/maintenance work 4.76% (n=1)

write an essay 4.76% (n=1)

7

To the best of your recollection, please rate the following statements. They have to do with who or what influenced the development of your Diversion Task Plan. The key to the number codes is the same as used for questions 21-27.

33. MY PARENTS INFLUENCED THE DEVELOPMENT OF MY PLAN.

1-52.38% (n=11) 2-9.52% (n=2) 3-9.52% (n=2)

4-9.52% (n=2) 5-19.05% (n=4)

34. THE LAWYER INFLUENCED IT.

1-61.91% (n=13) 2-9.52% (n=2) 3-00.00% (n=0)

4-23.81% (n=5) 5-4.76% (n=1)

35. THE DIVERSION WORKER INFLUENCED IT.

1-14.29% (n=3) 2-14.29% (n=3) 3-9.52% (n=2)

4-23.81% (n=5) 5-38.10% (n=8)

36. I HELPED INFLUENCE THE DEVELOPMENT OF MY PLAN.

1-23.81% (n=5) 2-9.52% (n=2) 3-23.81% (n=5)

4-23.81% (n=5) 5-19.05% (n=4)

37. THERE WERE PERSONS OR A PERSON AT THE FIRST MEETING WHO

I BELIEVE SHOULD NOT HAVE BEEN INVOLVED IN FORMULATING MY

DIVERSION PLAN.

yes 00.00% (n=0) no 100.00% (n=21)

38. IF YES, WHO?

39. WHAT WAS THE OFFENSE YOU WERE CHARGED WITH?

break and enter 23.08% (n=6)

possession of stolen goods 19.05% (n=4)

break and enter, theft>\$200 14.29% (n=3)

theft > \$200	9.52% (n=2)
auto theft	4.76% (n=1)
intoxicated in a public place	4.76% (n=1)
property damage	4.76% (n=1)
theft < \$200	4.76% (n=1)
drinking under age	4.76% (n=1)
cannot remember	4.76% (n=1)

40. WAS THE PERSON YOU OFFENDED INVOLVED IN YOUR PLAN?

yes 14.29% (n=3) no 57.14% (n=12)

does not apply 28.57% (n=6)

41. WHY DID YOU FEEL YOU WERE REQUIRED TO COMPLETE THE TASK YOU WERE GIVEN?

to avoid Court	47.62% (n=10)
repay community	23.57% (n=6)
to take punishment	23.81% (n=5)
to "teach me a lesson"	9.52% (n=2)
to stay out of jail	4.76% (n=1)
to avoid a record	4.76% (n=1)
not sure	4.76% (n=1)

42. WHY DID YOU AGREE TO DO THE TASK?

to avoid Court/record	71.43% (n=15)
task was not difficult	9.52% (n=2)
parents "made" me	4.76% (n=1)
to deter me from crime	4.76% (n=1)
did not agree	4.76% (n=1)
relieve guilt	4.76% (n=1)

it was deserved 4.76% (n=1)

43. LOOKING BACK, HOW DO YOU FEEL NOW ABOUT THE TASK  
YOU

AGREED TO DO?

enjoyed it 38.10% (n=8)

no practical learning 19.05% (n=4)

neither positive nor negative 19.05% (n=4)

task was hard 14.29% (n=3)

worth it to avoid Court 14.29% (n=3)

practical learning 4.76% (n=1)

work not hard 4.76% (n=1)

it was deserved 4.76% (n=1)

### B.3 ATTITUDE TOWARD DIVERSION

The following questions have to do with what you think about Diversion and what you think the program did for you. (The key to the number codes are as follows: 1-strongly disagree; 2-mildly disagree; 3-undecided; 4-mildly agree; 5-strongly agree).

44. THE DECISION TO ENTER THIS PROGRAM WAS MY OWN.

1-14.29% (n=3) 2-9.52% (n=2) 3-19.05% (n=4)

4-23.81% (n=5) 5-33.33% (n=7)

45. THE PURPOSE OF THE DIVERSION PROGRAM WAS NOT TO  
PUNISH ME FOR THE OFFENSE I COMMITTED.

1-28.57% (n=6) 2-9.52% (n=2) 3-28.57% (n=6)

4-9.52% (n=2) 5-23.81% (n=5)



46. DIVERSION PROVIDED ME WITH A CHANCE TO RESOLVE MY PROBLEMS.

1-14.29% (n=3) 2-9.52% (n=2) 3-28.57% (n=6)  
4-9.52% (n=2) 5-23.81% (n=5)

47. CONSIDERING THE OFFENSE I COMMITTED, THE TASK I DID WAS

A FAIR ONE.

1-4.76% (n=1) 2-4.76% (n=1) 3-9.52% (n=1)  
4-33.33% (n=7) 5-47.62% (n=10)

48. DIVERSION GAVE IMMEDIATE ATTENTION TO MY PROBLEMS.

1-14.29% (n=3) 2-9.52% (n=2) 3-4.76% (n=1)  
4-33.33% (n=7) 5-33.33% (n=7) no response-4.76% (n=1)

49. IT WAS MY OWN CHOICE TO ENTER THIS PROGRAM.

1-19.05% (n=4) 2-19.05% (n=4) 3-9.52% (n=2)  
4-19.05% (n=4) 5-33.33% (n=7)

50. I BELIEVE THE DIVERSION PROGRAM WAS TRYING TO MAKE ME

ADMIT TO PROBLEMS I DID NOT HAVE.

1-42.86% (n=9) 2-19.05% (n=4) 3-4.76% (n=1)  
4-14.29% (n=3) 5-14.29% (n=3) no response-4.76% (n=1)

51. THE DIVERSION PROGRAM HELPED ME ADMIT TO MY PROBLEMS.

1-23.81% (n=5) 2-9.52% (n=2) 3-23.81% (n=5)  
4-9.52% (n=2) 5-28.57% (n=6)

One of the purposes of this research is to find ways to improve the Diversion Program. As someone who has been

involved in the program, your opinions can help to make some changes.

52. IF ONE OF YOUR FRIENDS WAS IN TROUBLE, WOULD YOU RECOMMEND DIVERSION TO HIM OR HER?

yes 80.95% (n=17) no 9.52% (n=2)

not sure 9.52% (n=2)

53. DISCUSS WHY YOU CHOSE THIS ANSWER.

to avoid Court/record 58.32% (n=10)

personal experience 25.53% (n=4)

can deter/help a youth 17.65% (n=3)

54. IF YOU COULD CHANGE THINGS IN THE DIVERSION PROGRAM,

WHAT WOULD THEY BE?

a) Program: yes 23.81% (n=5) no 76.19% (n=16)

b) People: yes 23.81% (n=5) no 76.19% (n=16)

c) Tasks: yes 38.10% (n=8) no 61.90% (n=13)

55. I HAVE BEEN TOLD OF MY RIGHT NOT TO ANSWER ANY QUESTIONS

ASKED BY THE INTERVIEWER.

yes 90.00% (n=18) no 10.00% (n=2)

YOU HAVE SHARED A LOT OF YOUR OPINIONS AND FEELINGS ABOUT MANY THINGS. HOW DO YOU FEEL ABOUT WHAT WE HAVE BEEN DOING HERE?

questions were clear 57.14% (n=12)

may help program 33.33% (n=7)

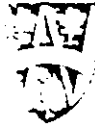
nothing to add 14.29% (n=3)

nervous/embarassed 9.52% (n=2)

some questions unclear	9.52% (n=2)
hard to remember some things	9.52% (n=2)
program good for younger teens	4.76% (n=2)
program's uses youths for free labour	4.76% (n=2)

Appendix C

INITIAL LETTER TO RESEARCH SAMPLE



## UNIVERSITY OF WINDSOR

WINDSOR, ONTARIO N9A 6P4  
TELEPHONE (416) 253-5111  
25000

As you probably know, the purpose of the Diversion Program is to help juvenile offenders in an informal manner apart from the traditional justice system. While Diversion is intended to be a voluntary program, there has been some question as to how voluntary it really is. The only way this question can be answered is by consulting those who have been involved in the Diversion Program. Clearly, it is essential to include the attitudes and reactions of these participants. It is therefore planned to interview a number of the young persons who entered the program in the year 1981. The selection of those to be interviewed has been done entirely at random.

This study is a part of a larger research project on Diversion under the auspices of the School of Social Work, University of Windsor. It has the full co-operation of the Essex County Diversion Program, Inc. Interviews will be conducted by a graduate student in Social Work, Pat Morneau.


We are most interested in finding out what kind of experience your child had in the Program. We would prefer to speak to your child alone, however, we are willing to meet with parents separately if you so desire. You may be assured that your child's identity will not be released and anything said will be kept in the strictest confidence.

It is hoped that the information obtained through this study will enable the Essex County Diversion Program Inc., to best meet the needs of the young people in this community with whom they will be working in the future.

You will be telephoned soon to arrange for a convenient interview time and place. In the meantime, if you have questions regarding any matters in this letter, please feel free to contact us at the School of Social Work, University of Windsor, 253-4232, extension 624 or 463, and we will get back to you as soon as possible.

Thank you in advance for your time, interest, and co-operation with this research.

30K:rk

*Yours truly,*  
  
B. J. Kroeker, Professor  
Research Committee Chairman  
School of Social Work

Appendix D

SECOND LETTER TO SAMPLE MEMBERS RESEARCHER  
UNABLE TO FOLLOW-UP



# UNIVERSITY OF WINDSOR

WINDSOR, ONTARIO N9A 6P5  
TELEPHONE (416) 253-4232  
253-4232

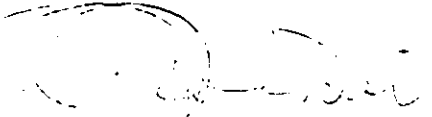
Within the past month and one-half, you should have received a letter concerning research currently being done on the Essex County Diversion Program. Several unsuccessful attempts have been made by the Researcher, Pat Morneau, to contact you by telephone. It would be greatly appreciated if you could contact us to let us know if you would be willing to participate in this research.

Each interview takes only twenty minutes to one-half hour to complete and the interviewer is willing to come to your home for your convenience.

Please feel free to contact us at 253-4232, ext. 453, 9:00 a.m. to 5:00 p.m. or at 254-7931 from 4:30 p.m. to 7:00 p.m. Monday to Friday to indicate how and when we can get together in regard to this research.

Thank you in advance for your time and cooperation in this research.

Sincerely,

  
B. J. Kroszner  
Professor/Research Project Director  
School of Social Work

60K:jk

Appendix E

INITIAL LETTER SENT BY DIVERSION PROGRAM



ESSEX COUNTY DIVERSION PROGRAM

Juvenile and Family Court for Essex County

250 Windsor Avenue

Windsor, Ontario

N9A 6R5

Dear

An incident involving  
has been referred to this Court by

has

It is essential that we meet with your child and you and your husband in order to conclude this matter in the best interests of your family. We invite you to phone the Juvenile and Family Court within 48 hours, at 254-9435 to arrange a friendly, confidential conference.

A lawyer will be present to advise you at this conference unless you wish to retain your own counsel.

We trust that your co-operation in this matter will be voluntary and will not necessitate the involvement of the Juvenile Court process.

Yours truly

Secretary  
Essex County  
Diversion Program Inc.

hs

Appendix F  
/   
DIVERSION PROGRAM PAMPHLET

# DIVERSION

AS A YOUNG PERSON PARTICIPATING IN THIS PROGRAM:

WHAT ARE MY RIGHTS?

WHAT ARE MY RESPONSIBILITIES?

January 12, 1977

## RIGHTS AND RESPONSIBILITIES

Diversion is an agreement that is reached only after you understand the program and have received advice from a lawyer who is there to look after your best interests. Before you can proceed with Diversion, you must acknowledge your responsibility for the offence and agree that the facts as provided by the police are correct. If there is any question about your involvement, the matter must go to court where a Judge can listen to all sides and make a fair decision. You have the right to go to court and be heard.

In the Diversion Program, each person - you, your parents, the Diversion Worker, the Victim, the Counsellor - has a share in making plans for the compensatory work and/or counselling. These plans should be completed within two to three weeks and it is the Diversion Worker's responsibility to make sure this happens.

The Diversion Program is not always the best way. At times, even when someone has decided to go through Diversion, the Diversion Worker may see reasons for plans not working. For instance, your situation at home may require more assistance than the program can offer to you. Two weeks after your first interview, the Diversion Worker has the right to return the charge to court. The Diversion Worker does not

make this decision alone but will discuss it with another member of the Diversion team. If you or your parent think the decision of the team is unfair, you can bring the matter to the Diversion Committee.

If you proceed into the program and there are no further changes in the plans, they are written into "contracts" which will be signed by yourself, your parents and the Diversion Worker.

By signing the contracts, you are saying that you agree with the work and/or counselling and will follow the plans until they are completed. No one in the program can be asked to work more than a total of 40 hours. The contracts are different for each person, but none will last longer than 9 months from the date that you sign them.

Your co-operation in following the plan is important. It becomes your responsibility to do the work and see the counsellor. You may find that there are difficulties, but you can talk these over with the Diversion Worker. However, if you do not do the work or do not see the counsellor, without good reason, then you are not co-operating and taking your shared responsibility. The Diversion Worker will discuss your situation with another member of the Diversion team. If members of the Diversion team decide that the original charge must be dealt with in court, the charge will be sent on to Court and you must appear before the Judge. When this happens, if you and your parents disagree with the Diversion Team's decision to return the

charge to court, you can request to meet with the Diversion Committee before the court date.

Once the program has been successfully completed, the charge laid by the police will be adjourned "sine die" by the Judge. This means, that as far as the Court is concerned, the matter is finished and nothing else is expected of you in regard to the offence. This also means that you are a responsible young person who did something to undo any harm that your actions caused to others.

Because you didn't go to court, you were not found guilty of anything and do not have a record. However, a file that says you were charged with an offence on a certain date, stays at the court.

All information such as contracts, referral reports, and school contacts are kept in a separate file outside of court files.

As with any activity, we have the right to participate, but we are also governed by rules that guide our actions. You will find this to be true in sports, in families, as well as Diversion.

In order to meet with the Diversion Committee, call the Diversion secretary at 251-2447.

Appendix G

ADMISSION OF FACTS FORM

ESSEX COUNTY DIVERSION PROGRAM

Juvenile and Family Court for Essex County

250 Windsor Avenue

Windsor, Ontario

N9A 6R5

RE: Name of Child:

Address:

We have been advised of our legal rights by a lawyer and have a general understanding of this program.

Notwithstanding the right to insist on a trial to prove the facts alleged against our child, he readily admits to these facts and we both agree to meet with the Diversion Worker and cooperate to whatever extent necessary.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent

\_\_\_\_\_  
Parent



Appendix H  
RELEASE OF INFORMATION FORM

ESSEX COUNTY DIVERSION PROGRAM

Juvenile and Family Court for Essex County  
150 Windsor Avenue  
Windsor, Ontario  
N9A 6P5

RELEASE OF INFORMATION

This is your authority to release to a Designated Worker of  
the Juvenile Court of Essex County any or all information that you  
have in your possession relating to \_\_\_\_\_  
Name of child

I further authorize the Designated Worker to convey to Social  
and/or Education Authorities information which may be used for the  
benefit of the child.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Parent or Guardian

\_\_\_\_\_  
Date

This information will be treated as confidential by the  
Essex County Diversion Program Inc. and used solely for the benefit of  
the child.

Appendix I  
STATEMENT OF INTENTIONS FORM

ESSEX COUNTY DIVERSION PROGRAM

Juvenile and Family Court for Essex County  
250 Windsor Avenue  
Windsor, Ontario  
N9A 6P5

PRE-COURT SETTLEMENT - STATEMENT OF INTENTIONS

RE: Name of Child:

Address:

Residence:

I, \_\_\_\_\_ without prejudice, for the purpose  
of settlement, acknowledge my responsibility under this  
program to make restitution for any damages or inconvenience  
I may have caused.

To discharge this obligation, I agree to do the following  
things:

Date to be completed:

\_\_\_\_\_  
Child

Witnesses:

\_\_\_\_\_  
Parent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent

\_\_\_\_\_  
Diversion  
Worker

s.s. Police Department

Appendix J  
SOCIAL PROFILE

DIVERSION PROGRAM

Social Profile

CHILD:

ADDRESS:

TELEPHONE:

DATE OF BIRTH:

SCHOOL:

RACE:

---

Presenting Offense

---

Persons Living in Child's Home:

Age

Occupation

FATHER:

MOTHER:

SIBLINGS:

OTHERS:

Persons Living Outside Home:

Difficulties of Child:

Profile Information Sources

At Home:

1. Your child's behaviour is generally good YES NO
2. Does your child have a curfew? YES NO
- If so - Time \_\_\_\_\_
- Is he/she responsible to keep it? YES NO SOMETIMES
3. Has your child ever run away from home? YES NO
- Reason \_\_\_\_\_
- Has he/she threatened to? YES NO
4. Does your child have assigned chores? YES NO
- Is he/she responsible? YES NO SOMETIMES
5. Does your child accept your instruction and discipline? YES NO SOMETIMES
- Does your child inform you of his/her whereabouts when he/she goes out? YES NO SOMETIMES
6. Does your child receive an allowance? YES NO
- If so how much? \_\_\_\_\_
7. Does your child bring friends home? YES NO
8. Is your child under your control at home? YES NO
- If no why? \_\_\_\_\_
- \_\_\_\_\_

In School:

1. Does your child like school?

YES NO

2. Do you believe your child has any difficulties at school?

YES NO

If so - Why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Is your child's attendance

GOOD AVERAGE POOR

4. Your child's grades are

GOOD AVERAGE POOR

5. Does your child get along with the school staff?

YES NO

School Report

Grades:

Attendance:

Conduct:

6. Relationship to Teachers:

7. Relationship to Peers:

In the Community:

8. Previous police contacts

YES NO

Timing & Nature \_\_\_\_\_  
\_\_\_\_\_



2) Do neighbours complain about your child's behavior? YES NO

If yes - why? \_\_\_\_\_

\_\_\_\_\_

Do you approve of your child's friends? YES NO

If no - why? \_\_\_\_\_

\_\_\_\_\_

3. Does your child use drugs or alcohol? YES NO

If yes - How frequently? \_\_\_\_\_

\_\_\_\_\_

Why did your child get into trouble with the law?

RUN FLAKE PEER PRESSURE ANGER BOREDOM SELF GAIN UNCERTAIN

Relationships:

Parental Parents:

How long have you and child's other parent been:

MARRIED SEPARATED DIVORCED LIVING TOGETHER SINGLE WIDOWED

\_\_\_\_\_

How would you describe your marriage relationship?

Father \_\_\_\_\_

\_\_\_\_\_

Mother \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ when applicable.

Have there been any periods of stress or separation? YES NO

If yes - Explain \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Who sets rules and limits for children?

FATHER MOTHER BOTH OTHER

Who enforces rules and limits for children?

FATHER MOTHER BOTH OTHER

Do parents agree on rules and limits?

YES NO

answer when applicable.

Do you like being a parent(s)?

YES NO SOMETIMES

Is your method of discipline effective?

YES NO SOMETIMES

METHOD: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is this child your natural child?

YES NO

Has this child ever been out of your care for a period longer than 3 months?

YES NO

If yes - In whose care was he/she? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Between Father and Child:

1) How do you and your child get along?

VERY GOOD    GOOD    AVERAGE    POOR    TERRIBLE

2) How do you and your father get along?

VERY GOOD    GOOD    AVERAGE    POOR    TERRIBLE

3) Are there many areas of conflict between father and child?

YES    NO

If yes - Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) Does child confide in father?

YES    NO    SOMETIMES

5) Do child and father participate in activities together?

YES    NO    SOMETIMES

If so - What? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Between Mother and Child:

1) How do you and your child get along?

VERY GOOD    GOOD    AVERAGE    POOR    TERRIBLE

2) How do you and your mother get along?

VERY GOOD    GOOD    AVERAGE    POOR    TERRIBLE

3) Are there many areas of conflict between mother and child?

YES    NO

If yes - Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4 Does child confide in mother? YES NO SOMETIMES

5 Do child and mother participate in activities together? YES NO SOMETIMES

If so - What? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Between Child and Siblings:

6 Does child usually get along with brothers and/or sisters? YES NO

7 Are children's arguments considered to be normal? YES NO

8 Are there any extraordinary conflicts based on jealousy or resentment? YES NO

9 Have any of child's siblings been in trouble with the law? YES NO

If yes - Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other Important Information:

10 Has your child or family previously been involved with a helping person and/or agency? YES NO

If yes - Who? \_\_\_\_\_

When? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11 What are your child's strengths? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) What are your child's weaknesses? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4) Do you think your child will be in trouble with the police again? YES NO UNCERTAIN
- 5) Do you feel that you need the help of an outside service agency to assist your child? YES NO

Identified Needs and Service Recommendations:

Compensatory work contract

a) Number of hours \_\_\_\_\_

b) Placement \_\_\_\_\_

c) Other \_\_\_\_\_

6) Referral - Suggested to family by worker

AGENCY \_\_\_\_\_

\_\_\_\_\_ Accepted by family

\_\_\_\_\_ Rejected by family

No referral necessary \_\_\_\_\_

Comments (if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Information:

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Submitted by: \_\_\_\_\_

Date: \_\_\_\_\_

Appendix K

LETTER TO POLICE RE: ENTRY OF YOUTH INTO  
PROGRAM

ESSEX COUNTY DIVERSION PROGRAM

Juvenile and Family Court for Essex County

250 Windsor Avenue

Windsor, Ontario

NBA #85

Date:

Chief of Police:

Attention:

Dear Sir:

RE:

✓ ADDRESS:

D.C.P.:

This is to inform you that the above named, who was charged in Juvenile Court by your Department, has entered into the Diversion Program.

Yours truly,

Diversion Worker



Appendix L

LETTER TO POLICE RE: VERBAL CAUTION

ESSEX COUNTY DIVERSION PROGRAM

Juvenile and Family Court for Essex County

250 Windsor Avenue

Windsor, Ontario

N5B 6R5

Date:

Chief of Police:

Attention:

Dear Sir:

Re:

Address:

D.C.P.:

In response to an information sworn by you against the above named, the child and his/her parents were seen by a Diversion Worker of the Juvenile Court. After an assessment of this child's and his/her family's needs, it was determined that the appropriate response to the occurrence was to caution the child and send him/her home.

No further intervention or court process appears to be needed at this time.

Should you have any further contact with this young person, kindly inform the writer. Your assistance will help us to evaluate the effectiveness of the Diversion Program.

Yours truly

Diversion Worker

## LIST OF TABLES

<u>Table</u>	<u>page</u>
1. Age of Respondents by Frequency and Percentage . . .	72
2. What Diversion Meant to Respondents by Frequency and Percentage . . . . .	78
3. Why Youths Felt Required to Do Task . . . . .	95
4. Diversion Tried to Make Youths Admit to Problems .	101