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A comparison of two juvenile justice programs.

Catharine Shanahan

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LA THÈSE A ÉTÉ MICROFILMÉE TELLE QUE NOUS L'AVONS RECEUE
A Comparison of Two Juvenile Justice Programs

by

Catharine Shanahan
and
Bonnie Sokoloff

A thesis
presented to the University of Windsor
in partial fulfillment of the
requirements for the degree of
Master of Social Work
in the
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Windsor, Ontario, 1983

(c) Catharine Shanahan and Bonnie Sokoloff, 1983
In memory of
my brother,
Frankie Sokoloff
ABSTRACT

The purpose of this study was threefold. First, it was designed to complete a follow-up study of the youths who had successfully completed the Essex County Diversion Program from 1975 to 1981.

The second purpose was to evaluate whether there was any significant difference in the rate of recidivism between those persons who completed the diversion program in Windsor, Ontario and individuals who participated in the traditional juvenile justice system in London, Ontario. A matched sample was developed to make this comparison using a static group comparison design. The sample group consisted of 97 juveniles who completed the diversion program in Windsor in 1978 and 89 juveniles who were processed through the traditional court process in London, Ontario during the same period. All members of the sample group met the criteria for eligibility in the Essex County Diversion Program.

Finally, this study was intended to become part of a larger project which was designed to compare the two systems, diversion and the traditional juvenile justice system, in dealing with the problem of juvenile delinquency.

The data were collected by means of reviewing the files of diversion program participants. Names and birthdates
were obtained for those who had successfully completed the program. These were submitted to the Windsor police to determine which individuals had been charged by Windsor police subsequent to reaching the age of sixteen. Three hundred and eighty-eight names were submitted for purposes of the follow-up study. For the comparison study 89 names of juveniles who participated in the court program in London, Ontario were gathered from the London court docket and submitted to the London police department. Ninety-seven names of juveniles who successfully completed the diversion program in 1978 were submitted to police. Data were gathered to determine the age of first juvenile charge, age of first adult charge and number of adult charges.

The research findings indicated that the majority of persons who successfully completed the diversion program did not acquire further criminal charges as adults. The second major finding was that the Essex County Diversion Program was at least as effective as the traditional court program in preventing recidivism. There was no significant difference in the extent of recidivism between the two groups.

The major conclusion from this study was that no one juvenile justice program offers a solution to all. Instead it is important to determine which type of diversion is most effective for which type of individual. The major recommendation to emerge from this study was that diversion programs must build in follow-up and evaluation studies into their
operations. This will help assure that these programs meet their stated goals and objectives and remain accountable for their activities. In addition, it will assist researchers to continue to assess the effectiveness of diversion programs.
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Chapter I

INTRODUCTION

The problem of juvenile delinquency has been of concern to society for many years. It is an issue that has been addressed by policy makers, the field of corrections, researchers, social work professionals and the general public in various ways. However, despite an abundance of legislative policies and programs designed to deal with this problem, many authors claim that an adequate solution has yet to be found. Donna Henn (1973) comments that:

However laudable the purpose of juvenile law and the juvenile court system, it has not achieved the ideal. The juveniles who have gone through the system have a high rate of recidivism. Juvenile courts have not provided the type of successful rehabilitative care envisioned by authors of juvenile court acts (p. 477).

Over the last decade there has been a movement to introduce diversion programs as an answer to the inability of the court system to solve the problem of juvenile delinquent behaviour. Diversion programs aim to reduce the penetration of juveniles into the juvenile justice system, promote community responsibility for correcting delinquent behaviour and encourage juveniles to become accountable for their behaviour.
However, there has been much controversy regarding the effectiveness of diversion programs. Several authors have pointed to the lack of conclusive evidence supporting the success of diversion programs (e.g., Wright and Dixon, 1977; Cavoukian, 1979; Rupkalvis, 1979; Gibbons and Blake, 1976).

This issue is one of concern in Canada for two primary reasons. First, there has been a lack of Canadian research in this area (Moyer, 1980, p. 187). Secondly, a new legislative policy, the Young Offenders Act (1982), which affects juveniles in Canada, has legalized programs such as diversion. One of the principles of this piece of legislation is that "where not inconsistent with the protection of society alternative social and legal measures for dealing with young persons should be used" (Gaudet, 1977, p. 2). For these reasons it is important that empirical research examine the effectiveness of diversion programs.

In accordance with this need for further research the purpose of this study was to assess one aspect of the effectiveness of diversion. It compared the extent of recidivism of diversion program participants with the participants of a traditional juvenile justice program. Chapter two outlines a review of the literature in this area and the rationale behind diversion programs. Chapter three describes the two juvenile justice programs examined in this study. Chapter four states the methodology used and describes the sample groups. Chapter five provides an analysis of the findings.
Finally a summary of the study, along with conclusions and recommendations can be found in Chapter Six.
Chapter II

REVIEW OF THE LITERATURE

The issue of the treatment of juvenile offenders is one that has received much attention by researchers as well as practitioners for many years. At the core of this issue has been an attempt to find the best way to correct the problem of juvenile delinquency. Juvenile delinquency is a social problem of major proportions. Current statistics indicate that 66,606 youths were charged in Ontario in 1981 (Statistics Canada, 1981). This is an impressive increase from 1973, when 14,669 juveniles were charged in Ontario (Statistics Canada, 1973). Other information also indicates that juvenile delinquency has increased in both Canada and the United States. In the United States the rate of increase for juveniles charged with violent offences is double that of adults (Sandhu, 1977, p.16). Further studies indicate that juveniles now account for over one quarter of all persons apprehended for criminal offences each year (Maron, 1976, p.461). In addition, it appears that these statistics reflect only the tip of the problem (Lundman, 1976, p.428) since self report studies reveal that ninety per cent of all juveniles have committed acts for which they could have been charged (Griffin, 1978, p.51).
The discussion of juvenile delinquency however, is somewhat problematic, as is the analysis of current statistics, because definitions of delinquency vary. In addition, various terms are used to describe this problem. "Youthful offenders" and "juvenile delinquents" are terms that are frequently used interchangeably. Whatever term is used, a variety of connotations is conjured up in the mind. Definitions of delinquency vary from including only those who have been charged with an offence which would be considered a crime if committed by an adult, to a commission of a wide variety of behavioural offences which would not be considered illegal if committed by adults. Examples of the latter include truancy, incorrigibility, and running away. The new Young Offenders Act will represent a change from this pattern of reporting federal statistics since there will no longer be a finding of delinquency and juveniles will only be charged with criminal offences under the Criminal Code. Therefore, statistics reported after the implementation of the new legislation will more closely parallel figures reflecting adult criminal rates. However, at this point in time, statistics reporting juvenile crime still include provincial and municipal behavioural offences that do not come under the Criminal Code of Canada. Therefore these figures must be interpreted cautiously. However it is defined, it is known that thousands of youths appear before the juvenile courts each year and the courts must decide how best to deal with them.
2.1 CAUSES OF JUVENILE DELINQUENCY

Society has long searched for the causes of crime and delinquency. A review of the literature indicates that there has been a wide variety of theories which have been proposed to explain this phenomenon. Behind the quest for a theory to explain the cause of delinquency has been a desire to isolate a single variable or set of variables which are responsible for deviant behaviour. Unfortunately the statistics which indicate a trend toward an increase in crime and delinquency lead researchers to believe that this still remains an elusive task. However, an examination of these theories is useful in providing insight into the nature of delinquency as well as providing a perspective of the development of theory over time. Despite the large number of proposed theories three major approaches can be seen. These can be classified as biogenic, psychogenic and sociogenic approaches. All of these theories are:

dominated by a philosophy rooted in the belief that delinquents are radically different from other youngsters, and that these differences, whether genetic, social, or psychological, constitute the causes of criminal behaviour (Katkin, Hyman, and Kramer, 1976, p.31).

Biogenic Approaches

Biogenic hypotheses form some of the earliest explanations of criminal behaviour. These theories attempted to explain deviant behaviour on the basis of biological differences. The following section gives a brief summary of these
theories. Early theories of this nature can be linked to Lombroso, Hooten and Sheldon. These researchers promoted the idea that criminal behaviour was a result of inherited genetic weaknesses. Lombroso (1835–1909) postulated that law violators are a distinct physical type which could be recognized at birth by certain characteristics such as long lower jaw, an abnormal nose, bulbous lips and ape-like arms. Hooten also proposed that criminal behaviour was induced by biological inferiority (Klemperer and Parker, 1981, p.100). Although these theories were later refuted, other researchers also searched for physical or biological differences in the criminal. William Sheldon developed the body classifications of endomorph, mesomorph and ectomorph to explain biological tendencies towards criminal behaviour. He argued that criminals more often demonstrated mesomorph or muscular characteristics and thus were more openly aggressive, competitive and driven (Klemperer and Parker, 1981, p.101). This theory also received considerable criticism. More recent biogenic theorists such as Jacobs and Strong have examined the chromosome structure of criminals. These theorists claimed that males who possessed an extra Y chromosome were more likely to become criminally insane than males with normal chromosome patterns (Griffin and Griffin, 1978, p.156). A number of other researchers attempted to link biological differences to criminal behaviour. Although most of these theories have failed to have been proven by empiri-
cal testing, they do have significance in understanding modern perception of criminal behaviour. Each of these theories stresses that the criminal was "degenerate or inferior by reason of heredity, physique, temperament, or mental equipment" (Griffin and Griffin, 1978, p.158). Public attitudes are frequently affected by such theories because of their simplicity. These attitudes have a bearing on the public acceptance of programs and policies designed to correct the problem of delinquency.

**Psychogenic Approaches**

Psychological and psychiatric approaches to criminal behaviour and delinquency also focus on the perceived abnormality of the criminal. Many of these theories stem from Freudian or psychoanalytic concepts. Freud developed the concept of the id, the ego and the superego. The id is the unconscious source of biological needs and drives. These needs and drives are primarily aggressive and sexual in nature and demand immediate gratification. The ego is the force that is reality oriented and mediates the wishes of the id with the outside world. The superego is equated to the conscience and reflects the norms and values of society. According to psychoanalytic theory, delinquency may arise in two ways. The first is a neurotic response when the superego is overdeveloped. This situation produces extreme feelings of guilt resulting in a need to be punished.
Therefore, this theory purports that the juvenile commits a crime in order to receive punishment. The second type of response occurs when the superego is underdeveloped. In this case, the id wishes are not balanced by the demands of the superego. This situation leads to poor impulse control and the person commits a crime in an attempt to satisfy the aggressive drives and instincts of the id. Psychoanalytic theory also claims that this impulsive and aggressive behaviour is caused by sexual repression in early childhood. Thus, children who are punished for demonstrating signs of sexual behaviour repress their sexual needs and desires. When these desires surface in adolescence, the child's fear of these feelings causes him to act out in aggressive and hostile ways.

A third pattern which may also develop, according to this theory, is impaired ego functioning. When this occurs, the child doubts his abilities and is prone to the influences of his peers. Some have labelled this an inferiority complex or low self esteem. These theories have also been subject to considerable controversy. One source indicates that: "Psychocanalytic concepts simply do not suffice to explain all delinquency. They do, however, seem especially useful in attempts to understand two elements of delinquency: (1) unusual crimes, and (2) the behaviour of persistent and especially troublesome offenders" (Katkin et al., 1976, p.45).
A number of theories have also been developed from a psychological perspective. These theories focus on intelligence, social adjustment, personality problems, and learning. These theories suggest that juvenile delinquents may be of lower intelligence, may show different personality traits, may be poorly adjusted to their social environment or may have either modeled deviant behaviour or have been conditioned to be deviant through positive or negative conditioning.

Although controversy still exists regarding the validity of these theories, they represent a significant influence on both current understanding of delinquency and treatment approaches. These theories underline a philosophy that psychological counselling is needed to correct the problem of delinquency.

**Sociogenic Theories**

Some theorists have combined psychological and sociological theories. Containment Theory, developed by Walter Reckless, is an example of this combination of approaches. Reckless proposed that there are two forces which operate in human beings - inner containment and outer containment. Inner containment consists of the juvenile's inner control of emotions and drives. Outer containment consists of society's reinforcement of norms, goals, and expectations. If these two control factors become unbalanced, or one breaks down, deviancy results (Klemperer and Parker, 1961, p. 115).
Edwin Sutherland developed one of the most significant sociological theories regarding the causes of delinquency. This was known as Differential Association. Sutherland argued that delinquents are mentally healthy individuals who learn criminality from their interactions with significant others in their environment. Sutherland proposed that an individual may experience conflict over which norms to accept when exposed to disparate groups. Thus, while some may choose to accept socially acceptable goals, others may choose deviant goals (Griffin, 1978, p.188). Other researchers developed this theory further. Conflict theory, developed by Robert Fuller, also addresses the struggle in society between inherently opposed factions which can lead to violence and deviance (Henshel and Henshel, 1973, p.38). Robert Merton developed the theory of Anomie which contends that delinquency is a "response to the unavailability of conventional or socially approved routes to success and is characteristic of lower-class persons" (Gibbons, 1976, p.91). Thus, he concluded that the strain between culturally valued ends and the lack of opportunity to achieve these means in a socially acceptable manner may lead some to seek innovative or illicit means to accomplish these goals. Richard Cloward and Lloyd Ohlin (1960) explored the theory of Anomie, applying it to working class delinquents. Albert Cohen also studied this theory with delinquent boys in 1955.
Labelling theory represents another development within the sociological approaches which has had a major impact on juvenile justice policies and programs. Labelling theory was developed by Edwin Lemert and was further developed by Howard Becker and others. Labelling theorists propose that deviant behaviour is reinforced when the delinquent is processed through the justice system. Thus, once he is labeled as a delinquent, a stigma is attached to the individual and when this occurs, the person is singled out as being evil or bad. This affects the individual's self image as well as others' view of him. When this occurs, "the label may become a sort of vicious self-fulfilling prophecy" (Henshel and Henshel, 1973, p.44) leading to further deviance. This is known as secondary deviance. The implications of this are discussed later in this chapter as they apply to the development of juvenile justice policies and programs.

Finally, according to radical theorists, the source of delinquency is in the economic and political organization of society. These theories link deviant behaviour to the class struggle which exists in a capitalistic society. They propose that the masses are oppressed by society's power. Delinquency is "any behaviour that threatens society's organization and control" (Klemper and Parker, 1981, p.118). Therefore, there is no "cure" for delinquent behaviour since it serves society's purpose to maintain deviancy.
In summation, there are many theories explaining the cause of delinquency. These theories fall into three basic categories: biogenic, psychogenic, and sociogenic. Although there is considerable controversy about all of these theories, they nevertheless often form the rationale behind the development of criminal justice policies and programs, thus having an impact on the development of criminal justice programs and policies.

2.2 JUVENILE JUSTICE POLICY

A brief overview of the development of juvenile justice policy in Canada is necessary to understand current issues and criticisms as well as lending perspective to the advances made in this field over the years.

The British North America Act, 1867, outlines the federal and provincial responsibilities for administering criminal justice policies in Canada. This Act places the responsibility of administering the federal legislation concerning criminal matters with the provincial government. The federal government is responsible for making laws relating to criminal law and procedure (McGrath, 1976, p.183).

A concern over the rights and needs of children led to the development of Canada's first legislation concerning juveniles. In 1893 the Act for the Prevention of Cruelty to and Better Protection of Children was passed in Ontario. In 1894, An Act Respecting Arrest, Trial and Imprisonment of
Youth Offenders was passed in Ontario. This latter Act "made provision for the private detention of juvenile offenders under sixteen years of age and guaranteed the right of a private trial" (Reynolds, Tyler and Vanderzwet, 1976, p. 187-188). The Act also ensured that children under the age of fourteen convicted of an offence would be sent, wherever possible, to institutions other than prisons. In 1908, the Juvenile Delinquents Act was passed and was amended in 1929. The JDA instituted several significant changes in Canadian juvenile justice policies. First, it provided for the establishment of juvenile courts in each province. This is seen by some authors as the first "diversion program", since it diverted juveniles away from the adult court. "It is important to remember that its enactment reflected, the concern of the adult community to protect juvenile offenders from the stigma and punitiveness of the criminal law and to provide them with mature understanding, guidance, discipline and support" (MacDonald, 1971, p. 167). The second significant change this Act created was the link between juvenile delinquency and treatment. "It provided for a wide range of reformative sentencing dispositions focused primarily on the welfare of the individual offender" (MacDonald, 1971, p. 167). The third change which resulted from the Juvenile Delinquents Act (1929) was the provision that all juveniles found guilty of an offence would be judged to be in a state of delinquency, and were
not to be dealt with as offenders. This further linked juvenile justice policies to a treatment and rehabilitation focus, since the aim of this approach was to help guide the juvenile to change his behaviour, rather than to simply punish the individual. Finally, the Juvenile Delinquents Act (1929) also provided for "the provision of private trials of juveniles, free of publicity and separate from adult trials, with such trials to be conducted in as informal a manner as would be consistent with a proper administration of justice" (MacDonald, 1971, p.167).

The Juvenile Delinquents Act has undergone some amendments since its inception, but the basic underlying philosophy has continued to guide juvenile justice policies until recent years. However, the Juvenile Delinquents Act has also been criticized for several reasons. Briefly summarized, these criticisms stemmed from the following concerns. The Juvenile Delinquents Act provided for the prosecution of children as young as seven years of age in the juvenile courts, leaving open the possibility that such young children could be sent to training schools. The all-encompassing term of delinquency applied equally to those guilty of municipal by-laws as well as those convicted of serious criminal offences. Minimal restrictions were placed on the use of training schools as a sentencing option. Many juvenile courts lacked community resources, resulting in high numbers of training school committals in these court
jurisdictions. Juvenile court trials were frequently conducted without proper safeguards for the legal rights of the child (MacDonald, 1971, p. 167-168).

Similar concerns were voiced about juvenile courts in the United States. Two landmark decisions were made in the Supreme Court of the United States which influenced juvenile justice policies in both the United States and Canada. The first decision, known as the "Gault decision," was made on May 15, 1967. The Gault decision instituted a new concern for the protection of children's rights in the court system. In 1964, Gerald Francis Gault, aged 15, was charged in Arizona for making "lewd phone calls." He and his friend were taken into custody. His parents were not informed of this, nor were they served notice for the court hearing the following day. The complaining witness was not present in court, nor was Gault represented by a lawyer. Gerald Gault was never informed of the privilege against self incrimination. Gault was found to be delinquent and was committed to the state training school until his twenty-first birthday or until he was cured, whichever came first. An adult found guilty of the same offence could have received a maximum punishment of two months imprisonment or a fine of between five and fifty dollars. Gault's family attacked the constitutionality of the court's decision but were not successful. However, the Supreme Court overturned this decision and ruled that the essentials of due process and fair treatment
must be accorded to juveniles as well as adults (Katkin et al., 1976, p. 310; Griffin and Griffin, 1978, p. 273-275).

In the Winship decision, in 1970, the United States Supreme Court further clarified the rights of juveniles by deciding that the court must decide guilt "beyond a reasonable doubt" in juvenile cases as well as with adults, in order to protect the due process of law (Katkin et al., 1976, p. 310; Griffin and Griffin, 1978, p. 273-275).

The juvenile court was founded on the principle of "parens patriae". This principle was based on the philosophy that the state or the court would intervene in the lives of children in the same way as "wise" parents would.

The idea of the juvenile court has been characterized as a contract between government on one side, and parents and children on the other, by which full protection of procedural safeguards was relinquished in return for various promises amounting to a pledge that court intervention would help, not hurt (that is, children would not be stigmatized; the family would be strengthened; children removed from their homes would be treated as much as possible as they should be in good homes; and children would receive therapeutic treatment (Schultz, 1973, p. 473).

Under this system, due process safeguards have been deemed to be unnecessary because the entire proceeding is in the child's best interest (Katkin et al., 1976, p. 267). However, both the Gault and Winship decisions challenged the applicability of this philosophy within the court system. Underlying the philosophy of "parens patriae" is the concept that rehabilitation rather than punishment is the objective of the juvenile court system. Behind this is "the notion
that the treatment plan should fit the offender" rather than having the punishment fit the crime (Kavkin et al., 1976, p.263). However, some critics think that this is an ideal rather than reality and that juvenile courts must operate not primarily as helping agencies but as courts of law with an emphasis on legal procedures.

This debate over the function and purpose of the juvenile court is not new and still remains one of the critical issues concerning juvenile justice. "The problems which the juvenile courts deal with have been with us since man first began to live in organized society, and to promulgate codes of laws. They involve a basic issue, the role of the authority of the state in the life of a child" (Young, 1971, p.12). The treatment approach to juvenile justice is based on the theory that delinquency is caused by psychological problems which require treatment in order to correct them. The punishment model is based on the notion of free will and the need for juveniles to accept responsibility for their actions and be punished for their wrongdoings. Punishment is also designed to be a deterrent for others by setting an example of swift, sure action.

There are many problems associated with both approaches. The literature indicates that there are many critical issues that arise concerning the treatment approach to juvenile justice. The first issue concerns the appropriateness of this approach within the court system. Some
authors argue that it may simply extend the control of the law into people's lives, thus increasing state control. Others argue that the juvenile court has a dual purpose—care and punishment—and that these two objectives may be incompatible because they require different forms of treatment. Others question whether there is sufficient knowledge about effective treatment methods for juvenile delinquency to make this goal possible. Finally, there is also a concern about whether the court is able to judge and supervise the adequacy of treatment provided for the juvenile. Many of these concerns are based on an evaluation of the effectiveness of the juvenile court and the realities of the limitations of the court system. Donna Renn (1973) claims that the "juvenile courts have not provided the type of successful rehabilitative care envisioned by authors of juvenile court acts" (Renn, 1973, p.477). This argument was based on statistics which indicate a high rate of recidivism.

Critics of the punishment approach argue that juveniles have special needs which must be taken into consideration in the justice process, and that juveniles cannot be expected to have the same level of responsibility as an adult. Therefore they need guidance and direction in a parental manner, not just punishment. Others argue that there are factors which must be taken into consideration in the cause of delinquency. Thus, family, school, friends and social
pressures may contribute to the juveniles deviant behaviour and these factors must be corrected before behaviour change can occur.

As a result of the criticism and benefits of both philosophies, the Canadian juvenile court has attempted to accommodate both the treatment and punishment approaches. The Young Offenders Act, which will be fully implemented in 1985, replacing the Juvenile Delinquents Act, has addressed both of these issues in its underlying philosophy. "Replacing the 'pares' patriae' approach of the existing law, unchanged since 1908, the new Act would place the onus of responsibility on the young person and at the same time guarantee his right to due process and equal right to representation by counsel" (Solicitor General, 1979). However, "along with supervision discipline and control, young persons have special needs and require guidance and assistance" (Gaudet, 1977, p.2). The effect of these changes will be to change the nature of the juvenile court. The new emphasis is to be on responsibility and the protection of the young person's legal rights and is designed to protect the young person from unjust treatment. "The effect, (of these changes) however, is to create a court that is based on an adversary relationship with its strengths and weaknesses" (Gandy, 1976, p.70). The Young Offenders Act also makes provisions for "alternative measures". Section 4 of this Act legitimizes alternate programs as a means of
increasing the rehabilitative resources open to the court. However, these measures still attempt to safeguard the legal rights of the child (Young Offenders Act, 1982). In addition, this Act deletes the term "delinquent" and the right of the court to make a determination of "delinquency". The emphasis in the Young Offenders Act is to determine whether a juvenile is guilty of an offence and decide upon an appropriate disposition. The Young Offenders Act will also institute several other major changes from the Juvenile Delinquents Act. The minimum age of responsibility will be changed from seven to twelve years. Children under the age of twelve will be dealt with under the child welfare legislation of each province. The maximum age will be changed from sixteen to eighteen and an attempt is made to clarify sentence options. A juvenile may not be sentenced to a more severe punishment than an adult guilty of the same offence would receive. The Young Offenders Act, therefore, represents a major shift in both policy and practice in Canadian juvenile justice.

The juvenile court has been severely criticized in both the United States and Canada for failing to meet its objectives. The trend towards increasing juvenile crime has been cited as proof that current juvenile justice policies have failed. The President's Commission on Law Enforcement and Administration of Justice in 1967 commented:

Studies conducted by the Commission, legislative inquiries in various states, and reports by informed observers compel the conclusion that the
great hopes originally held for the juvenile court have not been fulfilled. It has not succeeded significantly in reducing or even stemming the tide of juvenile criminality, or in bringing justice and compassion to the child offender (Task Force Report, 1967, p.7).

Several causes have been linked to the failure of the juvenile justice system: the lack of community resources, a lack of dispositional alternatives, a large court back-log of cases, the labelling inherent in the system, shortage of personnel, the inability of the formal system to reach the influences in the life of the child, and the lack of effective knowledge on effective rehabilitation methods. One author commented: "We do not know enough—and even if we did—we do not care enough—to do what is necessary to change children's behaviour. To change children, we have to change society" (Schultz, 1973, p.473). This consensus within the literature, with regard to the failure of the juvenile court serves as impetus in the drive to discover an effective and humane way of dealing with the problem of juvenile delinquency.

2.3 JUVENILE JUSTICE PROGRAMS

Probation

Probation has traditionally been one of the main options utilized by the court in sentencing juveniles since it provides a period of supervision without placing the offender in custody (Gandy, 1971, p.10). It appears that under the new Young Offenders Act this will continue to be a
popular program used by the juvenile court. Probation refers to a specific period of time during which the young person is subject to certain conditions and restrictions. During this period the young offender is supervised by a probation officer, both to provide guidance and to ensure that the probationer complies with the conditions imposed. The President's Law Commission on Law Enforcement and Administration of Justice provided the following explanation of probation.

Juvenile probation, which permits a child to remain in the community under the supervision and guidance of a probation officer, is a legal status created by a court of juvenile jurisdiction. It usually involves (a) a judicial finding that the behaviour of the child has been such as to bring him within the purview of the court, (b) the imposition of conditions upon his continued freedom, and (c) the provision of means for helping him to meet these conditions and for determining the degree to which he meets them. Probation thus implies much more than indiscriminately giving the child "another chance". Its central thrust is to give him positive assistance in adjusting in the free community (Kasselbaum, 1974, p.104).

Probation, according to Clarke, is based on the following principles: (1) Retribution—punishment commensurate with the offenders proven criminal conduct. This punishment consists of a loss of privacy and interference with liberty, e.g. curfew, supervised school attendance, limited association with friends, etc. (2) Deterrence—the prevention of crime by maintaining a threat of punishment, (3) rehabilitation, (4) restraint and (5) restitution (Clarke, 1979). One of the primary functions of probation is to keep the
offender out of an institution, but the program also focuses on rehabilitation. In order to accomplish this a heavy reliance is placed upon casework as a means of altering antisocial behaviour in many probation departments (Eldefonso, 1976, p.121). This is carried out by the probation officer. The literature indicates that this purpose has received increasing attention in recent years.

Probation used to be looked upon as a means of checking up on the probationer, as a second chance, or as a lenient disposition. Although this view is still fairly prevalent, today probation means much more: probation is an active attempt to discover and remove the causes of an individual's problems (Eldefonso, 1976, p.121).

Thus, probation seeks to rehabilitate the juvenile offender by attempting to prevent a repetition of the youth's delinquent behaviour. The suggested advantages of probation over institutionalization are stated to be: the individualized form of treatment it provides through the utilization of casework methods, the maintenance of the child in normal home surroundings, the provision of community resources, the lower cost, and the decreased social stigma because probation is not to be considered punitive (Eldefonso, 1976, p.123). However, probation has been subject to several criticisms. The most serious attack deals with the two goals of probation - punishment and rehabilitation - which some authors consider to be incompatible.

The formal goal of probation is to improve the delinquent's behaviour, in short, to "rehabilitate" him. This goal is short-circuited, however, by a
pervading preoccupation with control. Reflecting
insistent demands that the court "do something"
about recurrent misconduct, probation is organized
to keep the delinquent "in line", to prevent any
further disturbing and inconveniencing "trouble".
The ultimate goal of permanently "reforming" the
delinquent's personality and conduct becomes
subordinated to the exigencies of maintaining
immediate control. Probationary supervision
consequently takes an decidedly short-term and
negative character; probation becomes an essen-
tially discipline regime directed toward deterring
and inhibiting troublesome conduct (Kassetaum,
1974, p. 105).

This same conflict may prevent rehabilitation in the mind of
the young offender. "Most offenders do not see the court
and its probation agencies as sources of help, but as admin-
istrators of punishment (Adams, Carter, Gerlett, Pursuit,
and Rogers, 1973, p. 449). This may prevent the juvenile
from establishing a meaningful relationship with the proba-
tion officer. Probation officers may also feel conflict
with regard to their duties which require them to police the
probationer's behaviour, while attempting to establish a
therapeutic relationship with the juvenile. One author
commented: "Not only does the offender have trouble with
this situation, but the probationer himself experi-
ences considerable identity conflict" (Adams et al., 1973,
p. 451).

The second area of criticism concerns the problems
associated with "sentencing people to treatment". The
success of rehabilitation efforts depends in many ways on
the person's desire to change. Since this is imposed on the
person by the court, the probationer may be unmotivated to
change. This presents problems for the probation officer as well as potentially reducing the effectiveness of the rehabilitative efforts of the probation program (Adams et al., 1973, p. 451).

Another criticism of probation programs has dealt with the administrative constraints which probation officers must face. Frequently they must deal with high caseloads and other functions which reduce their available time to spend with the offender. Officers often must spend great amounts of time appearing in court, preparing personal histories, and writing reports (Adams et al., 1973, p. 450; Gandy, 1971, p. 11).

Finally, the casework approach itself has been criticized as an ineffective means of rehabilitation.

This emphasis upon individual treatment, and the correction of emotional maladjustment, has tended to ignore the compelling pressures that are exerted upon the offender by persons living in the community, by the social groups to which he belongs, by the overall culture and, within it, a host of dissonant subcultures. It is this subcultural and cultural matrix from which the offender comes that prescribes his goals and his standards of conduct. And it is this matrix which heavily influences whether he will become a success or a failure, a criminal or a law-abiding citizen (Adams et al., 1973, p. 451).

A review of the literature indicates that there is limited research on the effectiveness of probation. In addition, the research available appears to be somewhat contradictory. Some studies indicate success rates of between 60 and 90 percent. These findings were criticized
"because they were not obtained under controlled conditions nor were they supported by data which distinguished among the types of offenders who succeeded or the types of services that were rendered" (Adams et al., 1973, p. 452). Other sources however, point to the high rate of recidivism as an indication of the lack of success of probation efforts. A number of studies have explored the effectiveness of the casework approach and have shown that casework clients often deteriorate in treatment or do worse than people in control groups who receive no treatment (Fischer, 1978, p. 5). One study showed that social services or counseling had no long term effect on recidivism among probationers (Lichtman and Smock, 1981, p. 89).

Other sources also criticize the effectiveness of probation services and point to the need for new methods of dealing with the juvenile offender (Mounsey, 1977, p. 278). Gandy concludes that "research on the effectiveness of various levels of probation service in preventing recidivism has been inconclusive" (Gandy, 1971, p. 16). It would appear however, that probation services work best with those juveniles who require minimal supervision since time constraints prevent probation officers from providing adequate service to those who need intensive supervision and/or casework services (Gandy, 1971, p. 16). However, research has not been a priority in these programs to date, and further assessment and evaluation is needed to determine accurately their effectiveness.
Criticisms of the traditional juvenile justice programs have led to an increased interest, in both Canada and the United States, in a type of program known as diversion. The term diversion generally refers to "a process which limits the penetration of youth into the juvenile justice system. It occurs at any point between apprehension and adjudication" (O'Brien, 1979, p.384). However, it has been used to describe "almost any discretionary action available to a public or private agency dealing with children and youth" (O'Brien, 1979, p.384). Since these definitions are so broad, more explanation is needed to further define the term diversion as it is referred to in the literature. The following definitions encompass the intent and meaning of most of the literature written about diversion.

1. Diversion consists of "any process employed by components of the criminal justice system (police, prosecution, courts, corrections) to turn suspects and/or offenders away from the formal system or to a "lower level in the system" (Klein, 1976, p.74).

2. Diversion consists of processes and programs at the pre-trial level, established as alternatives to the formal procedures of the court for dealing with persons who come into conflict with the law. Within this definition the process referred to is the decision to divert a person to a program (Solicitor General, 1978, pp.32-33).

These two definitions illustrate one of the dilemmas that plague any discussion of diversion, that is, whether it is meant to divert offenders away from something or to something. Some authors emphasize the need to divert offenders
away from the formal system. Others refer to the need to divert offenders to a more effective rehabilitative program. These two concepts are not necessarily mutually exclusive. The young offender will be diverted away from what is considered to be a harmful or non-productive experience to a more positive and effective program designed to enhance the individual's potential and result in rehabilitation.

Rationale for Diversion

As was pointed out by Andre Breton (1982), there are three basic arguments behind the promotion of diversion programs: philosophical, theoretical and pragmatic (p.9).

Philosophical Arguments

Breton describes the philosophical rationale for diversion as being that of social accountability (Breton, 1982, p.10). This refers to the young person accepting responsibility for his actions. The new Young Offenders Act, with its shift away from the "parens patriae" approach endorses a "responsibility model whereby young persons will be held accountable for their behaviour" (Solicitor General, 1979, p.2). Most diversion programs see this as a primary component of the program. Therefore activities such as compensatory tasks are used to assist the juvenile to develop needed social skills and develop more constructive behaviour patterns.
The second area of accountability relates to community responsibility. Several authors have pointed out the necessity of community responsibility and involvement in changing criminal behaviour and the community's desire to be involved in the decision making process. Another component in this process is the realization that delinquency must be solved in the community where it starts. Moyer states:

"Society must no longer use the courts as "the dumping ground" for hard-to-handle young people. Instead, the community must accept responsibility for its troublesome juveniles. Implicit in this assumption is the belief that North American society once knew how to handle problems without seeking assistance from formal institutions. This responsibility has been abdicated over time (Moyer, 1980, p.64)."

This perspective is based on a philosophy that the juvenile cannot be treated in isolation. Instead the whole social environment must be considered in the treatment plan:

"..."doing" diversion is a way of keeping at least one problem within the community and allowing the community to heal itself. It can re-examine its laws and values, its conventions and social conditions and bring about changes that will make it more possible for all citizens to live justly and in relatedness to one another (Aubuchon, 1978, p.390)."

Thus, diversion may offer an opportunity for both the offender and the community to actively accept responsibility for correcting deviant behaviour.

Theoretical Arguments

As was noted previously, there has been a general consensus in the literature that the juvenile court has not
been successful in its attempts to deal with delinquency effectively or to prevent further delinquency from occurring. This criticism of the formal court system has served as one of the major drives behind the diversion "movement". There have been several theoretical arguments proposed to explain this failure. The first has been labelling theory. Reker, Cote and Peacock state that "labelling theory is the strongest theoretical force behind the diversion 'movement'" (1980, p.38). This theory postulates that the only thing that separates delinquents from non-delinquents is the labelling process. Therefore, when juveniles are first caught committing an offence, they are labelled as "bad" by the police and the courts. Once the juvenile has been labelled as bad, a stigmatizing effect takes place which affects the individual's self concept. This label is also reinforced by those who come in contact with the youth. "Efforts to counteract the delinquency label fail, and the juvenile becomes committed to additional and more serious delinquency. The delinquency that results from the effects of labelling and societal reaction Lemert called secondary deviation" (Griffin and Griffin, 1978, p.195). Several authors have proposed that the formal court procedures are an important part of this labelling process. Moyer states that the court has exacerbated the problems of delinquency by setting offenders apart from their peers" (Moyer, 1980, p.65).
Diversion is seen as a method to avoid this labelling and stigmatization because youths are not inserted into the formal court process. "Diversion is said to block the labelling process by offering informal alternatives to system insertion" (Moyer, 1980, p.68).

Labelling theory has been criticized by some authors however. Some argue that labelling can have a positive or a negative effect.

"There is evidence to suggest that the labelling process apparently can function either as a negative, socially disintegrative force or as a positive, socially integrative force, depending upon the social setting and the interpersonal circumstances" (Thorsell and Klemiske, 1976, p.169).

Thorsell and Klemiske argue that labelling can act as a deterrent to further deviant behaviour. For this to take place however, several factors must be present. The labelling process is more likely to terminate existing deviant behaviour and to deter future deviance: if the labelled person is a primary rather than a secondary deviant; if the label is confidential; if the label has been carried out by a significant other; if the label can be easily removed when the deviant behaviour has ceased; if the labelling results in efforts to re-integrate the deviant into the community; and if the label is favourable rather than derogatory (Thorsell and Klemiske, 1976). It has also been argued that there is little validity to the labelling theory at all. Moyer states that "researchers have failed to provide firm
evidence for the assumptions of this theoretical outlook" (Moyer, 1980, p.viii).

In addition, others argue that this theory may be too simplistic, because "the process of acquiring a spoiled identity may be a gradual one, beginning long before the first legal contact. Deviant or "good" self-images may have been developed in early or middle childhood through reactions of family and peers to the juvenile" (Moyer, 1980, p.viii).

Finally, some authors argue that diversion may not be a solution to the problems of labelling. Instead, diversion may simply create new labels and therefore have little effect on the prevention of secondary deviance. "It is possible to shift euphemisms again, but to believe that the public will not catch on and that the new terms will not convey stigma is naive" (Bullington, Sprowls, Katkin, and Phillips, 1976, p.67).

The failure of the court system has also been attributed to its inability to provide individualized treatment. This has been attributed to several causes: overloaded court dockets, lack of resources and conflict of interest in the court functions among others. Through a variety of methods diversion proposes to remedy this. Pre-trial diversion programs aim to make use of individually designed community service tasks, restitution, compensation and counselling to accomplish this. Therefore, "treatment" is
aimed at helping the young person to learn more acceptable behaviour patterns by acquiring new skills. It has been argued that probation has failed to do this because probation officers are overloaded and lack the time to spend developing individualized tasks. Diversion programs by designing individualized treatment plans are a proposed way to address this failure of the court system.

Pragmatic Arguments

Two of the stated objectives of diversion programs are "to reduce court workloads and to provide less expensive alternatives to legal proceedings" (Moyer, 1980, p. 82). It has been suggested that diversion programs will reduce court workloads by diverting all those guilty of minor offences away from the court. This category of offender is said to form a large volume of the court caseload (Kobetz and Bosarge, 1973, cited in Breton, p. 19). Diversion proposes to deal with these juveniles on a less formal basis while offering these youths alternatives to deviant behaviour. This may result in more time for the court to spend with juveniles who have committed more serious offences. One source indicates that in extreme cases the court may only spend an average of three minutes per case (Lemert, 1967, p. 94).

It is argued that when this reduction in caseload occurs a financial savings to the court will result. In
addition, "it is said to be cheaper to use a pre-trial settlement than to proceed to court and conviction" (Working Paper #7, 1975, p. 22). However, even if these arguments are true, the authors of this report claim that diversion programs "will require the expenditure of large sums of money in new areas" (Working Paper #7, 1975, p. 22). Money will be required for the hiring and training of diversion staff and to establish specialized programs such as education and manpower training. However, some of this expenditure will be borne by the community and community agencies.

Functions of Diversion

The Law Reform Commission, of 1975, outlined four types of diversion processes:

1. community absorption
2. screening
3. pre-trial diversion

These four categories imply that diversion may occur at different levels by different persons. Community absorption, according to this report, refers to "individuals or particular interest groups dealing with trouble in their area, privately, outside the police and courts" (p. 4). This may take place in a variety of ways. Private security forces and specialized programs in community agencies are two such methods. Some agencies may operate life skills
programs, drug education programs, family crisis centers and other types of services aimed at the pre-delinquent youth and his family. Breton notes that the Neighbourhood Accountability Program in Essex, Ontario is an example of a formal program which attempts to divert delinquents at the community level (Breton, 1980, p.3).

Screening refers to "police referring an incident back to family or community or simply dropping a case rather than laying criminal charges" (L.R.C., 1975, p.4). Police discretion has long been a recognized aspect of the criminal justice system and one which has been subject to much controversy. This is one of the issues related to diversion which will be discussed at a later point in this chapter. Police frequently use their discretion not to lay a charge and to take the juvenile home or refer him to a community agency. Sometimes a verbal caution is thought to be sufficient to deal with such behaviour. "Such screening is a recognition that the community does not always expect the police or others to deal with minor conflict through arrest and prosecution" (L.R.C., 1975, p.6).

Pre-trial diversion refers to the following process: "instead of proceeding with charges in the criminal court, referring a case out at the pre-trial level to be dealt with by settlement or mediation procedures" (L.R.C., 1975, p.4). Most of the formal diversion programs fall into these categories.
The diversion program examined in this study is of the pre-trial diversion category. In this case, although a formal charge has been laid, it is dealt with in an informal manner. By agreement, the offender participates in a program consisting of one or more of the following: a task designed to compensate the victim or the community, an apology to the victim, monetary restitution, and counselling. Once juveniles have fulfilled the requirements of their participation, further processing by the juvenile justice system is discontinued (Breton, 1982, pp.5-6).

The fourth category, alternatives to imprisonment, 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" (L.R.C., 1975, p.4). This category of diversion is exercised by the judge and is used to avoid imprisonment. The Young Offenders Act, 1982, formally recognizes these measures as dispositions available to Canadian judges. This level of diversion avoids the financial burden of institutionalization, as well as the perceived dangers of committing a juvenile to an institution. "We realize the limits of imprisonment in reducing recidivism" (L.R.C., 1975, p.13). The claims regarding the dangers of imprisonment and institutionalization are further supported by theorists such as Sutherland who have proposed that
imprisonment leads to further criminality as a result of differential association. Pre-trial diversion also recognizes the benefits to the community, the victim and the offender from dispositions such as compensation, restitutio

tional and community service orders. These dispositions also reinforce the philosophy of accountability for both the offender and the community.

Goals of Diversion

Four primary goals of diversion programs were identified by the National Association of Pre-Trial Service Agencies (Solicitor General, 1978, pp. 33-34). These consist of the following:

1. To enable the community and the system to be more flexible in dealing with offences and the parties involved while offering at least an equal protection to the society as does the actual criminal justice system.

2. To emphasize conflict resolution tailoring the mode of responses to the situation.

3. To serve as a tool to increase community responsibility.

4. To encourage acceptance of criminal behaviour by the offender.

In addition, Moyer identified several goals which have been stated by the diversion "movement." These involve:
reducing the stigma associated with legal processing; reducing crime rates and recidivism; utilizing community resources for treatment of delinquent behaviour; providing a more equitable access to services for offenders in need of counselling, employment or other assistance; involving the victim in the criminal justice process; and reducing court workloads and costs to formalize existing discretion policies (Moyer, 1980, p.62). The literature indicates that other goals can also be identified by the diversion "movement".

These goals are far reaching in their aim. For this reason some authors have argued that they may be unrealistic and unattainable. Moyer (1960) states that these goals may be "overly ambitious and sometimes-conflicting. Instead of providing guidance to the 'movement', the sheer number and variety of goals may have hindered the development of a clear conceptual framework" (p.62).

Issues in Diversion

One of the primary concerns regarding diversion programs is that they may result in "widening the nets". Several authors have questioned whether the existence of diversion programs attract referrals of juveniles who would have otherwise been released by police, without a charge being laid. Many of these juveniles might not have committed further offences without intervention. Gibbons
commented: "Lawbreakers who are not caught often 'drift out' of misconduct" (1970, p. 226). Therefore, it is feared by some that: "Diversions may be used to increase the range of cases in which state control is exercised within the criminal justice system" (Gottheil, 1979, p. 67). Some have argued that "true" diversion programs occur only when "the juvenile is safely out of the official realm of the juvenile justice system and he is immune from incurring the delinquent label or any of its variations" (Cressey and McDermott, 1976, p. 71). Because of this, it is feared that the mere existence of diversion programs may result in some youths not being diverted away from the system, but instead, being diverted to the diversion system. This issue relates to the concerns voiced about the increasing control in the lives of people which diversion programs may encourage. "There is a danger that diversion will become a means of expanding coercive intervention in the lives of children and families without concern for their rights" (Nejelski, 1976, p. 410). Many authors caution against this increase in control and intervention. Gottheil (1979) notes that "while not all those who caution against expanding control are opposed to intervention per se, they warn that we must consider the manner and effects of intervening in the lives of persons referred to diversion programs" (p. 66).

Critics of diversion programs have also questioned the discretionary measures used to recruit candidates for diver-
sion programs. It has been noted that "diversion programs usually make conservative choices in selecting participants" (Boesch, 1979, p.505). Thus, participants may be chosen to fit the program, rather than designing the programs to fit the needs of the individuals. Reker et al. (1980) suggest that we must ask: "what type of diversion is most effective for which type of juvenile and under what circumstances?" (p.48). This would be consistent with the philosophy of individualized treatment plans which are flexible in nature.

Another issue which has surfaced has been a concern about a lack of protection of rights and due process in diversion. Juveniles are frequently required to sign an admission of guilt in accordance with the program's aim to encourage the individual to accept responsibility for their actions. However, it is feared that this may be done without legal representation sometimes. One of the expressed fears is that some juveniles who are apprehensive of the court process may go into diversion programs and sign admissions of guilt even though they may not be guilty. Therefore, one author concludes that: "not only does diversion keep people in the system, but it does so in the absence of due process" (Gottheil, 1979, p.67). Two other issues are related to this: the question of whether coercion is present in the process of the juvenile's accepting responsibility and agreeing to the terms of the diversion program; and whether the juvenile faces the risk of double jeopardy in
admitting guilt in the diversion process. With regard to the first question, the Law Reform Commission has stated that the issue is "not whether the choice is 'free', but whether the choice was presented under oppressive circumstances" (1975, p.17). This aspect of diversion programs may be difficult to assess as noted by Reynolds et al. (1976, p.156).

The Law Reform Commission has also commented on the issue of double jeopardy, saying that if an individual breached a pre-trial settlement, or if a decision is made to resume criminal proceedings for any reason this does not constitute double jeopardy. The individual is not being charged again, but instead, suspended charges are resumed. In the Essex County Diversion Program, the option to return to court is available to the youth throughout the duration of the program. Once the diversion program has been completed successfully however, the charges are dispensed with and the youth cannot be returned to court. In addition, the admission of guilt for the purposes of the diversion program is not admissible court evidence.

Some authors have criticized the lack of accountability in diversion programs. Usually, once the referral has been made, the program is not accountable to the court for the type of treatment offered, or for the success of that treatment. "One fear is that the alleged offender will be unfairly imposed on by the requirements of the program."
Another is that without controls on the program, the required assistance will not be received" (Moyer, 1980, p.90). Mejerski (1976) suggested that an caboadsman who could oversee operations and periodically report to both the public and the court would help to ensure this accountability (p.408). Others, such as Gibbons and Blake (1976), have suggested that that diversion programs must incorporate effectiveness research into their operations to further increase their public accountability (p.412).

Finally, a review of the literature also indicates concerns about the following matters:

1. Diversions programs may encourage youths to develop a disrespect for the law, since they suffer no serious consequences for their behaviour (Griffin and Griffin, 1978, p.416).

2. Diversions programs may simply encourage a new type of labelling (Pullington, 1978, p.67), as discussed earlier.

3. These programs focus on preventing secondary deviance rather than primary deviance and thus do not adequately address the problem of juvenile delinquency (Cressey and Mc Dermott, 1976, p.306).

4. Diversions programs may inadvertently become another layer of bureaucracy, thus defeating their intent to be an informal process. (Cavoukian, 1979, p.25).
In summary, the literature indicates that there are many concerns regarding the implementation of diversion programs. This offers a considerable challenge to proponents of the diversion "movement" as well as providing food for thought for future researchers.

Status of Current Research

Considerable controversy exists in the literature regarding the effectiveness of diversion programs. The bulk of the research has been done in the United States. Because of this, there may be only restricted generalizability to Canadian programs and policies (Moyer, 1980, p.187). However, these studies may point Canadian researchers to fruitful areas and may help them to avoid some of the pitfalls discussed in the literature.

Gibbons and Blake (1976) state that there are three components of evaluation which should be done to fully determine the effectiveness of diversion programs: effectiveness research, which examines whether the program was directed at the target population for which it was intended; efficiency or process research, which examines the frequency and quality of service delivery and to what degree processes, activities and strategies of intervention were implemented; and impact or outcome studies which evaluate the achievement of intended ends or consequences of intervention (p.412). However, "many of the empirical studies
cited on diversion deal only with one, or at best two of these aspects" (Reker et al., 1980, p.41). In addition, it has been pointed out that many of these studies have suffered from serious methodological problems which reduce their credibility (Reker et al., 1980, p.40).

Gibbons and Blake (1976), and Reker, Cote and Peacock (1980) provide two of the most comprehensive reviews of existing research literature. Gibbons and Blake reviewed ten studies. From these studies three found diversion to have negative effects, five found positive effects and two found either little difference or no results were given (Reker et al., 1980, p.41). They concluded that there is insufficient evidence "for one to have much confidence in diversion arguments and contentions (Gibbons and Blake, 1976, p.420). However, they note that these studies were "plagued with small sample numbers, ambiguity about process elements and other shortcomings (Gibbons and Blake, 1976, p.420). Rupkalvis supports this view stating "the bulk of evidence does not favour juvenile diversion programs over traditional processing on recidivism measures" (Rupkalvis, 1979, p.32). However, other researchers have been critical of these conclusions. Gottheil (1979) comments that "the extreme skepticism that characterizes several recent analyses of diversion is not justified—it is the result of faulty reasoning and inaccurate or incomplete information" (p.56). Reker et al. (1980) also state that "in our opinion,
Gibbons and Blake appear to take a more negative position than is warranted" (p. 41). Therefore, it can be seen that a wide range of opinions exists about the success of diversion programs. Despite this discrepancy in findings, there may be some conclusions that have important implications for further research and program development. Fishman (1977) found that the higher number of arrests before project entry, the higher the level of recidivism. This implies that early detection and diversion is an important factor in reducing recidivism. Some authors criticize the brief period of time used to measure recidivism. This suggests the need to examine the effects of diversion programs several years after the completion of the program. Others have pointed out that client outcome research using more variables than recidivism could be valuable. These variables could include changes in perceived labelling by others, improved interpersonal relationships at home, school and with peers, increases in skills and changes in self-esteem (Moyer, 1980, p. 157). This kind of follow-up would be useful for agencies to evaluate intervention strategies. Research studies have also been fruitful in assisting program developers to design policies which provide safeguards against the abuse of individual's rights.

In conclusion, current research has been fraught with contradictions in outcome and methodological problems such as those described by Gibbons and Blake (1976, p. 420).
Although this has led some researchers to be pessimistic about the value of diversion programs, it has illuminated many issues and has pointed to the need for further, careful research. Reker, Cote and Peacock (1980) conclude "in retrospect, it does seem rather naive to expect all diversion programs to be equally successful with all juveniles" (p. 48). Therefore it may be more productive for a differential effects model to be used in planning diversion programs, and to ask "what type of diversion is most effective for which type of juvenile and under what circumstances?", rather than attempting to develop a program that is a panacea for all ills (Reker et al., 1980, p. 48).
Chapter III

A COMPARISON OF TWO JUVENILE JUSTICE PROGRAMS

The purpose of this chapter is to delineate the two juvenile justice programs examined in this study. The first section describes the Essex County Diversion Program Inc., outlining the philosophy, goals and components of the program. The second section provides a description of the components of the London court program and services available to the juveniles who participated in that program.

3.1 THE ESSEX COUNTY DIVERSION PROGRAM INC.

Historical Development

The diversion program in Windsor began on June 18, 1975 under the direction of Provincial Judge T.L. Docherty, the John Howard Society of Windsor and the Ministry of Community and Social Services (Juvenile Probation and Aftercare). It was the second such program in Canada instituted one month after the program in Kingston began. For twelve months it ran as a pilot project under the supervision of Patricia Rolfe, a probation officer with juvenile probation and after-care. Pat Rolfe later became the national consultant on diversion in Canada.
Program Philosophy

The philosophy of the Essex County Diversion Program Inc., as described in the program description, is based upon the belief that it has become evident in many cases that:

1. it is not in the best interests of either society or the juvenile to follow the traditional justice process;

2. the probability of delinquent behaviour reoccurring increases in children who have been identified as delinquent by a formal court process;

3. once individuals enter the justice system they have extreme difficulty in extracting themselves and usually remain within the system;

4. 'Diversions' represents an approach which minimizes involvement in the traditional adversary process and maximizes conciliation and problem settlement (Rofe cited in Reynolds, Tyler and Vanderzwet, 1976, p. 172).

Program 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 install the concept of responsibility for conduct and to de-emphasize the classical concepts of punishment.

According to Andre Breton, now an Essex County Diversions worker, these goals have remained unchanged to date.

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 currently in effect:

1. The young person who allegedly committed an 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, and Gaspar cited in Breton, 1982, p.30).

**Intake Interview**

The first step in the process is that of intake. The child, parents and diversion worker meet to discuss the program and its processes leading to either a compensatory task agreement or referral to an outside agency or both. The child is given a pamphlet on the program called, 'What are my rights—what are my responsibilities?' It is written in a simple manner outlining procedures and facts related to the program. When it is established that the child has a clear understanding of the alleged charges and options available, the Diversion worker leaves the family and is replaced by the acting Duty Counsel. The Duty Counsel relates all information from a legal perspective such as police findings, witnesses and any pertinent facts related to the offence. The lawyer is there to assist the family in arriving at a decision to proceed either to diversion or court. At this point the parents sign, on the child's behalf, a General Admission of Facts, stating that they have had access to legal counsel and that their child accepts responsibility for the behaviour attributed to him in the Information. At this time, the family is also required to sign a "Release of Information" statement authorizing the Diversion
worker to contact various agencies, individuals and institutions regarding the child and family.

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 Diversions 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 agree to amend the Information, the diversion process goes on to the next stage (Reynolds et al., 1976, pp. 183-184).

**Social Profile**

Following the intake interview, the diversion worker is allowed two weeks to develop a psychosocial profile of the juvenile to best determine his response and willingness to the program, possible explanations for involvement in the offence or other agency referrals. "The worker is guided in this process by a standardized Social Profile format which was adopted by the Diversions program, and which is to contain information considered pertinent to the purposes of the Program" (Fretton, 1982, p. 33). The worker meets with the parents, child, siblings, teachers and significant others. A treatment plan is then set up following a diagnosis of the child and his family constellation. The worker at this point can decide to return the charge to court or
decide that in addition to the program, the family or individual engage in counselling through another agency. If the decision is to proceed with the program, it is written into a contract signed by the worker, child and the parents. This is in accordance with the goals of diversion, allowing the child to be actively involved in undoing his wrong.

**Compensatory Task Agreement**

The diversion plan is mutually developed by the child, parents, victim (if available) and diversion worker. It is specific and time limited. It is supposed to be individually tailored to the needs and abilities of the child. Prior to this second meeting, the diversion worker has contacted the victim and explained the nature of the program as well as the victim’s role in the process. If an unwillingness to be involved is expressed, a community resource is contacted (i.e., public residences, the 'Y', churches). Work values for offences are developed based on actual monetary cost incurred by the victim and the child's age and work capacity. No more than forty hours is required of any participant in the program. The contracts may be different for each person, but none will exceed nine months. Regardless of the compensatory task, the Diversion worker is expected to "systematically follow-up on the youths involvement in the selected process" (Reynolds et al., 1976, p.187). Once the child has fulfilled the agreement of participation in the program
successfully, the charge is adjourned "sine die" and the file is closed. This procedure is now being changed. However, complete information is not available regarding the details of these charges. "As well, 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" (Reynolds et al., 1976, pp. 157-158). No reference is to be made to the juvenile court or any previous diversion process prior to any disposition being made to avoid any prejudice to the child. All information such as contracts, referral reports and school contacts are kept in a specific file separate from court files.

This section of the Windsor Essex County Diversion Program outlined the significant policies and procedures of the Diversion program. A more extensive review of the program can be found in the theses of Breton, 1982, and Reynolds et al., 1976.

3.2 THE LONDON COURT PROGRAM

There is no pre-trial diversion program in London. Consequently, all juveniles who have been charged with an offence must be dealt with through the court and the traditional juvenile justice system. Once a juvenile is charged in London they proceed to Juvenile and Family Court to have their case heard by a judge. The purpose of this hearing,
under the Juvenile Delinquents Act (1929) is to determine whether the child is a juvenile delinquent. This term is defined in the JDA as follows:

"juvenile delinquent" means any child who violates any provision of the Criminal Code of any Dominion or provincial statute, or of any by-law or ordinance of any municipality, or who is guilty of sexual immorality or any similar form of vice, or who is liable by reason of any other act to be committed to an industrial school or juvenile reformatory under the provisions of any Dominion or provincial statute (Section 2 (1h))

Thus the judge must decide whether the juvenile has committed the offence, or if for any other reason the child is determined to be a "juvenile delinquent" as defined by the Act. The hearing in Juvenile and Family Court is designed to be private and informal. No person is allowed in the courtroom excepting those who have a direct interest in the case i.e. family, social workers, probation officer etc., or those who have special permission from the judge to be in attendance in the court. In addition, confidentiality is provided for since no news media may publish the name of a child before the court, or any other information that may identify him" (McGrath, 1976, p.241). The nature of the trial is outlined in Section 17 of the Act as being "as informal as the circumstances will permit, consistently with a due regard for a proper administration of justice" (Section 17 (1)). The hearing is designed this way to assist the child and his family.

The juvenile court must function primarily as a court, receiving only proper evidence and adhering strictly to the provisions of the law; but infor-
mality is encouraged in order that the child and his parents may understand the procedures and feel that the aim of the court is to help the child and not to apply social vengeance (McGrath, 1976, p. 240).

The juveniles have access to legal counsel through the court or may be represented by a lawyer of their own choice.

If the court determines that the child is "delinquent", as all members of the London sample group were, there are several dispositions from which the judge may choose, depending on what seems appropriate for the individual. These dispositions are specified under Section 20 of the Juvenile Delinquents Act (1926).

a) suspend final disposition;

b) adjourn the hearing or disposition of the case from time to time for any definite or indefinite period;

c) impose a fine not exceeding twenty-five dollars, which may be paid in periodic amounts or otherwise;

d) commit the child to the care or custody of a probation officer or of any other suitable person;

e) allow the child to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required;

f) caused the child to be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court;

g) impose upon the delinquent such further or other conditions as may be deemed advisable;

h) commit the child to the charge of any children's aid society duly organized under an
Act of the Legislature of the Province and approved by the Lieutenant-Governor in Council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent, if one there be; or

i) commit the child to an industrial school duly approved by the Lieutenant-Governor in Council.

As can be seen from this list, several types of intervention may take place after the court hearing. The child may, for example, be assigned to a probation officer, sent to a training school or placed in the care or supervision of the children's aid society. However, since this study examined first offenders who would have theoretically been eligible for the Windsor diversion program, it is unlikely that any would have been sent to an industrial school since this is usually reserved for serious offenses or repeated offenders. Many of the sample group received more than one of these dispositions as part of their probation order.

In addition to the options outlined in the JDA (1929), the London court also has the services of the Family Court Clinic available to it. The Family Court Clinic is located in the same building as the Juvenile and Family Court. It is staffed by both professional social workers and psychologists. The Clinic provides assessments, short term counseling and referrals to community agencies for further counseling. The Clinic is frequently used by the Court to provide services for juveniles and their families.
Several other facilities are used by the London Juvenile and Family court to provide assessment and counselling services. These may be part of the court order, or may be used prior to the court hearing for assessment services. In addition, they may be suggested by the probation officer, if the family is willing to participate, in an effort to promote rehabilitation. These services include the London Psychiatric Hospital, which maintains an adolescent treatment unit; Madame Vanier Children's Services, which serves children under 14 years of age and their families; and the Children's Psychiatric Research Institute (CPRI), which also serves children and their families.

Informal intervention may take place at the time of police contact or at the time the juvenile is charged. This service is provided in London by the Family Consultant Service. This is a crisis intervention unit which operates in conjunction with the London Police Department. This service employs "individuals from a variety of mental health disciplines, including psychology, nursing, sociology, social work, and the clergy" (Jaffe, Thompson, and Paquin, 1976, p.551). If a police officer attends a call and thinks that an individual or family "would benefit from therapeutic intervention" and the family is open to this service, the Family Consultant Service may be called in (Jaffe et al., 1978, p.551). Statistics indicate that "problems with juveniles, such as runaways or behaviour management difficul-
ties" form 27% of the referrals to this service (Jaffe et al., 1978, p.553). The team provides crisis intervention, short term counselling, referrals to community agencies, assessment in the emergency rooms of hospitals and assistance to the family in contacting a physician, lawyer, clergy or justice of the peace (Jaffe et al., 1978, p.552). Although this service is informal, voluntary and operationized at the discretion of the police officer, it nevertheless frequently provides therapeutic intervention for juveniles and their families.

Probation

Probation is one of the primary options exercised by the London Juvenile and Family Court in dealing with juvenile delinquents. Probation was initially introduced "as a humanitarian measure, not as a scientific endeavor to discover more effective rehabilitative techniques (Adams et al., 1973, p.448). It was designed to protect people from the effects of prison. However, over the years probation has taken on a multifaceted role. As previously outlined, probation is based on the principles of retribution, deterrence, rehabilitation, restraint and restitution (Clarke, 1979, p.420). Probation also serves to maintain supervision of an offender and provide treatment while avoiding institutionalization (Eldefonso, 1976, p.121)."
The London probation program provides for the following services: supervision of the child in their home or other residence by a probation officer, counselling, restitution, community tasks, a recreation program for youths and group home placements. These services are designed to provide supervision of the child's behaviour while assisting them in rehabilitation efforts.

Children's Aid Society Services

As previously indicated, the JFA (1929) specifies that the Juvenile and Family Court judge may commit a child to the charge of the Children's Aid Society if they are found to be delinquent. The Children's Aid Society provides assessment and counselling for children and their families, foster care or group home placement, supervision of the family and specialized services such as groups and child management training. Once the child is committed to the charge of the C.A.S., jurisdiction of the matter is then transferred to the child welfare legislation.

In summary, there are a number of options available to a traditional court program such as London's to deal with delinquent behaviour. These are specified under the Juvenile Delinquents Act (1928). In addition, London has a number of specialized agencies which provide services for children and their families. The London program is designed to provide supervision as well as rehabilitation.
In conclusion, there are many similarities between the London court program and the Essex County Diversion Program. However, an important distinction is the court process itself, since London's program does not allow for pre-trial intervention on a formal basis. Although many services and forms of intervention can be provided, these are not automatically made available for each juvenile; instead, the judge decides what is appropriate for each case and services are provided accordingly.

The action shall, in every case, be that which is of opinion the child's own good and the best interests of the community require (J.-D-A.-, 1929, c.160 s.20(5)).

Therefore, within the traditional court process is the underlying principle that the authority and decision to refer a child to these programs rests with the judge. However, although intervention is provided for juveniles in both programs, it is necessary to assess what impact they have on subsequent delinquent behaviour.
Chapter IV

METODOLOGY

4.1 PURPOSE

The purpose of this project was threefold. The first purpose was to complete a follow-up study of the youths who had successfully completed the Essex County diversion program. In order to accomplish this, records of the Windsor police were examined to determine which individuals had acquired criminal records since reaching the age of sixteen. This was done to determine the amount of recidivism, or adult criminality. The purpose of this was to address one aspect of the effectiveness of the diversion program, by examining the lasting effects of the program on participant's criminal behaviour patterns. This follows a recommendation of Andre Breton (1982), who suggested a follow-up study on the "graduates" of the diversion program to help determine its effect and impact on youths (p. 178).

A second purpose of the study was to evaluate whether there was any significant difference in the rate of recidivism between those persons who had completed the diversion program in Windsor, Ontario and the individuals who participated in the traditional juvenile justice system in London, Ontario. Several authors have articulated the need for
further research examining the effectiveness of diversion programs. The new *Young Offenders Act* (1982) has legitimized such programs, yet a review of the literature indicates there is a lack of conclusive empirical research validating the success of the diversion concept. Cavouxian (1979) notes that there is little information on the effectiveness of most diversion programs and that the question over traditional court practices has yet to be empirically tested (p.30). Gibbons and Blake (1976), after reviewing nine studies state that: "almost nothing is known about the impact, if any, of these varied efforts, all proceeding under the name of diversion" (p.417). Beker, Cote and Peacock (1980) also suggest that further evaluative research on juvenile diversion programs is necessary to assess impact and effectiveness. William, Wright and Dixon (1977) state that "past reviews have indicated that the amount of evaluation in delinquency programs has been very limited and there is little evidence of program effectiveness" (p.36).

Programs from London, Ontario and Windsor, Ontario were chosen for this study for several reasons. First, both cities are of similar size. Second, both are within the same geographical area of Southwestern Ontario. Third, London utilizes the traditional juvenile justice system, having no pre-trial diversion program, while Windsor, has both a court program and pre-trial diversion. Finally, the relative proximity of the two cities, (approximately 120 miles), facilitated the co-ordination of the project.
In summary, this study addressed the issue of the effectiveness of the diversion program by comparing the extent of recidivism of diversion program participants with the participants of a traditional juvenile justice program.

This study was also intended to become part of a larger study which intends to compare the approaches of these two programs to the problem of juvenile delinquency. This project will examine diversion and the traditional court process to assess which clients are best served by each approach.

4.2 **Research Questions and Hypothesis**

In order to operationalize the purposes of the study, the following research questions and hypothesis were formulated.

The first research question pertains to the follow up study.

**Research Question 1:**

What is the recidivism rate for the juveniles who participated in the Windsor diversion program from 1975-1981?

The following hypothesis and research questions pertain to the comparison study.
Hypothesis:
There will be a lower recidivism rate among those juveniles who have completed the diversion program as compared to those juveniles who were exposed to the traditional juvenile justice system.

Moyer (1980) states that one of the goals of diversion is "to reduce recidivism of program participants" (p.81). This hypothesis, therefore, tests whether this goal has been accomplished in the Windsor diversion program.

Research Question 2:
Is there a difference between the two groups with respect to the number of charges acquired as adults?

One author argues that "the deeper an offender penetrates the existing juvenile justice system and the more frequently he is recycled through it, the greater is the possibility that he will continue his delinquent activity" (Eldeffonso, 1976, p.105). Since one of the goals of diversion is to minimize the juvenile's penetration of the system, this question will assess the impact of this on later criminal behaviour.

Research Question 3:
Is there a difference between the two groups with respect to the juvenile age at first charge?
Research Question 4:
Is there a difference between the two groups with respect to the adult age at first charge?

4-3 OPERATIONAL DEFINITIONS

In order to avoid ambiguity and ensure that the stated hypothesis and research questions will be clearly understood, the following concepts have been operationally defined.

Juvenile
Refers to a person under the age of sixteen as defined by the JJA.

Juvenile Age
Refers to the age of a juvenile at the time of the first official charge by police.

Adult
Refers to a person sixteen years of age and over as defined in the JJA.

Adult Age
Refers to the age of an adult at the time of the first official charge by police beyond the jurisdiction of the juvenile court.
Recidivism

Refers to those juveniles who have been charged with an offence and have later been charged with a criminal offence as an adult.

Traditional Juvenile Justice System

Refers to the system whereby a juvenile charged by police is dealt with through the traditional court process. This term is specifically applied in this study to the London, Ontario court program.

4.4 Assumptions of the Study

Several assumptions underly the design and implementation of this study. The first was that the records of the Essex County Diversion Program accurately reflected the information regarding the youths who completed the diversion program. Although Breton (1982) indicates that there were many inconsistencies in the content of the files, it was assumed that the files accurately reflected all the names of the program participants, even though information such as the "child's age, school grade, alleged offence and parents' marital status" was often missing (p. 173).

In accordance with the policies and guidelines outlined by the diversion program, juveniles are exposed to some type of therapeutic intervention (Breton, 1982, p. 29). This is in contrast to the traditional court system, where therapeu-
tic intervention takes place at the discretion of the Juvenile and Family Court judge. In addition, it was assumed that since one group went to court while the other did not, that each group underwent a different process than the other.

A third assumption was made that the data collected by the London research team accurately reflected information concerning the youths who participated in the court process.

A final assumption was made that the data collected by the Windsor police accurately reflected information concerning the youths who completed the diversion program.

4.5 CLASSIFICATION OF STUDY

Tripodi defines four levels of knowledge. This study was classified according to Tripodi's third level of knowledge, associational. "Associational knowledge involves empirical data which indicate a relationship between two variables" (Tripodi, 1981, p.201). Although this project did not determine a cause-effect relationship with regard to the effectiveness of the diversion program on recidivism, it was designed to test for a relationship between these two variables. Tripodi substantiates this concept by stating that "two variables that are associated are not necessarily causally related. In other words, changes in one variable do not necessarily lead to, produce, or cause changes in another variable" (Tripodi, 1981, p.202).
The logic of the research design is represented by the following three steps:

1. Research objectives are identified in terms of levels of desired knowledge.

2. Criteria that are necessary for establishing knowledge are specified.

3. Research designs are chosen that include procedures for meeting the criteria for establishing the particular level of knowledge (Trippdi, 1981, p. 210).

The research design chosen for this study was a static group comparison. This was used to compare recidivism rates between the diversion program and the traditional juvenile justice system. In this design, "the comparison group is compared to the experimental group for purposes of providing evidence of associational knowledge" (Trippdi, 1981, p. 2180). The static group comparison design therefore satisfies the purpose of this study.

4.6 POPULATION AND SAMPLE

The population studied for the follow up section of the study consisted of all juveniles charged with a criminal offence by the Windsor police, who subsequently completed the diversion program in Windsor. For the purpose of this study the entire population from January, 1975 to December, 1981 was used.
For the comparison study only those who completed the diversion program in Windsor from May 1978 to June 1979 were used. The sample consisted of 97 juveniles. A matched sample of 89 juveniles was obtained from the juveniles who participated in the traditional juvenile justice system in London, Ontario. The selection criteria for the sample of London juveniles consisted of:

1. juveniles on the court docket, whether adjournment or new, in 1978;
2. juveniles who had no previous charge or appearance in court;
3. juveniles who had a maximum of only one police contact per year previous to the selected court docket date;
4. juveniles whose first charge was not a truancy charge, since the Windsor diversion program does not deal with truancy; juveniles who were not charged with alleged offences of murder, rape, armed robbery, serious arson and assault causing bodily harm, since the Windsor diversion program does not accept juveniles charged with these offences.
4.7 **DATA COLLECTION**

The juvenile diversion files were reviewed by the researchers to obtain the names and birthdates of all diversion graduates. Only those participants who were formally charged by the Windsor police were chosen. The Windsor police files were used to gather data regarding the adult criminal behaviour of these diversion graduates.

Once these names were obtained from the juvenile diversion files, they were submitted to the Windsor police force. A modified version of the Coding Form outlining certain criteria was given to the police to be utilized in gathering data. The police reviewed the files and recorded the number of charges, sex of the offender, age at first adult charge and the year of first adult charge. From this information the researchers determined the juvenile age. Other variables could not be discerned since names, birthdates and any other identifying information was not disclosed by Windsor police in order to protect confidentiality. This precluded verifying information concerning other variables from the diversion files.

As stated previously, this study was intended to become part of a larger project which was designed to examine the effectiveness of the two systems, diversion and the traditional juvenile justice system, in dealing with the problem of juvenile delinquency. As a part of this larger project, all the names of juveniles who fit the criteria described
previously, were collected from court dockets from 1975-1978 in London. The names and birthdates of all the juveniles who fit this criteria were selected for the purposes of this study. This information was submitted to the London police department. These names were checked on the computer in the London police department to ascertain which individuals had subsequently acquired an adult criminal record and to obtain other information necessary to complete the coding form. Additional information was gathered from files at the Juvenile and Family Court. This coding form could not be implemented in Windsor, since limited information was available concerning the sample group. This occurred because of the Windsor police department's concern to keep identifying information confidential and because limited information was available in the police records since they are not computerized.

4.8 LIMITATIONS

There are several limitations which must be considered in reviewing this study.

1. First, only one juvenile diversion program was studied. The findings therefore have restricted generalizability given that other juvenile diversion programs may use different operating principles.

2. The second limitation was the lack of control the researchers had on assuring the accuracy of the data.
which was obtained through the Windsor police and the London research team. Since the researchers could not personally review these files, it was impossible to control whether the information that was collected was accurate.

3. A third limitation of the study related to the outcome measure used. This study used recidivism as the major indication of success of the diversion program. Bupkalvis points out that this fails to take into account other meaningful gains such as "enhancement in interpersonal, familial, educative and vocational goals" (Bupkalvis, 1979, p.34). However, the size of the population studied along with a lack of information in the juvenile diversion files prohibited examining variables such as these. This would have required personal contact with each of the program participants. In addition, these variables are extremely difficult to measure.

4. A fourth limitation involved the data collection instrument which was used. Since the London research team had already collected data using Appendix A Coding Form, as part of the larger project, it was decided that this form should also be used as a guide to gather data in Windsor. This was done to assure that comparable data was collected from the diversion project files. However, since this form was designed
originally by the London research team, its reliability and validity were not tested by the researchers. In addition, this coding form had limited applicability for gathering data from the Windsor files. However, caution was taken to assure that operational definitions of terms such as delinquency, recidivism and charges were consistent between the two groups. Hawkins, Cassidy, and Light (1977) note that this is a necessary factor when using official records to collect data (p. 419).

5. A fifth limitation involved using the Windsor police files to gather data. These files do not necessarily accurately reflect all new charges laid by other police forces. For this reason charges laid by another police department affecting members of the sample group were not incorporated in this study. In addition, if an individual charged as a juvenile by the Windsor police department relocated after reaching the age of sixteen, and was subsequently charged by another police force, this would not be reflected in the data collected.

6. A sixth limitation was that the Windsor police could not complete the coding form, since they could only supply information on variables that would not identify an individual. This was done to protect confidentiality.
7. A final limitation was related to using the number of charges as an indication of criminal activity since the actual conviction rate was unknown. This may not be an exact reflection of criminal activity. The presumption was made that the rate of charges and the rate of convictions would be similar in numbers.

Despite the limitations discussed, this study provided further insight into the outcome and impact of the Essex County Diversions Program.
Chapter V
DATA ANALYSIS

The analysis of the data is presented in two sections. The first section deals with the follow up study of the Windsor diversion graduates who participated in the program from 1975 to 1981. This follows the recommendation of Andre Breton (1982). It is also useful in gaining a perspective of the overall results of the Windsor diversion program to date. This is related to the first research question stated in the methodology. Carter and Klein (1976) have noted the need for diversion programs to build in follow up research within their programs to aid in planning effective modes of intervention (p.343).

The second section consists of a comparison of two matched sample groups. These groups included those juveniles who completed the diversion program in 1978 to 1979 and the juveniles who were theoretically eligible for the diversion program who were processed through the traditional court program in London.

Each section consists of a presentation of the findings and their implications relative to the stated research questions and hypothesis.
5.1 DESCRIPTION OF SAMPLE

For the purpose of completing a follow up study of the diversion program the entire population from the years 1975 to 1981 was examined. Only those who successfully completed the program were included in the sample group. As Table 1 illustrates, 388 juveniles completed the program during this time period. Two hundred and twenty-eight other juveniles were referred to the program during this period, but either elected the court process or were referred back to the court for subsequent charges or failure to complete the program. Only the juveniles who were charged by Windsor police were included in this group as discussed previously. Data was collected from the Windsor police regarding all 388 members of the sample group.

For the purpose of studying the comparison groups all juvenile diversion files for the year May 1978 to June 1979 were examined. The Windsor sample group consisted of 97 juveniles who were charged by the Windsor police and subsequently completed the diversion program. Of these 97 juveniles, 94.8% were males and 5.15% were female. The mean juvenile age at first charge was 13.5 years.

In forming the sample group for London, court dockets were examined from January 1, 1978 to December 31, 1978. All juveniles who theoretically would have been eligible for the Windsor diversion program were selected. This selection resulted in a total of 89 juveniles. Data was collected
from the London police regarding all 89 individuals. Of these 89 juveniles 76.4% were males and 23.6% were female. The mean juvenile age at first charge was 14.2 years. Data was collected after a three and a half year follow-up period for both groups.

5.2 FOLLOW UP STUDY

The first research question dealt with the recidivism rate among the diversion graduates of the win dor program from 1975 to 1981. Table 1 illustrates the findings according to their respective years.

| TABLE 1 |

Recidivism Rates

<table>
<thead>
<tr>
<th>Record</th>
<th>75-76</th>
<th>76-77</th>
<th>77-78</th>
<th>78-79</th>
<th>79-80</th>
<th>80-81</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>(12.8%)</td>
<td>(80%)</td>
<td>(76.6%)</td>
<td>(41.2%)</td>
<td>(36.1%)</td>
<td>(33%)</td>
<td>(39.4%)</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>28</td>
<td>24</td>
<td>40</td>
<td>22</td>
<td>30</td>
<td>153</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No Record</th>
<th>61</th>
<th>7</th>
<th>10</th>
<th>57</th>
<th>39</th>
<th>61</th>
<th>25</th>
</tr>
</thead>
<tbody>
<tr>
<td>(87.1%)</td>
<td>(20%)</td>
<td>(23.4%)</td>
<td>(58.8%)</td>
<td>(63.9%)</td>
<td>(67%)</td>
<td>(60.6%)</td>
<td></td>
</tr>
</tbody>
</table>

| Total      | 70    | 35    | 34    | 97    | 61    | 91    | 388 |

χ² = 60.674, df=5, p<.05
Cramer's V = 2.24

A critical value of 11.07 is required for significance at .05, df=5. The chi-square statistic indicates that there is a statistically significant relationship between the year of involvement in the program and recidivism rate. However, the association was low with a Cramer's V of 2.24.
5.3 Comparison Study

The comparison groups were examined in relation to a number of factors: recidivism rate, juvenile age at first charge, adult age at first charge and number of adult charges to date. Two statistical tests were used to test for the existence of association and strength of association. For the nominal variables chi-square and Cramer's $V$ were used respectively.

For the ratio variables the $T$ test and Pearson $r$ were used respectively. If there are two and only two groups in the research design, then the $T$ test is appropriate to determine if there is a statistically significant difference between the means of the two groups. The most widely used measure of correlation is the Pearson product-moment correlation coefficient.

TABLE 2

<table>
<thead>
<tr>
<th></th>
<th>Diversion</th>
<th>Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Record</td>
<td>40 (41%)</td>
<td>39 (44%)</td>
</tr>
<tr>
<td>No Record</td>
<td>57 (58.7%)</td>
<td>50 (56.2%)</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>89</td>
</tr>
</tbody>
</table>

$L^2 = .1268$, df=1, $p > .05$
Cramer's $V = .026$
A critical value of 3.84 is required for significance at .05, df=1. The chi-square statistic indicates that there was not a statistically significant relationship between the diversion group and the court group with respect to recidivism. This lack of association was further substantiated by a Cramer's V of -0.26. Therefore, the original hypothesis was rejected. The null hypothesis was accepted which states that there is no significant difference in the recidivism rate among those juveniles who have completed the diversion program and those juveniles who were exposed to the traditional juvenile justice system.

The majority of juveniles in both groups (58.7% and 56.2% respectively) had no adult record.

5.4 ANALYSIS OF NUMBER OF CHARGES

Table 3 illustrates how charges were distributed between the two programs.

It is interesting to note that no persons who participated in the court program had been charged more than ten times in 1981. Although the range of charges is between 1 and 24, the quantiles show the greatest proportion of charges to be between 1 and 7. In addition, the majority of persons who participated in both programs received between 1 and 5 charges. This is further indicated by the mean equal to 5.26.
TABLE 3

Distribution of Adult Charges According to Program

<table>
<thead>
<tr>
<th>Number of Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Court</td>
</tr>
<tr>
<td>Diversions</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Range = 24
Q3 = 7
Q1 = 1
mean = 5.26

TABLE 4

Program and Number of Charges

<table>
<thead>
<tr>
<th>Mean</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court</td>
<td>3.026</td>
</tr>
<tr>
<td>Diversions</td>
<td>7.45</td>
</tr>
</tbody>
</table>

T = -4.0268, p < .0001, df = 38,35
Rpbi = .410, p < .05, df = 77

For 38,39 degrees of freedom respectively a T equal to 1.697 is required for significance at the .05 level. The calculated T shows a statistically significant difference between the mean score of program and number of charges. Table 4 illustrates that the mean number of charges was twice as high for the diversion graduates than those who went through the court process.
The point biserial correlation coefficient of .41 is interpreted as the degree to which the number of charges discriminates between those in the diversion group and those in the court group for df=77. A point biserial equal to 2.0 is required for significance at the .05 level. Therefore the r shows a statistically significant relationship indicating a high level of association between these two variables.

### 5.5 **Analysis of Age**

#### Table 5

<table>
<thead>
<tr>
<th></th>
<th>Mean</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court</td>
<td>14.33</td>
<td>0.806</td>
</tr>
<tr>
<td>Diversion</td>
<td>13.60</td>
<td>1.245</td>
</tr>
</tbody>
</table>

T = 3.1527, p<.01, df=38.39  

r = .0825, p>.05, df=77  

Range = 4  

Q3 = 15  

Q1 = 13  

There is a range of juvenile ages from 11 to 15 in the two groups. Table 5 illustrates that the mean age at the first juvenile charge was 14.33 for the court group and 13.60 for the diversion group. For 38.39 degrees of freedom respectively, a T equal to 1.310 is required for signifi-
cance at the .05 level. The calculated $T$ shows a statistically significant difference between the mean score on ages of the two groups. The product-moment correlation coefficient shows a weak association. The critical value is equal to .257 at $df=38,39$ at .05. The value obtained by calculation is .0825.

**TABLE 6**

**Adult Age and Number of Charges**

<table>
<thead>
<tr>
<th>Court</th>
<th>16.38</th>
<th>0.673</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diversion</td>
<td>16.45</td>
<td>0.876</td>
</tr>
</tbody>
</table>

$T = -0.3714$, $p>.10$, $df=38,39$

$r = -0.2534$, $p>.05$, $df=77$

Range = 3

$Q3 = 17$

$Q1 = 16$

There is a range of 3 years among the two groups at the age of first adult charge. Table 6 indicates that the mean age in both groups is very similar with values of 16.38 for the court group and 16.45 for the diversion group. The $T$ test shows no significant difference between the means of the two groups since it does not exceed the critical value of 1.69. This is further supported by a correlation value of -0.2534 which shows low association.
5.6 DISCUSSION OF FINDINGS

Research Question 1

The first research question considered the recidivism rate of the juveniles who participated in the Windsor diversion program from 1975 to 1981. The figures in Table 1 indicate that the majority (60.5%) of juveniles who completed the program did not acquire adult criminal charges. Conversely, 35.4% did acquire adult criminal charges. An association was shown to exist between the year of involvement in the program and later recidivism. However, there is little evidence for a strong association between these variables. Although Table 1 indicates that for the years 1976-77 and 1977-78 the recidivism rate is high (80% and 70% respectively) one must be cautious in interpreting this data. Several factors which might have influenced the outcome of this study could not be accounted for. Some of these variables could include personal characteristics of those referred to the program, variances in program components, influences which may have affected police discretion or rate of referral, and economic restraints or political influences. In addition, it must be taken into account that the Windsor diversion program was relatively new during those two years. It could be speculated that further summative research at a later time might yield a more stable indication of recidivism rates. However, despite these cautions, it would appear that the
The diversion program overall has been relatively successful in preventing recidivism in that the majority of program participants do not currently have adult criminal records. Several authors indicate however, that it may be misleading to use measures of recidivism for diversion alone to indicate the success of the program without the use of comparison or control groups (Klein, 1976, p.76; Moyer, 1980, p.158; Weiss (1972) cited in Moyer, p.158; and Cavoukian, 1979, p.30).

In summary, the data indicates that there was an overall recidivism rate of 35.4% among the graduates of the diversion program. However, no conclusive statements can be drawn from this regarding the success of the program because intervening variables cannot be accounted for and the statistics do not reflect a comparison with other juvenile justice programs.

**Hypothesis**

The hypothesis stated that there will be a lower recidivism rate among those juveniles who have completed the diversion program as compared to those exposed to the traditional juvenile justice system. Further research questions sought to clarify whether differences exist between these two groups with respect to the juvenile age at first charge, the age of the first adult charge and the number of adult charges among recidivists.
The data indicated that there was no significant difference in recidivism rates between these two groups. Table 2 illustrates that the recidivism rate was 41% for the diversion group and 44% for the court group in 1978 which is not a statistically significant difference. Therefore the hypothesis must be rejected.

Two of the identified goals of the diversion movement have been to reduce recidivism of program participants and to identify potential recidivists early in their careers in order to prevent the development of a commitment to criminality (Moyer, 1980, p.81-82). However, a review of the literature indicates that there is a lack of empirical research to validate the success of these goals (Cavoukian, 1979, p.29). Several research studies have pointed to the lack of conclusive evidence to support the superiority of diversion programs over traditional programs based on recidivism measures. "(There is) little information on the effectiveness of most diversion programs. This question over traditional court practices has yet to be empirically tested" (Cavoukian, 1979, p.30). Hudson, J., Galaway, B., Henschel, W., Lindgren, J., and Penton, J., (1975), Fishman, (1977), and Wright and Dixon (1977) further support the lack of empirical testing demonstrating the success of diversion programs.

Hudson notes that "by their very nature, evaluations of correctional treatments tend to rely primarily on outcome
measures associated with reintegration of the criminal justice system (Hudson, 1976, p.2). However, several authors have pointed out the difficulty in using recidivism rates to measure the success of corrections programs. Elliot (1980) comments "it is unfortunate when the entire burden of a program's success and support for a theoretical approach to delinquency prevention rides on a recidivism analysis (in Shichor, 1980, p.253). Hudson (1976) notes that recidivism measures fail to account for the seriousness of the offences (p.20). Elliot (1980) notes that "it is quite possible for a treatment to have a significant impact on delinquent behaviour which is not reflected in a recidivism analysis. Therefore we have reason to question the face validity of recidivism as a measure of delinquent behaviour" (p.253). In addition, Moyer (1980) points out that recidivism rates fail to consider other areas in the juvenile's life which may have improved due to the program intervention (p.157).

In summary, one of the main objectives of diversion programs is to reduce recidivism by rehabilitating young offenders. However, it was the finding of this study that no significant difference in recidivism rates existed between the diversion and the court groups. Despite this the literature points out that this may not necessarily accurately reflect the success of a program because of the difficulties inherent in the use of recidivism as an outcome measure.
Research Question 2:

This research question dealt with the number of adult charges acquired according to program involvement. This further explored the nature of recidivism between the two groups. Table 4 indicates that in fact the mean number of adult charges was significantly higher in the diversion program than the court program. Table 2 shows a breakdown of charges for those who participated in both programs.

A review of the literature leads to speculation concerning the causes of this discrepancy. Several factors may contribute to the different rates of charges. First, Griffin and Griffin have suggested that diversion programs may encourage youths to develop a disrespect for the law (1978, p. 416). This argument is based on the notion that harsh punishment acts as a deterrent to further criminal behaviour. Many corrections programs are based on this premise. However, the logic of this argument has been challenged. Erikson and Gibbs (1980), conclude that punishment does not deter all deviant behaviour but may discourage serious offences (p. 195). Despite the controversy regarding this issue, this may still represent an influence on later criminal behaviour. Secondly, the juvenile's perception of both the program, and the seriousness of deviant behaviour may have a large influence on their motivation to change. Cavoukian (1979) notes that some juveniles may comply to the diversion program simply to avoid formal contact with the
courts, rather than out of a motivation to accept responsibility and develop a non-criminal lifestyle (p. 28). Thirdly, the compensatory tasks used in the diversion program may not adequately assist juveniles to acquire new skills. A lack of time, (Edston, 1980, p. 9) and a lack of staff and funding to provide proper supervision may contribute to this problem. Fourth, diversion participants may still feel a stigmatizing effect of being referred to the program thus contributing to secondary deviance (Lincoln, 1980, p. 328). Finally differences may exist between the Windsor and Lordan police forces with regard to discretion used in deciding to charge an adult offender.

Research Question 3:

The next research question investigated whether differences between the two groups with regard to the age at first juvenile charge. Table 5 illustrates there was a statistically significant difference between the mean score of ages. The court group showed a higher mean age (14.33) than the diversion group (13.60). Dinitz and Conrad (1980) state "the early onset of a first arrest for whatever offence, is related positively to a long but not necessarily serious offence history" (p. 147). However, a weak association between the variables juvenile age and number of charges was found in this study (Table 5). Therefore, although differences exist between the two groups with respect to age, this
did not seem to have a significant impact on later criminal activity.

Research Question 4:

The final research question examined whether differences exist between the two groups with regard to the age at first adult charge. Table 6 showed that there was very little difference between the two groups for the mean adult age at first charge (16.38 and 16.45). In addition, the statistical tests indicated that there was a low association between the adult age and the number of charges acquired. Therefore this study showed that later criminal behaviour cannot be predicted from the age at first adult charge.
Chapter VI

SUMMARY AND CONCLUSIONS

6.1 SUMMARY

The implementation of the Young Offender's Act, which legitimizes alternative measures such as diversion has raised new concerns regarding the effectiveness of these programs. A review of the literature indicates that considerable controversy exists with respect to this topic. Moyer (1980) points out that there is a lack of Canadian empirical research in this area (p. 187). In addition, research studies concerning diversion have been criticized because they fail to use comparison or control groups in measuring effectiveness. Therefore this study sought to compare a diversion program in Windsor with the traditional juvenile justice system in London, Ontario. This study was designed to become part of an overall evaluation of the Windsor diversion project.

This study consisted of two sections. The first dealt with a follow up study of all those juveniles who successfully completed the Windsor diversion program from 1975 to 1981. The aim was to determine how many of these program participants have acquired an adult criminal record since December, 1981.
The second section compared one year (1978) of the diversion program with the traditional juvenile justice program in London. The research questions and hypothesis looked at the following variables: number of charges, juvenile age at first charge, adult age at first charge, and recidivism rates of the two programs.

6.2 **SAMPLE CHARACTERISTICS**

**Section 1**

The sample used in the follow up study consisted of 388 juveniles who completed the diversion program who had been charged by the Windsor police. The majority (60.6%) of the group were found not to have acquired an adult criminal record. There was a significant relationship between the year of involvement and later criminal activity. However, the level of association was low.

**Section 2**

The sample used in the matched group comparison consisted of 97 juveniles from the Windsor group and 89 juveniles from the London group. All members of the Windsor group had been charged by the Windsor police. This study involved juveniles who participated in their respective programs for the year 1978. Out of the 97 juveniles from the diversion program, 41% had criminal records, while 44% of the 89 juveniles from the London program had criminal
records. There was not a statistically significant difference in recidivism rates between the two programs. One hundred percent of the group who had records in Windsor were males and 97.75% of the London group were males. The mean juvenile age was 13.60 for the Windsor group and 14.33 for the London group. This was a statistically significant difference in mean age scores. The mean adult ages at first criminal charge for the two groups were 16.45 (Windsor) and 16.38 (London). This was not significantly different. The mean charges for these groups were 7.45 (Windsor) and 3.026 (London). Therefore the mean number of charges was twice as high as that of the London group. The correlation coefficient further substantiates this finding. This indicated a high level of association between the program and number of charges.

6.3 HYPOTHESIS AND RESEARCH QUESTIONS

The specific purpose of the study was to examine four research questions and to test one hypothesis to determine the nature of adult criminal involvement of persons who participated in the diversion program. These were stated as follows:
Research Question 1

What is the recidivism rate for the juveniles who participated in the Windsor diversion program from 1975 to 1981?

The recidivism rate was found to be 39.4% to date.

Hypothesis

There will be a lower recidivism rate among those juveniles who have completed the diversion program as compared to those exposed to the traditional juvenile justice system.

This hypothesis was not supported since there was no statistically significant difference in recidivism rates between the two sample groups.

Related to this hypothesis were three research questions.

Research Question 2:

Is there a difference between the two groups with respect to the number of charges acquired as adults?

Research Question 3:

Is there a difference between the two groups with respect to the juvenile age at first charge?
Research Question 4:

Is there a difference between the two groups with respect to the adult age at first charge?

The results obtained from the three research questions were discussed previously in this summary.

6.4 CONCLUSIONS AND RECOMMENDATIONS

The following conclusions and recommendations are based on the findings obtained from the review of 388 diversion files from the Essex County diversion program for six years of operation and 85 files from the London court program.

Conclusion

It is concluded that the diversion program is at least as effective as the court process in terms of preventing future police contact. This conclusion is based on the observed similarities in recidivism rates for these two groups. This is also supported in the literature by the lack of conclusive evidence demonstrating the effectiveness of diversion programs.

It would appear that there is a portion of the juvenile population who continue in delinquent behavior in spite of either of these modes of intervention. This would seem to indicate that there is no one answer to the problem of delinquency. The literature indicates a wide range of theories and proposed solutions to this problem.
Further to this, it is concluded that no one program offers a solution to all delinquency problems.

Since diversion seems to be effective for some juveniles in some programs but less effective for other juveniles or in other programs, a differential effects model appears attractive as a general paradigm for evaluating the effectiveness of diversion. With this approach the question becomes: "What type of diversion is most effective for which type of juvenile and under what circumstances?" In retrospect, it does seem rather naive to expect all diversion programs to be equally successful with all juveniles (Hekler, Cote, and Peacock, 1980, p.48).

Therefore practitioners may find more success with a differential treatment focus rather than attempting to design programs which attempt to satisfy the needs of everyone.

The diversion program appeared to lead to more frequent police contact with diversion graduates than the individuals who were processed through the traditional juvenile court program. This was illustrated by a higher mean score for charges for the diversion graduates. This is in direct contrast to the goal of diversion programs to limit the penetration of youth into the justice system.

In contrast to the findings in the literature, a prediction of future criminal behavior cannot be made from the juvenile age at first charge. Although the literature indicates that there is an association between these two variables, this relationship was not observed in this study. The implication from this may be that the nature of the first offence has more significance in determining later criminal activity.
The diversion program appears not to have significantly more impact on future criminal behaviour than the traditional juvenile justice system. Little difference was observed in adult ages at first charge between the two groups.

Finally, despite the pessimism which exists throughout the literature with regard to correcting delinquent behaviour, an optimistic view can be seen. In fact the majority of juveniles involved in both programs did not have further police contact as adults.

Questions Arising from the Research

This research study has led to several questions concerning diversion programs.

Are there significant differences between the diversion program as it is currently operated and the probation process? Although it is known that the diversion program makes more extensive use of compensatory tasks than probation, more research is required to fully understand if other differences exist between these two processes and programs.

Does the diversion program utilize the compensatory task to its fullest effect? The compensatory task is designed "to allow the young person to be actively involved in undoing his wrong" (Bretcn, 1982, p.29). However, in order for this to take place, the task must be meaningful, individually tailored to meet the child's needs and related to the offence committed.
Is the victim emphasis still as operative as was originally designed in the program? One of the stated goals of the Essex County Diversio...n Program is to "involve the victims of delinquent acts in the resolution of the problem, i.e., confrontation and compensation" (Breton, 1982, p.29). This may be an important factor in encouraging young persons to take responsibility for their behaviour.

Do juveniles perceive the diversion program and the court process as being the same? A speculation may be that juveniles perceive both programs as the same since both involve what may be thought of as punishment or state intervention by the child.

What are the attitudes of the police towards diversion graduates? Do police think that individuals who participated in the diversion program were dealt with leniently as juveniles and that they should therefore be dealt the full impact of the law as adults? Attitudes such as these, if they exist, may have a bearing on the higher number of charges shown among diversion graduates.

6.5 RECOMMENDATIONS FOR FUTURE RESEARCH

The following are some topics for possible future research on diversion programs:

1. Are there any common characteristics which separate recidivists from non-recidivists?
2. What is the cost effectiveness of diversion programs compared to traditional court programs?

3. What impact will the Young Offenders Act have on diversion programs?

4. What is the police perception of the diversion program?

5. What is the level of satisfaction among program participants?

6. Has the diversion program reduced caseloads in the court?

7. What are the victims' perceptions regarding involvement in the program?
Appendix A

DATA COLLECTION INSTRUMENT
APPENDIX A - CODING FORM

JUVENILE JUSTICE SYSTEM RESEARCH

1. File No. ______ 2. Sex ______ (1 = Male; 2 = Female)

3. Age of Selected Juvenile Court Appearance ______ years.

4. Time for Potential New Juvenile Charges ______ months.

5. Time for Potential Adult Charges ______ months.

J.J.S. INVOLVEMENT

Previous Police Contacts

6. Missing Person ______ 0 No; 1 to 7 Yes

7. ______

8. Warning ______ 0 No; 1 to 7 Yes

9. ______

10. Charges ______ 0 No; 1 to 7 Yes

11. ______

12. Arrested ______ 0 No; 1 to 7 Yes

13. ______

14. Other Police Involvement ______ 0 No; 1 to 7 Yes

Post Court Police Contact - Under 16 years

15. Missing Person ______ 0 No; 1 to 7 Yes

16. ______

17. Warning ______ 0 No; 1 to 7 Yes

18. ______

19. Charges ______ 0 No; 1 to 7 Yes

19. ______

21. Arrested ______ 0 No; 1 to 7 Yes

22. ______

23. Other Police Involvement ______ 0 No; 1 to 7 Yes

Post Court Police Contacts - Over 16 years

24. Missing Person ______ 0 No; 1 to 7 Yes

25. ______

26. Warning ______ 0 No; 1 to 7 Yes

27. ______

28. Charges ______ 0 No; 1 to 7 Yes

29. ______

30. Arrested ______ 0 No; 1 to 7 Yes

31. ______

32. Other Police Involvement ______ 0 No; 1 to 7 Yes

... continued
J.J.S. INVOLVEMENT

JUVENILE COURT INVOLVEMENT:
NATURE OF CHARGES

33. Missing Data _____ 0 No; Go to 34 and 36 then continue 1 Yes; Go to 35 and continue

34. If No, use Windsor Severity Value _____

35. If Yes, use Simplified Severity Value _____

36. Total Number of Charges _____

37. Most Serious Charge _____

38. Change in Severity _____

COURT SERVICES: (A) Pre-disposition

39. Assessment _____ 0 No; 1 Yes

40. Detention _____ 0 No; 1 Yes

41. Social History _____ 0 No; 1 Yes

42. Court Services: (B) Disposition _____

1. C.A.S. 5. Fine
2. Probation 6. Final Disposition Suspended
3. Treatment Centre 7. Multiple
4. Training School 9. Missing Data

43. Record Multiple _____

Post Court - New Juvenile Charges

44. New Charges _____ 0 No; 1 to 7 Yes

45. New Appearances _____ 0 No; 1 to 7 Yes

Nature of Charges

46. Missing Data _____ 0 No; Go to 47 and 49 then continue 1 Yes; Go to 48 and continue

47. If No, use Windsor Severity Value _____

48. If Yes, use simplified Severity Value _____

49. Total number of charges _____

50. Most serious charge _____

51. Change in severity _____

... continued
J.J.S. INVOLVEMENT

Court Services:  (A) Pre-Disposition

52. Assessment _____ 0 No; 1 Yes
53. Detention _____ 0 No; 1 Yes
54. Social History _____ 0 No; 1 Yes
55. Court Services:  (B) Disposition _____
   1. C.A.S.  5. Fine
   2. Probation  6. Final Disposition Suspended
   3. Treatment Centre  7. Multiple
   4. Training School  9. Missing Data

56. Record Multiple _____

Post Court - Adult Charges

57. Adult Charges _____ 0 No; 1 to 7 Yes
58. Adult Appearances _____ 0 No; 1 to 7 Yes

Nature of Charges

59. Missing Data _____ 0 No; Go to 60 and 62 then continue
    1 Yes; Go to 61 and continue
60. If No, use Windsor Severity Value _____
61. If Yes, use Simplified Severity Value _____
62. Total number of adult charges _____
63. Most serious charge _____
64. Change in severity _____
65. Special Court Services _____
   1. Non Intervention  5. Fine
   2. Probation  6. Community Service Order
   3. Adult Correctional Facility  7. Multiple
   4. Psychiatric Committal

66. Record Multiple _____
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La Junesse, T. Innovative approaches to juvenile justice: Executive summaries of four juvenile diversion project reports. Ottawa: Minister of Supply and Services Canada, 1982.


Young Offenders Act, (1982).
VITAE AUCTORIS

Catherine Helen Shanahan (nee Cruickshank) was born on December 3, 1955 in Stratford, Ontario. She lived in St. Mary's, Ontario for fifteen years and completed her high school education in Goderich, Ontario.

She enrolled at Fanshawe College in London, Ontario in 1973 and completed a diploma in Recreation Leadership in 1975. After graduation she was employed by the Upper Thames Conservation Authority in London, Ontario as Director of Public Relations.

In 1978 she enrolled at the University of Western Ontario. She transferred to the University of Windsor in 1979 and completed her Bachelor of Social Work degree there, graduating in 1982. During the B.S.W. program she was awarded two scholarships for academic achievement and graduated with the Board of Governor's gold medal for Social Work. She was employed throughout the three years in Windsor with the Essex County Children's Aid Society on a part time basis.

In 1982 she enrolled in the Master's of Social Work program at the University of Windsor. Throughout the academic year her field placement was at Harper Grace Hospital in Detroit. She is currently employed with the Roman
Catholic Children's Aid Society in Windsor, Ontario. The expected date of graduation is October, 1983.
VITAE AUCTORIS

Bonnie Lynn Sokcloff was born on October 15, 1956 in Montreal, Quebec. Both primary and secondary education were completed in Montreal: Cardenview School and Westmount High School.

She enrolled at Carleton University, Ottawa, Ontario in 1973. There she completed two and a half years in the Bachelor of Science program. Subsequent to this she worked and travelled for two years.

In 1978, Ms. Sokcloff, entered the Bachelor of Social Work program in Windsor, Ontario and graduated in 1982. For the year 1981-82, she was employed part time at The Inn of Windsor, a group home for adolescent girls.

In September, 1982 she was accepted to the Master's of Social Work program at the University of Windsor. Throughout the academic year, her field placement experience was at the Windsor Group Therapy Project. As well, she worked as a Teaching Assistant for the University of Windsor. The expected date of graduation is October, 1983.