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An exploratory descriptive study of the Essex County Pilot Diversion Project.

Norman M. Reynolds
University of Windsor

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AN EXPLORATORY DESCRIPTIVE STUDY OF THE ESSEX COUNTY PILOT DIVERSION PROJECT

by

Norman M. Reynolds
Clinton L. Tyler
Jane L. Vanderzwet

A Thesis submitted to the Faculty of Graduate Studies through the School of Social Work in partial fulfillment of the requirements for the degree of Master of Social Work at the University of Windsor

September 1976

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B. J. Kroeker  Chairman
L. B. Buckley  Member
I. C. Johnston  Member
Terrence Arnold  Member
ABSTRACT

The purpose of this research was to describe and evaluate the Essex County Pilot Diversion Project by collecting data regarding the perceptions of those youth involved in the program. An exploratory design strategy was selected as a result of the lack of previous research data on diversion programs similar to the program initiated in Essex County. From the data obtained, it was felt that a clearer and more comprehensive understanding of the program could be achieved in order to objectively assess the program's philosophy and stated goals.

The study is based upon a comprehensive review of the literature regarding theories of adolescence, the etiology of delinquency, diversion programs and the juvenile justice system. The literature review provided the theoretical context within which to conceptualize the Essex County Pilot Diversion Project.

The research question formulated for the study was whether young persons in conflict with the law in the Essex County Pilot Diversion Project perceive the administrative approach as minimizing their involvement in the traditional juvenile justice system and maximizing their opportunity for
problem settlement.

The research findings obtained regarding the research question under study revealed that 90%, or 45 out of 50, youth perceived themselves as not penetrating the juvenile justice system and further, 70.7%, or 29 out of 50, youth perceived the program as providing them with an opportunity for problem settlement.

In regards to the youth's perceptions of the program's intent and the program's accomplishments, the majority of the youth perceived the program as achieving its stated goals.

Although the researchers have reached a number of conclusions, a major one is that a national policy regarding delinquency prevention, control and treatment must be established if projects like this one are to have a framework whereby services provided to youth in the community are to be co-ordinated with other service delivery systems.
ACKNOWLEDGEMENTS

We wish to take this opportunity to personally thank all of the professional groups in the Windsor community who assisted us in the completion of this research projects. More specifically we wish to thank the John Howard Society staff and the employees of the Ministry of Correctional Services, Probation and Aftercare for the willingness in having research undertaken on the Windsor Essex Pilot Diversion Project.

During the completion of this study the researchers were assisted by specialists in the area of Diversion through personal consultations. To Mr. Elo Glinfort and Ms. Francine Bertrand, Ministry of the Solicitor General Secretariat Division, as well as Mr. Jim Atack, National Parole Service, Research Division, and Dr. Wayne Hanna, Boy's Farm and Training School, a personal thanks for generously giving of your time and resources.

We owe a special thanks to our Committee Chairman, Professor Bernhard Kroeker, whose continued encouragement enabled us to continue this research during period when the task appeared overwhelming.

To Dr. Lola Beth Buckley, the research group wish to offer their thanks for the support and assistance shown us,
especially during Committee Meetings when, at times, it seemed that the process was unending. We especially appreciate your efforts towards providing us immediate feedback on our drafts, even when you may have had other equally important tasks at hand.

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We appreciate the legal perspective provided by Professor Terrence Arnold as a Member of our thesis Committee.

A special thanks is extended to the young persons and their families who made it possible for us to obtain meaningful information whereby the Diversion program in this community could be better understood.

We offer to Mrs. Joan Reid our thanks for helping us out at the last minute with typing services. To Charleen Tyler we owe a debt of appreciation for typing our thesis and crossing the finish line with us. We do hope that your finger dexterity returns.

As a personal acknowledgement, I offer my appreciation to the National Parole Service who financially supported my return to university this year. To my wife, Kathy, I wish to extend sincere thanks for her support and encouragement and for cheerfully coping with my absence. To my little Marci, "I promise never to go to the library after supper again, until you're old enough to understand why".
I would like to personally acknowledge my wife, Charleen, for her total commitment to the process. To my son, Geordie, who became three years of age during this process, I would like to thank him for the smiles he gave me along the way when others in this process were not in the mood to smile. To Lola Buckley, a colleague, friend and mentor, thanks. In terms of my personal learning process, I would like to thank both Bernie Kroeker and Lola Buckley for fulfilling that rare role—that of educator.

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Our happiness at the completion of this educational process is shaded by the loss of our classmate and friend Boyd Hicks.
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CHAPTER I

INTRODUCTION

The purpose of this research project is to examine and evaluate the Essex County Pilot Diversion Project, a program that offers an alternative to a juvenile court appearance for some young persons allegedly in conflict with the law. This evaluation is being done by collecting and analysing data regarding the perceptions of the youths involved in the program on the premise that a program is only as good as it is perceived to be.

This exploration will produce a familiarity with the perceptions of the research population which will permit a thorough understanding of the program as it is viewed through the eyes of the service recipients. It will also assist in the development of hypotheses for further investigation and a clarity of conceptualization regarding implications for the Essex County Pilot Diversion Project program definition and development, intervention strategy and the program's role related to other community agencies that offer services to youth.

This research was prompted by a number of factors.
Initially, the Ministry of Correctional Services of Ontario, through its local office, approached the University of Windsor, School of Social Work, requesting that an evaluation component be built into its new Essex County Pilot Diversion Project. The chairman of the Research Committee agreed to this request provided some graduate students were interested in such a project.

The researchers interest, growing out of prior work experience in the areas of correctional services and community and residential treatment programs for adolescents, was identified and thus the project was initiated.

An additional factor that motivated the researchers was the high level of interest in the nature of the program approach toward interacting with young persons in conflict with the law implemented by the Essex County Pilot Diversion Project. The Law Reform Commission of Canada in its report Young Persons in Conflict with the Law expressed a significant interest in this topic as did the local practitioners in corrections and the legal profession in the Essex-Windsor community. All of the above-mentioned were convinced that gaps existed in present services and that an informal approach to young persons in legal conflict was desirable.

It was further observed that a variety of programs were encompassed under the name of "Diversion" and that an investigation of one program might permit the researchers

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1Canada, Young Persons in Conflict with the Law (Ottawa: Communication Division, Ministry of Solicitor General, 1975).
to conceptualize the phenomenon of the development of other diversion programs as well. In addition, the researchers wished to determine whether there was any relationship between these diversion programs to theories of adolescent development, to the etiology of delinquency and the juvenile court and to then share the understanding attained with other persons interested in these matters.

An awareness by the researchers that Canadian research into this topic was very limited, and that which did exist had generally avoided the consumer-perspective, prompted further research interest since this element is deemed to be highly significant to practitioners and program planners alike.

Due to the lack of research emphasis upon how young persons in diversion programs perceived their involvement, the researchers chose to evaluate the effects of the Essex County Pilot Diversion Project upon the client population by exploring the youths' perceptions of their diversion experience.

The research question under investigation in this study grew out of the concern that diversion's administrative approach to the management of young persons in conflict with the law is a controversial issue. For example, some issues discussed in the diversion literature relate to: (1) radical non-intervention versus individualized treatment, (2) the informality of procedures versus the legal rights of the young person, (3) issues related to diversion programs intake
criteria, and (4) issues related to the concept that the community should expand its ability to resolve problems originating from juvenile problematic behavior so as to deal with these young persons in an informal manner, thus avoiding the formal court process.

While it is commonly agreed that diversion programs are attempting to offer new service approaches to youths identified as being in conflict with the law, the researchers were curious as to the extent to which these new service approaches interacted with young persons from a traditional treatment perspective.

The description and assessment of the Essex County Pilot Diversion Project's intervention strategy with young persons was investigated while working from the premise that a program offering assistance to clients must begin with a consideration of the needs and concerns expressed by the recipients of the service provided. The youths' perceptions of the program and its effect upon them was therefore considered to be the most viable means by which the Essex County Pilot Diversion Project could be described and evaluated.

The following is a brief outline of the material presented in this study:

A review of the literature is presented in chapter two regarding the theories of adolescence, the etiology of delinquency, diversion programs and the juvenile court. A more comprehensive outline of the review of the literature
is presented in the introduction to the review of the literature chapter.

The third chapter specifically addresses itself to the Essex County Pilot Diversion Project, the program under study. Emphasis is placed upon a description and comparison of the program to the review of the literature.

The fourth chapter presents the rationale for the study, a description of the research design, the instrument used and the procedures involved in the data collection and concludes with the limitations of the study.

The fifth chapter, research findings, offers a presentation and analysis of the data and the implications derived from the data analysis.

Recommendations are presented in the sixth chapter and are based upon the implications derived from the research findings and the review of the literature.
CHAPTER II

REVIEW OF THE LITERATURE

Introduction

The following review of the literature is long and at times may seem, to the reader, to have taken a circuitous path in its approach to examining an intervention program for youths defined as being in conflict with the law, the Essex County Pilot Diversion Project. It is believed that there is more of a degree of method in the madness than there is madness in the madness. When confronted with the task of evaluating a "new diversion" program, what became evident, from a search of the literature, was the sense of "newness" and "uniqueness" by which proponents for diversion programs and diversion program literature describe the concept. One of the more difficult aspects of presenting a review of the literature, of the diversion approach to working with youths in conflict with the law, seemed to be in relating it to traditional theoretical orientations in social sciences that pertain to human development, the etiology of delinquency, and traditional prevention, control and treatment programs.

It was in response to the perceived lack of a con-
ceptual framework in which to discuss one relatively modest diversion program in a middle sized urban Canadian community, population approximately 200,000, that the following approach to the review of the literature was selected.

Upon examination of a number of juvenile diversion programs it became evident that what was held in common was that all were dealing with young people at a time in their life-sequence commonly labelled adolescence. None of the diversion programs reviewed stated which theoretical approach to human development was accepted or rejected as a basis for the proposed program intervention. For this reason the review of the literature begins with a review of theoretical approaches to adolescent development which is intended to suggest the range of approaches from which a credible practice intervention base may be selected. The position is taken that implementers of programs must define what is considered to be normality prior to an attempt to prevent, control or treat delinquency.

The second aspect held in common by diversion programs was found to be that they interacted with young people considered to be "predelinquent" or delinquent and attempted to prevent, control, treat or define away the condition of delinquency. Given this obvious fact, a selected review of the theoretical orientations to the causes of delinquency was undertaken in order to conceptualize which theoretical approaches diversion programs were explicitly or implicitly accepting or rejecting. The intent was not to be compre-
hensive, but to suggest a range of the contemporary theoretical approaches proposed for the etiology of delinquent behavior. The majority of diversion program literature reviewed did not state which theoretical approaches to the "causes" of delinquency were accepted or rejected; or how the intervention approach to be implemented related to the causes of delinquency. In each instance of the review of diversion program literature it was possible to identify assumptions made regarding the causes of delinquency by the intervention strategy selected, such as casework, family therapy or radical non-intervention. It is not known, since it is never stated, whether the implementers of the various programs acknowledge the assumptions upon which their intervention strategy appears to be based. The position is taken in this review of the literature that all of the theories described have some credibility, i.e. no rights or wrongs as such, but to make a program consistent and truly effective the various theories need to be co-ordinated, since some might in fact be directly opposed to one another.

A third common position suggested by proponents of diversion approaches is the belief that they are different from, and offer an alternative to, traditional delinquency prevention, control and treatment programs. The third section of the review of the literature, therefore, presents a description and classification of the traditional delinquency prevention, control and treatment programs from which the diversion programs are believed to present a "new" alternative.
One assumption made by a large number of diversion programs is that it is better for a youth to interact as little as possible with the formal juvenile justice system and, in particular, the juvenile court. Many proponents of diversion base their rationale for diversion upon the belief in the failure of the juvenile court. The fourth area of the review of the literature focuses upon the philosophy and historical development of the juvenile court. This review may help us understand what the proponents for diversion programs are attempting to divert the young people from.

The remainder of the review of the literature focuses specifically upon the topic of diversion, utilizing the prior sections of the review of the literature in order to place into a conceptual frame of reference the various aspects of diversion programs. In the fifth section of the literature review, a presentation and classification is made of a selected sample of diversion programs that have been developed in the United States and Canada in recent years. The sixth section of the review focuses upon some of the various definitions of the term diversion, while the seventh section presents some of the issues related to the concept of diversion. The review of the literature concludes with a description of the program being studied in this research project, the Essex County Pilot Diversion Project. The program description is presented and related to the review of the literature in terms of the approach assumed regarding adolescent development, etiology of delinquency, relationship to traditional delinquency
prevention, control and treatment programs and the type of
diversion approach implemented as compared to other diversion
approaches.

When the Essex County Pilot Diversion Project is view-
ed in the context of being a human service delivery system the
relevance of all these areas is readily apparent and essential
to the satisfactory understanding of the program being eval-
uated.¹

Theoretical Approaches To Adolescent
Development

Juvenile diversion programs work with young people at
the time of their life sequence commonly called adolescence.
The following represents some of the various theoretical
positions that could be selected as practice intervention
frames of reference for persons of this age.

The word adolescent is derived from the Latin verb
adolescere meaning "to grow up" or "to come to maturity".¹
Prior to the time of G. Stanley Hall's work, Adolescence,
1916, the phenomenon of adolescence was not generally con-
sidered a separate stage of human development and hence re-
ceived no specific emphasis.² Philosophers prior to Hall,
such as Hippocrates, Plato, Aristotle, Comenius, Locke,

¹Hereafter the Essex County Pilot Diversion Project
will be referred to as the Essex Diversion Project.

¹Webster's New World Dictionary of the American

²Rolf E. Muuss, Theories of Adolescence (New York:
Rousseau and Darwin, in their descriptions of the nature of
man and society presented a basis for a theory of human de-
velopment.3

E. Kuno Beller, 1968, presents a taxonomy encompassing
six theoretical approaches to the concept of adolescence.
The six categories are labeled biological, psychological,
psychosocial, psychoanalytical, sociological and anthropo-
logical.4 Muuss, Alissi and Sheehan have presented reviews
of the literature based upon similar classification sys-
tems.5, 6, 7 Beller's taxonomy is used as a frame of refer-
ence for a presentation of at least one influential repre-
sentative of each of the defined theoretical orientations.

Biological Theoretical Orientations

Biologically oriented theorists accept adolescence as
a unique phase in a process of human development and acknowledge the importance of biological changes and physical changes of puberty which mark its perceived onset rather than empha-

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5 Muuss, Theories of Adolescence, p. 11.


ing psychological or social variables. Hall, Gesell and Remplein are representative of biologically oriented theorists of adolescent development.  

G. Stanley Hall, 1844-1924, the "father of the psychology of adolescence", the man earning America's first doctorate in psychology, attempted to bridge the philosophical speculative approach represented by Aristotle, Locke and Rousseau and the more contemporary empirical approach. Hall's approach incorporated Rousseau's interpretation of the historical development of the race, animal-like living, the stage of savagery, the stage of reason and a stage of social maturity. Hall, who enjoyed being honored as a "Darwin of the mind", introduced a theory of recapitulation which assumes that the experiential history of the race becomes a part of the genetic constitution of the individual. Hall emphasized the importance of physiological functions in adolescent development, ignoring the influences of culture. He conceptualized adolescence as a period of storm and stress, similar to the strum and drang era in German literature which included the turbulent, idealistic works of writers such as

9Ibid., p. 71.
10Muuss, Theories of Adolescence, p. 11.
12Muuss, Theories of Adolescence, p. 31.
Schiller and early Goethe. Hall regarded physical growth of the adolescent as saltatory rather than continuous and gradual. Hall's views on these issues continue to have a significant effect upon the study of adolescent development.

Arnold Gesell, 1880-1961, studied growth and development in terms of patterns of developmental trends and the "norms" of behavior in their developmental sequence. The concept of growth, mental and physical, forms the core of Gesell's theory. Growth, used interchangeably with development, is defined as a process that brings about changes in form and function. Growth occurs as a spiral process of progressive differentiation, partial regression, and then integration. Mental growth is conceptualized as a patterning process; a progressive morphogenesis of patterns of behavior. Gesell's theory assumes there is an inborn biological force that determines the sequence of the occurrence of basic developmental phenomena. He believed "maturity is mediated by genes". Gesell did not perceive

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14Muuss, Theories of Adolescence, p. 35.


16Muuss, Theories of Adolescence, p. 146.

17Ibid., p. 147.

18Ibid., p. 147.


20Gesell, Francis, and Ames, Youth: the Years from Ten to Sixteen, p. 27.
adolescence as necessarily being turbulent or stressful, as Hall had insisted, although he noted the inherent irregularities and contradictions of the process. Gesell believed adolescence was a period in which a ripening process occurred in the spiral of normal growth. Gesell is associated with the age related trend development charts that continue to influence parents eager to demonstrate that their child is "at least normal". 21

Remplein22, 1956, makes the assumption, as do other stratification theorists, that a direct relationship exists between the evolution of the brain, its structure and stratification and the development of personality.23 Remplein's theory proposes a genetic concept of brain development. Innate dispositions determine the direction of development. Innate dispositions, particularly of the lowest stratum, determine the limits of influence that environmental forces can have on the development of personality. Three layers of personality are postulated. The lowest layer of personality is related to body functions, the vital survival needs stratum common to all of animal life. The second layer is called the enothymic, the point of origin of emotions which are not directly dependent upon body organs and functions.24

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21 Muuss, Theories of Adolescence, p. 152.

22 Heinz Remplein, Die seelische Entwicklung in der Kindheit und Reifezeit (Munich: Ernst Reinhard, 1956).

23 Beller, "Theories of Adolescent Development," p. 76.

24 Muuss, Theories of Adolescence, p. 169.
The third stratum of personality is the personal or the ego functions, cognition and volition. Development is considered to be saltatory and not a continuous gradual increase. Remplein believes new layers or stratum are superimposed on old ones. Separating each of the three stages is a period of negativism that manifests itself in a disintegration of the psychological structure. Remplein suggests that the negativistic stages prior to adolescence, and subsequent to it, should be expected and not overreacted to. Remplein's theoretical approach, like Hall's and Gesell's, assumes that, in a general manner, ontogeny recapitulates phylogeny. It is emphasized that everyone must go through all of the phases of each stage otherwise an arrest in development may occur. Remplein views the resurgence of new drives in the adolescent stage as being a result of changes in endocrinological secretions brought about by the onset of puberty. In the search of diversion program literature it was not possible to identify a diversion program that stated an intervention approach based upon a biological orientation to adolescent development. In the description of diversion program approaches, presented later in this review, the programs that use a casework approach seem to suggest that a biological orientation to adolescent development is accepted in that adolescence is suggested to be a unique life phase.

It is possible to suggest that Remplein's approach to

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25 Ibid., p. 170.

26 Ibid., p. 174.
the "normality" of negativistic stages in adolescence and
the position taken that these stages should not be over-
reacted to is similar to the radical non-intervention ap-
proach to diversion which is based upon a sociological theo-
retical orientation.

Psychological Theoretical Approaches

The more psychologically oriented approaches tend to
highlight specific kinds of experiences relating to personality
development, cognition, values, perceptions and attitudes.
Representative theorists of this orientation are Spranger,
Lewin and Skinner.

Spranger\textsuperscript{27}, 1882-1963, is a good representative of
gesteswissenschaftliche, cultural sciences, psychology.\textsuperscript{28}
Spranger emphasizes the aspect of understanding rather than
causal explanation and prediction. Adolescence is viewed to
be a period of transition during which a hierarchy of values
is established. Differences in the value hierarchy will affect
different patterns of change.\textsuperscript{29} Spranger defines three pat-
terns of adolescent development. First is the pattern of
radical and dramatic changes which accompany the adolescent's
perception of himself. The second pattern refers to slow
continuous change in which the individual adopts the cultural
values of his society without basic personality change. The

\textsuperscript{27}Edward Spranger, Psychologie des Jugendalters

\textsuperscript{28}Muuss, Theories of Adolescence, p. 85.

\textsuperscript{29}Beller, "Theories of Adolescent Development," p. 79.
third pattern refers to a growth process in which the adolescent achieves his goals through self-discipline and active efforts. Spranger refers to a discovery of the ego during adolescence. The discovery of the internal ego, experienced as separate from the external world, results in loneliness and a resulting need to experiment with one's own undifferentiated ego. The need to experiment may lead to a rebellious challenging of all previously unquestioned ideas and relationships.

Lewin, 1890-1947, based upon the theoretical work on electromagnetic fields in the nineteenth century, postulated an application of field theory to psychology. Behavior is a function of the field which exists at the time the behavior occurs. This concept is expressed in the formula the Behavior is a function of Person and Environment \( B = f(P+E) \). Adolescence is characterized by relative rapid change in the structure of the life space, therefore stress is encountered in the interface between the person and the environment. Lewin perceives the adolescent to occupy a position between the child and the adult, similar to a marginal member of a minority group in society. The phenomenon of puberty is represented as a baffling change of the life space. Lewin believes, as a result of the experience of conflict related to the newly

\(^{30}\text{Ibid., p. 79.}\)


\(^{32}\text{Hall and Lindzey, Theories of Personality, p. 209.}\)
encountered phenomenon, that psychological tensions will arise that will increase the tendency for the adolescent to take extreme positions related to attitudes and actions.

Skinner\textsuperscript{33}, 1904-present, bases his approach upon the stimulus-response construct. A specific definition of adolescence, or other developmental stages, is not presented. He is concerned primarily with the relationship of behavior and the varying stimuli which his theoretical perspective suggests are responsible for the behavior that is perceived to occur. Two types of learning are defined: the Pavlovian respondent conditioning and the operant conditioning. Skinner focuses primarily on modifiable behavior. Consequently, he takes little interest in the behavioral characteristics that other theorists perceived to be enduring. Skinner's emphasis is upon behavior that may be controlled. Control implies that the environment may be modified in order to bring about alternative behavior patterns. Related to genetic determinants Skinner states,

Even when it can be shown that some aspect of behavior is due to season of birth, gross body type, or genetic constitution, the fact is of limited use. It may help us in predicting behavior, but it is of little value in an experimental analysis or in practical control because such a condition cannot be manipulated after the individual has been conceived. The most that can be said is that the knowledge of the genetic factor may enable us to make better use of other causes. If we know that an individual has certain inherent limitations, we may use techniques to control more intelligently, but we cannot alter the genetic factor.\textsuperscript{34}

\textsuperscript{33}\textcite{B. F. Skinner, Cumulative Record (New York: Appleton-Century-Crofts, 1959).}

The review of the literature disclosed that a number of diversion programs seem to base their intervention strategy upon psychological theoretical orientations.

Psycho-social Theories

The social psychologists place an emphasis on the influence of the social environment and on the role of the interaction of the processes between the adolescent and his society.

Allison Davis\textsuperscript{35}, 1946, presents the concept of socialization as central to the understanding of adolescence. Adolescent development is approached as a continuous process of social reinforcement and punishment. The anticipation or fear of punishment, after repeated experiences, bring about "socialized anxiety" which is believed to be a key factor in the socialization process. In order to avoid the punishment the adolescent attempts to adapt to the predominant cultural values. In our society the adolescent encounters increased demands to accept social responsibilities and to delay and generalize the gratification needs, such as sex and aggression. Davis suggests adolescents of differing socio-economic class groups encounter different experiences in the expectation to postpone gratification of needs in order to attain long-range goals. A number of the diversion programs to be described base their intervention strategy upon concepts similar to Davis' description of socialized anxiety.

Psychoanalytical Theoretical Approaches

The early psychoanalytic theory of adolescent development shared one fundamental concept in common with Hall's evolutionary theory of recapitulation: both consider adolescence to be phylogenetic. Freud's early approach to development relied upon biological and evolutionary concepts. Jung and Adler, both psychoanalysts, each developed alternative theoretical approaches which relied upon a social-environmental orientation.

Freud, from a deterministic point of view, constructed a developmental or "genetic" psychology, the kind of behavior that develops to reduce the biological tensions is the consequence of human experience. His focus was primarily upon response events although situational events were considered to be important, for example the "reality principle" and the crucial role allocated to parents. Freud was primarily interested in the "economy", "dynamics" and topography of the "mind". Ernest Jones stated,

Freud was a stubborn dualist, seized with the conception of a profound conflict within the mind, and throughout his life he struggled to discover and define the nature and characteristics of the opposing forces.

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36 Hall and Lindzey, Theories of Personality, p. 30.

37 Ibid., p. 81.


40 Ibid., p. 117.
Psychoanalytical theory suggests that in adolescence, the onset of puberty, the intensity of the biological sex energy drastically increases again after the latency period of late childhood. With adolescence comes a reactivation of the responses and thought about sexual stimulation acquired during the first six years of life. If the original sexual development proceeded adequately in the earlier stages, and if the Oedipal or Electra process was resolved, the adolescent had acquired the rudiments of responses necessary for adult sexual relationships. During adolescence these response patterns are practiced and more fully and adequately developed.\(^{41}\) One process that is theorized as occurring in adolescence is the moving away from child love objects and a search for love objects outside the family. This implies a concomitant weakening of the superego, represented by the parents, and is reflected in the adolescent's feeling of loneliness, inner turmoil and depressed moods.\(^{42}\) The need for peer friendships represents compensating behaviors to attempt to replace the idealized image of the parent. Erikson suggests the peer group provides the adolescent with a feeling of social belonging and presents the opportunity to form his ego identity.\(^{43}\)

Many diversion programs identified in the search of the literature assume a neo-freudian theoretical orientation to the young people in the diversion process, for example there

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\(^{41}\) Ibid., p. 140.

\(^{42}\) Beller, "Theories of Adolescent Development," p. 93.

\(^{43}\) Muuss, Theories of Adolescence, pp. 54-85.
is use of the casework and family work approaches.

Sociological Theories

Kinsley Davis⁴⁴ suggests adolescence represents a phase of development where physical maturity increases at a rate faster than social maturity. In western society social position and experience are associated with middle or old age rather than adolescence, despite the fact that adolescents are at a physical peak at the end of the adolescent phase. This is perceived to be a basis for intergenerational conflict. From a sociological perspective, the social position of adolescence is governed by four factors: occupational placement, reproductive control, authority organization and cultural acquisition. Occupational placement occurs during adolescence in complex societies when, at that time, specialized training is offered. One result of the placing of the occupational decision-making time sequences in the adolescent era of development is that the degree of strain is increased. In terms of reproductive control, the adolescent is encouraged to have close interpersonal heterosexual relationships, but is challenged to uphold the ideal of pre-marital chastity. Related to parental authority, the concept of cultural lag occurs in that the parents knowledge is frequently obsolete, relative to the input the adolescent is exposed to in the educational process.⁴⁵ Davis encourages innovative education


approaches to shorten the delay for the adolescent to be permitted to assume a social role consonant with his maturational abilities and to be permitted to continue his specialized training.

Hans Sebald proposes that an assessment of adolescence should be both analytical and comprehensive—analytical in the sense of showing the causes and the consequences of adolescence and comprehensive in the sense of describing the broader social context in which the phenomenon of adolescence is perceived to occur. Sebald theorizes that six points sum up the major antecedent conditions of adolescence and explain the occurrence in the second half of the twentieth century of the acute problems associated with adolescence. From a structural-functional perspective, the universality of adolescence is considered to be a fallacy. The contemporary adolescent is a modern invention of urban-industrial societies. Adolescent inducing conditions of the urban-industrial setting may be divided into two categories: the social-structural factors and the cultural factors. The six factors arising from social-structural discontinuity and cultural nonspecificity are:

1. a shift from the consanguine to the nuclear family;
2. scientific and technological progress has a constant modifying impact on the social dynamics of modern society;
3. the high rate of momism;

4. the social-structural discontinuity between the statuses of children and the adult;

5. the concept that the contemporary western societies lack a compelling ideation capable of providing meaning, determination and a 'cause' for the young members of the society and that it thereby contributes the sustaining cause to the evolvement of an unstructured and confusing interim phase between the child and the adult status; and

6. that there is reason to believe that the conception of the process of personality development as suggested by early sociologically-oriented social psychologists, such as George Herbert Mead and Charles H. Cooley, is a conception more fitting the nineteenth century than that of the twentieth century.47

Sebald believes, as a result of these six points listed, that the major sociological consequence of adolescent discontinuity expresses itself in collective forms, such as a massive recession of the young into their own subculture. The vast majority of diversion programs encountered assumed a sociological orientation in the description of the rationale for the programs.

Anthropological Theories

Anthropological cross cultural studies of human development suggest that each culture defines its own social and psychological realities which incorporate inter-related responses to the biological maturation of the individual. If one accepts the broad relativistic approach to adolescence of anthropologists, such as Benedict, Mead, and Beaglehole and Ritchie, then the universal existence of specific human

47Ibid., p. 510.
traits must be questioned. A structural-functional frame of reference is used in relating cultural, social configurations to individual response patterns of participants of the culture. Benedict, 1946, proposed that each culture is characterized by a central theme, which she calls a pattern, and that one can only understand a culture in terms of such a dominant theme. She uses the Kwakiutl as an example. Mead, a student of Benedict's, demonstrated that in Samoan adolescence there is not a turbulent time as the result of a differing definition of man and corresponding social and cultural patterns based upon this alternative world view. Hollingshead and Brown suggest that the concept of adolescence as a period of storm and stress is very similar to the ceremonial rebirth folklore which constituted the initiation of primitive youth into manhood.

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49 Margaret Mead, Coming of Age in Samoa (New York: Dell, 1968).


51 Benedict, Patterns of Culture.

52 Mead, Coming of Age in Samoa.


Physiological Changes In Adolescence

Blos\textsuperscript{55}, suggests that adolescence, from a psychoanalytic perspective, can best be defined as a "process of adaptation to puberty".\textsuperscript{56} Physical growth is an essential part of the creation of adolescence and the way young people behave.

Miller suggests three stages of adolescent development: early adolescence, the phase of puberty; middle adolescence, the period of identification; and late adolescence, the period of coping.\textsuperscript{57} Puberty may be regarded as the period starting from the beginning growth of testicles in boys to the time when there is active production of spermatozoa. In girls the era lasts from the onset of an increase in pubic hair, followed by budding of the breasts, beginning of vaginal secretion, to the time when menstruation begins. These physical changes are associated with a rapid rise of seventeen ketosteroids in boys and girls, a greater production of estrogens in girls than boys and a greater production of androgens in boys than girls.\textsuperscript{58} Girls tend to gain weight and reach adult weight shortly after eighteen. Boys put on weight fast in early adolescence and make small gains until nineteen or twenty. Late maturation is often hereditary.


\textsuperscript{56}Ibid., p. 181.

\textsuperscript{57}Derek Miller, Adolescence: Psychology, Psychopathology and Psychotherapy (New York: Jason Aronson, 1974), p. 46.

\textsuperscript{58}Ibid., p. 7.
The boys voice change, change of the shape of the larynx, occurs at the end of the puberal phase.

In the middle stage of adolescence physiological and anatomical changes in connection with growth continue to occur. Boys show a marked increase in testosterone levels, mature spermatozoa are found and facial and body hair continue to increase. The years fifteen, sixteen and seventeen are commonly associated with this phase. In girls the time commonly associated is the fourteenth, fifteenth and sixteenth years. Pregnancy is possible, there is significant increase in estrogen excretion and an increase in seventeen ketosteroids. A girl's voice changes timbre. The girl's body takes on its adult feminine form, the ovulatory cycle becomes stable and growth stops. The late stage of adolescence, essentially a psychosocial event, continues to be a period of physical growth in the male. Male genitals reach maximum size, there are changes in the hairline and body hair may appear. Arrest of skeletal growth does not occur in men until they are twenty-one or twenty-two and not until then are adult levels of seventeen ketosteroids and testosterone finally attained. Considered absolutely, power, athletic skill and physical endurance all increase progressively and rapidly throughout adolescence. Other physiological changes occurring

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59 Ibid., p. 51.
60 Ibid., p. 88.
during adolescence involve basal metabolism, a continued increase throughout adolescence, circulation of the blood, the heart size increases and heart rate falls throughout the period of growth, respiration, there is an increase in vital capacity, and digestion, the stomach increases in size and capacity and undergoes qualitative changes. All of the suggested physiological changes are norms, not absolutes, derived at by observing boys and girls.

Cognitive Development In Adolescence

Elkind, from a cognitive frame of reference, suggests the major task of early adolescence has to do with the conquest of thought.

Inhelder and Piaget present an information processing theory of cognitive development that identifies a number of developmental stages. Piaget identifies two dimensions in the process of cognitive development: the stage dependent theory and the stage independent theory. The stage dependent theory consists of four stages defined only approximately by age and occur in a predetermined sequence.

E. V. Sullivan defines the four stages as:

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64 Ibid., p. 181.

1. sensorimotor stage, birth to approximately two years--
definition: simple structures which mark the beginning
of space, time causality and intentionality changes;

2. preconceptional stage, two to six years--
definition: comprehension of functional relations,
symbolic play;

3. concrete operational stage, six to eleven years--
definition: invariant structures of classes, relations
and numbers; and

4. formal operational stage, eleven years on--
definition: prepositional and hypothetical think-
ing.66

The stage independent theory relates to a system of inter-
related concepts, such as schema, structure, operation
assimilation, equilibrium and equilibration. The stage
independent concepts cut across the stage dependent concepts
and are believed applicable to early motor development as
well as to the logical thought process of adolescence.67

Intelligence is a process of adaptation and organization.
Essential variables responsible for growth are the matura-
tion of the nervous system, experiences in interaction with
physical reality and the influence of the social environ-
ment.68 Intellectual growth takes place when there is a
cognitive reorganization as a result of the imbalance in
the forces of equilibration, that is, when the data from the
environment is assimilable, but conflicts with the
existing cognitive structure and necessitates a cognitive

66Edmund Sullivan, "Piaget and the School Curriculum:
a Critical Appraisal," Bulletin No. 2 of the Ontario Insti-


68Ibid., p. 182.
It is during the adolescent stage that formal operational thought processes are usually developed. Many of the personality and behavioral characteristics encountered among adolescents—relentless criticism of parental values and existing social political and religious systems, a more self-conscious introspective and analytical approach to the self—are all dependent upon the capacity to attain and utilize a formal operational thought system as defined by Piaget. In this sense, the strum and drang of adolescence suggests the individual has attained a culturally defined developmental goal. One implication of Piaget's approach is that models of educational instruction should be adjusted to the cognitive development of the child.

Kohlberg, based upon Piaget's cognitive-developmental approach, has developed a framework for analyzing stages of moral development. The model consists of six defined stages of moral development and twenty-five aspects of growth through the six stages. Kohlberg's six stages of moral development are:

Level I - Premoral
Stage 1. - obedience and punishment orientation
Stage 2. - naively egotistic orientation


Level II - Conventional Role Conformity
Stage 3. - good boy orientation
Stage 4. - authority and social-order-maintaining orientation

Level III - Self-accepted Moral Principles
Stage 5. - contractual legalistic orientation
Stage 6. - conscience or principle orientation

Kohlberg suggests adolescents may be found at any one of the defined stages of moral development though most have passed through stages one and two, excluding individuals whose concept of justice develops late or who are delinquent in their moral orientation. Adolescence is characterized by progress through at least some of the stages of moral thinking. Implications of Kohlberg's model are that values cannot be dealt with unless one deals with moral development, that the stage of one's moral development may be diagnosed and teaching of values should be matched to moral level. Kohlberg's theoretical and empirical orientation to the development of moral stages is perceived to be of importance in the process of interacting with children in conflict with the law since the position one takes regarding the role of the justice system may be based upon the attempt to increase the youths' level of moral development. It seems evident, from this brief overview of theoretical approaches to adolescence, that no one perspective is supported by most theorists.

72 Joyce and Weil, Models of Teaching, p. 193.
73 Muuss, Theories of Adolescence, p. 211.
74 Joyce and Weil, Models of Teaching, p. 194.
75 Ibid., p. 195.
Presently, what constitutes "normal adolescence", a specific theoretical orientation itself, is definable only in terms so general as to be practically meaningless. When one attempts to become more specific one then is accepting a theoretical position that is based upon a subjective view of what is the nature of man. In one sense, this brief review of the literature of theoretical approaches to adolescence returns to where it began. The philosophical world views presented and the issues raised by Hippocrates, Socrates, Plato, Locke, Rousseau, Darwin and other astute observers of the human condition, set the stage for one's own construction of reality in the present attempt to understand the time of life our society calls adolescence.

Conclusion

The numerous diversion programs examined in the review of the literature did not state which theoretical orientation to adolescence were accepted or rejected. The assumed, but possibly not acknowledged, theoretical orientations to adolescent development of the diversion programs defines how the youth to be diverted from further delinquent involvement, controlled, or treated will be viewed and dealt with in the diversion, control or treatment process. It seems essential that a diversion program make explicit what the theoretical orientation is to ensure an intervention strategy that is consistent with the theory to the ultimate benefit of the young people involved in the process.

In the following section a discussion of some of the
approaches to the etiology of delinquent behavior is presented. Youth labelled delinquent are considered to be deviants from the normal, which is intriguing since in this brief review of the literature it was not possible to identify a culturally consensually validated definition of what is normal behavior of persons between the age of thirteen and sixteen in North America.

**Theoretical Approaches To Delinquency**

The review of the literature revealed that many diversion programs do not explicitly state which orientation to the causes of delinquent behavior are assumed. This may be a result of the present state of the theoretical approaches to the etiology of delinquency.

Ford and Urban, Simon and Rector seem to agree, in general, that minimum requirements for a theory are:

1. the theory of knowledge accepted as its basis be described;
2. assumptions underlying the theory—the basic postulates the theorist takes on faith—be stated;
3. constructs used in the theory be identified with means of definition;
4. hypothesis derived be stated in testable terms;
5. pertinent empirical evidence be examined;
6. limitations or boundaries to the theory be made explicit;
7. implications for delinquency prevention, treatment and control be set forth (Rector only); and
8. implications for research be assessed.\textsuperscript{1, 2, 3}

Rector states:

No available delinquency and crime theories satisfy all these requirements; no comprehensive, internally consistent theoretical framework is available to impose order and guide research and practice in this area.\textsuperscript{4}

Rector\textsuperscript{5}, 1971, postulates a classification system of six theoretical orientations to delinquency. These are early theoretical approaches, psychogenic, social, physiological, constitutional and economic.\textsuperscript{6}

The classification system of theoretical orientations to delinquency presented in this section include early theoretical approaches, biogenic, psychogenic and social. These are summarized and the specific formulation of at least one major theorist is presented for each orientation.

Early Theoretical Approaches

Representative major early theorists of delinquency are Beccaria, Bentham, Lombroso and Ferri. The two basic

\begin{itemize}
  \item Rector, "Crime and Delinquency," p. 163.
  \item Ibid., p. 163.
  \item Ibid., p. 162.
\end{itemize}
schools of thought, the classical and the positive views of criminology, provide the basis for past and contemporary criminological assumptions and principles of delinquency. Bentham and Beccaria are representative of the classical school of criminology. Lombroso and Ferri represent the positive school of criminology.\(^7\)

Bentham\(^8\), 1748-1832, maintained that man is rational, endowed with free will and is motivated to seek pleasure and avoid pain. The goal of a society should be to secure the greatest happiness for the greatest number. One implication of this philosophical position, that man is rational and hedonistic, is that society can control man's behavior with a code of punishments designed to fit the crime.\(^9\)

Beccaria\(^10\), 1738-1794, is a proponent of the classical school of thought. His work, *An Essay On Crime And Punishments*, 1774, was an attempt to systematize judicial penalties of his era. Emphasis was placed upon man's free will and that offenders were no different from non-offenders, therefore punishment for crimes should be the same for the same act disregarding possible variations in circumstances


or mental capacities. The classical school's punitive approach continues to be influential in the contemporary debate regarding the appropriate societal response to behavior perceived to be norm violating. In Western societies, penalty structures continue to be a part of the criminal codes.11 A number of diversion programs implement an intervention strategy based upon penalty structures related to the specific delinquent act.

Lombroso12, 1835-1909, shifted the focus from the criminal act to the criminal actor. Lombroso considered the criminal to be different from the non-criminal as a result of determined factors that the criminal could not control. Lombroso negated the concept of free will. Lombroso believed criminals were a distinctive type at birth, that they could be recognized by certain stigmata of degeneracy, such as "a long, lower jaw", and that only severe social intervention could restrain those individuals from criminal behavior.13

Ferri14, 1856-1929, a student of Lombroso's, suggested that a system of social responsibility be substituted for


12Cesare Lombroso, L'Uomo Delinquente (Milan: Hoepli, 1876).


legal responsibility. In place of traditional punishments, a system of "penal substitutes" was to be implemented where the offender either indemnified the society which he had harmed or underwent a program of treatment. Ferri proposed the development of a typology of offenders to define the sort of danger the offender represented to the society.

The positive school assumes a deterministic orientation in which a multiplicity of factors cause criminality and, contrary to the classical position, that the criminal is responsible for his deeds. Rather than punish offenders they should be treated or, if beyond treatment, they should be segregated from the community. In a sense, contemporary criminology is positivistic in that some version of behavioral determinism is contained within the theoretical assumptions of most criminologists.

The classical school approach versus the positive school approach continues to be a contemporary issue in regards to the theoretical orientation of delinquency, particularly the definition of what is the appropriate societal response to defined deviant behavior. Diversion, in general, accepts the positive school of criminology in program rationales. Many use a classical orientation in the program content attempting to match the penalty to the act,

16Ibid., p. 102.
18Ibid., p. 448.
such as in a compensatory task agreement.

Biogenic Theoretical Approaches

Hooton, Sheldon and Fox are representative of biogenic theoretical orientations to delinquency.

Hooton\(^{19}\), 1939, compared thousands of prisoners with civilians on 107 anthropometric measurements. In *Crime and the Man*, 1939, Hooton concluded criminal behavior was a direct result of biological inferiority, particular types of crimes were caused by particular types of biologically inferior individuals and different races and different nationality groups committed characteristic patterns of offenses.\(^{20}\)

Regarding what should be done about crime and delinquency, Hooton states,

> So it behooves us to learn our human parasitology and human entomology, to practice an artificial and scientific selection with intelligence, if we wish to save our skins...\(^{21}\)

Sheldon\(^{22}\), 1899, elaborated on the works of Lombroso and Hooton combining personality characteristics as they related to body type. He identified three body types:


endomorph, mesomorph and ectomorph. Sheldon believed that delinquents resembled the mesomorph classification, defined as muscular with an aggressive, competitive temperament.23

Fox24, 1965, postulated that physiological abnormality of the chromosomal constitution was a precursor to delinquency. It is hypothesized, based upon studies in Scotland, that if a male has an additional "y" chromosome he would have a tendency to be more aggressive.25 In the review of the literature none of the diversion program descriptions encountered assumed a biogenic theoretical orientation to the etiology of delinquency.

Psychogenic Theoretical Approaches

The pivotal hypothesis guiding psychogenic investigation is that the critical causal factors in delinquency center around personality problems to which juvenile misbehavior is presented to be a response. The vast majority of diversion programs examined assumed a psychogenic orientation as part of their intervention strategy. Psychogenic approaches may be divided into four general positions: psychoanalytic; general personality approaches; behavioral; and psychopathology.


Psychoanalytic

Freud\textsuperscript{26} emphasized the importance of instinctual drives within the individual. The criminal controls fail to function effectively as a result of faulty early training or parental neglect.\textsuperscript{27}

Friedlander\textsuperscript{28}, 1945, postulated from a psychoanalytical frame of reference that the criminal feels no guilt and vigorously avoids punishment. The criminal is defined as an antisocial character.\textsuperscript{29}

Healy and Bonner\textsuperscript{30}, 1936, emphasized the etiological formula that criminal activity is engaged in order to obtain substitute or compensatory gratifications of needs which would ordinarily be fulfilled within the network of familial relationships. The delinquent is an emotionally frustrated individual.\textsuperscript{31}

General Personality Approaches

General personality approaches, or phenomenological


\textsuperscript{28}K. Friedlander, \textit{The Psychoanalytical Approach to Juvenile Delinquency} (New York, 1945).

\textsuperscript{29}Feldman, "Psychoanalysis and Crime," p. 59.

\textsuperscript{30}W. Healy and A. Bonner, \textit{New Light on Delinquency and Its Treatment} (New Haven, Conn.: Yale University Press, 1936).

approaches, postulate that behavior, including acts defined as delinquent, is a product of the individual's perceptions, or information processing capacities. These theories are illustrated by orientations that stress the development of interpersonal maturity, cognition or adolescent striving. A general personality approach was not presented in any of the diversion programs examined in the review of the literature.

Sullivan, Grant and Grant, 1957, formulated a seven stage theory of human development that specifies nine subtypes of delinquent patterns of personality integration. The implication is that all delinquents are not alike and that a number of factors may influence the development of delinquent behavior since the crucial variable is considered to be the person's typical interpretation patterns of environmental stimuli. The importance of self definition is emphasized. Erikson, Eisenstadt, Block and Niederhoffer emphasize adolescent striving for identity as a central concept in the etiology of delinquency since role experimentation may result in delinquent behavior.

Behavioral

The central concept of behavioral theorists is that all


behavior is learned, including that which is labelled as delinquent.

Wright and James, 1974, postulate, following Skinner, that human behavior is learned, maintained, controlled or extinguished by rewarding or punishing consequences. It is suggested that the problem is that "delinquency is fun". The emphasis is placed upon manipulation of environmental contingencies in order to modify behavior. In this sense, the behavioral approach is a technological one that suggests "approved" behavior may be taught, given a specific description of the desired behavior. Free will is not considered to be a significant variable.

Psychopathy

Psychopathy refers to a pattern of pathology characterized by egocentricity, asocial behavior, insensitivity to others and hostility. Synonymous terms are: psychopathic personality, constitutional psychopathic inferiority, semantic dementia and sociopathy.

Redlich and Freedman, 1966, note that delinquency is

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35Jack Wright and Ralph James, A Behavioral Approach to Preventing Delinquency (Springfield, Illinois: Charles C Thomas, 1974).

36Ibid., p. 6.

37Ibid., p. 6.

38Gibbons, Delinquent Behavior, p. 168.

39Ibid., p. 169.

not a psychiatric diagnosis, "but it is, nonetheless, an area in which psychiatry can make valuable contributions". 41

The most usual diagnostic category used is that of anti-social character disorder. The approach is to search within a psychodynamic framework for the etiological factors involved in the individual pathology. 42

Gough, 43 1948, lists as common psychopathic patterns: meaningless prevarication, lack of responsibility and emotional poverty. 44 The psychopath cannot look on himself as an object or identify with another's point of view, therefore he lacks role taking ability. Gough argues that correlations would be found when variations in socialization among persons are matched up with social behavior categories in which those persons are placed. It is expected that relatively asocial individuals would be represented disproportionately in the delinquent group. Gough developed psychometric instruments to measure personality dimensions. 45

Robins, 46 1966, in a study of 524 child guidance clinic juveniles in St. Louis, Missouri, traced career patterns, from juvenile to age 25, and diagnosed 22 per cent of

41Ibid., p. 696.
42Ibid., p. 697.
44Gibbons, Delinquent Behavior, p. 169.
the clinic's patients as sociopathic as compared to a
sociopathic diagnosis of 2 per cent of the control group.
Robins asserts that there is some kind of "disease" entity
behind the symptoms which produces sociopaths. 47 One of
Robins' findings suggested that those antisocial children
who avoided court were less likely to become sociopaths
than those who had been through court. 48

Social Theoretical Approaches

Sociogenic theories of delinquency characterize
delinquents as normal individuals who are reacting to de-
ficiencies of the social organization in which they live.
Sociologists have addressed themselves to two basic questions:
how does society acquire crime and how does the individual in
society acquire criminality? 49 Contemporary sociological
theorists are in the tradition of the positive school of
criminology. They emphasize the role of environment or
social determinism, rather than the free will and rationalism
of the classical school.

Durkheim 50, 1858-1917, in reaction to the positive
school's contention that crime is anthropologically deviant,
suggested crime was a social fact, that it was the societal
reaction to crime rather than the act itself that determined

48 Ibid., p. 171.
50 Emile Durkheim, Suicide, trans. J. A. Spaulding and
its character as criminal. Crime is inevitable, since if norms become rigid all individuality is lost. Crime is an expression of a tendency in society for freedom. Durkheim studied suicide rates and suggested that when a society is in a state of social disorganization, or lacks social solidarity, the result is a condition he labelled anomie, or normlessness, which is defined as a lack of criteria to guide behavior in a somewhat uniform manner. One result of the disorganization of the system upon individuals may be an attempt to retreat, such as suicide, from that system.\footnote{Gibbons, \textit{Society, Crime and Criminal Careers}, p. 182.}

Merton\footnote{Robert K. Merton, \textit{Social Theory and Social Structure}, rev. and enl. ed. (New York: The Free Press, 1957), pp. 131-194.} , 1957, developed Durkheim's approach to anomie. Merton attempted to discover how some social structures exerted a definite pressure upon individuals in a society to engage in noncomformist conduct.\footnote{Trojanowicz, \textit{Juvenile Delinquency: Concepts and Control}, p. 33.} He postulated that there are cultural goals that men learn from their culture, that there are norms men employ when attempting to achieve the goals and that there are institutionalized means available for goal achievement.\footnote{Ibid., p. 33.} If a discrepancy exists between the institutionalized means available within the environment, strain or frustration occurs and norms break down and deviant behavior may result. Under these circumstances, "the ends justifies the means" doctrine becomes a guiding philosophy. Alternative
modes of behavior in such an environment may be conformity, ritualism, innovation, retreatism and rebellion. 55

Thrasher 56, 1936, in his study of gangs, group delinquency, postulated gangs originated naturally during the adolescent years from spontaneous groups. The major factor that transferred a play group into a gang was conflict with other groups. 57 He found the environment was supportive of gang behavior, such as being willing customers for stolen goods. Thrasher, like Durkheim, and Merton described how the environment was conducive to delinquency.

Shaw and McKay 58, 1942, based upon a study of delinquency rates in Chicago from 1900 to 1906 and 1917 to 1923, concluded delinquency was learned and transmitted from one group to another and from one generation to the next and was relatively stable in central parts of the city. The identified phenomenon was called cultural transmission. They believed economic status had a great deal to do with rates of delinquent behavior. 59

55Ibid., p. 67.


57Trojanowicz, Juvenile Delinquency: Concepts and Control, p. 35.


Sutherland, 1939, elaborated Shaw and McKay's hypothesis in a theory called differential association. Sutherland offered a comprehensive theory of delinquency etiology based upon the concept that behavior was learned. Most of the learning took place in intimate personal groups and the differential associations that provided the ratio of favorable to unfavorable definitions varied in frequency duration, priority and intensity. He summarized the general theory as,

Systematic criminal behavior is due immediately to differential association in a situation in which cultural conflicts exist, and ultimately to the social disorganization in that situation.  

Mead, 1863-1931, a member of the Chicago School, postulated similar to Sutherland's differential association theory, that individuals do not learn anything without being exposed to it. He theorized that, from the standpoint of role theory, the central issue in the problem of learning deviant behavior becomes the process of acquiring and becoming committed to roles. The concept of the "generalized other" is suggested as being highly influential in molding

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60 Edwin Sutherland and Donald R. Cressey, Principles of Criminology (New York: J. B. Lippincott Co., 1956).


the individual's thinking and attitudes.63

Cohen64, 1955, presents the view that delinquency is primarily a working class phenomenon.65 Delinquent behavior is a result of the working class youth not being equipped to deal with the competitive struggles in middle class institutions.66 "The hallmark of the delinquent subculture is the explicit and wholesale repudiation of middle class standards and the adoption of their very attitudes."67

Ohlin and Cloward68, 1960, formulated an approach, labelled delinquency and opportunity, based upon the work of the Chicago School and Merton's analysis of the opportunity structure in Western society.69 They point out that the environmental system produces strain as a result of a lack of legitimate alternatives to satisfy needs. The disparity between what lower class youths are led to want and what is actually available to them is a source of a major problem of adjustment. Three forms of adaptive behavior to environmental strain are the illegitimate response, the conflict

63Ibid., p. 119.


66Ibid., p. 40.

67Ibid., p. 40.


subculture and the retreatist subculture. 70

Miller71, 1958, proposes that delinquent behavior may not necessarily be simply a reaction to strain or a rebellion against middle class institutions, but may be behavior that is learned as part of the lower class culture.72

Vaz73, 1967, offers the analysis of middle class delinquency that among middle class teenagers perhaps delinquency is a socially acceptable manner to attain status in the peer group. He views delinquent activity developing from normal adolescent processes and involvement.

Durkheim, Merton, Shaw and McKay, Thrasher and Ohlin and Cloward all suggest or imply that delinquency is the result of strain produced by a lack of environmental opportunity and consequently is more prevalent among the lower socioeconomic classes. Miller and Vaz do not share this perspective, but do continue in the tradition of the positive school of criminology. All the theorists reviewed so far in this section work within the tradition of the positive school by emphasizing the role of the environment in determining adaptive behavior rather than free will and

70Trojanowicz, Juvenile Delinquency: Concepts and Control, p. 41.


72Trojanowicz, Juvenile Delinquency: Concepts and Control, p. 42.

rationalism emphasized by the classical school.

Matza, 1964, attempted to synthesize the classical school's concept of "will to crime" with the positive assumptions and methods of scientific investigation. "The delinquent has come a long way under the auspices of positive criminology. He has been transformed from a defective to a defector." Matza postulates that the dichotomy of free will, determinism, is spurious. He suggests that man is neither totally free, not totally determined. Matza believes everyone is somewhere between being controlled and being free and that everyone drifts between the two states. Drift stands midway between freedom and control.

The delinquent transiently exists in limbo between convention and crime, responding in turn to the demands of each, flirting now with one, now with the other, but postponing commitment, evading decision. Thus, he drifts between criminal and conventional action.

Matza suggests that the missing element which provides the thrust or impetus of which the delinquent act is realized is "will". He believes most youth exist somewhere along the continuum between convention and crime. Total commitment to delinquency is believed to be uncommon.

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75 Ibid., p. 21.

76 Ibid., p. 28.

77 Ibid., p. 28.
Schur\textsuperscript{78}, 1973, in an approach he labels as radical non-intervention, repudiates the assumption that delinquent behavior is basically different. He postulates that the internal types of individual difference do not provide a basis for explanation or a target for policy, nor do "external" socio-cultural factors always act as causal variables.\textsuperscript{79} Schur emphasizes that the primary difference between non-delinquents and delinquents is that delinquents have been processed by the juvenile justice system. What delinquents suffer from, more than either problems of the psyche or socioeconomic distress, is contingencies.\textsuperscript{80} The primary target for delinquency policy should be neither the individual, nor the local community setting, but rather the delinquency defining processes themselves. Schur's basic injunction for public policy development becomes "leave kids alone wherever possible".\textsuperscript{81} Schur's approach apparently provides the program rationale for a number of diversion programs, such as the Kingston, Ontario Frontenac Diversion Program, which cites Schur in its program literature, and the Essex Diversion Project, Windsor, Ontario, which does not cite Schur in its program literature. Both programs are described in a later section of this review of the literature.


\textsuperscript{79}Ibid., p. 22.

\textsuperscript{80}Ibid., p. 23.

\textsuperscript{81}Ibid., p. 20.
Conclusion

The review of the literature suggests the range of theoretical orientations to the etiology of delinquency corresponds to the range of theoretical orientations to the development of adolescent behavior. In contemporary Western literature, the biogenic orientations are de-emphasized and the sociogenic orientations are emphasized. Although a correspondence of range is noted, a lack of continuity between theoretical orientations to adolescent development and theoretical orientations to delinquency seemed to be evident. The positive school approach, based upon deterministic beliefs, predominates all scientific criminology. Matza suggests that positive criminology accounts for too much delinquency. Given the assumptions of constraint and differentiation, the frequency with which delinquents more or less reform is perplexing. It is suggested that from sixty to eighty-five per cent of delinquents do not apparently become adult violators. Most theories of delinquency take no account of maturational reform. If Matza's data is accurate, what does this imply regarding biological theories of constraint? What happens to body type, endocrine balance or neuropathic diathesis in late adolescence that is related to reform? Personality theorists offer no explanation for the frequency of maturational reform. Sociological theories of subcultures present a convincing argument of youths committed

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82 Ibid., p. 22.
83 Ibid., p. 19.
to a set of delinquent beliefs. If this is the case, how is maturational reform accounted for? Matza continues his analysis of delinquency theories by suggesting that the conformity of delinquents to the unconventional standards of their peers is an embarrassment to biological and personality theories since it means "that whatever inner drives compels the delinquent is capable of recurrent and systematic internal control."\textsuperscript{84} Matza states,

Current theories of delinquency...may explain, although always inadequately, the juvenile's deviance, but at the cost of leaving us bewildered by his commonplace behavior.\textsuperscript{85}

Gibbons, after a review of delinquency theories, suggests,

Consequently, any formulation which purports to explain crime must be more elegant, elaborate and detailed than any conceptualization not extant. Not that existing general theories are false; rather, they are plausible, but basically untestable.\textsuperscript{86}

Empey and Lubeck\textsuperscript{87} present research findings from a design to test predominant contemporary delinquency theories. Empey and Lubeck summarize contemporary theories as:

1. official delinquency is primarily a lower class phenomenon (Shaw and McKay, 1972, Cohen, 1955, Eaton and Polk, 1961);

2. lower class children do not possess familial and other institutional resources by which to acquire requisite

\textsuperscript{84}Ibid., p. 26.

\textsuperscript{85}Ibid., p. 27.


cognitive and social skills to cope with school environment (Deutsch, 1967, Hunt, 1961);

3. the failure of these juveniles to achieve in school and community is productive of strain—a lower sense of self worth, alienation and a loss of status (Merton, 1957, Cohen 1957);

4. failing to find satisfaction in conventional pursuits, a significant number of these juveniles find refuge in deviant peer groups (Cohen, 1955, Ohlin and Cloward, 1960); and

5. not all, but a significant proportion of the delinquent acts that are committed, derive their meaning from these groups (Cohen, 1955, and Cloward and Ohlin, 1960). 88

Empey and Lubeck present findings, based upon a purposive sample of 482 serious delinquents, 249 in Utah and 233 in Los Angeles. 89 Social class did not help to explain any of the major concepts of the theory, lack of achievement, a high degree of strain, et cetera. Beyond social class, there was some general confirmation for the theory in their findings, decreased achievement was associated with increased strain, increased strain was related to identification with peers and identification with peers was related to official delinquents. One finding was that family separation and relationships with parents were highly predictive of delinquency. Related to peer influence, the findings suggest that identification with peers may result from, as well as precede, being officially defined as delinquent. In this sense, the


89 Ibid., p. 275.
The concept of stigma is introduced as a self-fulfilling prophecy which tends to evoke continuation of delinquent behavior. When condemnation results in official adjudication as delinquent, then the problem, for many youth, is compounded. Empey and Lubeck conclude that, unless broken institutional fences can be mended, the stigma of official sanctioning only compounds strain which leads to a repetition of the pattern.\(^9\) The program rationale for many diversion programs appears to be based upon a belief in the detrimental effects of "stigma" and the concept of the self-fulfilling prophecy.

Based upon the selected review of the literature presented, the "stage of the art" of delinquency theory remains at a relatively primitive stage of development.

**Delinquency Prevention, Control And Treatment**

Theoretical Approaches To Delinquency Treatment

Diversion programs are proposed to be an alternative to traditional delinquency prevention, control and treatment programs. In order to place this claim into an conceptual frame of reference it was necessary to define what is meant by the traditional approaches.

Gold, Gibbons and Gladwin independently suggest the practice of delinquency prevention, control and

\(^9\)Ibid., p. 280.
treatment continues to be in a pre-science phase.\textsuperscript{1, 2, 3} Gold suggests the practice of delinquency prevention and treatment is "...guided by beliefs that are more nearly articles of faith than cogent theories; and observations of its effects are more influenced by wish than by fact".\textsuperscript{4} Lunden\textsuperscript{5}, 1962, suggests that a theory of criminality is a why question, whereas the issues in prevention are how questions.\textsuperscript{6} It is his belief that there is a vast difference between the two philosophical orientations. Lunden takes the position that there are a number of theories of delinquency etiology, but there is no theory of delinquency prevention. Lunden postulates the barriers to prevention and control of delinquency are related to the unpredictable nature of man, that contemporary theorists ignore the usefulness of punishment and that in contemporary society possibly the community no longer exists.\textsuperscript{7}


\textsuperscript{4}Gold, "Control and Prevention," p. 172.


\textsuperscript{7}Ibid., p. 27.
Wilkins\(^8\), 1967, postulates there are so many variables
or factors that must be considered in relation to any assess-
ment of what is done to and for offenders that it is possible
only to indicate an approximate degree of complexity. Wilkins
suggests the nature of the complexity of the prevention, con-
trol and treatment functions may be illustrated by the num-
ber of variables identified in the statement,

Persons who vary in ways that are in the main unknown
(variable \(X_1\)), live in situations \((X_2)\), and are exposed
to cultural influence that vary in unknown ways \((X_3)\). They sometimes commit deed \((X_4)\) which vary in many
ways, except that they are classified by the laws of
society as crimes, and these laws \((X_5)\) also vary both
in content and interpretation. Some persons are de-
ected by systems that vary in unspecified ways \((X_6)\); these are dealt with by persons or courts that also
vary in their policies \((X_7)\) and are allocated to insti-
tutions \((X_8)\) that also differ from each other in many
unknown ways. They are committed for varying periods
of time \((X_9)\), and their interaction with the treat-
ment \((X_{10})\) is expected to vary. In most cases they may
be expected to interact with other persons \((X_{11})\) also
undergoing treatment. Eventually, they are released
to situations that vary both in themselves and in terms
of the expected interaction with the personality of the
former inmate \((X_{12})\). In consideration of recidivism,
this process may be seen as repeated many times. Fre-
quently in discussions of recidivism the number of times
the circuit has been completed remains unspecified.\(^9\)

The position taken is that prevention or treatment in the
community or other settings is a small subsystem, an in-
tervention program, that is involved with other subsystems,
in a local community, and embedded within a much larger
societal system. A diversion program that attempts to have
an impact upon such a complex situation probably would be

\(^8\)Leslie T. Wilkins, Evaluation of Penal Measures

\(^9\)Ibid., p. 20.
wise to define first how it fits into such a complex system.

A number of theories have postulated prevention, control and treatment typologies, such as Lejins, and Sullivan and Bash. The framework used for the description of traditional contemporary programs will be Gold's two dimensional classification system which encompasses six strategies implemented to prevent, control and treat delinquency.

**CHART 1.**

**GOLD'S FRAMEWORK FOR DELINQUENCY PREVENTION, CONTROL AND TREATMENT PROGRAMS**

<table>
<thead>
<tr>
<th>Target Unit</th>
<th>Strengthen Social Control</th>
<th>Reduce Provocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institution</td>
<td><strong>Target:</strong> Institution</td>
<td><strong>Target:</strong> Institution</td>
</tr>
<tr>
<td></td>
<td><strong>Strategy:</strong> Social Control</td>
<td><strong>Strategy:</strong> Reduce Provocation</td>
</tr>
<tr>
<td>Group</td>
<td><strong>Target:</strong> Group</td>
<td><strong>Target:</strong> Group</td>
</tr>
<tr>
<td></td>
<td><strong>Strategy:</strong> Social Control</td>
<td><strong>Strategy:</strong> Reduce Provocation</td>
</tr>
<tr>
<td>Individual</td>
<td><strong>Target:</strong> Individual</td>
<td><strong>Target:</strong> Individual</td>
</tr>
<tr>
<td></td>
<td><strong>Strategy:</strong> Social Control</td>
<td><strong>Strategy:</strong> Reduce Provocation</td>
</tr>
</tbody>
</table>

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13Ibid., p. 175.
One dimension specified the social unit that is the target of intervention, such as an individual, group or an institution. The second dimension specified the strategy of the programs, social control or reduction of provocation. It is noted that some program approaches fit more than one category, but most do emphasize one specific target and strategy.

At least one program approach for each of the orientations postulated is presented and the central assumptions are discussed for each orientation. The listed program approaches are intended to be representative of the range of delinquency prevention and control programs, but are not intended to be a comprehensive listing of all approaches implemented.

Delinquency Prevention, Control And Treatment Programs:
Subtype: Target: Individual; Strategy: Control

The juvenile court, probation services and some psychotherapeutic programs are representative of this category.

The Juvenile Court

The juvenile court programs in North America are the major example of efforts in this category. Juvenile courts consider each offender individually. The aim of juvenile court programs is to establish an adequate degree of social control which is assumed lacking in the individual's personality and environment. The literature suggests juvenile courts implement a wide range of treatment strategies, but

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\(^{14}\text{Ibid., p. 174.}\)

\(^{15}\text{Ibid., p. 175.}\)
the emphasis upon individual social control seems to include the majority of delinquency prevention and treatment programs in the United States and Canada.\textsuperscript{16, 17, 18}

The juvenile court in Canada is given a dual purpose. Section 20 of the Juvenile Delinquents Act states, "...action taken, shall in every case be that which the court is of the opinion the child's own good and the best interests of the community require".\textsuperscript{19} The stated philosophy is to rehabilitate or treat rather than punish.\textsuperscript{20} The State, when interacting with a child in a court setting, presumes it is acting in the role of a kindly parent, based upon the concept of p\textsuperscript{a}rens patriae.\textsuperscript{21} The juvenile court attempts to assess the nature of the environmental or psychological forces in the youth's life and to alter them. In order to attempt to attain the goal of altering the environmental and psychological variables, the court frequently assumes wardship over the child.

\textsuperscript{16}Ibid., p. 175.

\textsuperscript{17}Canada, Young Persons in Conflict with the Law (Ottawa: Communication Division, Ministry of Solicitor General, 1975), p. 4.


\textsuperscript{19}Canada, Revised Statutes, The Juvenile Delinquents Act, 1970, 19 Eliz. 2 Ch. J. 3 (hereinafter cited as the Juvenile Delinquents Act), Sec. 20, subsection 5.

\textsuperscript{20}Ibid., p. 4.

\textsuperscript{21}Ibid., p. 4.
Lemert, 1967, suggests, in addition to the espoused treatment philosophy of the juvenile courts, that in historical perspective the juvenile court has the look of an agency of social control.

The efficacy of the juvenile court's social control strategy, focused upon the individual, continues to be an open question. Wilkins, 1969, raises the issue that if social control is one of the two purposes of juvenile courts then the concept of punishment must be clearly identified. The form of treatment that might best reform the offender might not be the one that would best deter others. Wilkins notes,

It might be suggested, at least tentatively, that treatment becomes punishment (no matter what is done) when there is any element of consideration for persons other than the person 'treated' no matter how minute these considerations may be.

The Ingleby Commission, quoted in "Juvenile Delinquency: The Report of the Department of Justice Committee on Juvenile Delinquency", 1966, suggest,

This difficulty of distinguishing between treatment and punishment often leads to a feeling on the part of the child...that he has been unfairly treated (for example, if one child is sent to an approved school for a comparatively minor offense because of unsuitable home circumstances, while another with a good home is placed on probation for a similar offense).... Again, the ul-


23Wilkins, Evaluation of Penal Measures, p. 17.

24Ibid., p. 19.
timate good of both child and public may be for the child to undergo long-term training away from home. Neither the gravity of the immediate misbehavior nor the child's ...degree of responsibility may in fairness warrant this is it to be regarded as a punishment. It is clear that, in practice at any rate, it is impossible to distinguish between treatment and punishment. The same thing may be either punishment or treatment or both at the same time.25

The United States President's Commission on Law Enforcement and Administration of Justice, 1967, suggests the court has not succeeded significantly in rehabilitating delinquent youth, in reducing or stemming the tide of juvenile criminality or in bringing justice and compassion to the child offender.26 In Canada, the Solicitor General's Committee, 1975, suggests that the Canadian juvenile court systems and the related service systems have been limited by insufficient resources and have not always been able to carry out the role of a kindly parent in meeting the needs of children.27 The problems presented to the juvenile court are awesome. The court has the responsibility to react to a wide range of problem behavior and the obligation to maintain a balance of helping children and protecting society from harmful behavior.28

The diversion programs reviewed suggest that issues inherent in the juvenile court approach continue to be present in the diversion approaches, particularly the aspects of


26Lemert, "The Juvenile Court--Quest and Realities,"p. 91.

27Young Persons in Conflict with the Law, p. 4.

28Ibid., p. 4.
treatment versus social control.

Probation

Probation is representative of an individual focused social control program. The concept of probation is one of the several 19th century developments that conjoined in the juvenile court movement and embodies the ideal of individualized, rehabilitative diagnosis and treatment.29

The historical trend, since the mid-nineteenth century, has been away from imprisonment and toward the use of community alternatives for offenders.30 Probation for juvenile offenders has been the most common alternative. The focus and function of probation is rehabilitative and not prevention, although it may prevent recidivism.31 A number of the court based diversion program approaches are operated by probation departments, such as the Sacramento 601 Diversion Project described later in this review of the literature.

Madeley, Cavan and Empey suggest probation bases its approach upon generic casework.32, 33, 34 The reliance upon


31Ibid., p. 41.


casework approaches imply that sociogenic variables related to the etiology of delinquency are not emphasized by probation programs. Empey states,

Consequently, because casework theory has not been concerned historically with institutional and subcultural, as well as individual and familial, change, the probation officer does not have an adequate theoretical base upon which to organize new attempts at intervention.  

Baum and Wheeler, 1968, and O'Keefe, 1948, found that offenders did not see the court and its probation agencies as sources of help, but as administrators of punishment.  

The general strategy of the probation social control approach consists of surveillance of offenders, such as once monthly contacts. In terms of the social control orientation of probation, it is not uncommon for the offender, who is being rehabilitated, to be warned that further delinquency could mean a loss of liberty. The two-fold responsibility of the court is reflected in the dual focus of the probation officer's role, treatment and control, and is found also to be present in diversion programs.

Research evidence suggests probation seems to be effective. Madeley reported a British Columbia study, 1962, that had a "success rate" of eighty-two per cent.  

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1957, in a review of fifteen probation studies, found "success rates" varied between sixty and ninety per cent. 39 Empey, 1967, suggests such findings are not totally valid 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 rendered. 40

Empey, 1969, suggests,

On the other hand, the evidence indicates that probation, as a helping and supervisory device, is highly limited. Its main function, instead, has been that of carrying out the formal rituals of legal and professional processing. On the other hand, the majority of offenders assigned do not recidivate. Why? In what way and for whom should probation operate? 41

Empey raises the issues:

1. What proportion of those new being placed on probation could do just as well on a suspended sentence without any supervision?

2. How can one identify those who do not require intensive supervision in order to prevent their future violation of the law, and, more important, how can one identify those who require intensive supervision? 42

Empey's two questions could, and possibly should, be asked of diversion programs now in operation, as well as others being considered.


41 Ibid., p. 454.

42 Ibid., p. 453.
Psychotherapeutic Programs

Psychotherapeutic programs are a third representative of delinquency programs that aim to strengthen social control by direct work with individuals. Psychotherapeutic oriented programs attempt to induce internal control rather than to impose external control. Psychotherapeutic approaches are implemented in the community and in institutional settings. All forms of psychotherapy do not fit the category, some psychotherapeutic approaches focus on reduction of provocation strategies rather than on strengthening controls. Gold states,

...building internal social controls by working with individuals seems to be the major thrust of various forms of psychotherapeutic practice with delinquents, such as counselling, psychoanalysis and behavior modification.\textsuperscript{43}

A distinction made between psychotherapeutic programs that focus upon social control is the assumption of what delinquent behavior is perceived to represent. One approach perceives delinquent behavior to represent weak commitments to social norms and consequently there is a relative lack of guilt. A second approach perceives delinquent behavior to represent faulty skills in coping with aggressive impulses, guilt and anxiety.\textsuperscript{44}

\textsuperscript{43}Gold, "Crime and Delinquency," p. 176.

\textsuperscript{44}Ibid., p. 176.


Berlman and Steinburn concluded that, for approximately the past thirty years, delinquency prevention experiments, broadly defined, have yielded, but one dismal result, the provision of a preventative service, seems no more effective in reducing delinquent behavior than no service at all.  

Redl and Wineman, 1957, in their attempts to encourage ego growth in children at the Pioneer House in Detroit, offer an example of a program based upon the belief that delinquent behavior represents faulty skills in dealing with aggressive impulses, guilt and anxiety. In this sense, programs based upon an ego psychology orientation would fit into this category.

Control, Prevention And Treatment Programs: Target: Individual; Strategy: Reduce Provocation

The intent of programs in this category is to help individuals satisfy those motives whose frustration has provoked

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46 Ibid., p. 471.
47 Ibid., p. 472.
their delinquency. Durkheim, Merton, Shaw and McKay, Thrasher and Ohlin and Cloward all suggest or imply that delinquency is the result of strain produced by a lack of environmental opportunity. Durkheim and Merton suggest delinquency is a utilitarian means to attain goals. An alternative view of programs in this category holds that delinquency is a non-utilitarian response to frustration. The two approaches in this category are based on the positivistic assumption of differentiation and determinism. An example of this category subtype is the Judge Baker Child Guidance Clinic in Boston, where the vocational needs of delinquent youths were attempted to be met, in terms of training, and obtaining and keeping jobs. A major difficulty of implementation of this approach is the need for careful diagnosis of the environmental or personal variables provocative of delinquency.

Prevention, Control And Treatment Programs: Target: Group; Strategy: Social Control

Groups, such as the family, or peer groups, are chosen as the targets of delinquency prevention and treatment programs. The assumption is made that the individual delinquent acts of juveniles are enmeshed in interpersonal processes


52 Ibid., p. 177.

53 Ibid., p. 177.
and that these processes may be altered. It is believed that inadequate social control is a precursor to delinquency and that those groups having the greatest potential for social control should become the targets for action. 54

The family group is considered to have a significant potential for social control. 55 Much of the effort in treating families in an attempt to control delinquency is focused upon strengthening the influence of parents over their children. 56

Tefferteller 57, 1959, describes the Henry Street Settlement project, which is representative of the category target: group; strategy: social control, and suggests,

We are convinced one of the ways to check juvenile delinquency in pregang stages is through programs which help these groups achieve status in socially acceptable ways and which re-instate parental and adult control by re-awakening parents' interest in what their children are doing. 58

The peer group is considered to have a significant potential for social control. The intent of programs in this category is to modify the delinquency approving norms of

54 Ibid., p. 177.


56 Ibid., p. 215.


58 Ibid., p. 69.
identified peer groups and thereby redirect their collective behavior.\(^{59}\) Programs associated with this strategy are gang work, street club work, detached worker projects and residential programs, such as the guided group interaction approach.

Kantor and Bennett\(^{60}\), 1962, describe the Midcity Youth Project, initiated in Boston in 1954. The project was a multifaceted program which included the use of "detached workers" assigned to the area to develop positive relations with juveniles so that prosocial attitudes could be encouraged.\(^{61}\) A summary of the findings of the evaluation indicated there was no measurable inhibition of law violation as a consequence of project efforts. The difficulty of measuring "results" of a program are noted.

Guided Group Interaction\(^{62}\) is representative of a group oriented approach aimed at social control. It is based upon sociological theories of differential association, Sutherland, peer group influence, Thrasher and Cohen. The approach developed in juvenile correctional institutions where it is possible to manipulate the environment of the institutional setting. The normative system of the guided


\(^{61}\)Ibid., p. 274.

group interaction approach is a function of its setting. The implication is that it is a control technique used in residential settings.\textsuperscript{63} The belief held is that youths can be placed in structured living environments that facilitate the acquisition of prosocial attitudes. Weeks, Empey and Rabow and Empey and Lubeck have evaluated guided group interaction programs and have found they are at least as effective as moderate-to-maximum security institutions, but no more effective than juvenile court probation.\textsuperscript{64, 65, 66}

Prevention, Control And Treatment Programs: Target: Group; Strategy: Reduce Provocation

Representative programs of delinquency control in this category are recreational programs provided for specific groups. Programs are implemented in an attempt to satisfy needs of juveniles which if unsatisfied provoke them to commit delinquent acts. Sociological theories, such as Merton's and Cohen's, provide a conceptual base for the programs. Thrasher, in an analysis of the "gang", concluded that delinquency could be prevented only if predelinquents were


\textsuperscript{64}Ashley H. Weeks, Youthful Offenders at Highfields (Ann Arbor, Michigan: University of Michigan Press, 1958).


identified and worked with through community institutions, such as recreation programs aimed at specific groups.\textsuperscript{67}

Beck and Beck\textsuperscript{68}, 1967, studied reports of three recreation oriented programs—Brown, 1956, Oakland Community Chest Survey, 1945, Boy's Club of Cincinnati, 1960, which have universally found a decrease in recorded delinquency subsequent to the introduction of a boys club program into a community. Beck and Beck concluded that,

These studies neither demonstrated in any conclusive fashion that recreation prevented delinquency, nor were they able to demonstrate conclusively that recreation was without value in delinquency prevention.\textsuperscript{69}

Beck and Beck state,

In the development of recreation and related programs, emphasis should be placed on those that substitute constructive social action for what might otherwise be antisocial behavior; those that offer avenues to a variety of opportunities...providing not only recreation but also such means of self-development as job training and placement, education and health services.\textsuperscript{70}

Proponents of this approach interpret the word recreation as re-creation.

\textsuperscript{67}Frederick Thrasher; The Gang (Chicago: The University of Chicago Press, 1936), p. 35.


\textsuperscript{70}Ibid., p. 342.
Prevention, Control And Treatment Programs: Target Institutions; Strategy: Social Control

The category of target: institutions; strategy: social control is represented by programs aimed at prevention of delinquency by the creation of agencies or the improvement of agencies of social control. The juvenile court and probation services are examples of this strategy. Reduction of the caseload of probation officers is an institutional change that would be intended to reduce recidivism of probationers; this would represent programs in this category. Programs designed to strengthen the family institution may be regarded as programs of delinquency control. Mother's Allowance or Aid to Families with Dependent Children represent programs in this category. In addition, other programs that contribute to welfare of families through economic measures are included, such as the minimum wage and unemployment insurance.

Kobrin, 1959, offered an assessment of the Chicago Area Project. The project was directed by Clifford Shaw and explored delinquency etiology from the ecological and social psychological frames of reference. The program attempted to use community organization techniques to repair "the breakdown of the machinery of spontaneous social control". The strategy attempted was,

72Ibid., p. 179.
...to discover an effective pattern through which the
good offices of these persons [primary group members]...
may be used by teachers, police, social workers, and
court officials to formulate and execute for the super-
vision of delinquent children's jointly conceived plans
designed to meet the specific problems and needs of
the person.74

Prevention, Control And Treatment Programs: Target:
Institutions; Strategy: Reduce Provocation

Programs designed to satisfy postulated needs of delin-
quent or "delinquency prone" youths represent this category.
The aim is to duplicate in high delinquency areas the range
of opportunities available to youths in low delinquency areas.
The approach is based upon the theoretical formulation of
sociologists, such as Cloward and Ohlin, Sutherland and Matza,
that postulate delinquency is related to differential avail-
ability of opportunity in the environment.75, 76, 77 Pro-
grams offer expanded recreational facilities, vocational
training and employment services and intensive educational
programs in school systems.78 The Mobilization For Youth
program in New York City is representative of this category.

74 Solomon Kobrin, "The Chicago Area Project," reprint-
ed in Prevention of Delinquency: Problems and Programs, ed.

75 Richard A. Cloward and Lloyd E. Ohlin, Delinquency
and Opportunity: A Theory of Delinquent Gangs (New York:

76 Edwin Sutherland and Donald R. Cressey, Principles

77 David Matza, Delinquency and Drift (New York: John
Wiley and Sons, Inc. 1964).

Conclusion

Similar to the theoretical approaches of the etiology of delinquency, the programs of delinquency prevention, control and treatment reflect the range of theoretical orientations to adolescent development, that set the stage for the construction of a reality in the present that justifies the design, resourcing and implementation of programs, that will either prevent, control or treat a concept termed delinquency. The review of the literature suggests a number of programs do not state the philosophical beliefs upon which the intervention strategy is based. The position taken in this review is that Lunden's suggestion of the vast difference between the why and how questions may be accurate, related to the dimensions of knowing and doing, but to bifurcate these two questions would seem to be what a large number of delinquency programs have done and, to date, with very little demonstrable, replicatable "success". The position taken is similar to that of Rosenberg, Gerver and Howton, that the concepts of prevention and treatment of delinquency as proposed solutions to societal problems may be doomed to failure from the onset, no matter how brilliantly they may be conceived. It is suggested the best remedy cannot work if it is designed to cope with an inaccurately identified problem. Rosenberg, et al. state,

When misidentified, the problem leads necessarily to inappropriate proposals for actions. If taken, the action sometimes produces genuine problems which are also misperceived and misidentified. The original error feeds on itself, trouble waxes, insight wanes. 80

The position taken by Rosenberg et al., and this review of the literature, is that a logical relationship should exist between etiological conceptualization of a problem and attempts to implement mediation. Rosenberg et al. present a schema of panaceas and nostrums:

Sources Posited:
1. Biological
   (genetic, physiological, constitutional)
2. Psychological
   (personality, regression, aggressivity, frustration)
3. Social Psychological
   (learning, reference group, interactions)
4. Social Status
   (group attributes or strata attributes)
5. Social Institutions
   (neighborhood, community, area aggregates)
6. Social Values
   (norms, traditional attitudes)

Panaceas Prescribed:
1. Medical
   (eugenics, plastic surgery, vitamins, tranquilizers)
2. Adjustment
   (change of persons by means of therapy, psychiatry, counseling, etc.)
3. Experience By
   (a) contact with others
   (b) indoctrination through mass media
   (c) education
4. Leveling
   (expand opportunities for disadvantaged strata, e.g., group work, birth control, etc.)
5. Social Reorganization
   (urban renewal, political action, public health, bureaucratic reorganization, legislation, warfare)
6. Indoctrination
   (adult education, public relations, propaganda) 81

80 Ibid., p. 563.
81 Ibid., p. 564.
The sources posited are similar to taxonomies of adolescent development, Beller, and delinquency etiology of Gibbons and Rector. From this perspective, the definition of delinquency would need to be made more specific and then specific social actions would be defined to match the defined sources posited for the problem. It is suggested that there is no one best way to prevent or treat, but an attempt that is logically consistent probably would have a greater likelihood of creating a reality that may be conducive to individuals acknowledging its relevance for their life space and to possibly modify their behavior in accord with the presented intervention system.

Schur, Wilkins, Empey and Lemert, all sociologists, take the position that presently so little is known regarding delinquency etiology and prevention and treatment that possibly no intervention is better than misguided intervention. Lemert quotes George Herbert's outlandish proverb, "Better a snotty child than his nose wiped off." A number of diversion program rationales obviously are based upon the concepts postulated by sociological theorists, but as the later section describing diversion program suggests many of these programs use a psychological intervention approach in an attempt to remedy the defined problem. In a later section of this review of the literature various diversion program approaches are described and classified in terms of Gold's typology. In the following section, a brief description of

82Lemert, "The Juvenile Court--Quest and Realities," p. 91.
the juvenile court system in Canada is presented. The description is intended to offer a frame of reference of what it is that the diversion proponents hope to have youths avoid.

The Philosophy And Development
Of Juvenile Court

A brief overview of the philosophy, historical development and problem areas of the juvenile court is presented in order to offer a frame of reference in which to describe and discuss the concept of diversion and diversion programs for youths in conflict with the law. First, the early legislation is reviewed. Second, the philosophy of juvenile legislation is discussed. Third, an overview is presented of the development of juvenile and family courts in Ontario. Fourth, problem areas in the operation of the juvenile court are described. Fifth, perceptions of the need for change are presented.

Early Legislation

The British North America Act, 1867, delineated the responsibilities of the Federal and Provincial Governments related to criminal matters. The 1867 Act gives authority over legislation related to criminal matters to the Government of Canada.\(^1\) Section 92 of the same Act places the responsibility of administering the federal legislation concerning criminal matters in the hands of the Provincial

\(^1\)Great Britain, Laws, Statutes, etc., The British North America Act, 1867, 30 and 31 Victoria, Ch. 3.
Canada's first national legislation related to juveniles was passed in 1894.\(^3\) Ontario had passed, in 1893, the Act For The Prevention Of Cruelty To And Better Protection Of Children.\(^4\) The 1894 statute, An Act Respecting Arrest, Trial And Imprisonment Of Youth Offenders, made provision for the private detention of juvenile offenders under sixteen years of age and guaranteed the right of a private trial. The 1894 Act ratified existing legislation in Ontario that children under fourteen years of age convicted of an offense be sent, where possible, to institutions other than prisons.\(^5\) The Juvenile Delinquents Act, 1908, was the first Canadian federal legislation that dealt with delinquency in modern terms.\(^6\) A number of minor amendments were made over the years and in 1928 a federal conference was called to amend the 1908 Act.\(^7\) The Juvenile Delinquents Act, 1929, provides for the establishment of juvenile courts.

\(^2\)Ibid., sec. 92.

\(^3\)Canada, The Report Of The Department Of Justice Committee On Juvenile Delinquency: Juvenile Delinquency In Canada (Ottawa: Queen's Printer, 1967), p. 30. (Hereinafter referred to as the Justice Committee Report.)

\(^4\)Ontario, Statutes, An Act For The Prevention Of Cruelty To And Better Protection Of Children, 1893, 56 Victoria, Ch. 45.


\(^6\)Ibid.

by provinces with exclusive jurisdiction over all juveniles charged with any offense against the Criminal Code, any provincial statute or other municipal by-laws or ordinance, as well as other conduct, such as sexual immorality or any similar form of vice. When a child is found guilty of an offense of delinquency under the 1929 Act, he or she is adjudged to be a juvenile delinquent and in a state of delinquency. One of the difficulties encountered in framing the 1929 Act was the constitutional problem that matters concerning crime were exclusively within the jurisdiction of the Federal Government and matters concerning civil status were exclusively within the jurisdiction of the provincial legislatures. The response to the dilemma was to treat delinquency as an act and make it an offense, but to make it look like a state or condition.

Provisions in the 1929 Act link the juvenile court with the adult court and the Provincial laws and services related to child welfare, youth protection and juvenile correctional services. One additional problem encountered was the different definitions of the term "child" used by the Federal and Provincial Governments. The agreed upon definition

8Canada, Young Persons In Conflict With The Law (Ottawa: Communication Division, Department Solicitor General, 1975), p. 6.
9Ibid., p. 6.
11Canada, Young Persons In Conflict With The Law, p. 6.
made the term "child" to mean any boy or girl apparently under the age of sixteen years. The Criminal Code of Canada states that a child under seven years of age cannot be convicted of an offense or omission on his part. A child who is fourteen to sixteen years of age can be charged as an adult, "but such course shall in no case be followed unless the court is of the opinion that the good of the child and the best interests of the community demand it." The Juvenile Delinquents Act, 1929, continues to provide the parameters for dealing with juvenile offenders in Canada. Attempts to amend the Act of 1929 have not met with success. The proposed Young Offenders Act, based upon the Report of the Department of Justice Committee of Delinquency in Canada, 1965, was not dealt with in the Twenty-eighth Session of Parliament, 1970-1972. The Solicitor General's Committee on Legislation on Young Persons In Conflict With The Law, 1975, is a new attempt to amend significantly the Act of 1929. The proposals are at this time being debated.


14Canada, Juvenile Delinquents Act, Sec: 9, sub. 1.

15Canada, Young Persons In Conflict With The Law, p. 6.

16Ibid., p. 6.
The Philosophy Of Juvenile Legislation

The philosophy of the juvenile court is reflective of the liberal-progressive reform movement of the early nineteen-hundreds. Ryerson, 1970, states,

What produced the juvenile court was neither logic nor legal precedent; it was a particular perception of social needs, conditioned and abetted by a set of assumptions about the nature of the child, the dynamics of human behavior and the proper function of the State.... They were the impulses and assumptions not only of a group of citizens interested in child welfare and law enforcement, but of an entire era--the era of progressivism.17

The Juvenile Delinquents Act places the state in the position of assuming parental responsibilities for all children proven to have committed a delinquency or to be in a state of delinquency. The philosophy of the Juvenile Delinquents Act is suggested in Section 38 of the Act:

The Act shall be liberally construed in order that its purpose may be carried out, namely that the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which would be given by his parents and that as far as practicable, every juvenile delinquent shall be treated not as a criminal but as a misdirected and misguided child, one needing aid, encouragement, help and assistance.18

The Juvenile Delinquents Act reflects the progressive era's beliefs in the perfectability of man, a rejection of the classical school and acceptance of the positivists environmental determinism school of criminology and that childhood is a unique life stage, thereby accepting the developmental


18Juvenile Delinquents Act, Sec. 38.
approach to human behavior.\textsuperscript{19} The juvenile court movement expressed a faith in the possibility of changing human behavior.\textsuperscript{20} It is suggested that the concept of \textit{parens patriae} offered a convenient rationale for the progressive philosophy to be cloaked in the tradition of the Chancellors court.\textsuperscript{21, 22} Since the court is the protector of the child, the proceedings were permitted to be as informal as the circumstances permitted, consistent with a due regard for a proper administration of justice.\textsuperscript{23} The juvenile court is based upon the assumption that the specific environment of the child must be altered, therefore a range of dispositional alternatives are provided for the court.

\textbf{The Development Of Juvenile Courts In Ontario}

The \textit{Juvenile Delinquents Act}, 1908, established the right to organize juvenile courts in communities where enabling legislation by the province had been enacted.\textsuperscript{24} The establishment of courts was slow as a result of the local

\begin{itemize}
  \item \textsuperscript{19} Ryerson', "Between Justice And Compassion," pp. 10-43.
  \item \textsuperscript{20} Ibid., p. 20.
  \item \textsuperscript{21} Ibid., pp. 10-43.
  \item \textsuperscript{23} \textit{Juvenile Delinquents Act}, Sec. 17.
  \item \textsuperscript{24} Ian C. Johnston, "The Development Of Juvenile And Family Courts In Ontario," paper presented at University of Windsor, 1974, p. 2.
\end{itemize}
community having to bear the costs. Courts appeared in Ontario first in the urban areas of Ottawa, 1909, and Toronto, 1910.\textsuperscript{25} The \textit{Juvenile Delinquents Act}, 1929, extended the jurisdiction of the Juvenile Court,

... on a permissive basis to hearing cases under the above act and the provisions of the Criminal Code relating to assaults, where the assaults occurred between husband and wife.\textsuperscript{26}

The \textit{Juvenile And Family Courts Act}, 1934, recognized the broadening jurisdiction of the juvenile courts.\textsuperscript{27} The courts were re-named the Juvenile and Family Courts. Each area was responsible for the appointment and support of probation services. From 1934 until 1952 the municipalities supported the Juvenile and Family courts entirely, but in 1952 the Province assumed financial responsibility for the probation services of the courts.\textsuperscript{28} The Province assumed total financial responsibility for the Juvenile and Family courts in 1968.\textsuperscript{29} The Juvenile Court of Windsor, Ontario, established in 1922, became a Juvenile and Family Court in 1953.\textsuperscript{30} The Windsor Court serves the County of Essex.

\textsuperscript{25}Ibid., p. 2.
\textsuperscript{26}Ibid., p. 5.
\textsuperscript{27}Ibid., p. 5.
\textsuperscript{29}Johnston, "Family Courts In Ontario," pp. 7-8.
\textsuperscript{30}Ibid., p. 5.
of the statutes that fall within the jurisdiction of the 
Juvenile and Family Court are The Education Act, \textsuperscript{31} The 
Training Schools Act, \textsuperscript{32} The Child Welfare Act, \textsuperscript{33} The 
Deserted Wives And Children Act, \textsuperscript{34} and The Reciprocal En-
forcement of Maintenance Orders Act. \textsuperscript{37}

In Ontario, probation service was established on a 
Province-wide basis in 1952. \textsuperscript{38} Probation officers were 
charged with three areas of responsibility: preparation 
of social histories, supervising delinquents on probation 
and dealing with occurrences. One result of the reorganiza-
tion, in 1960, when the Province of Ontario took over 
financial responsibility, was that probation service was 
defined from a strict legal point of view so that counselling 
was not viewed as one of the functions of probation. \textsuperscript{39}


\textsuperscript{32}Ontario, Revised Statutes, The Training Schools Act, 1970, 19 Eliz. 2, Ch. 467.

\textsuperscript{33}Ontario, Revised Statutes, The Child Welfare Act, 1970, 19 Eliz. 2, Ch. 34.

\textsuperscript{34}The Deserted Wives and Children's Maintenance Act in George C. McFarlane and Stephen M. Malach (compilers), Ontario Provincial Probation Service Consolidated Legislation References And Summaries, Revised 1971, pp. 5-1:5-8.

\textsuperscript{35}The Children's Maintenance Act, ibid., pp. 3-1:3-2.

\textsuperscript{36}The Parents Maintenance Act, ibid., pp. 25-1:25-3.

\textsuperscript{37}The Reciprocal Enforcement of Maintenance Orders Act, ibid., pp. 32-1:32-9.

\textsuperscript{38}Johnston, "Family Courts In Ontario," p. 6.

\textsuperscript{39}Ibid., p. 6.
Identified Problem Areas
In The Juvenile Court

Other than the jurisdictional confusion related to the Federal-Provincial legislature control over behavior considered to be delinquent, the areas identified as "problems" represent the basic philosophy of the court. To define organizational structures or concepts, such as parens patriae, the definition of delinquency and the neglect cases and the individualized treatment approach as problems is to state that one disagrees with the progressive concepts upon which the court is based. In the United States, Re Gault, 1969, decision emphasized the child's right to due process and this "decision denied the juvenile court a feature revered by its founders and central to its tradition ... the feature of procedural informality."40 In Re Gault, the United States Supreme Court concluded that,

... the juvenile court, as originally conceived, had had its chance and had failed, now had to submit to a thorough overhaul, principally with regard to legal procedure.41

The Young Persons In Conflict With The Law, 1975, report seems to be suggesting a similar belief regarding the juvenile court in Canada.42

The Federal-Provincial Jurisdiction Problem

The Provincial court must enforce Federal legislation,

40 Ryerson, "Between Justice And Compassion," p. 2.

41 Ibid., p. 4.

42 Canada, Young Persons In Conflict With The Law, p. 3.
the Juvenile Delinquents Act, over which it has no legislative control. The Justice Committee report, 1965, states:

The result of this constitutional allocation of power is a division of responsibility in relation to the problem of delinquency. Parliament has the constitutional power to define delinquency and to declare what the consequences may be where a juvenile is found to be delinquent. However, the administration of justice, including the police and the juvenile courts, is a provincial responsibility. Above all the preventative agencies of the home, school, church and recreational facilities, as well as the social services, are subject to control of the provincial legislature.43

The Justice Committee Report, 1967, suggests the basis for a number of defects in the attempt to deal with the juvenile delinquency problem in Canada is a result of the dual jurisdiction by two legislative bodies.44 An example of this is the Provincial child welfare legislation which has been periodically updated, but the Federal legislation has remained basically the same since 1929.

Purpose Of The Juvenile Court

The juvenile court is charged with the twofold purpose of representing the best interests of the child and the community within a conceptual framework of parens patriae.45 The identifiable problem area relates to the priority given to the two interests involved, the child and the community. The issue often is stated as the treatment-control dichotomy.

43Canada, Justice Committee Report, p. 29.
44Ibid., p. 29.
45Canada, Juvenile Delinquents Act, Sec. 38.
Types Of Cases: Delinquency And Neglect

The juvenile court hears cases under Provincial child welfare legislation, as well as cases where children are charged with delinquent acts. The obliteration of the distinctions between delinquent children and neglected or dependent children was the explicit aim of the juvenile court movement.\(^{46}\) It was believed the delinquent and neglected child both suffered from an unfair environment.

The Need For Change In The Juvenile Justice System

In this section, four of the most frequently stated criticisms, followed by the responses made by the juvenile justice system, are presented. Arguments supporting the need for change are based upon four major criticisms: all youth have not been treated equally, infringement on the rights of the child has occurred, stigma and secondary deviation have been the result of juvenile justice system processing and the failure of the court as a treatment and delinquency prevention agency.\(^{47}\)

Unequal Treatment Of Youth

Flexibility and informality define the juvenile court. The intent was to treat each child individually. "Individualized justice is the basic precept in the philosophy of


the juvenile court."\(^{48}\) Matza, a proponent for change in
the juvenile justice system, states,

The principle of individualized justice actually
takes into consideration so many factors that the
relation between the criteria of decision-making
and the decision is not apparent to any observer--including the child.\(^{49}\)

A number of U.S. and Canadian studies suggest that such
discriminatory dispositions are made related to race, socio-
economic status, sex and seriousness of offense.\(^{50}, 51, 52\)

In a study of the Halifax Family Court, 1965 to 1968,
Haldane, et al. concluded the receipt of a major disposition
was related to a number of family characteristics, low social
class, broken home and previous legal involvement.\(^{53}\) The
proponents for change suggest that the individualized treat-
ment orientation has led to abuses regarding the equality
with which each youth is treated in the Juvenile Court.
Paulak, quoted in Bertrand, concluded that differential
handling of juveniles by the courts was a function of: the
characteristics of the court's referral population, the


\(^{49}\)Ibid., p. 115.


\(^{51}\)"The Pre-judicial Exercise of Discretion," p. 118.

\(^{52}\)L. J. Haldane, et al., "Particularism In The Sent-

\(^{53}\)Ibid., p. 242.
organizational characteristics of the courts and the characteristics of the judge, the community and its resources.54

Infringement On Rights Of The Child

The second major criticism of the court process is the overreach of law that characterizes the court and the lack of due-process with the structure of the Court hearings. An example of this overreach of the law is Section 8 of the Ontario Training Schools Act which permits a child to be defined as delinquent and committed to a training school if his parents are unable to control the child.55 Inherent in the overreach concept is the concept of treatment for the child. Fox suggests children have the right to a specific punishment act rather than an indefinite treatment sentence.56 In terms of due process, there has been a growing concern about legal safeguards. Critics suggest sole reliance on the judge's benevolence, or sense of justice, has thus been found to be unacceptable. The presence of a lawyer is believed to be necessary to protect the due process. In Ontario, where counsel is available, the issue relates to the role of the counsel.57 The belief held, by critics, is


55 Ontario, The Training Schools Act, Sec. 8, p. 37-1-1.


that the state must prove its case against the child.

**Stigma And Secondary Deviance**

The third criticism is that the child is believed to be stigmatized as a result of contact with the courts, the more he becomes involved in the system the greater the degree of stigma. The Court labels the normal problems of children and youth as special problems requiring legal controls.⁵⁸ Secondary deviance is believed to evolve from adaptations to the problems created by official reactions to the original deviance. Bertrand's review of the literature related to stigmatization concluded that none of the studies has shown delinquents perceived any strong feelings of stigmatization. "The stigmatization effect of the juvenile justice system is a hypothesis of great appeal, but minimal evidence has been found to support it."⁵⁹

**Failure Of The Court As A Treatment And Prevention Agency**

The fourth major criticism of the Court is that it is not an effective treatment or prevention agency. The research evidence on the efficacy of a variety of treatment and prevention interventions, probation, institutionalization, group homes and community based treatment has been


⁵⁹"The Pre-judicial Exercise of Discretion," p. 150.
Response To The Criticisms Of The
Juvenile Justice System

Related to infringement on the legal rights of the child, proponents of the court respond that statutory changes have been proposed or carried out which have introduced a greater measure of protection for the rights of the child. In terms of treatment of children, the right to treatment movement in the United States calls for treatment, rather than simply custody, to be a fundamental right of institutionalized juveniles. A third trend supporters of the court point to is the development of community based treatment which substitutes for institutionalization. The fourth response has been the development of the diversion approach.

The basic purpose of the diversion approach is to keep juveniles from further penetration into the system whether by moving them down to a less formal stage or by removing them entirely to another form.


63 "The Pre-judicial Exercise of Discretion," p. 158.


65 Warren, Correctional Treatment In Community Settings.
of treatment. The Law Reform Commission strongly supports the development of diversion programs in Canada as a strategy to work with youth in conflict with the law.

This review of the literature suggests that specialists, in theoretical approaches to "normal" adolescence and in theoretical approaches to delinquency etiology and control, have travelled toward a more complicated view of antisocial behavior than the liberal progressive philosophy upon which the juvenile court is based. In this process, the juvenile court, as presently conceptualized, may have become irrelevant. From this selected review of the literature, it is perceived that much of the support for alternative approaches, such as diversion, may be more of a reaction to the juvenile court system than a positive support for the "new" alternatives.

The remainder of the review examines the various approaches implemented to divert youth from the juvenile justice system and some of the concepts and issues related to the process of diversion.

**Diversion: An Alternative Response To The Juvenile Justice System**

In this section a selected sample of the juvenile diversion programs that have developed in recent years in the United States and Canada will be described. Three Canadian programs are described. A requested Law Enforce-

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ment Assistance Administration, Washington, D.C., computer search, on the topic of "juvenile diversion," disclosed that a significant amount of descriptive material of programs exists related to juvenile diversion. Only a few programs have reported evaluative findings related to program objectives. The majority of the evaluative material available is related to youth service bureaus in the United States. Rather than attempt to present an encyclopedic listing of juvenile diversion programs, a classification system will be used with representative programs presented as examples of specific approaches. The selected classification system encompasses five identified categories of diversion program approaches. The five categories defined are:

1. the youth service bureau;
2. youth service systems;
3. community responsibility programs;
4. police based diversion programs; and
5. court based programs. ¹

The Youth Service Bureaus

The President's Commission on Law Enforcement and Administration of Justice, 1967, suggested an alternative approach to delinquency prevention--Youth Service Bureaus. ²


The agencies would divert from the justice system (1) children who had not committed criminal acts, but whose problems at home, in school and in the community led them to do so if not resolved; (2) minor offenders whose behavior was rooted in similar problems. The study suggested the creation of youth service bureaus which it envisioned as

... central co-ordinators of all community services for young people ... which ... would also provide services lacking in the community or neighborhood, especially ones designed for less seriously delinquent youth.

Since 1967, more than two hundred youth bureaus have been established in communities in the United States. The program orientations and organizational structures vary over a wide range of approaches. The dual role of the youth service bureaus were to divert youths from the justice system and give services lacking in the community. Norman, 1972, representing the National Council on Crime and Delinquency, described the youth service bureau as a noncoercive, independent public agency that mobilized community resources to solve youth problems, strengthened existing services, developed new ones and promoted positive programs to remedy delinquency breeding conditions. The youth service bureau is defined as not being a part of the justice system, although

3Ibid., p. 83.

4Ibid., p. 83.

it may accept and possibly seek referrals from it. The primary functions of the youth service bureaus are defined as resource development, service brokerage and systems modification. It is stressed "each community must determine which type of organization and emphasis can best divert its children from the juvenile justice system." The youth service bureau should be an advocate of the child and make its services available to all young people in the community. Some of the issues or problem areas related to youth service bureau programs are the multiple goals, the coercion that is related to court referrals, advocacy of the child and the concept of the youth service bureau not being a part of the juvenile justice system.

Youth Service Bureaus In California

California established nine youth service bureaus with enabling legislation passed in 1968. The California Youth Authority has performed annual evaluations of the bureaus in that state. The nine bureaus vary widely in organizational structure, services offered and program impact. In general, direct service to clients seems to be the major function fulfilled by the youth service bureaus.

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6Ibid., p. 13.
7Ibid., p. 13.
8Ibid., p. 18.
in California. Advocacy for clients represents approximately twelve percent of the services provided. Direct services, such as counselling, medical aid, job referral and recreation programs, are the most common. Two of the nine programs will be described in order to suggest the range of organizational structures and services offered.

The San Diego Youth Service Bureau, founded in 1967, represents one trend of the nine original youth service bureaus. The San Diego Youth Service Bureau is managed by an executive board composed of the judge of the juvenile court, the chairman of the Delinquency Prevention Commission, one member from each of the collaborating agencies, at least four residents of the target community and youth from each target community. As of 1973, the staff includes four full time staff and twelve field placement students from San Diego State College. The primary concern of the bureau is the service it provides to the individual youngster and his family. Approximately five hundred youths are seen each year. The police and probation referrals, after the first contact, are voluntary. Individual and group counselling approaches are used. The bureau has run a weekly "rap session," a "dopers group" and has

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10 "The Pre-judicial Exercise Of Discretion," p. 179.
11 Ibid., p. 180.
12 Norman, The Youth Service Bureau, p. 200.
developed a parent-education program. Research findings, 1970, indicated a 41.1 percent decrease in arrest rates of the youths after referral, but a 30 percent increase in referrals to probation of the youths involved with the service bureau.\textsuperscript{14} The limitations of the study are noted, but Norman suggests,

"Is it possible that the bureau is attempting to perform child-protective services instead of referring those children to a child-protective agency or promoting the establishment of such an agency if none exist in the community?\textsuperscript{15}

Norman views the referrals to probation as contradictory to the objective of the noncoercive involvement of youth.

Bassett Youth Service Bureau, founded in 1969, serves the San Gabriel Valley, Los Angeles County. Its stated purposes are the diversion of youth from the juvenile justice system and to assist groups and agencies develop services as specific needs are determined by the residents of the community.\textsuperscript{16} A Board of Managers, elected by residents at community meetings, determine program direction. Programs include summer youth programs, a job development and placement service, medical services, human relation services, school truancy services and co-ordination of diversion services with the probation department. The approach taken is a community organization approach where the emphasis is

\textsuperscript{14}Ibid., p. 207.
\textsuperscript{15}Ibid., p. 209.
\textsuperscript{16}Ibid., p. 191.
placed upon developing community involvement in programs perceived to be needed.

The 1973 Evaluation Of Service Bureaus, quoted in Bertrand, suggests California youth service bureaus are under used by law enforcement and probation agencies.\textsuperscript{17} Law enforcement referrals were approximately twelve percent and probation nine percent for all bureaus combined in 1972. Non agency referrals composed the majority for all the bureaus. In none of the bureaus did court intake and police referrals comprise the majority of clients. Suggested reasons for the low law enforcement referral rate are the inaccessibility of the bureaus, hours of operation, inability to respond in crises’ and little systematic feedback of the case to the police officer.\textsuperscript{18}

The youth service bureaus in California, in general, emphasized direct service and de-emphasized the stated goals of co-ordination, service brokerage and systems modification.

United States Youth Bureau Study

The United States Youth Bureau Study,\textsuperscript{19} 1973, encountered the problem of identifying the number of youth service bureaus in that country. Based upon the 300 programs suggested by Federal and State officials, the researchers

\begin{itemize}
\item \textsuperscript{17} "The Pre-judicial Exercise Of Discretion," p. 179.
\item \textsuperscript{18} Ibid., p. 180.
\item \textsuperscript{19} California Youth Authority, "Evaluation Of Juveniles Diversion Programs: A National Model." A proposal submitted to the California Council on Criminal Justice, 1973 (Mimeo).\end{itemize}
analyzed 195 programs and accepted 170 as "fitting" within the concepts of youth service bureaus. It was estimated that in 1971-72 approximately 50,000 youth who were in immediate jeopardy of the juvenile justice system and 150,000 youth who were not in immediate jeopardy of the juvenile justice system participated in the programs. Although there is no "average" program, typical programs had five to six full time staff and either had or were developing programs utilizing the services of from one to fifty volunteers. The annual budget was from $50,000 to $75,000. Program objectives were diversion from the justice system, delinquency prevention and youth development. Individual counselling and referral were the most important services offered for at least seventy-five percent of the programs responding, N=188. At least two-thirds of the programs were located in urban, core city or Model City neighborhoods. The "typical" program provided "intensive" service for 350 cases per year, about sixty percent male, forty percent female. The study indicated that the majority of bureaus involved participation by some unit of state or local government.

Of the 188 programs responding, 155 had some Federal

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21 Ibid., p. 284.

22 Ibid., p. 285.

23 Ibid., p. 287.
funding amounting in total to less than fifteen million dollars. The most significant source of funding was from the Law Enforcement Assistance Administration. The study suggests funding is the most critical problem facing youth service bureaus in the United States. Law enforcement and schools, eighteen percent each, were the most frequent sources of referral, although no single source was dominant. Diversion from the juvenile justice system was reported to be the primary objective by the majority of bureau directors, 63.8 percent. 24 The staff, in general, emphasized goals other than diversion, such as youth development and delinquency prevention. In terms of program examples, youth bureaus tend to focus upon the special problems of youth in the community. It was found that youth bureaus have focused upon developing alternative service, rather than referral to ongoing services, and, therefore, emphasize direct client services similar to the California findings. 25 Some bureaus, De Klab, Illinois, have all youth arrested referred to them, some run hot lines, such as Peru, Illinois and El Paso, Texas, and in Pacifico, California an outreach detached worker program approach is used to work on the beaches where groups of youths gather. Family counselling is provided by bureaus in Maricopa County, Arizona and Sacramento, California. In East Palo Alto, California

24Ibid., p. 289.
25Ibid., pp. 287-95.
community responsibility programs work with indigenous people as counsellors. Worcester, Massachusetts and Howard County, Indiana use a co-ordination of services approach, holding case conferences with local agencies prior to referral. For a thorough description of youth bureau programs, the reader is referred to The National Study Of Youth Service Bureaus, 1972, Norman, 1972, and Bertrand, 1975. The large variety of services and programs offered by youth service bureaus represent some highly innovative approaches to meeting community needs and others appear to be similar to traditional agencies. The scale of youth service bureau programs may be placed in a perspective when one considers that in 1972 the United States was spending approximately twelve billion dollars annually on programs advancing youth services and in the same year the total national resources assigned to youth service bureaus, approximately, was less than fifteen million dollars.


27Ibid.

28Norman, The Youth Service Bureau.

29"The Pre-judicial Exercise Of Discretion," p. 287.

Henry County and Rock Island, Illinois Youth Bureaus
evaluated in 1973, were created in 1971 to divert children from coming to the attention of the juvenile court. The primary task of the bureaus was to identify resources alternative to the court and to design programming so that schools and law enforcement agencies would regard the court as a last resort.  

31 The researchers found the objectives were not attained as they had originally been conceptualized. The major activity of both bureaus was the provision of direct services despite the articulation of the system modification goals. The researchers found that the two bureaus had been "sold" to the community as providers of services. The researchers concluded,

... it appears that in the first year of operation the bureaus are traditional casework agencies paying minimal attention to innovative goals of resource development and systems modification--this in spite of an 18 month in-depth examination of their juvenile justice situation prior to development, funding, and subsequent implementation of either Youth Service Bureau.  

32 The search of the literature suggests that the term "youth service bureau" is not easily defined, that the goals of systems modification and community organizations are not emphasized, that direct service is emphasized and research

32 Ibid., section 6:17.
findings are inconclusive.

Youth Service Systems

Youth Service Systems is a National strategy for delinquency prevention.\textsuperscript{33} The emphasis in the youth service systems approach to diversion of youths from the justice system is placed upon changing the societal institutions to provide legitimate roles for both delinquent and non-delinquent youth.\textsuperscript{34} It is suggested the youth service systems concept appears to have been devised, as a result of the failure of the youth service bureau, to fulfill the role of creating and maintaining a youth services delivery system.\textsuperscript{35} Twenty-three pilot programs existed in 1972 in the United States. The strategy called for,

\ldots the establishment, Nationwide, of youth service systems which will divert youth, insofar as possible, from the juvenile justice system by providing comprehensive, integrated, community-based programs designed to meet the needs of all youth, regardless of who they are or what their individual problems may be.\textsuperscript{36}

The concept has been to co-ordinate all service programs in a target area, Federal, State, County, City, private, and determine from model experimentation which agencies should operate the services. Specific program objectives are set

\begin{itemize}
\item \textsuperscript{34}Ibid., p. 55.
\item \textsuperscript{35}Ibid., p. 55.
\item \textsuperscript{36}Ibid., p. 55.
\end{itemize}
and then program effectiveness is evaluated. Klapmuts, 1974, reported the rate of decrease in delinquency rates in the ten areas for 1971 to 1972 showed a twenty-one percent decrease over the previous twelve months.37 The Los Angeles Regional Criminal Justice Planning Board is one example of the youth service systems approach.38

Community Responsibility Programs

The unique feature of community responsibility programs, as compared to youth service bureaus, is the reliance on panels composed of community members who may mediate, adjudicate and make dispositions regarding juvenile problems and offenses without having the matter appear in the formal court setting. Community responsibility programs are described as attempts to have the community absorb and deal with its problem youth who, it is believed, may have more respect for members of their own community.

Philadelphia Neighborhood Youth Resources Center

Philadelphia Neighborhood Youth Resources Center, established in 1971, is labelled as an exemplary project by the United States Law Enforcement Assistance Administration. It is located in a predominantly black area of north Philadelphia. The Center works with a target population of 4,000

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37Ibid., p. 56.

youths, ages 10 to 17, and in 1973 it served 1,027 youngsters.\textsuperscript{39} Cases are referred by the schools, court and self-referrals. Some of the services offered are: crisis intervention, casework, group work, educational assistance and legal representation. Each youth that enters the program is assigned an advocate, a "Community Resource Worker." Voluntary participation is emphasized, although some youths are released to the project in lieu of incarceration or as a condition of probation.\textsuperscript{40} The staff of twenty-three is drawn primarily, where possible, from the community. The intervention approach is a diagnostic team approach to the clients presenting problems.\textsuperscript{41} The 1972-73 budget totalled $285,342. Youths served totalled 1,027 at an average cost of $277.84; this figure includes brief contact clients. Average total cost per client that received direct and indirect services is stated to be $1,109.00.\textsuperscript{42}

A four-month study suggested that target area young people were arrested less often than other areas within the police precinct. The relationship of the Philadelphia Neighborhood Youth Resources Center project to the findings

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\textsuperscript{39}United States Department of Justice Law Enforcement Assistance Administration, An Exemplary Project: The Neighborhood Youth Resources Center (Washington, D.C.: Law Enforcement Assistance Administration, 1974).
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\textsuperscript{40}Ibid., p. 10.  
\textsuperscript{41}Ibid., p. 17.  
\textsuperscript{42}Ibid., p. 75.
\end{flushright}
is unclear. The referral process from law enforcement agencies is not clearly stated in the Law Enforcement Assistance Administration booklet. It is stated that the agency must take the initiative to obtain clients from the court.\footnote{\textit{Ibid.}, p. 58.}

\textit{Neighborhood Youth/Diversion Program, Bronx}

The Neighborhood Youth Diversion Program, Bronx, is located in the Bronx area of New York City. The program services primarily black and Puerto Rican youths, ages 12 to 15, and is run by residents of the community. The program goals are to divert youths from the Family Court, rather than out of the juvenile justice system, to alter the youths activities and resolve their problems through the resources of the program and to involve the residents of the community in the process.\footnote{Paul Nejelski, "Diversion: Unleashing The Hound Of Heaven?" A draft manuscript prepared for a new edition of Justice For The Child (Revisited), ed. M. Rosenheim (Chicago: University of Chicago Press, forthcoming, March, 1974. (Mimeoographed.)} The community is described as a high delinquency, lower socioeconomic class area. All referrals are from court intake, probation services, the police youth bureau and some after adjudication. The youth may be returned to court if the demands of the treatment program are not met. An advocate, usually a young person indigenous to the area, is assigned to the youth. The advocate acts as counsellor and follows up on
services given the youth by agency's he may be referred to. One innovative service is the technique called the forum, which is a panel of community residents composed of two or three community volunteers; who have been trained in some techniques of arbitration and conciliation. The judges, called mediators, hold hearings in the project's offices or in the youth's home in an attempt to resolve problems related to family dynamics or other areas of the youth's life. A disposition is reached with agreements that both sides agree they will abide by. The forum technique has proven to be appropriate for persons in need of supervision. The strict forum-mediation model has been modified to a "family service" orientation. As of late 1973, approximately 250 cases had been heard by the forum.45 The Family Court Forum is an attempt to give community input into the post-adjudication stage of a juvenile court appearance.

Two additional dimensions of the Neighborhood Youth Diversion Program, Bronx, are the "mini school" and a group home. A "mini school" has been established at the diversion facility for youths in need of remedial training, who are truants, disruptive or underachieving youngsters.46

program claims that over 800 juveniles have been diverted in the three years of operation. Vorenberg and Vorenberg, 1973, reported that during a nine-month period in 1971 the Neighborhood Youth Diversion Program, Bronx, diverted thirty-six percent of the delinquency cases and twenty-one percent of the PINS, persons in need of supervision, cases that reside in the project area appearing in probation intake.\textsuperscript{47} Vorenberg and Vorenberg found that there were problems in the delivery of service resulting from: (1) the project lacking funds to acquire needed services for clients, (2) the lack of a range of services in the area, (3) the indigenous staff are not part of the professional network that controlled the majority of the social services in the city.\textsuperscript{48}

**New Jersey Juvenile Conference Committees**

In 1953, the New Jersey State Supreme Court adopted a statewide rule requiring all juvenile court judges to appoint citizen committees in each municipality. This rule was based upon the Monmouth County Plan begun in 1945.\textsuperscript{49} The New Jersey approach represents one of the earliest examples of community members working out solutions on the basis of voluntary agreement between the complainant and

\textsuperscript{47}Vorenberg and Vorenberg, "Early Diversion," p. 253.

\textsuperscript{48}Ibid., p. 257.

\textsuperscript{49}Nejelski, "Unleashing The Hounds Of Heaven," p. 12.
the child offender. In some counties, fifty percent of the cases entering intake are referred to the committees.\textsuperscript{50} The first offenders charged with minor offenses are referred, although the juvenile court judge may refer at his discretion. After referral, the youth, the parents and the complainant must voluntarily agree to this method of handling the case. If the agreement is attained then a hearing is held "in a spirit of friendship." The committee has the authority to dismiss the case or determine a suitable disposition. Often dispositions involve the youth to make repairs to what was damaged or to apologize to the complainant.

Nejelski cites a 1966 report that supported the continuation of the committees, but did warn that some of the committees had become courts, both in name and practice.\textsuperscript{51} In some instances, serious cases were being dealt with, sexual assaults, etc., and some youths being placed on probation where the committee did not have the authority to do so.\textsuperscript{52} Other criticism has been that the committees have been effectively diverting white middle-class youth, but have been unsuccessful in the urban ghettos. Temey, 1968, suggests the value of the committees are the avoidance of stigmatization of the youth and the lessening of his

\textsuperscript{50} Ibid., p. 12.

\textsuperscript{51} Ibid., p. 13.

\textsuperscript{52} Ibid., p. 13.
activity by the use of mild sanctions.\textsuperscript{53}

\textbf{Frontenac Diversion Program}

The Frontenac Diversion Program,\textsuperscript{54} was begun May, 1975, in Kingston, Ontario, in co-operation with the Provincial Court, Family Division. It is funded by Federal and Provincial sources. The Frontenac Diversion Program has two main components: (1) the juvenile court committee "which is a body of community representatives that acts as a screening mechanism by which many juvenile offenders are handled outside of Juvenile Court," and (2) the "Restitution Project" which involves the informal negotiation of restitution agreements between juvenile offenders and their victims and provide a dispositional alternative at the police, intake and court stages.\textsuperscript{55} The underlying philosophy is stated to be based on the concepts of diversion, radical non-intervention and restitution. The intent is to "develop among members of the community an attitude which recognizes that delinquent behavior is a community responsibility and should be resolved informally in the community wherever possible."\textsuperscript{56} It is possible to suggest that the Frontenac

\textsuperscript{53}Ibid., p. 13.


\textsuperscript{55}Ibid., p. 1.

\textsuperscript{56}Ibid., p. 2.
Diversion Program fits in the court based category as well, but the community involvement is clearly emphasized. The Frontenac Diversion Program interprets its mandate to work with youths that have not been found to be delinquent. This interpretation permits youths that have been through the diversion program to repeat the program, since they have not been found to be delinquent.\textsuperscript{57} If a youth does not complete his restitution plan, he is returned to court. The juvenile court committee may only recommend to the youth the need for treatment services; it may not insist upon the involvement with treatment agencies. The Frontenac Diversion Program is being credited for reducing the juvenile court caseload by a significant percentage (data presently is not available).\textsuperscript{58} A research project is presently in the process of being implemented in order to attempt to evaluate the program using a control group and a quasi-experimental design.

**Police Based Diversion Programs**

Since the beginning of the 1970's, some police departments in the United States have implemented diversion programs, administered internally by the police agency. The programs are an extension of the warn and release programs with the added dimension of referral to existing

\textsuperscript{57} Interview with C. Barnhorst, Program Director, Frontenac Diversion Project, Kingston, Ontario, February, 1976.

\textsuperscript{58} Ibid.
or newly created resources. At this time it appears that most police diversionary programs in the juvenile field are directed towards youthful offenders that have committed an offense that is not a violation of the criminal code.

Richmond, California Police Diversion Program

The Richmond, California Police Diversion Program is a pilot project that is an attempt for the police to provide direct helping services to "youths involved in predelinquent and certain delinquent activities." Limited descriptive information is available of the program. The criteria for youth to be included in the program, and the degree of jeopardy of justice processing the youths are in, is not made clear. The Richmond Police provide a 24-hour service with a treatment orientation, crisis intervention, behavior management training for parents, counselling and employment assistance. The intent of such a program is to make resources available to the police officer to make a referral at the time the crisis is encountered. Bertrand suggests that such programs appear to have a difficult time gaining acceptance among a large number of police officers. At this point in time, it is suggested more information is required about the program before any estimate of its replicability to other communities may be made.60

59 "The Pre-judicial Exercise Of Discretion," p. 211.
60 Ibid., p. 211.
Los Angeles County Diversion Program

Pitchess, 1974, described the Los Angeles County Sheriff's Department's juvenile diversion program. Organized in 1970, by 1974 the "Juvenile Referral and Resources Development Program screened and diverted over two thousand juvenile offenders to community-based agencies."
The focus is "preventive diversion" rather than "correctional diversion." Police officers that perceive a juvenile to have a "high risk" of possibly becoming delinquent may select, from a directory of resources in the community, the agency he believes to be able to provide the appropriate type of service. The parents consent is required and then the agency representative and the youth are brought together. In one sample, it was found that seven out of ten were diverted for drug and alcohol problems, running away or truancy. Only direct service agencies are used by the program. No evaluation has been built into this project. No mention is made of the aspect of coercion. For example, what occurs if the youth and/or his family refuse the service offered?

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62 Ibid., p. 222.

63 Ibid., p. 230.
Police Social Service Project

The Police Social Service Project began in 1970 in Wheaton and Niles, Illinois. In both Wheaton and Niles, professional and student social workers were incorporated with the police to provide four basic services: social assessment to law enforcement personnel, 24-hour crisis intervention, counselling and therapy and referral to community agencies. Juvenile offenders are referred directly by the police officer in charge of the case to the project, prior to the offense being referred to probation or court officials. After an assessment is made, an informal agreement is made with the family to accept the services offered. Descriptions of the project imply that coercion may be used when the initial offer of treatment is rejected by the youth or his family. Court referrals were reduced by over thirty percent in Wheaton, whereas other areas of the county not served by the project increased by approximately the same proportion.


East York Community Law Reform Project

The East York Community Law Reform Project, May 15, 1972 to May 14, 1973, under the direction of John Hogarth,
represented an experiment in legal research.

It was the product of a conscious attempt to extend the process of law reform ... to those most directly affected by the administration of criminal justice--victims, offenders and police officers.\textsuperscript{67}

The project was located in the East York area of Metropolitan Toronto. The project encompassed: (1) service aspects, community organization, neighborhood information center, police support and research assistance, and (2) research, public attitude survey, the study of people with problems and help seeking in East York, conflict management by the Metropolitan Toronto Police, diversionary dispositions for juvenile offenders and a study of conflict and the use of adjudication.\textsuperscript{68} Although this is not an example of a defined diversion program, the findings of the project, in an Ontario urban area, offer insight to the scope of police discretion present under "normal" circumstances. The study emphasized the crucial role of the police responsibility to absorb and channel problems through various networks of the justice system.\textsuperscript{69} The Youth Bureau was created to handle a broad spectrum of juvenile-related problems. The Bureau's mandate was to emphasize the use of options outside the criminal justice system. Based upon a random sample, N=400,


\textsuperscript{68}Ibid., pp. 5-27.

\textsuperscript{69}Ibid., p. 12.
July 1, 1970 to December 31, 1970, it was found that in forty-three percent of the juvenile events, in which the police intervened, involved behavior for which the juvenile could not have been prosecuted for delinquency.\textsuperscript{70} In those types of juvenile behavior, which did qualify for prosecution as delinquencies, discretionary or noncharging dispositions were observed in slightly more than one-half the police contacts with juveniles.\textsuperscript{71} Approximately forty-five percent of the contacts concluded with a caution. Less than one percent of contacts resulted in referrals to social agencies. Hogarth suggests one reason for the apparently high rate of prosecutions is that court referrals may be used as a means to link juvenile offenders to service resources suited to their needs.\textsuperscript{72} Hogarth states,

> The occupational demands of the police function have produced a large-scale system of discretionary justice in which the other sectors of the criminal apparatus are relegated to performing a back-up role, invoked only when the police find it inappropriate, impolitic or inconvenient to manage conflict through the exercise of discretion.\textsuperscript{73}

The project found that an extensive system of formal and informal vents operated to screen out all but 2.4% of those occurrences that had the potential to engage the full range

\textsuperscript{70} Ibid., p. 14.
\textsuperscript{71} Ibid., p. 15.
\textsuperscript{72} Ibid., p. 15.
\textsuperscript{73} Ibid., p. 22.
of institutional controls available for the resolution of conflict. Hogarth, et al., take the position that a decision to increase or improve the capabilities of the courts or correction systems would have relatively little impact on the quality of criminal justice.

Although the gross intake might be increased, diminished, accelerated or retarded, the primary responsibility for determination of the qualitative features of the intake resides with the police.74

The implication of these findings and suggestions are significant for diversion programs operating at any point in the juvenile justice system, other than in the police agencies. In effect, community based and court based programs are diverting only those youths the police had not diverted.

Court Based Diversion Programs

Court based diversion programs in the United States and Canada, in general, function as intake screening agents. In court based diversion programs, cases are not entirely diverted out of the system because petitions may be filed if the intervention techniques prove unsuccessful. What differentiates court based programs from community based programs is the greater degree of community involvement in the programs. Community based programs, such as the Kingston, Frontenac and New Jersey Juvenile Conference Committees, were initiated by decisions of the juvenile courts in those localities.

74Ibid., p. 25.
Sacramento County 601 Diversion Project

The Sacramento County 601 Diversion Project was implemented in 1972. The project attempted to test whether juveniles charged with a 601 offense, a status offense, could be handled better through short-term family crisis therapy administered at intake by trained probation officers and then through the traditional procedures of the court. Generally there are five scheduled counselling sessions with the family. Status offenders comprise one-third of all juvenile cases in Sacramento County.\(^\text{75}\) The goal is stated as to improve communication among family members, thereby enabling the youth to return home rather than be locked up.\(^\text{76}\) The four project objectives are stated as: (1) to reduce the number of cases going to court, (2) to reduce the number of repeat offenses, (3) to decrease overnight detentions, and (4) to accomplish these goals at a cost no greater than that required for regular processing of cases.\(^\text{77}\) Referrals to the Probation Department may come from the police, the schools or the family itself. The project is cited as an exemplary program by the law

\(^{75}\text{United States Department of Justice, Family Crisis Counselling: An Alternative To Juvenile Court: The Diversion Project Of Sacramento County Probation Department (Washington, D.C.: Law Enforcement Assistance Administration, 1974), p. 2.}\)^

\(^{76}\text{Ibid., p. 2.}\)^

\(^{77}\text{Ibid., p. 4.}\)
Enforcement Assistance Administration. To evaluate the effects of the diversion procedures approximately half of the referrals were handled by the project staff and the other half were handled by regular intake procedures. In two years, 1970-1972, each group handled over a thousand cases. In the first year only 3.7 percent of the project cases went to court, as a result of petitions filed, as compared with 19.8 percent of the control cases. Based on a twelve-month follow-up of cases handled in the first year, 46.3 percent were rebooked compared to 54.2 percent for the control group. The average cost for handling, detention and placement was $264.00 for each project youth and $562.00 for each control youth. In November, 1973 the experimental phase ended and the project techniques became the standard approach for all runaway, beyond control, incorrigible type case in Sacramento County. In addition, offenses such as joy riding, petty theft and malicious mischief, have been added to divertable offenses. The Sacramento 601 Project is an example of conditional diversion programs.

Van Dyke Project

The Van Dyke Project began in 1974. Cressey and McDermott described four diversion programs, all given fictitious names, such as Van Dyke, Scottville, Westlane

78 Ibid., p. 6.

79 Ibid., p. 6.
and Londondale, in a state labelled the Mountain State.\textsuperscript{80} In the Van Dyke Project only female offenders were involved. The availability of a twelve bed facility near the juvenile detention center permitted a plan, whereby female offenders were screened by intake officers at the detention center. No record is kept if the girls are accepted by the program which includes a counselling service. The stay may be up to five days and the girl is free to go when she pleases. She may not be referred back to court. Early evaluation suggests, of the two-hundred-fifty girls that have gone through the program, the recidivism rates may be somewhat lower than those detained or placed on informal probation.\textsuperscript{81}

**Project Crossroads**

Project Crossroads was implemented in 1968 in the District of Columbia. Originally it was a federally funded diversion program, administered independently of the courts, that accepted referrals from both juvenile court intake and adult court. In 1971 the project was incorporated into the court system.\textsuperscript{82} The project utilized the model in which charges are suspended pending the outcome of the accused's participation in the intervention program. The dismissal


\textsuperscript{81}Ibid., p. 31.

\textsuperscript{82}"The Pre-judicial Exercise Of Discretion," p. 235.
of charges rates are less for juveniles than for adults, forty percent compared to seventy-six percent. The program experience suggests that the ninety-day program, manpower services, counselling, job placement and/or training and remedial education was possibly less appropriate for the juvenile offender than for the young adult offender.

The Halifax Project

The Halifax Project started in 1973. Quoted in Bertrand, the Department of Social Services of Nova Scotia initiated a three-year project planned to assess the value of providing alternate services, rather than court action, to young persons who may have been charged under the Juvenile Delinquents Act. It has not been possible to attain information related to this program.

The British Columbia Approach

The British Columbia Approach to diversion of juveniles is based upon a policy making approach of the Attorney General's Office. The approach to diversion of juveniles is that of community corrections. It is the general practice in the Province of British Columbia to deal with virtually

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83 Ibid., p. 235.
84 Ibid., p. 236.
85 Ibid., p. 239.
all children under the age of fourteen on an out-of-court referral to an appropriate agency. The Annual Report of the Corrections Branch for 1974 states, "diversion program planning related to juveniles will involve an attempt to formalize this practice administratively so that no child under the age of 14 is charged in Family Court." It was reported that, in 1974, programs were being developed to increase the capacity of the probation officer to provide effective intervention for juveniles prior to a charge being laid by: (1) attaching persons to appropriate referral agencies, and (2) engaging the Probation Officer in short-term intervention processes with a child and his/her family. The diversion policy of British Columbia, 1974, stated,

When a child is in conflict with the law, the Probation Officer, wherever possible, attempts to resolve this conflict without official intervention. This may range from helping the family to take appropriate disciplinary action to referring the family to an agency for specialized services. Such action is taken with full concurrence of the prosecutor and is deemed the most effective way of dealing with children committing their first offense.

The reported low increase of reported juvenile cases is, in British Columbia, believed to be related to this policy.

Conclusion

The selected review of the literature, related to

87 Ibid., p. 36.

88 Ibid., p. 36.
alternatives to the contemporary juvenile justice systems in the United States and Canada, presented a multitude of program approaches implemented in the name of diversion.

**Diversion Program Approaches Reviewed Related To Theories Of Adolescent Development**

The review of the literature related to diversion programs did not disclose any functioning program that stated its theoretical conceptualization of what is normal adolescent development. The programs often mentioned briefly a psychological or sociological oriented description of the problems of the youths encountered and then proceeded to state "how" the offered service would remedy the perceived condition. The diversion approaches reviewed suggested a wide range of implicit assumptions related to normal adolescent development. In the program descriptions reviewed, the assumption was made that the youths referred were all relatively similar in their cognitive developmental levels. Some of the programs used relatively sophisticated compensatory or restitution contract approaches that included the youth having to admit to the facts, but not to his guilt in the alleged occurrence. The complex concept used in some programs was that the program was voluntary for the youth, but if he/she did not volunteer to participate and complete the program, he/she would be returned to the court to have a hearing regarding whether or not he/she did or did not do whatever it was he/she had, at that moment,
just agreed that he/she had done.

Developmental theorists, such as Gesell, Remplein, Inhelder, Piaget, Elkind and Sullivan, based upon varying assumptions, suggest all children are not at the similar developmental level at the same point in time, related to chronological age. Theorists that emphasize cognitive stage development, Inhelder, Piaget, Erikson and Elkind, stress that youths ability to process information varies widely during normal development since it is assumed individuals proceed through the defined stages at idiosyncratic rates. None of the reviewed programs suggested how they attempt to make the intake phase to the programs understandable to the youths. It is of interest that none of the programs reviewed stated criteria for not accepting youths, except those of offenses committed as not being eligible.

In terms of relating developmental theoretical orientations to diversion programs reviewed, none of the programs suggested, as Kohlberg postulates, that youths may be at different stages of moral development. Kohlberg suggested, based upon extensive research, that adolescents may be found at any one of six defined stages of moral development ranging from an obedience and punishment orientation to the contractual legalistic orientation and conscience or principle orientation. Kohlberg takes the position that the teaching of values cannot be done until the stage of
moral development is diagnosed and matched to the individual. None of the programs reviewed discussed the differential use of program resources to meet the youths needs. What was often discussed was program alternatives, such as job training, counselling or restitution contracting.

The impression gleaned from the review of the diversion program descriptions was that it is assumed it is common knowledge how "normal" adolescents develop. What is of interest to the diversion program implementers seems to be how the children encountered can be changed by the program approach. The review suggested that there does not seem to be an interest upon the part of program developers of diversion projects to be concerned with the academic exercise of conceptualizing how children develop in normal adolescence. What seems to be of interest to the experienced practitioners are the practical aspects of changing the behavior of children that is perceived to be different or deviant from ambiguous, undefined, selectively applied social norms.

**Diversion Program Approaches Reviewed Related To Theoretical Orientations To The Etiology of Delinquency**

The review of the literature did not disclose any diversion program based upon biogenic theoretical approaches to delinquency etiology. It is of interest that no program reviewed mentioned what the criteria are for diverting mentally retarded or physically handicapped children from the justice system or if any distinction is to be made.
It may be such children are diverted as a matter of procedure by the police to traditional treatment agencies or referred to the juvenile court. If this is the case, then biological dimensions are acknowledged by the juvenile justice system informally in the sense one must be considered competent to comprehend the meaning of one's actions or physically capable to be worked with in the diversion system. The review of the literature suggested that youth service bureaus, community based, police based and court based diversion programs, in general, emphasized sociogenic theoretical orientations in the program rationales. Sociological concepts, such as stigma, labelling, self-fulfilling prophecy and concepts of constraint and differentiation, were suggested as rationales why diversion programs should be implemented. Many of the program rationales suggested negative reaction to the progressive philosophy of the juvenile court and a belief in the court's failure to effectively treat or control children. It is of interest to note that the impression attained from the review of the program descriptions is that the strategy, in a significant number of programs, is based upon a psychogenic theoretical orientation, such as crisis intervention, an ego psychological approach, family therapy and one-to-one counselling. The major approach used by the diversion programs is stated to be casework.

If Rosenberg's, et al., approach to resolving social
problems is accepted, then the majority of diversion program descriptions encountered in the review of the literature are not logically consistent in the sources posited, sociogenic environmentally determined, for the condition, delinquency, to the panacea prescribed, a number of psychogenic strategies. In one sense, the programs suggest the environment of the youth is responsible for his being delinquent, but the intervention strategy prescribed to remedy the condition is based upon attempts to have the individual adjust to his situation by means of counselling, casework, psychotherapy, etc. It is noted a number of programs do provide a wide range of services other than counselling; in particular some of the youth service bureaus and the community based neighborhood youth programs. Related to sociogenic theoretical orientations, the work of sociologists, such as Lemert, Schur, Empey, Wilkins and Matza, have provided much of the basis for the present interest in the concept of diversion. The selected review of diversion programs in Canada and the United States suggested that police based programs and government policy approaches, such as the British Columbia approach, come closer to the diversion concept of non-intervention than do a number of programs called diversion programs that implement strategies based upon psychogenic intervention approaches.
The selected review of the literature, related to diversion programs, demonstrated that programs, labelled as diversion, cover the range of Gold's classification system of program intended to prevent, control and treat the condition of delinquency.

**Chart 2.**

**Selected Examples of Diversion Programs Related to Gold's Typology**

<table>
<thead>
<tr>
<th>Strategy</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Strengthen Social Control</td>
<td>Reduce Provocation</td>
</tr>
<tr>
<td><strong>Target Unit</strong></td>
<td>Province of British Columbia</td>
<td>Youth Service Systems Approach</td>
</tr>
<tr>
<td><strong>Institution</strong></td>
<td></td>
<td>Youth Service Bureaus that emphasize systems modification and co-ordination of community resources.</td>
</tr>
<tr>
<td><strong>Group</strong></td>
<td>Community based diversion projects. New Jersey Juvenile Conference Committees, Philadelphia Neighborhood Youth Resources Center, Neighborhood Youth Development Programs, Sacramento 601 Project, Family Crisis Counselling</td>
<td>Youth Service Bureau Approach. Recreation programs of California Youth Service Bureaus, Ex. Bassett Youth Services</td>
</tr>
<tr>
<td><strong>Individual</strong></td>
<td>Sacramento 601 Project, San Diego Youth Service Bureau, Richmond, California Police Diversion</td>
<td>Los Angeles County Police Diversion Project</td>
</tr>
</tbody>
</table>
From the selected review of diversion programs, the category that most programs fall into is that of target-individual strategy: social control. This analysis is related to the coercive aspect of involvement of the majority of programs reviewed and the emphasis placed upon the one-to-one direct casework approach with the youth in the program. If this interpretation of the material reviewed is accepted then the emphasis in most diversion programs is not upon the definition of diversion in the terms of sociologists, such as Cressey and McDermott, Matza, Schur, Empey and Lemert, such as radical non-intervention or stigma, but in terms of assigning children to individual treatment and frequently attempting to include the family in the treatment process in order to avoid a juvenile court appearance.

In the following sections selected, aspects of the concept of diversion will be presented, such as definitions of diversion and issues in diversion.

**Definitions Of Diversion**

The review of the literature related to delinquency control and prevention programs, the juvenile court and diversion programs indicate that presently there is no one widely accepted definition of the term diversion.

Cressey and McDermott suggest that this is largely due to the fact that the term is bandied about by social scientists, correctional personnel, law enforcement officers, judges, community service workers and others, without determining a clear definition of the concept by those
individuals charged with administering diversion programs.1

Nejelski proposes that part of the problem in operationally defining the diversion concept is the trend towards interjecting administrative, discretionary processing into the juvenile justice system without offering guidelines for its growth and development.2 The trend is not seen to be a new movement, but rather one that gains its origin in the inception of the juvenile court which was the precursor of the movement to divert the youthful offender away from the rigid, punitive and stigmatizing adult court toward an informal proceeding designed to diagnose and treat the child and young person.3

Nejelski further states that the term has been used to describe "...almost any discretionary action available to a public or private agency dealing with children and youth."4

The previous section of the review of the literature reinforces this perception in that it was possible to identify a diversion program that fit into each of the six categories Gold defines as representing traditional approaches.


3For a description of the development of the juvenile court, see pp. 78-93 above.

4Nejelski, "Unleashing the Hound," p. 3.
to delinquency prevention, control and treatment. The broad definition of the concept identified diversion as occurring at any point along the justice system process where discretionary decision-making alters the normal processing of the child through the juvenile justice system when it refers to diversion as being "...the turning or redirection of something from its normal path".

The interjection of informal discretionary decision-making has been exercised by victims, police, prosecutors, courts and correctional personnel to avoid or to limit to some extent the full impact of the criminal justice process.

Informal diversion is seen to occur in both the juvenile and adult justice systems for many of the same reasons. The factors affecting the discretionary decision to seek out alternative non-judicial forms of processing, encompass: the nature of the offense; the circumstances of its commission; the attitude of the victim; and the character of the accused. The pressures which have given rise to the diversion of juveniles from the court system are not unique when one considers the impact that the President's Commission of Law Enforcement and Administration of Justice has had when they offer the opinion that even with the best legislative formulation definitions of criminal conduct are

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5 For a description of various diversion program approaches and their relationship to Gold's schema, see p. 129 above.


7 Elo K. Glinfort, "Formal Criminal Justice Diversion," Federal-Provincial Deputy Minister's Sub-committee on Diversion, April, 1975, p. 2.
not likely to be completely unambiguous.\(^8\)

In the United States, justice system officials presently are not provided with an agreed upon comprehensive frame of reference for administering diversion processes. In Canada, where the development of diversion programs is only presently occurring, the frame of reference or policy guidelines seem to be even more ambiguous.

This is a significant concern in that there is a growing movement towards the development of a class of "defined specialists" assuming many responsibilities, in this ambiguously defined situation, previously assumed by judges.\(^9\)

Numerous arguments have been posited, in particular from a legal and sociological frame of reference, against the informal pre-judicial processing of children, fearing that the broad powers of discretion are open to abuse. The lack of procedural safeguards avails the child to the full discretionary authority of the non-judicial, administrative decision-maker.\(^10\) From a treatment theoretical frame of reference this concern is not stressed as strongly. This concern regarding procedural informality is not emphasized as strongly by those practicing from a treatment frame of reference.

It may be suggested that formal diversion practices do

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\(^10\)Ibid., p. 12.
not necessarily replace the informal exercise of discretion, but rather expand the use of discretion by criminal justice officials and that these practices should be made visible and subject to agreed-upon standards that would ensure a just equalization of opportunities.\textsuperscript{11}

Diversion practices and programs initiated within the juvenile justice system have attempted to inculcate an attitude of restraint in the use of criminal law. The Law Reform Commission in its "Working Paper Seven" on Diversion points out that it is only natural for restraint in the use of criminal law to take place as it is demanded in the name of justice.\textsuperscript{12} "It is unjust and unreasonable to inflict upon a wrong-doer more harm than necessary."\textsuperscript{13}

This philosophical base upon which diversionary practices are being established, has in the past been recognized as an appropriate means of handling juvenile offenders.

The need for diversion and special handling of some classes of deviants led to the establishment of the juvenile court and a noncriminal procedure to be used 'in the interests' of the child....\textsuperscript{14}

\textsuperscript{11}Glinfort, "Criminal Justice Diversion," p. 3.


\textsuperscript{13}Ibid., p. 3.

Nejelski\textsuperscript{15} points out that the origins of the juvenile court intertwined with the diminishing role of judicial factfinding in civil and criminal cases combined with the growth of administrative classes servicing the courts "...all suggest the permanence of non-judicial avenues for most of the children in the system".\textsuperscript{16}

The focus of the juvenile court as indicated by the Solicitor General's Committee on Proposals for New Legislation to Replace the Juvenile Delinquents Act outlines the problems faced by the juvenile justice system in attempting to meet the juvenile court's stated purpose in administering the Juvenile Delinquents Act.

In attempting to fulfill its obligation as a kindly parent and to determine the best interests of the children who come before it, the court has sometimes abridged the rights of these children. In attempting to maintain a delicate balance of helping children and preserving their rights, while at the same time, protecting society from harmful conduct, the juvenile court has been presented with an awesome challenge. This traditional dilemma still remains as a deep concern and causes us to be conscious of the limitations of the court and its related service system to solve a variety of complex social problems that it continues to be faced with.\textsuperscript{17}

The discretionary decision-making of court administrators has grown to be a viable means of coping with the "traditional dilemma" faced by the juvenile court. The philosophical goals and operational objectives encompassing

\textsuperscript{15}Nejelski, "Diversion: Unleashing the Hound," p. 7.

\textsuperscript{16}Ibid., p. 7.

\textsuperscript{17}Canada, Young Persons in Conflict with the Law (Ottawa: Communication Division, Ministry Solicitor General, 1975), p. 4.
the concept of diversionary practices reflect to a large extent the courts administrative responses to dealing with the dilemma it faces. The limitations of the courts as reflected in their service gaps are seen to be the basis for the development of diversion programs gaining their definition from those goals and objectives. For example, the Essex Diversion Project offers a counselling service which the Provincial Court (Family Division) did not have prior to the Diversion program's existence.¹⁸

The lack of any consensually agreed-upon goals and objectives for diversion programs only adds to the existing confusion about its definition. As suggested in the review of the literature, the Essex Diversion Project is not a component of a rational Provincial or locally planned approach to delinquency prevention from a Youth Service Systems approach.¹⁹

Klapmuts notes that diversion is often confused with community treatment, screening, decriminalization, crime prevention and the provision of services to non-criminal or pre-delinquent adolescents.²⁰

...the lack of consensus on the goals of diversion are likely to result not only in unsystematic development of programs, but also in a potential threat to individ-

¹⁸ For a discussion of the development of the juvenile court in Ontario, see pp. 78-93 above.

¹⁹ For a discussion of Youth Service Systems, see p. 104 above.

ual rights.... A logical first step would be to achieve consensus on the exact meaning of the term and to place some clearly defined limits on its application.21

The Law Reform Commission offers the similar concern that "No one definition of diversion seems capable of comprehending everything done in its name".22

In searching for a panacea which might best provide a comprehensive definition and understanding of the concept of diversion in broad terms, one must look toward an all-encompassing policy statement recommending the establishment of alternatives to the system of juvenile justice. The President's Commission on Law Enforcement and Administration has recommended that:

The formal sanctioning system and the pronouncement of delinquency should be used only as a last resort.

In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles, including agencies and procedures to achieve necessary control without unnecessary stigma. Alternatives already available, such as court intake, should be more fully exploited.

The range of conduct for which court intervention is authorized should be narrowed, with greater emphasis upon consensual and informal means of meeting the problems of difficult children.23

The challenge in providing an all-encompassing definition

21Ibid., p. 110.


of diversion would appear to be entailed in defining the proper boundaries between the judicial and administrative decision-making affecting the justice system processing of adolescents considered to be in conflict with the law. The range of alternatives to adjudication through the non-judicial or administrative handling of juvenile problem behavior must achieve and maintain control of the behavior while at the same time avoid the incursion of stigmatization.

The philosophical goals and operational objectives which diversion practices and processes have incorporated are multi-faceted when one considers the range of objectives within the adult criminal justice system coupled with the numerous programs currently operating within the juvenile justice system.24

Goals reflecting alternatives to the adult criminal justice system are: post-adjudication alternatives; alternatives to imprisonment; and community treatment which will not be dealt with in this project so that a more comprehensive description may be offered of those goals and objectives which seem to be related to the juvenile justice system in general and more specifically, objectives which seem to be relevant to the Essex Diversion Project.

The concepts contained within the definitions of diversion which seem to be related to the Essex Diversion Project are:

24 For a further description of prevention and control programs, see pp. 55-78 above.
1. diversion as a means of decriminalization;
2. diversion as a means of providing pre-trial intervention alternatives;
3. diversion as a means of prevention; and
4. diversion as a means of screening.

**Diversion As A Means Of Decriminalization**

Harlow suggests that there is evidence that the overload on courts is caused largely by the huge volume of minor offenses which come before it coupled with the fact that penal sanctions do not seem to deter such offenses. The petty misdemeanor offender thus becomes the most obvious case for removal from the criminal justice process. This is the client group that comprises the majority of the program participants in the Essex Diversion Project.

Glinfort, quoting the National Advisory Commission on Criminal Justice Standards and Goals, elaborates on Harlow's suggestion noting that:

The Commission also suggests that diversion would be a legitimate alternative for persons whose illegal behaviour is recommended for decriminalization until decriminalization is achieved. It further stresses that diversion should be looked at, not as a solution, but as an opportunity and a commitment to change.

Until such time as changes in the Juvenile Code have been effected which would remove minor offenses from the Criminal Code, diversion represents a process which works towards and achieves the goal of decriminalization.

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The Law Reform Commission in its "Working Paper Seven" on Diversion suggests that,

Too many forms of problematic behavior have been absorbed by the criminal law in recent history and this trend needs to be reversed.... Diversion in this context, represents an approach which recognizes that problems exist and cannot just be defined away but seeks solutions which minimizes the involvement of the traditional adversary process and maximizes conciliation and problem settlement.\(^{27}\)

From this perspective, the concept of diversion may be defined through its intended goal of providing a process whereby decriminalization is achieved through sidetracking adolescents who would otherwise be subject to a delinquency adjudication.

**Diversion As A Means Of Providing Pre-trial Intervention Alternatives**

The Essex Diversion Project focuses upon the provision of pre-trial intervention services. The National Advisory Commission on Criminal Justice Standards and Goals suggests the function of such programs is,

The halting or suspending before conviction of formal criminal proceedings against a person on the condition or assumption that he will do something in return.... Diversion uses the threat or possibility of conviction for a criminal offense to encourage an accused to agree to do something.\(^{28}\)

Diversion programs initiated at the "front-end" of the system are considered by many to be a preferable form of diversion as they are operated within the confines of the community where there is ready access to varied treatment resources.


Harlow views pre-trial intervention as a decree for civil commitment of an offender, providing for the rehabilitative needs of the juvenile, while at the same time protecting society against whatever dangers such persons might present.\textsuperscript{29} The Essex Diversion Project seems to be based upon this type of approach to diversion.

Through the provision of treatment resources at the pre-trial level of intervention, the rehabilitative or preventative needs can be met in an attempt to offset further processing through the justice system.

The principle of restraint is brought into play as well at the pre-trial level, when in fact the best interests of the individual and community are seen to enter into the discretionary choice to halt further processing into the juvenile justice system.

Pre-trial intervention is not only geared to the youthful offender or those in need of treatment but also in...

...cases which under the circumstances are more a social dispute than a major criminal offense, may, with the consent of the victim and the prosecutor, be dealt with by way of settlement. The agreement by the offender in such cases may be to make restitution, to undergo counselling, treatment or take up training, education or work programs for a stated period.\textsuperscript{30}

The Essex Diversion Project seems to base its intervention strategy upon this concept.\textsuperscript{31}

\textsuperscript{29}Harlow, "Review: Diversion from the Criminal Justice System," p. 140.


\textsuperscript{31}For a description of the Essex Diversion Project, see pp. 164-190 below.
Diversion As A Means Of Prevention

Nejelski attempts to define one aspect of diversion by emphasizing that it is not prevention. The distinction that Nejelski draws between prevention and diversion is gained by perceiving the adolescent in the diversion process as being "...designated as an immediate candidate for court adjudication and formal processing".32

In prevention, services are made available to a wide range of adolescents to keep them from becoming court clients. Nejelski is of the opinion that the distinction between diversion and prevention is important as he views the juvenile justice system as lacking in the resources to deal with pre-delinquents. The Essex Diversion Project, in the Report, takes the position it is preventing "pre-delinquents" from entering the juvenile justice system. Nejelski, from a legalistic frame of reference, perceives court administrators as maintaining coercive intervention into the lives of children, justifying their actions as "saving" the child from juvenile court through diversion. Nejelski suggests the "saving" aspect of the intervention should not be perceived as being prevention.33

From another perspective, the programs which are initiated to ameliorate the social conditions negatively influencing large numbers of youths who are perceived to be potentially delinquent, would be contributing to diversion.

33 Ibid., pp. 8-10.
From this alternative perspective, Seymour expands on this description of the contribution noting that,

However, in the interests of clarity, it does seem helpful to distinguish between the aims of general community change, on the one hand, and on the other, the provision of genuine alternative responses for certain groups of children at risk or in trouble.\(^{34}\)

Diversion appears to support measures focused upon the goals of prevention in that both changes effected within either the individual, community or the justice system itself, all work towards deterring children at risk or in trouble. In terms of the review of the literature, the emphasis may be upon the reduction of provocation rather than social control.\(^{35}\) Distinctions drawn between prevention and diversion are more a problem of semantics, determining the processing point within the justice system where a child defined as being pre-delinquent moves to the new status of "pre-delinquent at risk of becoming delinquent".

**Diversion As A Means Of Screening**

As mentioned earlier in this review, the decision to divert persons from the justice system is seen to result from the application of official discretion. Arguments have been posed by numerous critics, particularly from the legalistic and sociological perspectives, that such informal practices sustain and reinforce an unjust equalization of opportunities

\(^{34}\)"The Pre-judicial Exercise of Discretion," Unpublished Report received from Francine Bertrand, Ministry of the Solicitor General, Canada, 1974 (Mimeographed.), p. 246.

\(^{35}\)For a description of reduction of provocation programs, see p. 129 above.
to those children who come under the scrutiny of justice system officials. A major problem with informal diversion is that it is generally invisible, uncontrolled and open to misuse.\footnote{Glinfort, "Criminal Justice Diversion," P. 1.}

Harlow, 1970, proposes that,

pre-judicial dispositions should be made a conscious and clearly defined policy; that the processes unique to diversion be given some procedural regularity; and that decisions affecting the non-judicial processing of adolescents be made on the basis of explicit and pre-determined criteria.\footnote{Harlow, "Review: Diversion from the Criminal Justice System," P. 137.}

This argument is similar to the issue regarding the informality and \textit{parens patriae} aspects of the juvenile court.\footnote{For a description of the development of the juvenile court, see pp. 78-93 above.}

From a screening perspective, Klapmuts has termed diversion a misnomer for most of the alternatives used for the non-judicial processing of adolescents, as she sees them as being conditional and revocable. Klapmuts views the term diversion to describe,

persons who, under existing law, are properly within the criminal justice system, whose authority over these persons continues until satisfactory completion of the diversion conditions.\footnote{Klapmuts, "Diversion from the Justice System," P. 112.}

From this perspective, diversion is viewed as a means of formal screening relating to only those persons who under existing law would be within the jurisdiction of formal processing through the justice system. Klapmuts urges the abandon-
ment of the term diversion offering the proposal that justice system officials clarify and define in descriptive terms the various alternatives invoked at each stage of traditional processing and screening.

Alternatives to the traditional justice system processing invoked through screening practices by justice system officials implies that application of the full justice system process is not always appropriate. This realization is not based upon a more ideal purpose of criminal justice, but arise through acceptance that the justice system encounters operational problems which handicap the court's administration of justice.

The demand to get the job done on time, or to handle the case in such a way as to obtain recognition or promotion, reporting requirements, or the shortage of manpower may all have more effect on the decision to proceed with a case than the more ideal purposes of criminal justice.40

The screening of persons to diversion processes on the basis of avoiding judicial processing becomes an appropriate alternative for many justice system officials when it is realized that alternative resources can be utilized without an adjudicatory hearing taking place which in all likelihood avail the justice system to further demands upon already committed resources.

The review of the literature, which attempted to offer a description and understanding of the concept of diversion, leads one on a circuitous route though the juvenile justice system designating diversion programs and processes at points

40 Law Reform Commission of Canada, _Diversion_, p. 11.
within the system which are suggested not to be accomplishing their aims or purposes through traditional means. It is difficult, based upon the review of the literature, to define diversion in positive terms. It is simpler to define diversion as a reaction to the juvenile court system and treatment approaches.

It is impossible to offer an all-encompassing definition of diversion which would satisfy all programs and processes currently operating under the guise of diversion.

Cressey and McDermott, 1974, support the realization that confusion exists with defining diversion and proceed to set out a framework which would describe "true diversion" as opposed to alternative forms of diversion.\(^{41}\)

An operational definition of diversion is posed by Cressey and McDermott by viewing "true diversion" as referring the juvenile to individuals or agencies capable of handling the problem by other means. The screening and referral of the juvenile is then considered an act of "true diversion" when,

The juvenile is safely out of the official realm of the justice system and he is immune from incurring the delinquent label or any of its variations--predelinquent, delinquent tendencies, bad guy, hard-core, (sic) unreachable.\(^{42}\)

Through interviews conducted with juvenile justice system representatives by Cressey and McDermott, "true diver-

\(^{41}\) Cressey and McDermott, Diversion from the Juvenile Justice System, pp. 3-5.

\(^{42}\) Ibid., p. 3.
sion" was assigned to those children who were referred to program alternatives within the justice system, which attempted to reduce incursion of stigma, or that keep the juvenile out of the bureaucracy of the justice system.

Although Cressey and McDermott favor a definition of diversion which does not incorporate the "minimization of penetration" within the juvenile justice system from court to another official or semi-official program, they readily admit that such a definition would technically exclude all, excepting a few programs currently operating and referred to as diversion programs.

In the following section some of the issues related to the concept of diversion are discussed.

Issues In Diversion

Introduction

Earlier in the review of the literature a number of issues related to the concept of diversion were identified and will not be repeated in this section. For example, issues were raised regarding some diversion programs not identifying the approach assumed to adolescent development, the frequently encountered situation where the program rationale was presented in sociological terms and the program strategy was based in psychological terms, the wide range of programs that are called diversion that cover the spectrum from social control to systems modification and the difficulty in defining the term diversion.¹

¹For a detailed discussion of approaches to adolescence, see pp. 10-33 above.
The issues discussed in this section are limited to some of those that may relate to the program being researched. The Essex Diversion Project is a court based diversion program and as a result the issues raised relate more to this form of a diversion process, rather than to others, such as youth service systems or police based approaches. The issues in diversion presented in this section are: the criteria for diversion; the legal rights of the youth in diversion; the issue of confidentiality; and the issue of stigma and label.

Criteria For Diversion

In the review of the literature related to probation services, Empey identifies two questions that may well relate to the criteria for diversion,

1. What proportion of those now being placed on probation...[diversion]...could do just as well...[without]...any supervision?

2. How can one identify those who do not require intensive supervision...[diversion]...in order to prevent their future violation of the law, and, more important, how can one identify those who require intensive supervision?2

A third question one may suggest regarding diversion criteria is what form of intervention, compensatory task, casework, is most appropriate for which kinds of people? From one perspective of service delivery systems, the criteria one sets for intake to a program are dependent upon the perceived

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function of that program. The perceived functions of
diversion programs vary widely, as the review of the litera-
ture suggests, and one result of this seems to be a wide
variation in the types of intake criteria.

Nejelski, a lawyer, suggests that the New Jersey Juvenile
Justice Committees may be using discriminatory practices re-
lated to acceptance of youths into the program based upon
socioeconomic class and the neighborhood in which one lives.³

Pitchess⁴, in his description of the Los Angeles County
Diversion Program, suggests that the selection of young people
for inclusion into diversion programs is discriminatory in
that children are being selected based upon the stability
of their family background. He suggests youths from single-
parent families are not as likely to be diverted as a result
in the belief that such youths may require more intensive
supervision.⁵ For example, the Essex Diversion Project as-
sesses the "family constellation" after intake, but prior to
making up a Diversion plan.⁶

Cressey and McDermott, both sociologists, studied and

³Paul Nejelski, "Diversion: Unleashing the Hound of
Heaven?" A Draft Manuscript prepared for a new edition of
Justice for the Child Revisited), ed. M. Rosenheim (Chicago:
University of Chicago Press, forthcoming, March, 1974)
(Mimeographed.), p. 2.

⁴Peter Pitchess, "Law Enforcement Screening for Diversion,"
in Back on the Street: the Diversion of the Juvenile Offender,

⁵Ibid., p. 224.

⁶For a description of the Essex Diversion Project, see
pp. 164-190 below.
defined issues believed likely to occur when the young person comes into contact with juvenile court officials. The concerns they identify focus upon the fact that intake officers are given the opportunity to exercise discretion based upon their own individual knowledge of services available, type of juvenile cases received and correctional philosophy held. Cressey and McDermott suggest one area which seems to be in need of investigation, that of offense type as a basis for inclusion into a diversion project. They further suggest that the selection processes based on the type of offense may present concerns as a result of most diversion programs dealing with status offenders and young people labelled as being in need of supervision or "beyond control". Cressey and McDermott take the position that children, having violated criminal law, or in conflict with adult law, have been excluded by many diversion programs. The "pre-delinquent who is amenable to counselling and not hard core (or so the decision-maker perceives) is the juvenile who is most often diverted today". Specific guidelines for the intake criteria of diversion programs do not presently exist in Canada today. In the Law Reform Commission's proposed approach to diversion, the


8 Ibid., p. 33.

9 Ibid., p. 36.

10 Ibid., p. 36.
position is taken that, "The principle of restraint requires that an onus be placed on officials to show why the next more severe step should be taken". 11

In terms of the concept of how to assure equal consideration in diversion, the Law Reform Commission of Canada takes the position that diversion, similar to probation, is not a "right". 12 The policy would not "require" the use of a diversion alternative to adjudication or incarceration, but that a decision to impose adjudication or incarceration should be justifiable. 13

The review of the literature suggested that the concern regarding discriminatory selection processes to diversion programs are similar to concerns raised regarding the juvenile court, such as the Haldane et al. study of the Halifax Family Court which suggested dispositions were related to a number of family characteristics and low socio-economic class, et cetera. 14

In the review of the diversion literature, it was not possible to identify a theorist or practitioner defending the concept of discretion as being an integral part of the


12Ibid., p. 19.

13Ibid., p. 19.

role assigned to staff persons in the various diversion programs. The Law Reform Commission does suggest persons should be held accountable and able to justify decisions made, but did not seem to exclude the concept of discretion for persons in assigned roles.\textsuperscript{15}

The review of the literature seems to suggest that what some critics are attacking is not the selection or intake criteria of diversion programs, but rather the programs theoretical approaches which the criteria for admission represent. For example, if a program is assigned to work with only first offenders or status offenders, and the local court and community will not tolerate the inclusion of other youths, then the criteria cannot be attacked for doing what it has limited itself to do. In terms of Empey's second question, the issue could be raised, should youth in need of intensive supervision be permitted to enter a program that is not designed to offer such a service. Related to the issue of intake criteria, the criteria, as in other human service programs, it is believed, should relate to the defined function and resources of the program.

The Role of Treatment

Fox\textsuperscript{16} takes a position that represents one extreme related to the issue of treatment in diversion when he states that diversion is,

\textsuperscript{15}\textit{Law Reform Commission of Canada, Diversion}, p. 19.

The same rehabilitation wolf under new sheepskin only this time one which permits of far less due process than would otherwise be called for...the right to treatment should be replaced with the right to punishment.17

Harlow suggests that the confusion around the issue of compulsory treatment as a "non-penal" alternative stems from the belief that offenders should be treated and not punished, that some conditions are not criminal, but result from illness and that the state has a right to intervene where the individual or society is endangered. What appears to be the central issue is that while diversion holds that the individual's behavior is seen as non-criminal and he is not subject to penal sanction, he may be subject to similar measures classified as non-penal to insure that society is protected. Harlow further elaborates on the issue by suggesting that,

If a deviant behaviour or condition is to be defined as not criminal, then it would seem that an individual could not be compelled to accept treatment. The creation of programs to deal with juvenile problems may not only pressure juveniles to accept 'treatment' even where it is unwanted, but may prevent recognition of the fact that for much of what is labelled deviance in this society the problem is not how to treat it, but how to absorb or tolerate it.19

Howlett suggests that,

...in attempting to identify and 'treat' the most venial forms of deviance, many of which neither require nor are amenable to treatment, the community blinds itself to its inability to tolerate, absorb or modify its concept of

17Ibid., p. 7.


19Ibid., p. 161.
deviance.20

Eisner postulates that,

...our present delinquency problem stems from cultural
tolerance of diversity and variability, and our
overly restrictive boundaries of acceptable behaviour.21

Eisner further postulates that,"...our high delinquency rates
are evidence that our boundary-maintaining mechanism has ex-
cluded too many".22

The review of the literature suggests that Lemert,
Schur and Matza share Harlow's views that some forms of
diversion should result in release from any system of in-
tervention or control and that the right to be left alone
should be the attitude taken by the justice system and
society toward the misbehaving juveniles.23, 24

Nejelski, discussing the voluntary issue of treatment,
postulates that where a child is required to participate in
or receive treatment in a diversion program, voluntary diver-
sion is a contradiction in terms of the coercive power of
the state and the court which is always present. The child

20 Frederick W. Howlett, "Is the Y.S.B. all its' Cracked
up to be?" Crime and Delinquency Literature 19 (October

21 Victor Eisner, The Delinquency Label: the Epidemiology

22 Ibid., p. 161.

23 For a detailed discussion of their approaches, see
pp. 50-53 above.

24 Edwin M. Schur, Radical Non-intervention: Rethinking
the Delinquency Problem (Englewood Cliffs, New Jersey: Prentice-
Hall, 1973).
and his parents,

...agree to enter a particular program 'recommended' by some state official, because they can be ordered in the alternative by a judge to accept this same program or one which is substantially more unpleasant.\textsuperscript{25}

The role of treatment issues in diversion reflects the dual role, concern for the individual and for the community, that is basic to the definition of the juvenile court and the role assigned to probation services as described in the review of the literature.\textsuperscript{26}

The Legal Rights Of The Youths In Diversion

Klapmutz suggests that,

The confusion of diversion with community treatment, screening, decriminalization crime prevention, or the provisions of services to non-criminal or pre-delinquent persons and the lack of consensus on the goals of diversion are likely to result not only in unsystematic development of programs with limited impact, but also in a potential threat to individual rights...\textsuperscript{27}

The Law Reform Commission of Canada's "Working Paper Seven" on Diversion suggests that, "Too many forms of socially problematic behaviour have been absorbed by the criminal law in recent history and this trend needs to be reversed".\textsuperscript{28}

One way of doing so is through the process of decriminalization—the elimination of offenses. While concerned with reversing the trend, the Commission fails to suggest either


\textsuperscript{26}For a description of the role assigned to the juvenile court and probation services, see pp. 59-65 above.

\textsuperscript{27}Klapmutz, "Diversion from the Justice System," p. 110.

\textsuperscript{28}Law Reform Commission of Canada, Diversion, p. 1.
greater or less protection for the offender than is now offered by the criminal process. At the same time, the concern about protection of the rights of those being "diverted" would imply that greater protection of rights should be offered than exist in the present system. The Law Reform Commission does point out that, "It is not the offering of choices to the accused that arouses concern, but the offering of choices under oppressive or unconscious circumstances".29 The issue then arises in situations where choices are offered to the offender on an informal basis to the extent to which the available choices are overly coercive. The Law Reform Commission takes the position that unless diversion programs are made formal and visible the protection of the rights of the offender may be jeopardized.30

The extent to which coercion is used in the process of a potential divertee to accept any diversion program is difficult to assess in that programs vary as to the degree of coercion that is openly acknowledged.

The Diversion programs, such as the Essex Diversion Project, refer the individual back to the justice system if he fails to fulfill the program satisfactorily. Balch takes the position that diversion programs, which are conditional based upon successful completion and deferred prosecution, may be criticized because of the lack of counsel at the re-

29 Ibid., p. 21.
ferral stage.\textsuperscript{31}

Nejelski notes that techniques which employ instant intervention often deny the juvenile a right to a judicial hearing which differ from many diversion projects in that some programs contain elements of formality and visibility.\textsuperscript{32}

Cameron suggest that,

Whether he is subject to counselling, psychiatric help or some form of arbitration with the victim, he is being compelled to participate in something under threat of being sent to court.\textsuperscript{33}

Sullivan, in his "Letter to the Editor" of Federal Probation in response to an article on "Police Social Work Team Program", discusses the issue of arbitrary governmental intervention as an issue for consideration.\textsuperscript{34} Sullivan criticizes the article because he perceived it to advocate that "those not yet convicted be subject to processes designed as punishment for the guilty".\textsuperscript{35} Sullivan suggests that the statement,

...smacks of favouring arbitrary government intervention in the lives of the ordinary citizen and continues to suggest that...there is clearly little evidence to support the argument that 'the earlier you get 'em, the more


\textsuperscript{33}Neil Cameron, Comment Law Reform Commission of Canada, Working Paper, "The Principles of Sentencing and Dispositions" (Center of Criminology, University of Toronto, 1974) (Mimeographed.), p. 7.

\textsuperscript{34}Denis C. Sullivan, "Letter to Editor," \textit{Federal Probation} 37 (2) (June 1973), p. 63.

\textsuperscript{35}Ibid., p. 63.
effective you'll be'. In fact, there is considerable evidence to support the obverse. 36

With regards to the length of time that must be spent in a diversion program, the issue is noted by Sullivan, 1973, whether an individual "...can be forced to spend more time in the program than a sentence (for the crime for which he might be convicted) would bring...." 37 Sullivan further discusses the issue of criteria for termination of diversion services in terms of whether or not the program participant has any redress against discretionary judgement. 38 For example, if the child fails to fulfill the conditions of the diversion program, diversion task plan, can the program send him to juvenile court because the contract was broken? Then, is there an increased possibility that the penalties received would be increased?

The Law Reform Commission of Canada, in its "Working Paper Seven" on Diversion, takes the position regarding "double jeopardy" that,

...it can hardly be said that to resume...proceedings in such circumstances violates the notion that a man should not be charged twice for the same offense. Instead, it is a case of suspended charges be resumed. 39

The Issue Of Confidentiality

Confidentiality provisions for the protection of the rights of the individual apply to the exchange of information

36Ibid., p. 63.
37Ibid., p. 64.
38Ibid., p. 64.
39Law Reform Commission of Canada, Diversion, p. 22.
between the divertee and his parents and the treatment or diversion source. The issue of confidentiality is complicated in that one of the purposes of diversion is to formalize and make visible discretionary judgements which have, until recently, had low visibility.

One concern with the issue of confidentiality regarding Youth Service Bureaus as noted by the Community Crime Prevention report is that,

Referring agencies should be entitled to and should expect systematic feedback on initial services provided to a referred youth by the bureau. However, the youth services bureau should not provide justice system agencies with reports on any youth's behavior.  

Another issue related to confidentiality centers around statements given at intake hearings in that the information obtained should not be released in future court hearings. The Law Reform Commission suggests that information obtained in a pre-court diversion hearing should be held confidential.  

The Issue Of Label And Stigma

The extent to which participants are stigmatized or labelled in juvenile justice programs is a concern that has received careful attention by authors, such as Matza, 1964, Schur, 1973, Empey, 1971, Nejelski, 1974, Cressey and McDermott, 1973, and Lemert, 1969.  

Nejelski suggests that diversion is often endorsed in that it is supposed to reduce stigma more than the juvenile


41 Law Reform Commission of Canada, Diversion, p. 22.

42 For a description of these authors approaches, see pp. 50-55 above.
While attempts to minimize stigma and labelling have been made by the juvenile court through the creation of special vocabulary, such as hearings instead of trial, secret proceedings and confidential records, Lemert comments in the Task Force Report, 1967, that,

Proposals, laws and administrative action to preserve the anonymity of juvenile court proceedings through closed hearings, sealing case records, and expunging records are probably worthy moves, but it is vain to expect them to eliminate the stigma of wardship and contacts with the juvenile court. 44

Nejelski and Cressey and McDermott question Lemert and other social scientists familiar with the juvenile court with regards to the extent that the juvenile court openly labels and stigmatizes those who become involved in the court process. Nejelski suggests, "The claims of labelling by the juvenile court may have been over stated and the actual affects of being diverted have not been studied." 45 Cressey and McDermott take the position that,

So far as we know, no one has shown that the juvenile offender and his family perceive their handling as materially different under the auspices of a diversion unit than under a more traditional juvenile justice agency. The question is rarely formulated, let alone asked. 46


46Cressey and McDermott, "Diversion from the Juvenile Justice System," p. 34.
This is one of the questions the research project is asking the participants of the Essex Diversion Project to respond to.

The review of the literature, for example, Empey and Lubeck, supports the concept that the area of stigma may be overrated, since juvenile offenders often have other labelling characteristics, such as poor school records. It is possible to question the extent to which either involvement in the juvenile court system or participation in a diversion program adds to or reduces the already existing stigma or label which may be attached to the youth prior to his involvement in either process.

Foster studied two hundred boys who had committed criminal offenses and had been processed by the police or the courts. The data collected indicated that the problems of perceived stigmatization have been greatly overestimated in the literature. Findings revealed that only a small proportion of the boys studied felt they were seriously handicapped by having a record. Foster further points out that while the boys indicated that their contact with the law did not negatively alter their interpersonal relationships with their families they did feel it harmed their opportunities towards obtaining future employment.

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47 For a description of Empey research see pp. 53-55 above.


49 Ibid., p. 65.
Social stigma was related to the degree of impersonality of the relationships. The Criminal justice system itself does not produce the hostile and alienative attitudes associated with the self-fulfilling prophecy but is part of a vicious circle of events generated by existing alienation.  

In conclusion, related to the issues in diversion discussed, the lack of a conceptual frame of reference in which to discuss the issues seems to be apparent from the review of the literature. Other than a few studies done related to stigma, the discussion of the issues in diversion remain at the level of opinion, possibly well informed opinion, but nevertheless opinion. The predominant frames of reference used to view diversion from the review of the literature seem to be the legal, which emphasizes, for example, due process, young peoples rights and the failure of the courts, and the sociological which emphasizes labelling, stigma, the failure of liberal reforms and the failure of treatment, psychogenic, approaches. The treatment approach to diversion is not clearly presented in the diversion literature, although the majority of programs that were encountered were implementing intervention strategies based upon psychogenic treatment approaches. The review of the literature did not reveal enough research-based data for the researchers to attempt to take positions related to the various issues identified. It seems interesting to note that only two sources mentioned in this section, Haldane, et al. and the Law Reform Commission,  

50Ibid., p. 65.  
51For a description of diversion program approaches, see pp. 93-130 above.
were directing their comments to the Canadian scene. At this time the concept of diversion and the meaning it may hold for Canada remains a relatively unexplored question.

Description Of The Essex County Pilot Diversion Project

A detailed description of the Essex County Pilot Diversion Project may be found in the Appendix (Appendix B). In the following chapter a description of the Essex Diversion Project is offered and related to the review of the literature. The project's approach to adolescent development, etiology of delinquency are described and the Essex Diversion Project's court based diversion approach is related to other diversion approaches.
CHAPTER III

DESCRIPTION OF THE ESSEX COUNTY PILOT DIVERSION PROJECT
AND COMPARISON TO THE REVIEW OF THE LITERATURE

Introduction

The outline and topic headings, with one addition, used to describe the Essex Diversion Project are those used in the program Report. The topic areas to be described and compared to the review of the literature are: background of program development, a heading which is not in the Report; administration; philosophy; goals; criteria for program; procedures; protecting the juvenile; and policies.

The data base for this attempt to relate the Essex Diversion Project to the review of the literature includes the unpublished program literature made available to the researchers, "The Essex County Pilot Diversion Project Report, June 18, 1975 to March 1, 1976". The attendance by the researchers at two seminars given by the Diversion program staff— one presented to the local law enforcement agents and one presentation to the Community Forum Luncheon Association.

of Windsor. In addition, one researcher attended the weekly scheduled Diversion staff meetings over a period of six months, October, 1975 to April, 1976. Additional data was obtained through periodic conversations and interviews over a period of eight months with most of the staff involved in the program.

**Background Of Program Development**

The Essex Diversion Project was initiated on June 18, 1975 "under the direction" of Judge T. L. Docherty of the Windsor Provincial Court (Family Division). Based upon the perceived need for such a service for youths in the County of Essex, and in response to Judge T. L. Docherty's proposal, the Windsor branch of the John Howard Society and the local office of the Ministry of Correctional Services, Juvenile Probation and Aftercare, allocated staff and resources to create a one-year demonstration project called the Essex County Pilot Diversion Project. The Essex Diversion Project subsequently was extended. Although the specific process is not entirely clear, it is clear that the program was put into operation relatively rapidly, in that young people were referred to the new program as soon as the approval for allocation of staff and resources was obtained from the Ministry of Correctional Services and the John Howard Society of Windsor.

The manner in which the Essex Diversion Project was created, through various local initiatives and by combining the staff and resources from two agencies, the John Howard
Society and Juvenile Probation and Aftercare, under the direction of a third, the Juvenile Court, obviously placed the Essex Diversion Project into a much more complex administrative situation than a new autonomous agency would have encountered.

Administration

The Essex Diversion Project is staffed by a Program Supervisor who is on loan from, and whose salary continues to be paid by, the Ontario Ministry of Correctional Services, Juvenile Probation and Aftercare, and two part-time persons who are regular Social Work staff from the John Howard Society, Windsor. The Executive Director of the John Howard Society, Windsor, acts as Casework Supervisor and Consultant to the program. The program description states that the staff requirements are perceived to be two full-time persons.

The Essex Diversion Project is a court based program. It is "under the direction" of Judge T. L. Docherty of the Provincial Court (Family Division). The review of the literature section "Diversion: An Alternative Response To The Juvenile Justice System" identifies five approaches to diversion of youth from the juvenile justice system. These are:

1. Youth Service Systems;
2. Youth Service Bureaus;
3. Police Based Diversion Approaches;
5. Ibid., p. 4.
4. Community Based Diversion Approaches; and
5. Court Based Diversion Approaches.  

The Essex Diversion Project may be defined as a court-based diversion program since it was initiated by the Court and it continues to be directed by the Court and young persons who do not complete their Diversion program are referred to the Court for a hearing.

One method of placing the Essex Diversion Project into a conceptual frame of reference is to describe how the project seems to relate to four alternative approaches to diversion.

The Essex Diversion Project was initiated locally by a Judge of the Juvenile Court and the local offices of two agencies. The Essex Diversion Project, although reflective of the Law Reform Commission's belief in the concept of diversion, does not seem to have been developed as a part of an overall national, Provincial or even regional plan to prevent delinquency. In the review of the literature, Gemignani defined the youth service systems approach to diversion as an overall planned national strategy for delinquency prevention, which would include combined city, county, regional, provincial and federal participation in the development of a co-ordinated system of youth services for a community with each program in the system having a defined

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4 For a further discussion of approaches to diversion, see pp. 90-130 above.
task based upon specified, measurable objectives. One result of the Essex Diversion Project not being a part of an "overall planned national strategy for delinquency prevention" within a co-ordinated system of youth services for the Essex community is that the onus of defining where it was to fit into the local community and regional youth service network was placed upon the initiators and program staff of the Essex Diversion Project.

A second type of diversion approach identified in the review of the literature is the Youth Service Bureau approach. Norman defined the Youth Service Bureau approach as focusing upon the co-ordination of all community youth services attempting to modify the community's social welfare service delivery network and to offer direct services to youths where such services did not exist in that community. In the community where the Essex Diversion Project exists, the city of Windsor's, the largest community, Police Department has a division called the Youth Bureau that interacts directly with young people and makes referrals to agencies. The Youth Bureau is primarily police-oriented in function and does not attempt or presume to co-ordinate community youth services. The Essex Diversion Project emphasizes direct

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service to the youths referred, although referrals are made to other agencies, whereas some youth service bureaus would focus upon co-ordination of youth services in the community.

The initiators, and the process by which the Essex Diversion Project was formulated, seems to have precluded an attempt for the project to assume a co-ordination of services role in the Essex community.

The third type of diversion approach identified in the review of the literature is the police based approach. Programs described earlier, such as the York study and the Wheaton and Niles, Illinois projects, are representative of this approach. In a police based approach the diversion staff work with the police and often participate in the decision related to laying the charge against a youth. The Essex Diversion Project becomes involved after a charge, Information, has been laid by the police. When the Information is brought to the Court, the Essex Diversion Project staff assess all the Informations regarding the youth's eligibility for the project. While the diversion staff work very co-operatively with the police, this project is clearly not police based.

A fourth type of diversion approach identified was the community based approach. Programs, such as the New Jersey Juvenile Justice Committee and the Philadelphia Neighborhood Youth Resources Center, are representative of this

7 For a description of these programs, see p. 115 above.
approach. The unique feature of community based programs is their reliance on panels of community members who may mediate, adjudicate and make dispositions regarding juvenile problems and offenses without having the matter appear in the formal court setting.

The Essex Diversion Project may be in the process of modifying its diversion approach to that of a community based diversion approach. This is suggested based upon the recent creation of an Advisory Committee, composed of professional, legal, educational and social welfare agency representatives of the community. The role of the committee, although it is not clear at this time, may be that of assuming overall responsibility for the policies of the program. If this occurs and the Judge relinquishes his directive function the diversion approach would quite resemble the New Jersey Juvenile Justice Committee approach described in the review of the literature. The exception to the similarity would be that the youth in the Essex Diversion Project would appear in front of the Advisory Committee only when attempting to appeal a decision of the assigned diversion staff person, rather than appear in front

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8 For a description of these programs, see pp. 109-111 above.

9 For a description of some community based programs, see pp. 105-112 above.

10 Interview with Detective Sergeant Orville Hughes, Youth Bureau Supervisor, Windsor Police Department, Windsor, Ontario, June, 1976.
of the committee to decide upon a compensatory task or possibly referral to a social service agency.\textsuperscript{11}

In terms of the Essex Diversion Project administrative organization, the program description states that "...informality of the administration allows for quicker intervention to curb the antisocial behaviour".\textsuperscript{12} For example, when an Information is brought to the Court by the police any one of the staff may do an assessment and decide whether a specific youth fits the selection criteria. Contact is then made with the parents and the youth which begins the diversion intake process. Staff meetings are held weekly. The program literature states that the program is "...under the direction of Provincial Judge T. L. Docherty...operated as a Pilot Project under the supervision of...a Probation Officer...."\textsuperscript{13}

It is stated in the program philosophy, however, that to prevent any prejudice the Judge is not to be made aware of any diversion participant's involvement in the program, in case the youth does not complete the diversion program and is thus required to appear in court. The Program Supervisor in turn takes the position of being responsible for administrative functions, such as making certain that reports are completed on time.\textsuperscript{14} It is not too clear, from the program

\textsuperscript{11}For a description of the New Jersey Juvenile Committee approach, see pp. 109-111 above.

\textsuperscript{12}Essex County Pilot Diversion Project, "Report", p. 4.

\textsuperscript{13}Ibid., p. 4.

\textsuperscript{14}Interview with Patricia Rolf, Program Supervisor, Essex County Pilot Diversion Project, Windsor, Ontario, February, 1976.
literature and personal interviews with the staff, who
is, in fact, responsible for the overall program.

Throughout the time period of the researchers in-
volvement, and during the time when the research population
of clients were in the program, an Advisory Committee did
not exist. The recent establishment of an "Advisory Com-
mittee" may modify the organizational ambiguity if it is
assigned the role of having responsibility for the overall
program, rather than being limited to acting only in an
advisory or consulting capacity.

Program Philosophy

The philosophy of the Essex Diversion Project, as
described in the program description, is based upon the be-

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 re-
   occurring increases in children who have been
   identified as delinquent by a formal court [sic]
   process;

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

4. ...'Diversion' represents an approach which minimizes
   involvement in the traditional adversary process and
   maximizes conciliation and problem settlement.15

The Report identifies its intervention philosophy by defining
diversion as,

...a method of temporarily deflecting or administratively
sidetracking a juvenile from the juvenile justice system,

15Ibid., p. 1.
that according to certain acceptable criteria do not belong to that system.\textsuperscript{16}

The program Report proposes that the purpose of diversion is to take the first offender or pre-delinquent child, usually between twelve and fourteen years of age, and "play down or minimize his perception of being important because he is an offender..." thus the Juvenile Court does not "become attractive to him".\textsuperscript{17} The program philosophy, as stated in the program literature, postulates that in order to attain this purpose it is necessary for,

1. Diversion...cases to be handled as much as possible on an unofficial basis, with minimal (or no) direct involvement of the child in the Court procedure.

2. No use of detention and minimal use of various forms of probation.

3. Immediate referral of the youngster and his parents to some kind of program involving family counselling, emphasizing the problem as a family problem, requiring efforts by all of them.

4. Increasing the child's belief that there is more to be gained from adults through socially desirable kinds of behaviour than misbehaviour.\textsuperscript{18}

The basic intervention strategy is stated in the program Report to be "casework" based upon "behavioural contracting".\textsuperscript{19} The position taken in the Report is that "...it is not necessary nor is it desirable that all children receive identical

\textsuperscript{16}Ibid., p. 1.
\textsuperscript{17}Ibid., p. 1.
\textsuperscript{18}Ibid., p. 2.
\textsuperscript{19}Ibid., p. 3.
treatment". What is believed to be of importance is the impact made through "the development of non-traditional resources". It is stated that, "hopefully the child should not be able to associate... the diversion program's services... with the official Juvenile Court". It is stated that participation in the program must be "voluntary".

Similar to numerous other diversion programs examined in the review of the literature, the Essex Diversion Project does not mention how the proposed intervention strategy relates to the process of normal adolescent development or which theoretical approaches to adolescence are assumed or rejected. The program literature does not take a position as to whether or not adolescence is considered to be a time of "storm and stress", as suggested by Hall, Gesell, Freud and Sebald, where challenging of social norms may be expected from a range of theoretical perspectives possibly related to physiological, psychological or sociological variables. The Essex Diversion Project does label the youths' behavior as "misbehaviour" in the description of the program philosophy.

The program literature states that delinquent behavior

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20Ibid., p. 3.
21Ibid., p. 3.
22Ibid., p. 2.
23Ibid., p. 3.
24For a detailed discussion of approaches to adolescence, see pp. 6-33 above.
is "a family problem", whereas developmental theorists, Freud, Erickson and Davis, suggest adolescence, particularly the later stages, is a time for a search for love objects outside the family or possibly a search for a new identity, which implies a natural separation from the family group in an attempt to meet one's psychological and social needs.  

If one were to accept such a position, then a diversion program would attempt to interact with a youth, particularly in late adolescence, as an individual and not automatically assume his problem is an appendage of a family problem.  

The program literature suggests youths should be dealt with on an individual basis.  

At the same time, all youths accepted to the Windsor program are assumed to be capable of comprehending complex terms and concepts, such as restitution, compensatory tasks and the admission of facts. This assumes all youths are at least at the level of cognitive development Inhelder and Piaget term "formal operational stage".  

If the young person were at a different level of cognitive development, in Inhelder and Piaget's terms, then how the person perceived the diversion process would be quite different, such as being a punishment or an easy way to stay out of court through a process they did not comprehend.

26 For a discussion of the approaches to adolescence, see pp. 10-33 above.


28 For a description of Inhelder and Piaget's approach, see pp. 28-30 above.
Related to the theoretical orientations of the etiology of delinquency, presented in the review of the literature, the Essex Diversion Project philosophy seems to assume a sociological orientation based upon the acceptance of labelling theories, the concept of self-fulfilling prophecy and the concept of radical non-intervention.\textsuperscript{29} These theoretical concepts seem to be suggested in the program description, in statements, such as,

\dots the probability of delinquent behaviour reoccurring increases in children who have been identified as delinquent...\textsuperscript{30}

\dots and that once an individual enters the justice system \textsuperscript{31} he has extreme difficulty in extracting himself and usually remains within the system.

The concepts of labelling theory, Mead, Lemert, Empey, Matza and Schur, presented in the review of the literature, are reflected in these statements.\textsuperscript{32} The Essex Diversion Project does not specifically mention the second widely suggested theoretical justification for the development of diversion programs, from a sociological perspective, which is that of differential association theory developed by Mead, Sutherland, Matza and others, which suggests that delinquency is behavior that is learned in intimate personal groups that provide the ratio of favorable to unfavorable definitions.

\textsuperscript{29}For a discussion of theoretical approaches to delinquency, see pp. 33-55 above.


\textsuperscript{31}Ibid., p. 1.

\textsuperscript{32}For a detailed discussion of these theorists approach, see 47-55 above.
Systematic delinquent behavior is due to the immediately differential association in a situation in which cultural conflicts exist, and ultimately to the social disorganization in that situation. A diversion program would attempt to have a youth avoid the associations and social disorganization believed inherent in the juvenile justice system.

It may be that the differential association concepts are implied in the Essex Diversion Project when it is stated in the Report that the "...role of the Court is minimized so that it does not become attractive to the youth".

In the review of the literature section titled "Delinquency Prevention, Control And Treatment" Gold's classification system, based upon a program's intervention focus or target, such as the individual, a group or an institution, and the program's strategy, such as social control or to reduce provocation, was used to suggest the wide range of contemporary delinquency programs. The Essex Diversion Project emphasizes "behavioural contracted" casework related to doing a compensatory task or facing the alternative of the Court process. The Report states a dual emphasis, that of protecting the community and the juvenile. This is similar to the role of probation, discussed in the review

33 For a discussion of this theorist's approach, see p. 47 above.
35 For a discussion of Gold's classification system, see pp. 58-59 above.
of the literature, and suggests the Essex Diversion Project may be defined in Gold's classification system as relating to focusing upon the individual and implementing a social control strategy.\textsuperscript{36}

The stated program goals suggest it is assumed that the family is considered to be a critical variable in the etiology of delinquent behavior of the youth.\textsuperscript{37} The emphasis upon family involvement resembles Tefferteller's approach to delinquency control in the Henry Street Settlement Project which is presented in the review of the literature as a representative of Gold's category target: group; strategy: social control.\textsuperscript{38} In the review of the literature section titled "Delinquency Prevention, Control And Treatment" Rosenberg's et al. schema of panaceas and nostrums was presented. The basic concept being that panaceas proposed for a social problem probably would be more effective if they related logically to the theoretical orientations in the source posited for the social problem or condition, in this instance delinquency behavior.\textsuperscript{39} In this sense, the Essex Diversion Project is similar to a number of diversion programs reviewed in the literature, for example the San Diego Youth Service Bureau, Richmond Police Diversion Program.

\textsuperscript{36}Essex County Pilot Diversion Project, "Report," p. 1.

\textsuperscript{37}Ibid., p. 2.

\textsuperscript{38}For a description of the Henry Street Settlement Project, see pp. 69-70 above.

\textsuperscript{39}For a description of Rosenberg's et al. schema, see pp. 75-76 above.
and the Sacramento County 601 Project, where a number of sociological sources are posited for the cause of delinquent behavior, i.e. stigma, labelling, but implement a psychogenic based strategy of intervention, such as "behavioural contracting", casework and family therapy.40

Goals Of The Essex Diversion Project

The goals of the Essex Diversion Project are to be attained through the interaction of "the delinquent child, the parents, the victim and the Diversion worker".41 The stated program goals are:

1. To provide an informal means of solving problems involving delinquent acts of children.

2. To offer assistance to children on a voluntary basis without court intervention.

3. To give immediate attention to the problem to protect the community from a child's continued delinquent behaviour.

4. To allow the child to be actively involved in undoing his wrong.

5. To involve the victims of delinquent acts in the resolution of the problem, i.e. confrontation and compensation.

6. To engage parents in formulating and carrying out a plan to deal with their child's behaviour.42

Approximately eight months after the program's inception four additional goals were added:

40For a description of the San Diego Youth Service Bureau and Sacramento 601 Project, see pp. 97-119 above.

41Essex County Pilot Diversion Project, "Report," p. 3.

42Ibid., p. 3.
7. To elicit the participation of community groups and institutions in an actualizing response to the child's behaviour.

8. Bringing the youngster into contact with appropriate interested adults, where this is already inaccessible at home.

9. To enlist the aid of trained citizen volunteers.

10. To instill responsibility for conduct and de-emphasize punishment.43

The program goals emphasize direct service to clients. The first and third goals suggest that the control-treatment issue, inherent in the Juvenile Court and probation services, continues to exist in the diversion program function.44 The assumption is made in the program description that children are motivated and capable of being actively involved in undoing their wrongs.45 The more recent goals emphasize a degree of community involvement in the program, such as "...bringing the youngster into contact with appropriate... adults", and referral to other agencies.46 The eighth goal suggests an involvement with the family, or significant others, to the extent that a judgement can be made on the appropriateness of the parents, or significant others, and that volunteers may be used where it is believed appropriate.47

In the review of the literature the Juvenile Court's

43Ibid., p. 3.
44Ibid., p. 3.
45Ibid., p. 3.
46Ibid., p. 3.
47Ibid., p. 3.
philosophy was found to be based upon the progressive era's beliefs in the perfectability of man, a rejection of the classical school of criminology and the belief that childhood is a unique life stage.\textsuperscript{48} The goals of the Essex Diversion Project reflect some of the progressive era's beliefs upon which the Juvenile Court was founded. Similar to the rationale of the Court, the diversion program assumes it is concerned with the youths best interest and as a result the program seems to take the role of the kindly parent similar to the parens patriae doctrine of the Court which includes the use of procedural informality. For example, the Report states, similar to the Juvenile Court, that "It is not necessary nor is it desirable that all the children receive identical treatment".\textsuperscript{49} One of the assumptions upon which the Juvenile Court is based is clearly suggested in the Report philosophy, as reflected in the program goals, which is the belief that the specific environment of the child must be altered and the range of dispositional alternatives which are provided for in the diversion program by the staff person. The goals of the program seem to suggest that diversion is being used as an attempt to decriminalize the youth's actions regarding a first offense, to provide pre-trial intervention alternatives, as an an attempt to prevent delinquency and as an attempt to screen youths out of the Juvenile Court system.

\textsuperscript{48}For a description of the philosophy and development of the Juvenile Court, see pp. 78-93 above.

\textsuperscript{49}Essex County Pilot Diversion Project, "Report," P. 2.
Criteria For Acceptance To The Program

The Essex Diversion Project takes the position,

...that a fixed set of criteria is essential to ensure that access to diversion is granted consistently in each case, and to ensure that the program deal only with those cases it is designed to handle.\textsuperscript{50}

A functionalist approach to service delivery seems to be implied in the stated program belief that "...the availability of personnel and the ability of the program to adequately deal with certain behavioural problems dictate the criteria for diversion".\textsuperscript{51} The Report states that the criteria "...should be arrived at by friendly co-operation between the police, the Crown Attorney and the Court".\textsuperscript{52}

The criteria for acceptance are stated in exclusionary form. The nine categories of cases not to be diverted are youths who have committed:

1. armed robbery;
2. robbery with violence;
3. murder;
4. manslaughter;
5. any offense involving violence, except common assault;
6. where the Crown insists on Court intervention;
7. where the child or his parents insist on Court intervention;
8. where the Prosecutor's case will become stale or unprovable through a lapse of time; and

\textsuperscript{50}\textit{Ibid.}, p. 5.
\textsuperscript{51}\textit{Ibid.}, p. 5.
\textsuperscript{52}\textit{Ibid.}, p. 5.
9. where the child has previously appeared in Court or been diverted.  

The young people eligible for the program are those who have committed status offenses or acts, such as car theft or break and entry. The youth may be admitted to the diversion process once only in the Essex Diversion Project. The youth has one opportunity only to modify his or her behavior in order to avoid official involvement with the Juvenile Court which seems to imply the belief in the ability of all adolescents to learn rapidly from environmental influences, such as "behavioural contracting" and to be capable of modifying future behavior based upon the time span of the process, from a few days up to nine months in the project. The police maintain the authority to insist upon a Court appearance of any given youth.  

**Procedure For Diversion**

Procedures for diversion in the Essex Diversion Project are described in the Report in eight sections: intake; admission of facts; options available to diversion worker; the plan; compensatory task agreements; referral; follow-up; and closing options. The complete procedures may be found in the Appendix. (Appendix B)

**Intake**

At the first meeting with the Diversion Worker, the youth,

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53 Ibid., p. 5.

54 Ibid., p. 5.

55 Ibid., pp. 13-16.
parents the duty counsel are to be present. The program is described by the worker, and when it is established that the youth has a clear understanding of the alleged occurrence as stated in the police Information, and the options available, the diversion worker leaves the meeting and is replaced by the duty counsel whose responsibility it is to advise the youth and family regarding the admission of facts.56

Admission Of Facts

The Report states that the duty counsel "...peruses the Crown brief attached to the charge and advises of the probability of a finding of delinquency if the charge proceeded to Court...."57 Before the "child" can elect for diversion, it must be clearly understood that the plea would be guilty if the "charge" proceeded to Court. At this point of the initial interview, the parents and the youth both sign a General Admission of Facts. (Appendix B) The General Admission of Facts further states the parents and youth have had access to legal counsel and that the youth accepts responsibility for the behavior attributed to him in the Information.58

Options Available For Diversion Worker

Within two weeks of the initial interview, where the General Admission of Facts is signed, the diversion worker

56 Ibid., p. 13.
57 Ibid., p. 6.
58 Ibid., p. 6.
meets with parents and "child" to ascertain how the "child"
functions in the home, the school and in the community. The
worker further tries to identify strengths existent in the
family constellation and to discuss the need, if one exists,
for referral to a resource agency. The program procedures
state that the diversion worker is to assess the youth and
family and develop a "diagnosis" and then formulate a "treat-
ment" plan.\(^59\) The range of diversion responses include:
"cautioning the child verbally"; developing a "compensatory
task" agreement; developing a referral agreement; or moving
the case on to the Court.\(^60\) It is stressed in the program
literature that if, at any time, the parents or "child" dis-
play an apparent lack of co-operation, the diversion worker
is to refer them back to Court for processing.\(^61\)

The Plan

The program procedures suggest that the diversion "plan"
is to be "mutually developed" by "child", parents, victim and
the diversion worker. The Report suggests the plan is to be
specific, time limited and individualized to meet the child's
needs.\(^62\)

Compensatory Task Agreement

Each restitution plan is to be arrived at through

\(^{59}\)Ibid., p. 14.

\(^{60}\)Ibid., p. 7.

\(^{61}\)Ibid., p. 8.

\(^{62}\)Ibid., p. 7.
negotiation between "child" and victim with the diversion worker acting as a facilitator and mediator. Work values for offenses are determined by the victim and the community, police time, personal suffering inconvenience incurred by the victim and the "child's age" and work capacity. When victims select not to be involved in a compensatory task agreement, they are to be asked to participate in developing a work value and to suggest a community service area for youth.

In terms of the work value assessment related to the alleged offense, the youth is held responsible for the police time spent in the investigation of the offense and the taking of statements at the rate of eight dollars per hour per officer. The youth is credited, in that money does not actually change hands, with the, then minimum wage, equivalent of two dollars and forty cents for each hour actually worked on an agreed upon task. The program takes the position that, 

"...work values in these offenses, however, should be sufficient to reflect the seriousness with which the community regards such behaviour". 64

Referral

The Report suggests that only those children whose social profiles indicate the need for ongoing intervention and support are to be referred to agencies for service. The

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63 Ibid., p. 7.
64 Ibid., p. 17.
child and the parents are engaged with the diversion worker in identification of an appropriate agency and in identification of an appropriate agency and in negotiating the duration of their involvement with that agency.65

Follow-up

In the instance where a compensatory task agreement is developed, the diversion worker remains in contact to assure that the youths keep their promise of restitution and to mediate any interpersonal difficulties between the "child" and the adult supervising the "child's" work. The diversion workers have the responsibility for finding places for the youths to work that are believed appropriate. The diversion worker is assigned the task of systematically following-up on the youth's involvement in the selected process, such as the referral to other agencies or the restitution agreements.

Closing Options

The charge against the "child" remains pending until the "child" fulfills his or her agreement. This clearly identifies the program as a court based diversion approach. If at any time the "child" fails to keep the terms of the agreement, or indicates a lack of co-operation, the charge is activated by the diversion worker and the "child" must appear in Court. At the time of this research there was no appeal process available regarding the decision to return to court. When the "child" has fulfilled the agreement and upon recommendation of the diversion worker, "the charge

65Ibid., p. 8.
is adjourned sine die. At any point in the diversion program of a youth, when the worker is assured that the youth has attained satisfactory social adjustment, a recommendation for sine die adjournment may be made and the contract is then regarded as having been completed satisfactorily.

Protecting The Juvenile

The Essex Diversion Project insists that a "charge be laid" on the rationale that this will prohibit the intake to the justice system of more youths than might have been referred prior to the program's existence. The duty counsel is present at the first meeting to advise the youth and parents "...if the offense is a provable one." The fact that the child has been diverted or refused diversion is not to be taken into account in any future Court hearings. Once the diversion agreement has been completed, and the "charge adjourned sine die, the file is closed. The Ontario legal system presently does not have a method for assuring that the case would not be re-opened since in effect the case had only been adjourned and cannot be dismissed. The files are kept in the diversion filing cabinet which is in the Office complex at the Provincial Court (Family Division).

The parents of the youth, as part of the admission procedure to the program, are given a form to sign that

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66 Ibid., p. 8.
67 Ibid., p. 9.
68 Ibid., p. 10.
69 Ibid., p. 10.
states they will not sue, on the youth's behalf, the place where the young person works out the compensatory task agreement in case of accident or injury. In the Report, a copy of a letter to Judge T. L. Docherty, Provincial Court (Family Division) from the Acting Director of Industrial Safety Branch of the Ontario Ministry of Labour suggests that, "This type of work does not come under the scope of the Industrial Safety Act, 1971." The letter further states, because of the broad coverage of the term 'industrial establishment' in that Act, there is always the possibility that this opinion could be challenged legally.

**Policy Guidelines**

Where the youth is prepared to make a General Admission of Facts to one Information only, where there are more than one Information, all the Informations are returned, including the one admitted, to the Court. Where the youth disputes the facts, as stated in the Information, the diversion worker is to contact the police officer and ascertain if the officer is willing to amend the Information. If the officer selects not to amend the Information, the case is returned to the Court.

**Evaluation**

Monthly meetings are held with all staff persons involved.

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70 Such forms duly signed are present in a number of the program files.

71 Essex County Pilot Diversion Project, "Report," Appendix B.

72 Ibid.

73 Ibid.
to revise and update forms and procedures. Meetings with the law enforcement agencies are scheduled every six months in an attempt to establish "uniformity of procedure."

This research represents an attempt to incorporate a research component into the Essex Diversion Project. The interest in the topic area, the description and possible evaluation of a new diversion program was initiated by the Ontario Ministry of Correctional Services approaching the School of Social Work, University of Windsor, in late summer of 1975, and requesting an evaluation of the program. At that time it seemed that the research project would be funded by the Ministry of Correctional Services, as the Report suggests.

Presently, eleven months after the research project's inception, it remains unclear if this project is to be funded, as a public service, by the three graduate students involved as partial fulfillment of the Masters of Social Work degree, or if in fact retroactive reimbursement for the cost of the study is to occur.
CHAPTER IV

METHODOLOGY

Purpose of Study

The purpose of this study was to examine and describe the Essex County Pilot Diversion Project through collecting data regarding the perceptions of those youths involved in the program.

Although the Essex County Diversion Project was attempting to formalize previous informal practices of the juvenile justice system, its stated goals had never been examined in terms of their perceived effect upon the client population. The researchers addressed themselves therefore, to the question of whether young persons in conflict with the law in the Diversion program perceived the administrative approach as minimizing their involvement in the traditional juvenile justice system and maximizing their opportunity for problem settlement.

Cressey and McDermott support Nejelski's¹ statement

that diversion is a neglected area in terms of research.

So far as we know, no one has shown that the juvenile and his family perceive their handling as materially different under the auspices of a diversion unit than under a more traditional juvenile justice agency. The question is rarely formulated let alone asked.

The Law Reform Commission's views are consistent with Cressey and McDermott's statements that there is a need for research into the area of diversion. This some need was also recognized by the Ministry of Corrections through their approach to the School of Social Work, University of Windsor, when limitations prevented the establishment of a full time research component.

Description Of The Research Design

An exploratory design strategy was selected as a result of the lack of previous research data on Diversion programs similar to the program initiated in Essex County. It was felt that the data from this study would offer a clearer and more comprehensive understanding of the Essex County program as related to its program approach which is designed to meet the needs of young persons in conflict with the law. Based upon the data, the program's philosophy and stated goals could be objectively assessed.

Fellin defines exploratory studies as

... empirical research investigations which have as their purpose the formulation of a problem or a set of questions, developing hypothesis, or increasing the investigator's familiarity with a phenomenon or a setting to lay the basis for future research.2

While it is recognized that exploratory research is often criticized due to its unscientific nature as compared to experimental studies which employ the use of control groups, research of an exploratory type permitted the researchers to formulate a conceptual framework into which ideas were placed, which gives definition, orientation and direction to the study.

An exploratory design fulfills the purpose of the study in that it permitted the researchers to examine the youth's perceptions of the Essex County Diversion Project in which they were involved.

The design could be further sub-typed as being exploratory-descriptive. In exploratory-descriptive research both quantitative and qualitative descriptions are included. Sampling procedures are flexible in order to determine new concepts and instrumentation. The main concern in exploratory research is upon increasing the investigators familiarity with the process or phenomena being examined. Findings may be described in a narrative form. The study was descriptive in that it sought to define the recently developed system of formal diversion in the Essex County juvenile justice system, through exploring and describing how the youths involved perceived the program in terms of its stated goals.

Operational Definitions

Due to the multiplicity of concepts inherent in this study, the most significant variables in our study are operationally defined as follows:
Essex County Diversion

Diversion as defined by the Essex County Diversion Program is "a method of temporarily deflecting or administratively sidetracking juvenile offenders from the juvenile justice system, that according to certain acceptable criteria do not belong to that system."³

A further definition of diversion applicable to the concept of diversion is defined by Elo Glinfurt in his article "Formal Criminal Justice Diversion" as the

... suspension of further...justice processing at any point of decision-making from first contact with police to final discharge for any predetermined category of offender otherwise liable to such continued processing coupled with referral to a community program, open as well to community referrals, on condition that further processing will be terminated if he fulfills obligations specified by such a program.⁴

Due to the fact that no one definition of diversion is all inclusive, two areas within the above definition were examined: more specifically the areas of pre-trial diversion and alternatives to Juvenile Court. The two areas of diversion germane to the Essex County Program are operationally defined as follows:

Pre-Trial Diversion

Referring a case out at the pre-trial level to be


dealt with by settlement or mediation procedures rather than proceeding with charges in Juvenile Court.

Alternatives to Juvenile Court

Alternatives to the Juvenile Court refer to the increased usage of pre-trial diversion alternatives such as restitution - compensation, non-interventive dispositions, community service contracts, problem resolution through victim confrontation and conciliation agreements.

Young Persons In Conflict With The Law

According to the Juvenile Delinquents' Act 1970, young persons in conflict with the law include boys and girls under the age of sixteen years, or such other age as may be directed in any other Province pursuant to subsection two of the Child Welfare Act 1970, who have committed an offense that could be adjudicated in Juvenile Court.

Perception

Perception in this study is defined as

... the process in which the individual is sensitized toward, differentiates an impinging event, and places it psychologically in some sort of relationship to his existing conceptual standards by evaluating it as being in some degree either compatible or incompatible with them. Such an act of relating can occur at varying levels of articulateness of subject awareness.5

Administrative Approach

The delegation of judicial decisions to non-judicial avenues of administrative decision-making, affecting the

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channeling of juvenile court cases to institutions defined as operating autonomously.

Involvement

This term refers to the juvenile's perception of what degree of penetration has been effected into the juvenile justice system through his participation in the Essex County Diversion Project. Cressey and McDermott refer to the term involvement as

...minimization of penetration...a popular phrase used for identifying diversion occurring within the juvenile justice system from court to another official or semi-official program. We think it means that the juvenile doesn't get mucked about as much, or as well, as he would if he penetrated to the maximum.6

Juvenile Justice System

Both an informal and formal manner of dealing with juvenile problem behavior in a court or court related manner.

Opportunity

For the purpose of this study, the definition of opportunity as found in Webster's Dictionary (1968) will be adopted. Webster's Dictionary defines opportunity as, "a combination of circumstances favourable for the purpose."7

Problem Settlement

An agreed upon solution to the problem that was


perceived to be satisfactory by all parties concerned.

Restitution

For the purpose of this study restitution was considered to be

...a sanction permitting a payment of money or any thing done by the offender for the purpose of making good the damage to the victim. Since the purpose is to restore as far as possible the financial, physical or psychological loss, restitution could take many forms including an apology, monetary payment or work order.  

Compensation

A contribution or payment by the state for the partial or full repayment to the victim for damages or suffering incurred through the commission of the offense.

Assumptions

The following assumptions are offered within a framework proposed by Glaser quoting Levy, who identifies the goals of diversion as being classified in three distinct areas, humanitarian, managerial and correctional.

Francine Bertrand in "The Pre-judicial Exercise of Discretion and Its Impact on Children," refers to Levy's approaches in terms of conceptualizing the goals of diversion.

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The humanitarian goals of diversion include:

... the reduction of the negative effects of criminal justice processing, including the posited stigma and labelling effects; a decrease of discriminatory decision making and an increase in the visibility of decision-making....

Klapmuts defines the managerial goals as "an attempt to achieve at least the same, if not better, results at considerably less cost to the public." Bertrand states that based upon the increase in the number of young persons in conflict with the law, diversion may be a cheaper alternative to accommodate the rise than the expansion of both the courts and institutions.

The "correctional" goal of diversion refers to the hope that "by diverting young people from the courts their subsequent involvement with the justice system will be eliminated or reduced."

The first assumption considered to be germane to this study is the effect that arrest, apprehension and adjudication has upon the juvenile. The stigmatization and labelling that

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12 Ibid., p. 333.

takes place is seen to be a direct result of the courts intervention.

The Juvenile Court is felt to be the supreme labeller for only the court can place the legal category on the child, an action that might have ruinous consequences. The court designates deviance, shapes its expression and helps to perpetuate it in secondary form.

This assumption relates to the humanitarian goal of diversion as well as to the labelling theory developed by George Herbert Mead, Frank Tannenbaum, Herbert Blumer, Edwin McClemert and others.

The second assumption related to the humanitarian goal of diversion and to the differential association theory as developed by George Herbert Mead, W. I. Thomas, Daniel Glasser, David Matza Sutherland and others. Based upon this theory is the notion that young persons in conflict with the law who have the potential of becoming adjudicated should not be cast into interaction with more experienced delinquents.

The third assumption related to both the managerial and correctional goals of diversion and concerned the issue of problem settlement. This term implicitly involves the dimensions of restitution-compensation, victim-offender


15 Ibid., p. 2.
confrontation and community responsibility for dealing with the offense behavior.

The assumption underlying restitution-compensation as one form of problem settlement is that "it is a natural and just response to crime, it is also a rational sanction."\(^\text{16}\) This form of problem settlement involves the acceptance of the offender as a responsible person with the capacity to undertake constructive and socially approved acts. Furthermore, the offender's restitution payments would become a self-corrective measure believed to be the most valuable form of correction. Not only does restitution work towards self-correction but it prevents or at least discourages the offender's committal to a life of crime.

A second belief underlying problem settlement is that of victim-offender confrontation. The underlying assumption here is that such a confrontation

... challenges the offender to see the conflict in values between himself, the victim and society... it invites the offender to see his conduct in terms of the damage it has done to the victim's rights and expectations.\(^\text{17}\)

A confrontation involving both the offender and the victim allows the victim to become personally involved in the undoing of any psychological or material injury caused him


\(^{17}\)Ibid., p. 7.
and is thus felt to be more satisfying for the victim. Victim-offender confrontation

... restores the victim to a more satisfactory and meaningful place by giving him an opportunity to confront the offender and receive restitution and undue the inequality of the present justice system, by providing the same opportunities for "non-criminal" management to the poor and powerless as are informally available to the middle and upper classes. 18

While victim-offender confrontation as defined by E. Glinfort focuses upon adults in the criminal justice system we assumed this holds true for the best interests of juveniles as well.

The justification behind community responsibility for problem settlement is based upon the belief that the juvenile justice system is overused, "that too much conduct has been swept under its scope, that resulting caseloads are excessive and hinder the efforts to deal with serious problems and that existing measures to cope with the pressures seem inadequate and lack resources." 19

A further assumption is that delinquent acts are a community responsibility and therefore, wherever possible should be resolved informally in the community. Community acceptance of problematic behavior "would create in the public mind new stereotypes." 20 "The process of encouraging acceptance of greater responsibility (community involvement)"

19Ibid., p. 4.
20Ibid., p. 18.
for resolution of conflicts on a broader and broader base may well strengthen throughout society a greater sense of community. 21

Research Question

The research question formulated for investigation in this study is as follows: Do young persons in conflict with the law in the Essex County Pilot Diversion Project perceive the administrative approach as minimizing their involvement in the traditional juvenile justice system and maximizing their opportunity for problem settlement?

The Setting

The setting for this study was the Essex County Diversion Project instituted on June 8, 1975 through the initiation of Provincial Judge T. L. Docherty and the direction of Miss P. Rolfe, Diversion Program Co-ordinator who was assigned to the program from the Ontario Ministry of Corrections, Juvenile Probation and After-Care. In addition, two professional social workers with the John Howard Society assisted on a part-time basis in the operation of the program. Weekly meetings are held on a formal basis to discuss aspects of the program. Within seven days of the laying of the information by the police the youth's eligibility for entrance into the Diversion program is determined. At the first Diversion meeting the youth, their parents, Duty Counsel and Diversion Worker are present.

21 Ibid., p. 15.
The Population

The population for this study was drawn from all youths involved in the Essex County Diversion Project from August 1, 1975 to March 1, 1976. The population included all youths who met the eligibility requirements for inclusion into the program. In addition, the population included seven young persons who were pre-test members.

As set out in the program's criteria for admittance, the following list represents nine offenses for non-inclusion into the Essex County Diversion Project:

1. armed robbery;
2. robbery with violence;
3. murder;
4. manslaughter;
5. any offense involving violence except common assault;
6. where the Crown insists on Court intervention;
7. where the child or his parents insist on Court intervention;
8. where the Prosecutor's case will become stale or unprovable through lapse of time; and
9. where the "child" has previously appeared in Court or been diverted.22

Youth who do not fall into any of the nine offense categories are considered eligible for inclusion into the Essex County Diversion Project.

Data Collection Instrument

Interview Approach To Data Collection

The data collection method selected in the study, its design and the questions posed were perceived to reflect the researcher's subjective assumptions regarding the problem inherent in collecting information from non adjudicated juveniles regarding their perceptions of the Diversion program that they were involved in. Sjoberg and Nett state:

...the researcher's logical theoretical-constructions delimit, if indeed they do not actually determine the kinds of questions he will ask. The objectification of one's own theoretical scheme is therefore a necessary condition for the construction of the appropriate kinds of questions.23

Implicit in this approach is the premise that close familiarity with the subject matter under study is most vital. In the study, the review of the literature, consultation with various specialists as well as the researchers' previous work related, professional experience with adolescents was felt to be of assistance in meeting this criteria.

The use of structured interviews as well as some aspects of semi-structured interviews were employed. The intent in the study was to move in the direction of a standardized interview where possible, and to retain the saliency aspects of the semi-structured approach. A standardized interview was chosen, in that the researchers

desired to collect the same information from each respondent interviewed. The choice to employ a standardized interview was based upon the concept that,

... only if all respondents are asked exactly the same questions in the same order can one be sure that all the answers relate to the same thing and are strictly comparable. Then, and only then, is one justified in combining the results into statistical aggregates.24

It was felt appropriate to employ a standardized interview, as the population was homogeneous in nature. It was necessary to formulate a research question which could be easily understood due to the complexity of the subject matter. At the same time, a semi-structured approach was employed within the standardized interview based upon the realization that relatively unsophisticated youth were being interviewed. It was recognized that each respondent would perhaps comprehend the questions differently based upon his or her varied intellectual and motivational capacities. Therefore, the wording of the interview questions, by the interviewers, was formulated so as to be appropriate for each individual respondent. Related to the degree of structure of the questions, both open and closed-ended questions were used to offer the respondent the opportunity to respond to those questions he or she perceived to be most salient. The researchers assumed the position that open-ended questions with the use of probing

techniques could obtain reports of events the respondent might exclude from a more specific question. The use of probe questions was made possible in the open-ended sequence. Sensitive attitudinal areas were approached with open-ended questions. In response to problems of threat and self-presentation the onus fell upon the interviewers to reduce the threat through an appropriate description of the intent of the interview.

In terms of the method of administration, face to face interviews were selected on the basis of attempting to incorporate the various educational, intellectual, and motivational capacities of the respondents. A caution that was responded to was that "findings indicated that related to illegal behavior, face-to-face interviews are responded to more positively in attitude than are self-administered questionnaires."\(^{25}\) It was also speculated that through the use of role modeling by the interviewers and the assurances of confidentiality, respondents would experience an interview atmosphere enabling them to respond more positively than they would to a questionnaire.

Research findings suggested that there are two kinds of memory error which operate in opposite directions. The first is the omission error, where the respondent forgets an episode entirely. The second is the kind of

error where there is a compression-of-time or telescoping error where an event is remembered as occurring more recently than it did. A comprehensive search of the literature (900 studies on interviews), Sudmon and Bradburn suggested that there is a decline in response effect that continues on through the three months time period. Relating method of administration to memory of events, findings of Sudmon and Bradburn indicate that the presence of an interviewer increases memory ability, but also increases the telescoping effect. Face-to-face interviews were administered with the youth in this Diversion project partially as a result of similar reasoning. In addition, the interview schedule was designed so as to lead the respondent through the logical sequence of events he or she had experienced.

Relating position of question to memory, two major hypotheses exist. First, the hypothesis that rapport increases throughout the interview, and second, that fatigue sets in, and leads to a decline in performance at the end of the interview. The first hypothesis was assumed in the Diversion project interview. Concerning fatigue, the length of the interview was kept under one hour.

Related to the location of the interview for attitudinal studies, there did not appear to be differences

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26 Ibid., p. 105.
27 Ibid., p. 107.
in the size of response effects given outside of the home. The researchers interviewed respondents in the home, where possible. This decision was based upon the desire to motivate the respondents to be agreeable to be interviewed and that the alternative settings such as the school would present administrative complications. Concerning the placement of questions in the interview schedule, the Bradburn and Mason analysis failed to demonstrate any consistent order effects. Sudmon and Bradburn (1974) state that considerably more research will have to be done before we can formulate any theory on position effects.

In the interview schedule (Appendix A) the funneling technique was used where specific data items were asked; for example, "Are you presently attending school?"

The topic areas in the interview schedule are:
1. specific data items 1 - 12;
2. general description of program being examined items 13 - 16;
3. notification of program items 17 - 19;
4. youth's expectations of program items 20 - 21;
5. initial Diversion meeting items 22 - 32;
6. the Diversion plan items 33 - 41;
7. restitution or task program items 42 - 45;
8. attitudes towards Diversion plan items 46 - 68;
9. attitudes towards offense items 69 - 72;

28Ibid., p. 46.
10. respondents self-definition and others items 73 - 78; and

11. conclusion and review of diversion process and the interview process items 79 - 83.

The specific data was placed first in the interview schedule to ease the introductory phase and begin the development of rapport. Prior to addressing ourselves to different data items, respondents were read a statement (Appendix A) in the form of a lead-up to increase their familiarity with the section to be dealt with.

The logic of proceeding through the diversion process was followed with the exception of "attitude towards offense" items which were placed later in the interview to permit the development of the task relationship between the interviewer and the respondent in an attempt to counter balance the "threat" aspect of specific issues related to the "offense." The section on self-definition was placed near the end of the interview for similar reasons. In the sections related to attitudes towards program goals, the sequence of, "What did you think the program was trying to do?," and then, "What did the program do?," was utilized. The sequence of question positions was an attempt to lead the respondents through the logical sequences of events experienced by the respondents through their participation in the Diversion program.

**Pre-test**

The interview schedule was pre-tested with seven adolescents who had entered the Diversion program between
the periods of June 1, 1975 to April 1, 1976. The time allocated pre-test sample was obtained by selecting respondents who had commenced participation in the Diversion program during the months of August, October, December, February and April.

An initial attempt was made to include a pre-test sample of ten adolescents, however three respondents chose not to be involved for varying reasons. As the population was drawn from the program period August 1, 1975 to March 1, 1976 the pre-test data collected was felt to be representative of the perceptions of those youths included in our population. The pre-testing led to minor revision and clarification of questions.

**Data Collection Procedure**

With respect to the data collection procedure, it was recognized that the role of the interviewer remained central to the process of collecting useable, reliable data. Since the variable of motivation was of central concern in the study, an attempt was made to motivate the respondent. This was initiated at the point of first contact, the letter requesting interview consent from the parents (Appendix D) and the telephone conversation, where the description of the reason for the study was stated in terms of attempting to permit the respondents the opportunity to discuss their perceptions of the quality of the service they received and the confidentiality of the process. A sincere effort was made to develop a consensually validated frame of reference,
namely, Sudmon and Bradburn's model of the survey interview through which the interview process was perceived and implemented by the interviews.

The time framework decided upon for data collection purposes was August 1, 1975 to March 1, 1976. The total population of youths involved in the Diversion program during this period was 75. The research population consisted of those youth currently participating in the Diversion program as well as youth who had completed the program and those youth who had received new charges. New charges is defined as those youth who have committed a further offense requiring a juvenile court adjudication or fact-finding hearing.

Data Analysis

The interview schedule was constructed so that it could be coded and programmed for computer analysis. The Statistical Package for the Social Sciences was used to prepare the data for computer analysis at the University of Windsor's Computer Centre.

As an interview schedule was administered which consisted of both open-ended and fixed-alternative questions, it was necessary to precode some of the fixed alternative questions and at the same time our open-ended questions were carefully coded and double checked after the data had been collected. The first step undertaken in the coding phase was to construct the code itself which then allowed the coder to classify the answers obtained in the
interview schedule into more concise form. The researchers referred to the objectives of the study and to the list of specifications of data in order to determine the kinds of information that were required. The code was then set up in such a way that it classified all of the information needed for the objectives. From the objectives, the researchers determined what items would be coded and what specific kinds of codes would be used. While the content of each code was set up according to the study objectives, the specific categories within each code were based mainly upon the actual responses to the questions themselves.

The researchers believed that the free answer technique or the open-ended question allowed the respondent to express his or her views in his or her own way. At the same time, however, it was not possible to anticipate everything the respondents would tell us and therefore in building the code it was necessary to go over some of the interviews to find out what kinds of things the respondents were frequently mentioning, which then warranted a special category in the code. The researchers made a careful study of the responses on the pre-test interviews for the express purpose of constructing a code that would be essentially complete and that would express the range of perceptions elicited in the interviews.

Due to the fact that there were three coders involved, it was necessary to discuss the responses in relation to the code in order to establish a standard frame of reference
by which the codes were to be interpreted. To ensure that
the researchers maintained a standard frame of reference,
a certain percentage of our interviews were recoded by a
second person, who then compared his coding with that of
the original coder.

The demographic variables such as age, sex, participa-
tion in the Diversion program, duration of participation,
school attendance, type of school attended, grade course
or program, domicile, parents' occupation and parents' em-
ployment were presented and analyzed in order to describe
the research population.

A comprehensive presentation and analysis was under-
taken as a means of exploring and describing those variables
with regard to the youths' perceptions of their overall
experience in the Diversion program. Implications derived
from the data analysis were included in an attempt to offer
a conceptual framework by which recommendations could be
suggested for program modification.

As the study was exploratory-descriptive in nature,
the data was presented by means of a descriptive analysis.
Emphasis was therefore placed upon a description of the
program from the youths' perceptions. A statistical
analysis was also completed.

Those variables which were directly related to
the research question under investigation and which offered
a description of the goals and objectives of the Essex
County Pilot Diversion Project as perceived by the youth
were chosen as a means of evaluating the program. These same variables were also cross-tabulated to determine if certain relationships existed between the youths' perceptions of the program's intent and the program's accomplishments.

**Limitations Of The Study**

One limitation of the study relates to the fact that the research undertaken focused upon only one diversion program. Due to the uniqueness of the program under study, some of the findings which related to the youths' perceptions of their experience in this program may not be entirely generalized to other diversion programs in operation at present.

The research population under study was "time allocated" in that the sample was selected over a seven month time period which meant that while some youths were commencing their program, others were well into the process or may have completed their involvement. Since the youths were interviewed at different stages of involvement in the program, their perceptions of the diversion experience may have differed.

As the Essex County Pilot Diversion Project had only been in operation for a two month period prior to the point at which the sample selection process was initiated, the youths' perceptions of their experience in the program were possibly influenced by the fact that at that time the program was in the initial stages of its development.
CHAPTER V

RESEARCH FINDINGS

Introduction

An analysis of the data, based upon the research question under investigation, will be dealt with in five major sections. These sections were developed from the interview schedule administered to the respondents. Each section of the analysis will include a presentation and analysis of the data followed by a statement on the implications derived from the analysis.

Section one discusses the research population according to the following demographic variables:

1. age;
2. sex;
3. participation in Diversion program;
4. duration of participation;
5. school attendance;
6. grade, course or program;
7. domicile
8. parents occupation; and
9. parents employment.

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These variables, as well as the variables to be discussed in subsequent sections, are examined in order to describe the research population in terms of the frequency of observations and their related percentages.

The second section of this chapter presents the data which describe the respondents' general perceptions of their experience in Diversion and documents their expectations of the program.

The third section discusses the youths' experience at the initial Diversion meeting and the following specific variables which influenced the youth in making a decision to enter Diversion are detailed:

1. parents;
2. youth;
3. fear of Court;
4. lawyer; and
5. police.

In addition to the above, responses which describe the interactions between the program personnel and the youth are included. Section three also reports on the responses that relate to the influence of the various persons upon the development of the youth's Diversion Task Plan, namely:

1. parents;
2. lawyer;
3. youth;
4. Diversion worker; and
5. victim.

A description and analysis of the victim's involvement with the youth is also included in this section.

The section concludes with a presentation and analysis of the data concerned with the youths' perceptions of their Diversion Task Plan, followed by a discussion of the implications drawn from the analysis.

Section four deals with a description and analysis of those evaluative variables, identified in the review of the literature, as being the goals of the Essex County Diversion Project. In addition, section four offers a two-way analysis of various cross-tabulations to determine if certain variables are related to the youths' perceptions of the program's intent and the program's accomplishments. For example, is there any significant relationship between what the youth perceived the program as trying to do, and their perceptions of what it actually did or did not do?

Section five concludes the chapter with those variables which describe the youths' attitudes toward their offense. An incidental finding is also presented to support the youths' perceptions of the effects that the Diversion program had upon them.

Presentation And Analysis Of The Research Population Along With Implications Of The Findings

As mentioned previously in the methodology chapter, the research population consisted of those youth who participated in the Diversion program including the pre-test
group from August 1, 1975 to March 1, 1976. Seventy-five youth were identified within this time period. Of these seventy-five youth, it was possible to complete forty-three interviews. In addition, it was decided to include the pre-test sample, which consisted of seven youth randomly selected from those youth participating during the program months August 1, 1975 to March 1, 1976, producing a research population of fifty persons.

Age

The research population consisted of fifty young persons ranging in age from eleven to seventeen years as shown in Table 1.

TABLE 1
AGE OF RESEARCH POPULATION BY FREQUENCY AND PERCENTAGE OF TOTAL

<table>
<thead>
<tr>
<th>Age in Years as of June, 1976</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>2</td>
<td>4.0</td>
</tr>
<tr>
<td>12</td>
<td>2</td>
<td>4.0</td>
</tr>
<tr>
<td>13</td>
<td>6</td>
<td>12.0</td>
</tr>
<tr>
<td>14</td>
<td>6</td>
<td>12.0</td>
</tr>
<tr>
<td>15</td>
<td>16</td>
<td>32.0</td>
</tr>
<tr>
<td>16</td>
<td>17</td>
<td>34.0</td>
</tr>
<tr>
<td>17</td>
<td>1</td>
<td>2.0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>50</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The largest age category was the sixteen year olds who accounted for 34% (N=17) of the research population. The next largest age category were those of age fifteen years which represented 32% (N=16) of the population. The
ages fifteen and sixteen therefore accounted for two-thirds or 66% of the sample. The smallest age group consisted of the eleven and twelve year olds representing a combined frequency of 8% or (N=4) of the total population.

The mean age of the research population was 14.7 years while the mode was 16.

General Implication

The number of youth in the research population aged eleven to fourteen represents 32% (N=16) as compared to the number of youth aged fifteen to seventeen which represents 68% (N=34). The researchers speculated that police may exercise more informal discretion with younger persons than with older youth by either referring them to a community agency or to their own home. Younger persons, however, may be provided with treatment alternatives which for the older youth can only be arranged under the auspices of the Juvenile Court, requiring that they be formally adjudicated.

Sex

Ninety percent (N=45) of the population were males while the females accounted for only 10% (N=5) as shown in Table 2.

General Implications

The extremely small number of females present in the research population may be due to one or more of the following factors:

1. Greater police discretion may be exercised with young females as opposed to young male offenders;
2. Perhaps a greater percentage of males become involved in offense-behavior than do females;

3. Societal tolerance and acceptance of offense-behavior may be greater for females than for males; and

4. A greater number of female offenders as compared to male offenders may be referred for treatment other than Diversion.

TABLE 2

SEX OF RESEARCH POPULATION BY FREQUENCY AND PERCENTAGE OF TOTAL

<table>
<thead>
<tr>
<th>Sex</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>45</td>
<td>90.0</td>
</tr>
<tr>
<td>Female</td>
<td>5</td>
<td>10.0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>50</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Participation In Diversion Program

Thirty-nine respondents indicated that they had completed their Diversion program while ten respondents were still in the process. One respondent was unable to state whether or not the Diversion requirements had been completed.

General Implications

The responses to the question, "Are you presently participating in the Diversion program?", indicated that the vast majority of youth have a clear understanding as to whether they are in the program or have completed it.

This finding supports one of the purposes of the Diversion program which states that a "child's plan is to
be ... specific and time limited.\textsuperscript{1} The one respondent's confusion as to whether the program had been completed may have been due to memory affect over time, individual level of understanding, or confusing criteria for program termination.

Duration Of Participation In Diversion

The duration of the youths' involvement in the Diversion program ranged from three days to just less than one year, indicating a wide spread of scores. For example, 25% of the population were involved in the program up to and including one month's duration. An additional 25% of the population were participating in the program up to and including three months duration. A further 25% of the respondents indicated that they were participating in Diversion up to and including four and one-half months duration. The remaining 25% of the population reported that they remained in the program for a period of up to and including eight and one-half months. The mode was 138 days which represents 6% (N=3) of the research population. The average length of time spent by the research population in the Diversion program was 103 days or approximately three and one-half months.

General Implications

The large variance of time spent by participants in

the Diversion program would seem to indicate that the factors cited in the program's *Pilot Diversion Project Report*,\(^2\) such as work values for offenses, the victim's personal suffering and inconvenience, and the youth's age and individual work capacity, may be influencing the youths' duration in the program.

As stated in the Report, youth are not required to participate in Diversion for a period exceeding nine months. Responses thus seem to support the general adherence to this guideline.

**School Attendance**

Of the fifty persons in the research population, 94% (N=47) are attending school. Those youth not attending school represent 6% (N=3) of the research population.

Forty-seven are attending regular Public or High Schools in Windsor and Essex County. There is no indication why three youths were not attending school. The largest category consisted of 44% (N=22) of the population who were in attendance at Secondary Schools. The next largest category consisted of 36% (N=18) who were in attendance at Elementary School level. The smallest category, those youth in attendance at Vocational Schools consisted of 14% (N=7) as shown in Table 3.

**General Implications**

The majority of youth in the Diversion program are in attendance at the same educational facilities attended

\(^2\)Ibid., p. 7.
by young persons not in conflict with the law. The researchers therefore presume that the research population is not excessively disruptive, requiring specialized educational services to meet either behavioral or rehabilitative needs.

**TABLE 3**

**TYPES OF SCHOOLS ATTENDED BY FREQUENCY AND PERCENTAGE OF TOTAL**

<table>
<thead>
<tr>
<th>Type of School</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td>18</td>
<td>36.0</td>
</tr>
<tr>
<td>Secondary</td>
<td>22</td>
<td>44.0</td>
</tr>
<tr>
<td>Vocational</td>
<td>7</td>
<td>14.0</td>
</tr>
<tr>
<td>Not Attending</td>
<td>3</td>
<td>6.0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>50</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

The fact that 44% of the population are in attendance at High Schools suggests that a large percentage of the population are able to function on a relatively high intellectual level.

Acting-out behavior at this point in time may be consistent with adolescent development since two-thirds are age fifteen and sixteen.

**Grade, Course, Or Program**

Of the forty-seven persons in the research population attending school, grades range from five to eleven. Of those attending school, approximately 81% (N=38) are in grades eight, nine and ten. The minimum grade category is five, which represents 4% (N=2) of the research population.
while the maximum grade category is 11, representing 2% (N=1) of the population as shown in Table 4.

**TABLE 4**

EDUCATIONAL-LEVEL ATTAINED BY FREQUENCY AND PERCENTAGE OF TOTAL

<table>
<thead>
<tr>
<th>Grade</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>2</td>
<td>4.0</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>8.0</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>4.0</td>
</tr>
<tr>
<td>8</td>
<td>11</td>
<td>22.0</td>
</tr>
<tr>
<td>9</td>
<td>13</td>
<td>26.0</td>
</tr>
<tr>
<td>10</td>
<td>14</td>
<td>28.0</td>
</tr>
<tr>
<td>11</td>
<td>1</td>
<td>2.0</td>
</tr>
<tr>
<td>Not attending</td>
<td>3</td>
<td>6.0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>50</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

**General Implications**

The responses to the question of what educational level individual members of the research population had attained suggests that 81% of the young persons in Diversion are in the last year of Elementary School or the first two years of Secondary School.

The fact that only 16% (N=8) of the population are in grades five, six, and seven may suggest that being in the senior year of Elementary School as well as the initial years of Secondary School influences youth to behave in such a way
that they come into conflict with the law.

Since grades 8-10 are equated to ages during which youth frequently struggle for emancipation from their parents, the age factor may be more significant than the grade level.

**Domicile**

All of the fifty persons in the research population are living with their own families, or with one of their biological parents.

**General Implications**

Some interesting observations may be made from the responses to the question, "With whom are you presently living?"

Relatives, friends, foster or group home settings were not being utilized by any of the population at the time of data collection.

Speculations as to why none of the Diversion participants were residing outside of their natural family suggest various possibilities: (i) that they were excluded through the exercise of non-intervenive practices by the police, (ii) that they were excluded from the Diversion program through direct referral to Court, (iii) that they are not deemed to be eligible for Diversion since their admission criteria states that the family is to be involved in the process, (iv) that youth in Diversion come from very average homes, and (v) offenders are from "normal" families representative of the total population.
Parents' Occupation

Forty-nine respondents indicated that their parents' occupation was in one of four categories: professional; skilled labour; labour; or housewife, as shown in Table 5. One respondent did not identify a category.

TABLE 5
PARENTS' OCCUPATION BY FREQUENCY AND PERCENTAGE OF TOTAL

<table>
<thead>
<tr>
<th>Occupational Category</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional</td>
<td>5</td>
<td>10.0</td>
</tr>
<tr>
<td>Skilled Labour</td>
<td>22</td>
<td>44.0</td>
</tr>
<tr>
<td>Labour</td>
<td>14</td>
<td>28.0</td>
</tr>
<tr>
<td>Housewife</td>
<td>8</td>
<td>16.0</td>
</tr>
<tr>
<td>No response</td>
<td>1</td>
<td>2.0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>50</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

The largest occupational category, consisting of 44% (N=22), represents skilled labourers, while the next largest category, 28% (N=14), are those parents who are employed as labourers. Sixteen percent (N=8) of the persons in the research population were from mother-led families where the identified occupation was that of housewife. The smallest number, 10% (N=5), are those parents who are in the professional category.

General Implications

The range of parents' occupations indicated little
support for the premise that the parents of young persons in conflict with the law represent any specific occupational categories.

The researchers speculate that the frequency of the occupational categories represents a non-discriminatory application of discretion by the police and by the Diversion program personnel at the intake point of the program.

From a review of the literature, one would expect that young persons in conflict with the law are those youth from families whose occupational category would place them in a lower socio-economic class group. From the responses shown in Table 5, the questions are raised that perhaps the occupational categories are representative of the families of youths in conflict with the law in Windsor. This supports Empey's and Lubeck's finding which suggests that the association of socio-economic class to delinquency is not clear and does not help to explain delinquency causation.

The findings as shown in Table 5 may reflect the application of intake criteria either implicit or explicit in this program.

Parents' Employment

Of the forty-nine respondents, thirty-seven indicated that their parent or parents are employed full-time. Parents who are employed part-time represent 6% (N=3), while parents who are unemployed also represent 6% (N=3) of the research population. Parents who are retired represent 2% (N=1), while parents in receipt of government benefits (Mother's
Allowance) comprise 10% (N=5) of the sample as shown in Table 6.

### TABLE 6

<table>
<thead>
<tr>
<th>Parents' Employment</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employed full-time</td>
<td>37</td>
<td>74.0</td>
</tr>
<tr>
<td>Employed part-time</td>
<td>3</td>
<td>6.0</td>
</tr>
<tr>
<td>Unemployed</td>
<td>3</td>
<td>6.0</td>
</tr>
<tr>
<td>Retired</td>
<td>1</td>
<td>2.0</td>
</tr>
<tr>
<td>Government benefits (Mother's Allowance)</td>
<td>5</td>
<td>10.0</td>
</tr>
<tr>
<td>No response</td>
<td>1</td>
<td>2.0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>50</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

**General Implication**

The responses to the question on the nature of parents' employment revealed that nearly three-fourths of the parents of young persons in the research population were in full-time employment. This finding may negate the assumption that youth who become involved in offense behaviors are those whose parents do not adhere to traditional work values. This assumption receives no support according to the responses obtained since only 6% (N=3) of the respondents' parents were unemployed at the time of the interview and only a small percentage, 10% (N=5), were in receipt of government benefits.
Cross-tabulations Of Demographic Variables

Age By Duration

In an analysis of age and duration of the youths' involvement in the Diversion program, it was found that the association between age and duration of involvement in the program was not statistically significant as shown in Table 7.

TABLE 7

A COMPARISON OF THE AGE OF RESPONDENTS WITH THE DURATION OF INVOLVEMENT IN THE DIVERSION PROGRAM GIVING FREQUENCY AND PERCENTAGE OF TOTAL

<table>
<thead>
<tr>
<th>Age</th>
<th>Duration</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>5-6 months</td>
<td>2</td>
<td>4.0</td>
</tr>
<tr>
<td>12</td>
<td>4-8 months</td>
<td>2</td>
<td>4.0</td>
</tr>
<tr>
<td>13</td>
<td>1-8 months</td>
<td>6</td>
<td>12.0</td>
</tr>
<tr>
<td>14</td>
<td>1-4 months</td>
<td>6</td>
<td>12.0</td>
</tr>
<tr>
<td>15</td>
<td>1-6 months</td>
<td>16</td>
<td>32.0</td>
</tr>
<tr>
<td>16</td>
<td>1-7 months</td>
<td>17</td>
<td>34.0</td>
</tr>
<tr>
<td>17</td>
<td>8 months</td>
<td>1</td>
<td>2.0</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>50</td>
<td>100.0</td>
</tr>
</tbody>
</table>

General Implications

When age and duration of involvement in the Diversion program were cross-tabulated and the data was analyzed, no statistically significant degree of association was determined.
Age does not appear to determine the duration of involvement in the Diversion program.

Other factors as cited in the "Diversion Report" may determine the duration of time spent in completing the Diversion Task Plan, such as: (i) the child's work capacity, (ii) personal suffering and inconvenience incurred by victim, (iii) the actual monetary costs incurred by the victim and the community (police time).\textsuperscript{3}

Since the age of the respondents does not appear to determine the duration of involvement in the program, the researchers question if perhaps the youth's offense is the factor relied upon in determining the duration of the program.

The researchers are unclear as to which factor or factors may determine the youth's duration in the program. A youth's duration of involvement in the program may depend upon the diversion worker's workload. For example, if the diversion worker was faced with a heavy caseload, perhaps the length of time required to find a suitable compensatory task would be increased, thus resulting in a youth spending more time in the program since he or she may be required to wait for a compensatory task to be assigned.

Age By Grade

The 47 persons in the research population who were attending school were between the ages of 11 and 17 and their level of educational achievement was between grades 5-11. Table 8 shows the actual distribution.

\textsuperscript{3}Ibid., p. 7.
TABLE 8
A COMPARISON OF RESPONDENTS' AGE WITH GRADE GIVING FREQUENCY

<table>
<thead>
<tr>
<th>Age</th>
<th>Grade</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>11</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>1*</td>
<td>1*</td>
</tr>
<tr>
<td>13</td>
<td>0</td>
<td>1*</td>
</tr>
<tr>
<td>14</td>
<td>0</td>
<td>1*</td>
</tr>
<tr>
<td>15</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>16</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>17</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>2</td>
</tr>
</tbody>
</table>

*indicates respondents who appear to be over-age with respect to grade as compared to the general population.

In order to determine if the research population showed any similarities or differences in grade attainment respective to age with that of a general population, the researchers contacted the Windsor Board of Education. Statistics were not available as to the grade progression of a general population respective to age. On the premise, however, that a child begins kindergarten at age five, and regularly progresses one grade per year, it appears that over one-fourth of the research population, 27.7% (N=13), attending school are behind in educational achievement. At the same time,
three-fourths of the population appear to be in the expected grades relative to age. The research did not identify any youth who were excelling in educational achievement relative to age.

Presentation And Analysis Of Respondents' Perceptions And Expectations Of The Diversion Program

Respondents' Perceptions Of The Diversion Program

Perceptions of the research population in regard to the meaning of the Diversion program varied extensively. Thirty-six percent (N=18) of the population perceived the Diversion program as meaning that they did not have to go to Court and thereby avoid a Court appearance. Thirty-four percent (N=17) of the respondents indicated that they saw the Diversion program as a resolution of their problems and hence avoidance of getting into future conflict with the law. Only a small percentage, 10% (N=5), of the youth indicated that the Diversion program meant punishment while one respondent perceived the program as being the same as Court.

In contrast, 6% (N=3) of the youth stated that the Diversion program meant less formality than Court and further felt that the Diversion process was easier than proceeding to Court.

Twelve percent (N=6) of the population indicated that they did not know what the Diversion program meant to them.
Analysis further indicated that 78% (N=39) believed that they would not have a "record" upon completion of the program, but 16% (N=8) of the respondents believed that they would have a "record" after the program terminated. Three respondents did not know if they would or would not have a "record" once their Diversion program was completed.

In regard to the perceptions of the research population as to whether or not they would have to go to Court if they failed to complete their Diversion plan, findings showed that 90% (N=45) of the respondents felt that they would have to proceed to Court. Only two respondents stated they would not have to go to Court while another three did not know.

When respondents to the above stated question were asked to explain why they felt Court proceedings would occur if their Diversion plan was not successfully completed, the largest percentage, 44% (N=22), stated that they would have to proceed to Court due to the fact that they broke their Diversion Task Plan agreement. Twenty-four percent (N=12) of the respondents specifically indicated that they were advised by the Diversion program personnel that they would have to proceed to Court if they failed to carry out their Diversion Task Plan. Those persons who did not know represented 12% (N=6) of the population. Of the 50 persons in the population, 20% (N=10) did not respond to this question.

An examination of the perceptions of the research population as to whether there was any difference between
going to Court and being in Diversion showed that 98% (N=42) felt there was a difference while only one respondent believed that Diversion and Court were not different from each other. Pre-test members which represented 14% (N=7) of the research population are not included since this question was added to the interview schedule following the pretest. Of the forty-three respondents who described what they perceived as the differences between Court and Diversion, the largest category, 30% (N=13) felt that Diversion was more helpful than Court. Twenty-eight percent (N=12) of the respondents indicated that the difference between Court and Diversion was based upon the fact that in Diversion one does not receive a "record." Those who saw Diversion as providing them with more opportunity to resolve problems compared to Court, represented 19% (N=8) of the population. While 5% (N=2) indicated that Diversion was a less traumatic experience than Court, a further 14% (N=6) perceived Diversion as being less punishing than Court. Two persons did not know what the differences between Court and Diversion were. Again, this question was not asked of the seven pre-test population.

From the responses to the question of how the research population first learned of the Diversion program, the largest category, 64% (N=32), represented those who initially learned of the program through a letter from the Diversion worker, while 14% (N=7) indicated that they were informed of the program through a letter from the Court.
Those who first learned of Diversion from the police represented 14% (N=7) of the population. Eight percent (N=4) indicated that they first learned of the Diversion program through either a friend or from their school.

General Implications Of The Youths' Perceptions Of Their Experience In The Diversion Program

The responses to the question, "What did Diversion mean to the participants?" suggested that youth perceived the Diversion program in many varied ways. The different perceptions of the program support statements made in the review of the literature that the concept of Diversion is a confusing one and can mean different things to different people. This finding is not at all surprising as a review of the literature showed that the concept of Diversion was an ambiguous one, not only to the participants but also to program personnel. The researchers conclude that perhaps the ambiguity and confusion present in the understanding of the meaning of the program is evidenced in the planning and administration of Diversion programs may well be transferred to the recipients of Diversion services.

The responses to the question, "Will the youth have a juvenile record after finishing the Diversion program?" revealed that more than three-fourths of the research population understood that a "record" would not be received when Diversion terminated. This would suggest that the perceptions of the vast majority of youth supported the program's stated goal of ensuring that participants be made aware that
in Diversion a finding of delinquency is not made. The remaining one-fourth of the population responded either inaccurately or ambiguously to this question which suggests that it may, in fact, be due to the specific youth's level of comprehension or on the other hand, it may have resulted from an inconsistent description of the program by Diversion personnel. In any event, it is clear that this matter needs careful attention.

Youths' perceptions in 90% of the cases accurately supported the program's stated procedure that, "If at any time the 'child' fails to live up to the terms, or indicates a lack of co-operation, the charge is activated and the 'child' must appear in Court." Respondents whose perceptions were not consistent with this procedure may not have comprehended the terms and conditions of agreement or such terms and conditions may not have been taken seriously by the youth or perhaps the youth may not have been told.

Approximately one-third of the population either gave inaccurate responses or did not respond. This may be indicative of the respondents' comprehension level, memory capacities over time or perhaps unsystematic presentations of Diversion program procedures.

Youths' perceptions of the differences between Court and Diversion varied to a large extent. The youths' perceptual differences could be attributed to their lack of

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4Ibid., p. 8.
experience with the juvenile justice system. From the perceptions obtained, the researchers concluded that the vast majority of the population perceived their handling in Diversion as being materially different from what they perceived it might be in Court. Thus, speculations are offered which may support the conclusion that youth did not perceive themselves as fully penetrating the Juvenile Court system.

While most respondents indicated that they first learned of the Diversion program through a letter from the diversion worker, it was most interesting to note that 14% of the youth indicated that their initial awareness of Diversion resulted from a letter from the Court. The researchers were concerned that perhaps, in the latter instance, respondents may have confused the initial contact letter as being sent from the Court. It was subsequently noted that all initial letters sent to the youth bear a Court letterhead. In addition, the contents of this letter clearly state that unless co-operation is voluntary, it would be necessary for the Court to issue a subpoena. The researchers therefore question the voluntary aspect of the Diversion program since the contents of the initial Diversion letter strongly imply an element of coercion.

Expectations Of Diversion Program

In order to ascertain how the youth felt about entering the Diversion program, the researchers asked them what they

5Ibid., Appendix I.
had thought the new experience would be like before they entered it. Responses showed that the youth's expectations ranged from the extremely positive to the extremely negative. Those 10% (N=5) who responded extremely positive stated that they expected the Diversion program to be a very helpful experience for them. Another 6% (N=3) expected the program to be an informal experience with few people involved, while 18% (N=9) expected their Diversion experience to be better than proceeding to Court. Those who stated that they did not think about the Diversion program prior to entering represented 10% (N=5) while those who indicated that they did not know what to expect included 12% (N=6) of the total population. Responses which revealed that the youth held negative expectations of the program represented 18% (N=9) of the respondents. These persons expected Diversion to be a punishing and traumatic experience. One person expected Diversion to be the same as Court and 24% (N=12) expected the Diversion program to be a lot of work.

The researchers were further interested in noting the youth's personal feelings upon entering the program. The largest percentage of the research population, 66% (N=33), indicated that they felt relieved, and generally good about entering Diversion in that it was an alternative to Court. At the same time, 26% (N=13) indicated that they felt scared. Only one youth said that he felt confused while two others said that they felt ambivalent and another indicated a feeling of embarrassment.
In order to determine if the respondent's expectations of the Diversion program had an effect upon his or her actual perceptions of the experience in Diversion, both variables were cross-tabulated. The researchers concluded that there was a low degree of association between a respondent's expectations and actual perceptions of his or her experience in Diversion as shown in Table 9. Only 14% (N=7) of the respondents stated expectations were consistent with their stated experience in the Diversion program. It is worth noting that 4% (N=2) of the respondents who expected the program to be better than proceeding to Court actually described Diversion as being a punishing experience while one of the respondents who expected Diversion to be punitive described the program as an opportunity to solve problems and hence reduce the chances of getting into future trouble. Of the 50 respondents, only 10% (N=5) actually described the program as being a punishing experience. Other respondents, 4% (N=2), who expected Diversion to be a lot of work described the program as punishment while 2% (N=1) who didn't know what to expect, later described Diversion as punishment.

**General Implication**

Data from the cross-tabulation revealed that the majority of the respondents showed changes in expectations held prior to entering Diversion as compared to perceptions held while in the process of completing the program. In various cases, youth who held negative perceptions prior to entering Diversion became more positive towards the program.
<table>
<thead>
<tr>
<th>Perception of Actual Experience</th>
<th>Perception of Expected Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kept out of Court and avoided a record</td>
<td>Perception of Expected Experience</td>
</tr>
<tr>
<td>- In-formal</td>
<td>0 0 4 44.4 2 40.0 2 40.0 1 100.0 3* 33.3 4 33.3 2 33.3</td>
</tr>
<tr>
<td>- Punishment</td>
<td>0 0 0 0 0 0 0 0 0 2 22.2 2 16.7 1 16.7</td>
</tr>
<tr>
<td>Problem resolution and avoidance of trouble</td>
<td>Perception of Expected Experience</td>
</tr>
<tr>
<td>- In-formal</td>
<td>1 33.3 1 11.1 2* 40.0 3 60.0 0 0 4 44.4 5 41.7 1 16.7</td>
</tr>
<tr>
<td>- Punishment</td>
<td>0 0 0 0 0 0 0 0 0 2 22.2 2 16.7 1 16.7</td>
</tr>
<tr>
<td>Same as Court</td>
<td>0 0 0 0 0 0 0 0 0 0 0 1 16.7</td>
</tr>
<tr>
<td>Less hassle than Court (easier)</td>
<td>Perception of Expected Experience</td>
</tr>
<tr>
<td>- In-formal</td>
<td>1* 33.3 2 22.2 0 0 0 0 0 0 0 0 0 0</td>
</tr>
<tr>
<td>- Punishment</td>
<td>1 33.3 2 22.2 1 22.2 0 0 0 0 0 0 1 8.3 1* 16.7</td>
</tr>
<tr>
<td>TOTAL</td>
<td>3 100.0 9 100.0 5 100.0 5 100.0 1 100.0 9 100.0 12 100.0 6 100.0</td>
</tr>
</tbody>
</table>

*Indicates agreement between expected experience and actual experience
Total Percentages Rounded
This change in attitude may be due to their involvement in the program and with the staff. Responses, however, indicated that the reverse was true as well. Of those youth who did not reveal any change in perceptions, the researchers concluded that these youth experienced the program in an idiosyncratic manner.

Youth's Experience Of Initial Diversion Meeting

Procedures at the youth's initial Diversion meeting as outlined in the program description suggest that at intake, the youth meets with his parents, and diversion worker and duty counsel to arrive at a decision to proceed either to Diversion or to Court.

In order to determine how the decision was finally made to enter Diversion, the respondents were asked to rate on a one-to-five-point scale the influence of the following in making this decision:

1. parents;
2. self;
3. fear of Court;
4. lawyer;
5. diversion worker; and
6. police.

The responses to the question "Who helped you to make your decision to enter Diversion?" indicated that respondent's perceptions of the influence of the above factors varied to a large extent as shown in Table 10.
<table>
<thead>
<tr>
<th>Influence Scale</th>
<th>Fear of Court Influence</th>
<th>Diversion Worker Influence</th>
<th>Self Influence</th>
<th>Parents Influence</th>
<th>Lawyer Influence</th>
<th>Police Influence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F</td>
<td>%</td>
<td>F</td>
<td>%</td>
<td>F</td>
<td>%</td>
</tr>
<tr>
<td>Extremely strong</td>
<td>21</td>
<td>H</td>
<td>42.0</td>
<td>16</td>
<td>32.0</td>
<td>14</td>
</tr>
<tr>
<td>Very strong</td>
<td>10</td>
<td>20.0</td>
<td>9</td>
<td>18.0</td>
<td>17</td>
<td>34.0</td>
</tr>
<tr>
<td>Rather strong</td>
<td>11</td>
<td>22.0</td>
<td>13</td>
<td>26.0</td>
<td>8</td>
<td>16.0</td>
</tr>
<tr>
<td>Not very strong</td>
<td>4</td>
<td>8.0</td>
<td>7</td>
<td>14.0</td>
<td>5</td>
<td>10.0</td>
</tr>
<tr>
<td>Not strong</td>
<td>4</td>
<td>8.0</td>
<td>5</td>
<td>10.0</td>
<td>6</td>
<td>12.0</td>
</tr>
<tr>
<td>No response</td>
<td>1</td>
<td>2.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>50</td>
<td>100.0</td>
<td>50</td>
<td>100.0</td>
<td>50</td>
<td>100.0</td>
</tr>
</tbody>
</table>

H Represents the Highest Influence
L Represents the Lowest Influence
Parents' Influence

Findings indicated that over twice as many respondents, 70% (N=35), placed in the lowest three categories of influence upon their decision to enter Diversion as compared to those youth, 30% (N=15), who felt that their parents exerted a very or extremely strong influence upon their decision.

General Implications

Youths' perceptions as to their parents influence upon their decision to enter Diversion varied extensively. The researchers conclude that the lack of opportunity for parent-youth discussions at the youth's initial Diversion meeting may be one factor which accounts for youth perceiving their parents as having decreased influence.

The nature of parent-child relationships may determine how the youth perceive a parents' influence. One frame of reference offered in the review of the literature with regard to adolescent development suggested that young persons in attempting to meet their psychological and social needs, seek out a natural separation from the family group in a search for a new identity. Therefore, one may expect that youth endeavour frequently to present themselves as being or becoming independent of parents, even when this may not be the case.

The fact that parents are said to have less influence upon the youth's decision to enter Diversion as compared to either the youth, fear of Court, or diversion worker would suggest that one of the general
goals of Diversion as outlined in the "Diversion Report" is not realized according to the respondents' perceptions. This general goal refers to the program's philosophy that "the process of Diversion encourages interaction and involvement between the delinquent child, [and] the parents...." The researchers speculate that the continued use of the term "child" in the Diversion Report accurately reflects the program's assumed orientation to adolescent development.

Self Influence

Since one of the goals as stated by the Essex County Diversion Program is to offer assistance to young persons on a voluntary basis, the researchers were interested in determining the extent to which young persons had their own input into making a decision to either accept or refuse Diversion. Of the fifty persons in the population, 62% (N=31) of the respondents perceived their influence in the decision to enter Diversion as ranging from very strong to extremely strong. In addition, and as pointed out in Table 10, 38% (N=19) of the scores represented those respondents who felt they did not have a strong influence by categorizing them in the three lowest places.

General Implications

The researchers concluded that more than one-half of the population perceived this decision-making process as one which provided them the opportunity for involvement and hence, perceptions may indicate that the respondents viewed

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6 Ibid., p. 3.
the decision to accept Diversion as a voluntary one. On the other hand, 38% (N=19) of the respondents did not perceive that they had a significant opportunity to resolve their own problems.

Youth may perceive their input into making a decision to enter Diversion as being relatively strong due to their level of moral development such that they are accepting responsibility for their own actions and are interested in determining their own fate.

Fear Of Court Influence

The researchers needed to test the extent to which young persons may accept participation in the Diversion program as a result of their fear of proceeding to Court, and of possibly receiving a "record." Findings, as shown in Table 10, suggested that 62% (N=31) of the respondents made their decision to enter Diversion due to their perceived fear of Court. Only 16% (N=8) of the respondents indicated that Court had little or no influence in their decision. Eleven others were in the third category.

General Implication

The researchers wondered whether the youths' perceptions of the Diversion program as being a voluntary one may or may not have been influenced by the Court. Speculations may be drawn that would suggest that while the respondents perceived the program as being a voluntary one, their choice to accept Diversion may have been due to the limitations of other available choices.

Lawyer's Influence

At the first Diversion meeting, the role of duty
counsel, as outlined in the "Diversion Report," is to advise the youth and his family of the probability of a finding of delinquency if the charge proceeded to Court. Secondly, duty counsel is to assist the family in arriving at a decision to proceed either to Diversion or to Court. A further role of the lawyer at the youth's initial Diversion meeting is to assist the youth in understanding that one of the criteria for acceptance into the Diversion program is that the youth must plead "guilty" to his offense.  

An analysis of the extent to which the lawyer influenced the youth to enter the program is shown in Table 10. One respondent indicated that duty counsel was not present at the initial Diversion meeting.

General Implications

The role of the lawyer at the youths' initial Diversion meeting was perceived by the youth to vary as supported by the wide range of scores obtained. The spread of scores may be due to the fact that the lawyer assumes more than one role at the initial Diversion meeting.

Youth may vary in their perceptions of the extent to which the lawyer influenced them as youth between the ages of eleven and seventeen are at different stages of cognitive and moral development and may therefore relate to the lawyers' role differently.

Diversion Worker Influence

The role of the diversion worker as stated in the

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7Ibid., p. 6.
"Diversion Report" is to offer the youth and his family a brief explanation of the program and the processes that may either result in a compensatory task agreement or a referral to a helping agency. The young person is helped to understand what options are available to him and the charge alleged against him.

Responses revealed that 76% (N=38) of the respondents perceived the influence of the diversion worker as ranging from rather strong to extremely strong. The respondents thus perceived that the influence of the diversion worker upon their decision to enter the program was more significant than the influence of his parents, the lawyer, or the police.

General Implications

The fact that the youth generally perceived the diversion worker's influence as being so significant may relate to the role of the diversion worker. Not only is the diversion worker in charge of the program but personifies their only alternative to Court.

The youths' responses supported the program's philosophy and rationale which holds that dealing with juveniles problematic behavior in an informal fashion is preferable to the formality inherent in the Juvenile Court process. Responses may further suggest that youth identified with the role of the diversion worker as this worker may provide

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8 Ibid., p. 6.
the youth with the opportunity to resolve problems informally.

Police Influence

Analysis of the influence police played in a youth's decision to enter Diversion, as shown in Table 10, revealed that 86% (N=43) of the population perceived police as not having a strong influence upon their decision. Only a total of 14% (N=7) of the respondents indicated that police had a rather strong or greater degree of influence.

General Implications

The fact that police are absent from the youths' initial Diversion meeting may account for the respondents attributing to the police little or no influence upon their decision to enter Diversion.

Young persons may transfer the role of the police to that of the lawyer who discusses the information laid 'alleged offense' with the youth at the initial Diversion meeting.

Youths' Perceptions Of The Differences Between Court And Diversion

Responses as to whether young persons at their first Diversion meeting obtained enough information to know the differences between Court and Diversion indicated that 90% (N=45) of the respondents mildly or strongly agreed that at the initial Diversion meeting they were given enough information to know the difference between Court and Diversion.

Of the total population, 86% (N=43) of the respondents said they found out at their initial Diversion meeting that there was a difference between Court and Diversion. The
data collection instrument did not indicate whether youth learned of these differences from either the lawyer or the diversion worker. It may be concluded, however, that at their first Diversion meeting, the majority of youth are given enough information to enable them to make a decision to either proceed to Court or Diversion.

Youths' Perceptions Of What Took Place At Their Initial Diversion Meeting

The researchers asked the respondents to describe what took place at their first Diversion meeting with the diversion worker, their parents and the lawyer. From the responses obtained, 70% (N=35) of the youth perceived that the major role of the diversion worker was that of describing the diversion program and its differences from Court as well as to discuss with them the alleged offense. Of the total population, 68% (N=34) of the youth saw the major role of their parents at the first meeting as consisting of a discussion of Court and Diversion. Parents assumed a directive role with their children as responses indicated that parents advised their children as to whether they should accept Court or Diversion. The researchers were surprised to note that 22% (N=11) of the population felt they had no opportunity for discussion with their parents in that they were "excluded" from one another during the initial meeting.

The role of the lawyer was perceived by 72% (N=36) of the population as being one that advised them of the legal
differences between Court and Diversion. The youth also perceived the lawyer as advising them which alternative would be the most advantageous for them to choose.

**General Implications**

One of the roles of the diversion worker as stated in the "Diversion Report" is to discuss with the "child" and parents the processes leading to a compensatory task agreement. Based on the youths' perceptions of this role, there seems to be a lack of concentration by the diversion worker at the initial Diversion meeting in describing to the youth what their compensatory task may encompass. Only 10% (N=5) of the respondents acknowledged that at their initial meeting, the compensatory task was explained.

Young persons and their parents are apparently not always given an opportunity for interaction with one another at the initial Diversion meeting as was indicated by 22% (N=11) of the respondents who said that they did not have an opportunity for discussions with their parents. The underlying philosophy of the program, however, is intended to encourage interaction and involvement between the youth and his or her parents. The remaining 78% (N=39) of the respondents indicated that there was an opportunity provided to them to discuss with their parents. These same respondents discussed with their parents Court and Diversion, and their

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9Ibid., p. 6.

10Ibid., p. 3.
offense.

The researchers conclude that youth in some instances were not provided with the opportunity to engage their parents in meaningful discussions leading to their decision to enter Diversion.

Youth perceived the role of the lawyer with regard to the influence upon a decision to enter Diversion as being minimal in comparison to the diversion worker's influence, the Court's influence, and self influence. However, almost three-fourths of the respondents perceived that the lawyers' role of explaining to them the legal differences between Court and Diversion and advising them of which alternative to pursue was one which assisted them to arrive at a decision.

Youths' Perceptions Of Who Influenced The Development Of Their Diversion Plan

Responses to the question of how youth perceived the development of their Diversion Task Plan according to who they thought influenced the development are shown in Table 11. The youth perceived that the diversion worker had the greatest influence upon the development of their Diversion plan. Other individuals are listed in order of descending influence: youth, victims, parents, and lawyer.

General Implications

Responses revealed that 66% (N=33) of the respondents felt that their parents had little or no influence in the development of their Diversion plan. Speculations may suggest that since the youth perceived their parents as
### TABLE 11
RESPONDENTS' PERCEPTIONS OF VARIOUS PEOPLE AS TO THEIR INFLUENCE IN THE DEVELOPMENT OF THE DIVERSION PLAN

<table>
<thead>
<tr>
<th>Influence Scale</th>
<th>Diversion Workers Influence</th>
<th>Self Influence</th>
<th>Victims Influence</th>
<th>Parents Influence</th>
<th>Lawyers Influence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F</td>
<td>%</td>
<td>F</td>
<td>%</td>
<td>F</td>
</tr>
<tr>
<td>Extremely strong</td>
<td>17</td>
<td>H 34.0</td>
<td>11</td>
<td>22.0</td>
<td>6</td>
</tr>
<tr>
<td>Very strong</td>
<td>13</td>
<td>26.0</td>
<td>9</td>
<td>18.0</td>
<td>2</td>
</tr>
<tr>
<td>Rather strong</td>
<td>14</td>
<td>28.0</td>
<td>10</td>
<td>20.0</td>
<td>3</td>
</tr>
<tr>
<td>Not very strong</td>
<td>5</td>
<td>10.0</td>
<td>2</td>
<td>4.0</td>
<td>5</td>
</tr>
<tr>
<td>Not strong</td>
<td>1</td>
<td>2.0</td>
<td>18</td>
<td>36.0</td>
<td>33</td>
</tr>
<tr>
<td>No response</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL: 50 100.0 50 100.0 50 100.0 50 100.0 50 100.0

H Represents the Highest Influence
L Represents the Lowest Influence
playing a minor role in the decision to enter the program, perhaps they perceived their parents input into the development of the Diversion plan as being a minor one as well.

Youth, between the ages of eleven and seventeen, are in the process of attempting to achieve a self identity. They may have attributed or perceived their parents as playing a minor role in development of the Diversion plan as youth at this developmental stage may be wishing to accept more responsibility for their actions.

The Diversion program states that "the Diversion Plan is mutually developed by "child," parents, victim and diversion worker." The researchers questioned the extent to which victims participated in the youths' development of the compensatory task as 76% (N=38) of the respondents perceived the victim to have little or no influence.

Although the program has noted that the diversion worker is involved with the youth, parents and victim in the development of the compensatory task, responses suggested that the diversion worker actually played a far greater role than did the youth, the parents, and the victim. Eighty-eight percent (N=44) of the population perceived the diversion worker's influence as being strong. The researchers may conclude that respondents perceive the role of the compensatory task as being similar to that played in the youth's decision to enter Diversion respective to the in-

11Ibid., p. 7.
fluence exerted by other factors previously mentioned.

Youths' Perceptions Of The Victims' Involvement In The Diversion Program

Analysis of the data showed that 92% (N=46) of the respondents agreed that all persons present at their initial Diversion meeting should have been involved in the development of their plan. While 6% (N=3) of the respondents felt their parents should not have been involved, and one youth indicated a preference for the diversion worker to have been absent, there was no one who objected to the victims involvement. Responses further indicated, however, that in 78% (N=39) of the cases, the person who was offended was not present at any Diversion meeting at which the young person was present. In addition, responses showed that in 58% (N=29) of the cases, the youth never met with the victim to discuss the offense problem. Approximately one-fourth of the population, however, did meet with the person they offended at some point. When the youth's were asked to indicate whether or not they felt the victim was adequately paid back for the wrong caused him, responses suggested that 58% (N=29) of the population were of the opinion that the victim was adequately compensated. At the same time, one-fourth of the population felt the victim was not compensated for the wrong done. Since only 8% (N=4) of the population actually met with the victim within the context of a 'structured Diversion meeting,' one of the goals of the Diversion program, that of involving the victims of delinquent
acts in the resolution of the problem, 'confrontation and compensation'\textsuperscript{12} appears to be only accomplished to a minimal degree.

**The Respondents' Perceptions Of Their Compensatory Tasks In The Diversion Program**

Analysis of the data related to the questions of what form the respondents' compensatory task took revealed that 60% (N=30) of the respondents perceived their task as working in a community agency. Ten respondents, 20% of the population, reported that their task incorporated work for the victim. A small percentage of the population, 10% (N=5), reported that their task was that of obtaining counselling.

The research findings suggest that the respondents' perceptions of their tasks are only minimally directed towards compensation and restitution to the victim. In relating this finding to the goals of Diversion, the goal which elicits the participation of community groups and institutions appears to receive greater utility than does the goal which suggests that victims of delinquent acts be involved in the resolution of the youth's problem through participation in the compensatory task.

The purpose of the compensatory task as perceived by the youth is shown in Table 12.

Responses as to the youths' perceptions of the purpose of the compensatory task, demonstrated that in 46% (N=23) of the cases, the population supported the adherence to one

\textsuperscript{12}Ibid., p. 3.
of the goals of diversion which proposes that "the child is to be actively involved in the undoing of their wrong." 13

**TABLE 12**

**YOUTHS' PERCEPTIONS OF THEIR COMPENSATORY TASK**  
**BY FREQUENCY AND PERCENTAGE OF TOTAL**

<table>
<thead>
<tr>
<th>Purpose of Task</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>To teach a lesson</td>
<td>13</td>
<td>26.0</td>
</tr>
<tr>
<td>To undue wrong</td>
<td>23</td>
<td>46.0</td>
</tr>
<tr>
<td>To receive help for problem</td>
<td>7</td>
<td>14.0</td>
</tr>
<tr>
<td>To keep out of Court</td>
<td>7</td>
<td>14.0</td>
</tr>
</tbody>
</table>

**TOTAL**

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The researchers conclude that while the youths' perceptions varied, responses clearly indicated that regardless of the form and expression that the task assumed, all respondents in the population perceived the purpose of their tasks in a positive fashion.

_Youths' Perceptions Of The Extent To Which The Goals Of The Program Were Met_

The primary focus of the research project was to evaluate the Essex County Diversion Project by obtaining youths' perceptions of how the goals of this program were being met. As part of this evaluation, the researchers asked the respondents to rate, on a one-to-five-point

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13 Ibid., p. 3.
scale their perceptions of the extent to which the goals of the program were being accomplished.

In the following section, the goals of the Essex County Diversion Project are presented along with the youths’ perceptions as they related to these goals.

On the following page, the respondents' perceptions of the goals of the Diversion program are presented in Table 13.

The following goals are taken directly from the "Essex County Pilot Diversion Project Report" hereafter referred to as Report.

Goals Of The Essex County Diversion Project

One of the goals as stated by the Report is to offer assistance to "children" on a voluntary basis without Court intervention. 14

The respondents were asked whether they perceived their involvement in the Diversion program as being a voluntary one without the Court being involved. From the responses obtained from 70% (N=35) of the population, as shown in Table 13, the researchers inferred that this goal is achieving its intended purpose.

A second goal as stated by the Report is to provide an informal means of solving problems involving delinquent acts of "children." 15 Of the total population, 92% (N=46)

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14 Report, p. 3.
15 Report, p. 3.
of the respondents perceived that the Diversion program provided them with a means of solving problems originating from their offense behavior. Responses obtained showed that the respondents identified this goal as being the one which met its intent to a greater degree than did any of the other program goals.

A third goal of the Diversion program, as stated by the Report, is to give immediate attention to the problem to protect the community from a child's continued delinquent behavior. An analysis of the responses pointed out that 78% (N=39) of the respondents perceived that the Diversion program gave immediate attention to their problem. While the researchers may conclude that the goal of giving youths immediate attention to their problems was achieved to a large degree, the question as to whether this therefore protects the community is unclear. The respondent's were asked however, whether they felt their participation in Diversion would help to keep them out of future contact with the law. From the responses gathered, 84% (N=42) of the population were in agreement that their participation in Diversion would deter them from future contact with the law. Speculations may suggest that while the Diversion program provides immediate intervention for the youth's problem, it remains unclear as to whether the program protects the community from the youth's continued delinquent behavior.

\[16\text{Report, p. 3.}\]
<table>
<thead>
<tr>
<th>Respondents' Perceptions of Diversion</th>
<th>Strongly Agree</th>
<th>Mildly Agree</th>
<th>Undecided</th>
<th>Mildly Disagree</th>
<th>Strongly Disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Involvement as voluntary</td>
<td>20</td>
<td>15</td>
<td>30.0</td>
<td>4</td>
<td>12.0</td>
<td>5</td>
</tr>
<tr>
<td>without Court intervention</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Opportunity for problem resolution</td>
<td>28</td>
<td>18</td>
<td>36.0</td>
<td>2</td>
<td>4.0</td>
<td>2</td>
</tr>
<tr>
<td>3. Immediate attention to problem</td>
<td>27</td>
<td>12</td>
<td>24.0</td>
<td>4</td>
<td>4.0</td>
<td>5</td>
</tr>
<tr>
<td>4. Opportunity for personal</td>
<td>24</td>
<td>20</td>
<td>40.0</td>
<td>5</td>
<td>10.0</td>
<td>0</td>
</tr>
<tr>
<td>involvement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Working in community to solve</td>
<td>22</td>
<td>17</td>
<td>35.4</td>
<td>4</td>
<td>8.3</td>
<td>2</td>
</tr>
<tr>
<td>problem</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Increased responsibility for own</td>
<td>31</td>
<td>10</td>
<td>20.0</td>
<td>4</td>
<td>8.0</td>
<td>1</td>
</tr>
<tr>
<td>conduct</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Diversion as deemphasizing</td>
<td>14</td>
<td>8</td>
<td>16.0</td>
<td>5</td>
<td>10.0</td>
<td>15</td>
</tr>
<tr>
<td>punishment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Indicates two respondents did not respond
A fourth goal of the Diversion program as stated by the Report is to allow the child to be actively involved in undoing his wrong.\textsuperscript{17} As shown in Table 13, 88\% (N=44) of the respondents perceived that the Diversion program helped them to be personally involved in resolving their problems. This finding was further supported in regard to the youths' perceptions of what they perceived the purpose of their compensatory task to be. Almost fifty percent of the respondents stated that the purpose of the compensatory task was to enable them to work on their problem. The young persons' perceptions of their compensatory task appeared to be both positive and related to their perceptions that the Diversion program provided them with an opportunity to actively be involved in the resolution of their problems.

A fifth goal of the Diversion program as specified in the Report is to elicit the participation of community groups and institutions in an "actualizing response" to the "child's" behavior.\textsuperscript{18} This goal as stated was confusing to the researchers who were unable to understand what was meant by the term "actualizing" in this context, and thus some difficulties arose in the measurement of this goal as stated. Responses to the question, "Did working in the community help you to solve your problems?" revealed that 78\% (N=39) of the respondents perceived the Diversion program

\textsuperscript{17}Report, p. 3.

\textsuperscript{18}Report, p. 3.
as enabling them to complete their compensatory task in the community and hence perceived that by working in the community they were helped in solving their problems.

A sixth goal of the Diversion program as stated by the Report is to instill responsibility for conduct and de-emphasize punishment. Responses to the question, "Did the Diversion program help you become more responsible for your conduct?" showed that 82% (N=41) of the respondents perceived that this goal was being achieved. Furthermore, the respondents' perceptions as to whether or not the purpose of Diversion was to punish them, revealed that 44% (N=22) of the respondents perceived Diversion as not punishing them. The researchers suggest that the majority of young persons perceived Diversion as helping them assume responsibility for their conduct. Those young persons who perceived Diversion as a punitive experience may have misinterpreted the question asked them and may have, in fact, equated "punishment" with "assistance." For example, youth in the process of undoing their wrong may have the need to feel punished in order that they perceive themselves as becoming more responsible for their conduct.

Cross-tabulation Of Goals

A second major focus of the research project was to determine the effect of certain variables upon the respondents' perceptions of the goals of the Diversion program.

The researchers cross-tabulated the variable of

\[19\] Report, p. 3.
"Diversion being an opportunity to resolve own problems," with "Diversion will help to keep you out of future contact with the law," to determine the association between these two variables. The coefficient of ordinal association, gamma, was employed as the test of association. Based on the application of gamma, the degree of association was 0.5885. This finding was indicative of a moderate degree of association between the variables, "opportunity to resolve own problems" and "help to keep you out of future contact with the law."

The researchers conclude that while the respondents perceived the Diversion program as providing them with an opportunity to resolve their own problems, they: (1) are not optimistic that they will be able to stay out of trouble even if they resolve their present problems, and (2) they perceive their future as being obviously hazardous and problematic.

In order to determine whether the respondents' perceptions of their involvement in Diversion was their own choice and whether these perceptions influenced their perceptions of their compensatory tasks these variables were cross-tabulated. As a test of association, the statistic gamma, was employed. An association of 0.4918 was obtained. The moderate degree of association between these variables suggested that while the respondents perceived their involvement in Diversion as being a voluntary one, their perceptions as to the fairness of their compensatory task
were only moderately related.

The researchers conclude that even though youth perceive their tasks as being fair, they may or may not necessarily perceive the program as being voluntary. Perhaps then, factors such as the seriousness of the offense, as well as the nature and duration of the task determines how youth perceive their tasks.

The researchers asked the respondents a number of questions (See Appendix A) in order to determine what the youths perceived the program was trying to do and what it actually did for them. The responses to the question, "Was the program trying to teach you a lesson?" were cross-tabulated with the responses to, "Did the program teach you a lesson?" Since both questions were measured on ordinal scales, the appropriate test of association was considered to be the statistic, gamma. A result of 0.5598 suggested that a moderate degree of association exists between the two variables.

Conclusions may be offered which suggest that the respondents perceived the program's intent as teaching them a lesson to be somewhat associated with the program's goal of instilling responsibility for conduct.

A further test of association, gamma, was employed to determine whether the Diversion program was meeting the goal of instilling in the youth responsibility for his conduct was applied. The responses to the question, "The
Diversion program was trying to make me admit to my problem," was cross-tabulated with the responses to "The Diversion program helped me to admit to my problem." The test of association applied, gamma, reported 0.6779. The fact that there is a moderate degree of association between the above responses may be due to the following factor: youth must accept responsibility for their offense before they are eligible for Diversion as stated in the Report,\(^{20}\) at the intake stage of the Diversion program youth need to understand that in order to be eligible for Diversion they must admit guilt and accept responsibility for their offense; and if youth are not willing to admit guilt, they must accept the decision that formal Court processing will be evoked.

The researchers conclude that the Diversion program is designed to assist young persons to accept responsibility for their own conduct commencing at the intake stage. Further, youth must accept responsibility for the successful completion of their Diversion plan, or once again they must accept Court processing.

An Analysis And Cross-tabulation Of Specific Variables As Related To The Research Question Under Investigation

As previously mentioned in the methodology chapter, the research question being investigated is whether "Young persons in conflict with the law in the Essex County Pilot Diversion Project perceive the administrative approach as

\(^{20}\)Report, p. 6.
minimizing their involvement in the traditional juvenile justice system and maximizing their opportunity for problem settlement."

To determine whether the respondents perceived themselves as minimizing their involvement in the juvenile justice system, specific questions were asked which related to the respondents' perceptions as to whether or not they perceived themselves as penetrating the juvenile justice system. At the same time, the researchers tested the young persons' perceptions as to whether or not the Diversion program maximized their opportunity for problem settlement. Specific questions were asked the respondents which related to problem settlement.

An Analysis Of Specific Questions As Related To The Concept Of Penetration

When the responses to the question, "Will you have a juvenile "record" after finishing Diversion?" was cross-tabulated with the responses to "At your first Diversion meeting were you given enough information to know the differences between Court and Diversion?" the responses showed that 90% (N=45) of the respondents who perceived that they were given enough information also perceived that they would not obtain a "record" after completing their program.

The researchers conclude that the majority of young persons perceive that there is a difference between Court and Diversion which suggests that they do not perceive themselves as penetrating the Juvenile Court.
One concern that the researchers identified was that 16% (N=8) of the respondents perceived that they would have a "record" and 6% (N=3) did not know whether they would hold a "record." Based upon this data the researchers may only speculate that those respondents which represent 22% (N=11) of the total population are those who may perceive, to some extent, that they penetrated the juvenile justice system. From the data obtained, the majority of young persons participating in the Diversion program do not perceive themselves as penetrating the juvenile justice system.

Responses to the question, "What do you think are the differences between Court and Diversion?" are shown in Table 14.

**TABLE 14**

**RESPONDENTS' PERCEPTIONS OF DIVERSION AS BEING DIFFERENT FROM COURT GIVING FREQUENCY AND PERCENTAGE OF TOTAL**

<table>
<thead>
<tr>
<th>Perceptions of Diversion</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>More helpful, keeps you out of Court</td>
<td>13</td>
<td>30.2</td>
</tr>
<tr>
<td>No &quot;record&quot;</td>
<td>12</td>
<td>27.9</td>
</tr>
<tr>
<td>More opportunity to resolve problems</td>
<td>8</td>
<td>18.6</td>
</tr>
<tr>
<td>Less traumatic experience</td>
<td>2</td>
<td>4.7</td>
</tr>
<tr>
<td>Less punishing</td>
<td>6</td>
<td>14.0</td>
</tr>
<tr>
<td>Don't know</td>
<td>2</td>
<td>4.6</td>
</tr>
</tbody>
</table>

**TOTAL** 43 100.0

*Seven pre-test members were not asked this question.*
Seven respondents comprising the pre-test sample are not included in the analysis as the question did not appear on the pre-test interview schedule.

Twenty-seven and nine-tenths percent (N=12) of the respondents did not perceive themselves as penetrating the Court system, and clearly stated that they perceived the difference between Court and Diversion to be such that Diversion did not give them a "record." Furthermore, 30% (N=13) of the population felt they did not penetrate the Court system as they specifically stated that the Diversion program was more helpful than Court because it was an alternative that kept them away from Court. From the responses obtained from an additional 18.6% (N=8) of the respondents, it was clear that they perceived that there was a difference between Court and Diversion in that Diversion provided them with more opportunity to resolve their problems than did Court. Diversion was also perceived to be a less traumatic experience than Court as well as being less punitive.

An Analysis Of Specific Variables As Related To Problem Settlement

The researchers cross-tabulated the responses to the question, "Do you feel the person you offended was adequately paid back for what happened to him?" with the responses obtained from youth's perceptions of the victim's involvement in the diversion plan, to determine if youth perceived Diversion as providing them the opportunity to maximize problem settlement through a direct meeting with the victim.
From the data obtained, 36% (N=18) of the respondents perceived the victim's involvement in their Diversion plan as being "not strong at all" and at the same time felt that the persons they offended were adequately paid back for what happened to them. It may be concluded from these findings that the lack of victim-offender confrontation may not permit the youth to become totally aware of the victim's perceptions of whether or not he has been adequately compensated for the wrong done to him. The researchers further speculated that the negligible degree of association found when these two variables were cross-tabulated may be accounted for by the youth transferring their perceptions of problem resolution to that of the victim. For example, if young persons perceive that they are given the opportunity to undo their wrong through participation in a compensatory task, then they may also perceive that the person they offended is being adequately paid back.

The above speculation is made more plausible through those responses obtained from the question, "What do you believe is the purpose of the task you agreed to do?" which indicated that 42% (N=21) perceived that the purpose of their task was to work on their own problems. The respondents' perceptions as to their feelings about the task they agreed to do indicated that 46% (N=23) felt positive about their task as they perceived it as helping them.
The data obtained from the responses to the question, "Do you feel the person you offended was adequately paid back?" further supports the belief that the respondents transfer their perceptions of their own problem settlement to the victim. It is interesting to note that of the forty-one youths who responded to the above question, 70.7% (N=29) indicated that they felt the persons they offended were adequately paid back. Only 20% (N=10) of the total population were required to complete their Diversion plan 'compensatory task' by working for the victim.

The researchers conclude that although there was a lack of victim-offender confrontation at both the intake stage of the program and at the point where the compensatory task was developed and carried out, the perceptions of the respondents continued to support that not only did they perceive the Diversion program as helping them undo their wrong through problem settlement, but also their perceptions were such that they believed the victims were compensated for the 'personal suffering and inconvenience caused them.'

The researchers would support the research question under study based upon the respondents perceptions of penetration into the juvenile justice system and their perceptions of the opportunity provided them by the Diversion program for problem settlement.

Youths' Attitudes Towards Offense

Responses to the question, "How did you happen to get in trouble with the law?" are shown in Table 15. In regard
to offense type, the largest category of offenses were those of break and enter which represented 38% (N=19) of the total number of offenses committed.

The mean length of time spent in completing pre-court settlement contracts (compensatory tasks) revealed that those respondents who committed common assaults were required to complete compensatory tasks involving the greatest amount of compensatory task time but ranked sixth in the total duration of time spent in the program.

With regards to where the compensatory tasks were carried out, responses obtained from the young persons revealed that compensatory tasks were completed in community agencies and schools. In some instances, compensatory tasks involved financial restitution to the victim and, at times, required the youth to accept counselling or offer a verbal apology to the victim involved, or both.

As shown in Table 15, those young persons whose offenses were categorized as theft under $200 were required to spend more time in the Diversion program than those respondents committing other types of offenses.

Offenses categorized as break and enter ranked second in length of time spent in the program as represented by the mean duration of 124.6 days.

The researchers conclude that from the data obtained, there does not appear to be an association between the type of offense committed, the duration of the compensatory task.
<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>Mean Duration (Hrs.)</th>
<th>Compensatory Task</th>
<th>Mean Duration in Diversion Measured in Days</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F</td>
<td>%</td>
<td></td>
</tr>
<tr>
<td>Break and enter</td>
<td>19&lt;sup&gt;H&lt;/sup&gt;</td>
<td>38.0</td>
<td>15.4</td>
</tr>
<tr>
<td>Theft under $200</td>
<td>10</td>
<td>20.0</td>
<td>10.4</td>
</tr>
<tr>
<td>Theft over $200</td>
<td>6</td>
<td>12.0</td>
<td>15.5</td>
</tr>
<tr>
<td>Willful damage</td>
<td>6</td>
<td>12.0</td>
<td>*Financial Restitution Made</td>
</tr>
<tr>
<td>Possession of stolen goods</td>
<td>5</td>
<td>10.0</td>
<td>18.3</td>
</tr>
<tr>
<td>Drinking under age</td>
<td>2&lt;sup&gt;L&lt;/sup&gt;</td>
<td>4.0</td>
<td>3.0&lt;sup&gt;L&lt;/sup&gt;</td>
</tr>
<tr>
<td>Common assault</td>
<td>2&lt;sup&gt;L&lt;/sup&gt;</td>
<td>4.0</td>
<td>32.0&lt;sup&gt;H&lt;/sup&gt;</td>
</tr>
<tr>
<td>+Verbal Apology</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>50</td>
<td>100.0</td>
<td>94.6</td>
</tr>
</tbody>
</table>

*Source: Diversion Program Files of the Research Population

H Represents the Highest Frequency
L Represents the Lowest Frequency
assigned and the duration of total time spent in the Diversion program. For instance, an analysis of the data related to offense type, duration of task assigned and duration of program involvement showed that while one respondent who committed one break and enter offense was required to complete a compensatory task at a school which took twenty hours to complete and remained in the Diversion program for a period of 257 days, another respondent committing the same type of offense was assigned a compensatory task at a community agency which took three hours of work to complete, and remained in the program for 93 days.

The fact that a youth spends twenty hours completing a compensatory task but actually remains in the Diversion program for a period of 257 days may be due to the following factors:

1. the length of time involved in planning the youths' compensatory tasks vary extensively since compensatory tasks are individualized and tailored to meet the youth's own needs;

2. the settings where compensatory tasks are completed may determine for the youths the period of time that is required to fulfill the hours assigned to the task as determined by the diversion worker; and

3. the diversion worker is responsible for recommending to the Judge when a 'case' is to be considered for sine die adjournment. Therefore, perhaps the youth's duration in the program is dependent upon when the diversion worker exercises the discretion for a recommendation that the case be adjourned sine die.

As a means of further determining whether an association existed between offense type, duration of task and
total duration of program involvement, the researchers examined the procedures stated in the Report which outline a formula by which the development of work values are determined for offenses.

The formula identifies specific factors to which a dollar value is assigned to the offense. In order to determine the number of hours involved in a compensatory task, the dollar value assigned to the offense is related to the youth's hourly earning capacity. While the program stipulates that the formula is only to be used as a guideline, pre-court settlement contracts (compensatory tasks) are said to be individualized and tailored to the capacities of the "child" and the needs of the victim or community.21

Due to the multiple factors as stated in the Report which comprise the development of a "work value" for offenses, such as, personal suffering and inconvenience to the victim, property damage, company time spent in dealing with the offense, and police time spent in the investigation of the offense, the researchers are unclear as to where and when the formula is strictly adhered to or used as a guideline.

The researchers thus contend that, based on offense type, no consistent pattern seems to exist as to the determination of the duration of the compensatory task and the length of time spent in the Diversion program.

21 Report, p. 17.
In summation, the researchers were unable to clearly determine whether this Diversion program places more emphasis with regard to its treatment intervention strategy upon the act (offense) or upon the actor (participant).

The researchers speculate that the ambiguity of the program's emphasis may reflect the program's philosophy and goals which suggest that both the classical and positive approaches to criminology are represented in the program's goals. The compensatory task work values and the non-interventionist rationale seem to reflect an emphasis upon the act. On the other hand, the casework intervention strategy described in the program literature places an emphasis on the actor. It may be possible that the ambiguity of the research findings is reflective of this dual program approach. If this is an accurate perception then the question raised is not one of should the two approaches be combined in one program but rather, what are the criteria and who is to determine the manner in which the young person is to be dealt with at the time of intake to the program?

**An Interesting Incidental Finding**

Having offered a fairly comprehensive analysis as to the young persons' perceptions of their experience in the Diversion program, the researchers were curious as to whether the respondents would recommend the Diversion program to one of their "buddies" who found himself to be in conflict with the law. It was interesting to note that
94% (N=47) of the respondents stated that they would indeed recommend Diversion to their friends. These same respondents all indicated that they would recommend the Diversion program to a "buddy" because the program was perceived as an opportunity to solve their own problems; a process which offered fair treatment; and an alternative which kept them away from Court.
CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

The following conclusions and recommendations are based upon the interviews with fifty young people who have or presently are participating in the Essex Diversion Project. The interviews were carried out within a one-month time frame.

Conclusions

The conclusion is made that both the project personnel and the program approach are viewed positively by the client sample interviewed.

The conclusion is made that, in spite of the conflicting theoretical approaches of the Essex Diversion Project, the sample of program participants interviewed stated they were "helped" by the process.

The conclusion is made that the Essex Diversion Project be made into an ongoing program.

The conclusion is made that the administrative organizational structure of the Essex Diversion Project is in need of being reviewed and modified, particularly in terms of the personnel role definitions related to responsibility and authority.
The conclusion is made that diversion projects, such as the Essex Diversion Project, will continue to demonstrate program rationale and intervention strategy inconsistencies until the diversion approach is defined, from at least a Provincial level, as to how it fits into a delinquency prevention strategy and what its role is to be in relation to the services for youth in a specific region or community.

The conclusion is made that consideration should be given to developing the Essex Diversion Project as an autonomous agency with program personnel being employed by the diversion agency.

The conclusion is made that consideration be given to the development of a youth service bureau which would be given the authority to co-ordinate services for youth in this community.

**Recommendations**

**Philosophy**

The recommendation is made that the philosophy be defined as to how the rationale for the project relates to the strategy proposed to modify the problem.

The recommendation is made that the project's theoretical approach to the etiology of delinquency be stated in terms whereby the intervention strategy may be defined as to how it will modify the behavior.

The recommendation is made that the project define the relationship of social justice and its treatment strategy and how they are compatible in one program.
The recommendation is made that the project redefine the "voluntary" concept of the program in terms of the young person's limited alternatives.

The recommendation is made that the organizational structure be reviewed.

The recommendation is made that the participants role be clarified.

Criteria

The recommendation is made that inclusion criteria be established.

The recommendation is made that the project's approach to adolescent development be identified.

The recommendation is made that the project's approach to the etiology of delinquency be identified.

The recommendation is made that the social justice aspects would be accepted even if the treatment aspects were not affected.

The recommendation is made that the project's non-intervention strategy be defined in terms of how it relates to the insistence upon the police laying an Information.

Procedures

The recommendation is made that a pamphlet be developed to provide youth and parents with adequate information.

The recommendation is made that parents and youth be informed prior to the decision to enter the project that
they are required to enter a treatment program.

The recommendation is made that the contents of the initial letter to parents be altered.

The recommendation is made that the project specify criteria upon which the "plan" is to be based and that it is defined what criteria determine the young persons duration in the program.

The recommendation is made that it be clarified whether youth and parents can refuse to accept treatment but continue with compensatory task.

The recommendation is made that an appeal process be established related to the treatment plan and the compensatory task plan.

The recommendation is made that the project not have the charge remain pending until the youth fulfills the agreement.

The recommendation is made that the project defines how it differs from probation, particularly in relation to the aspects of social control and individual problems.

The recommendation is made that the time lapses in beginning the service be shortened.

The recommendation is made that the need for the relatively long duration of program involvement be reviewed.

The recommendation is made that, based upon the program's present stated approach, the young person and the parents be permitted an opportunity to discuss privately their decision at the first diversion meeting.
"Protecting The Juvenile

The recommendation is made that the requirement of a "charge being laid" be reconsidered.

The recommendation is made that resources be developed so that previous referrals may be included.

The recommendation is made that the project define where it fits into the youth service system in the Windsor community.

The recommendation is made that the lawyers involved in the project be familiar with the program.

The recommendation is made that the issue regarding a youth not having a "record" be clarified.

The recommendation is made that only anonymous baseline data be kept by the project.

Program Evaluation

The recommendation is made that a research component be built into the project.

Further Research

Is there a reduction of official adjudication?

To what extent is diversion taking place at the police level?

To what extent do parents, staff, lawyers, et cetera, perceptions coincide with the findings of this research?

What is the "success" of those not choosing diversion?

How are young people selected to be in diversion?

In the future research, possibly the use of a control group should be considered.
APPENDICES
APPENDIX A

INTERVIEW SCHEDULE FOR CHILDREN IN DIVERSION
INTERVIEW SCHEDULE FOR CHILDREN IN DIVERSION

Instructions For Completing The Interview Schedule

The interview that you are about to participate in will assist us in determining what diversion has meant to you. Anything you say will be held confidential. There are no right or wrong answers. Your opinions are what is important to us here.

The information you give us will provide us with a description of how the Diversion Program is presently operating and how it might be improved upon.

Your name is not required on the interview. In some parts of the interview we will be recording what you say and in other sections you will write down your own answers. We would encourage you to answer all the questions as thoughtfully as you can. We hope that you will be willing to share with us about forty-five minutes of your time.

Once again, please note that all information that you give us is confidential.

N. Reynolds  
C. Tyler  
J. Vanderzwet  

School of Social Work  
University of Windsor
I. Information Regarding Respondent

Data for the first five items may be attained from information on file with the Diversion Project.

1. Date of birth: ____________________________

2. Date of admission (information laid): ______

3. Date of completion of Diversion Program: ______

4. Presently participating in Diversion Program: ______

5. Sex: Male _____ Female _____

6. Are you presently attending school? Yes ____ No _____

7. If yes, where are you attending? __________________________

8. What grade, course, or program are you in? __________________________

9. With whom are you presently living?
   1. _____ Own family  4. _____ Friends
   2. _____ Relative  5. _____ Foster home
   3. _____ Group home  6. _____ Other: Specify

10. Do your parents both have jobs?
    Yes ____  No ____ Other: Specify __________________________

11. What kind of job do (does) your Mother-Father have?
    Specify: __________________________

II. Respondent's General Description Regarding Diversion Program

In this section we would like to take a look at what you personally think about your experience in the Diversion Program.

Diversion is a confusing word and can mean different things to different people. Although you may not be in the program now, try as best as you can to remember how you feel about that experience. (Signature)
13. Describe what the Diversion Program means to you.

__________________________________________________________________________

14. Will you have a juvenile record after you finish your Diversion Program?

Yes _____ No _____ Don't know _____

15. If you don't or did not complete your Diversion Plan, would you or did you go to court?

Yes _____ No _____ Don't know _____

16. If yes please discuss.

__________________________________________________________________________

III. Notification of Program

17. Do you think there is any difference between going to court and being in Diversion?

Yes _____ No _____ Don't know _____

18. If yes, describe what you think these differences are.

__________________________________________________________________________

19. How did you first learn of the Diversion Program?

1. _____ Police

2. _____ Letter from Diversion Worker

3. _____ Letter from Court

4. _____ Other: Specify ____________________

IV. Youth's Expectations Of Program

When most people are about to enter a new situation they often spend some time thinking about what the new experience will be like. Sometimes people expect one thing and find out some things are different than what they thought
they would be.

20. Before entering, what did you think it was going to be like in the Diversion Program?


21. How did you feel about entering the program?


V. Initial Diversion Meeting

Making important decisions is often difficult. Sometimes people make decisions on their own while at other times they ask advice from others. In the following questions we'd like to know how you feel about entering diversion and how you finally made this decision.

To the best of your knowledge, rate from one to five the influence of the following in making your decision to enter Diversion:

(Respondent will be given an answer sheet having these scales of 1-5 on it.)

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<td>24. My fear of court</td>
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25. The lawyer influenced me

Not very Rather Very Extremely
strong at all strong strong strong

26. The police influenced me

Not very Rather Very Extremely
strong at all strong strong strong

27. The diversion worker influenced me

2 3 4 5

28. At your first diversion meeting you were given enough information to know the difference between proceedings in court and diversion.

Strongly disagree Mildly disagree Undecided Mildly agree Strongly agree

1 2 3 4 5

29. If you did not learn of this difference at your first diversion meeting when, if at all, did you learn of it?

30. Would you describe what took place at your first meeting with the diversion worker?

31. If your parents were present at your first diversion meeting would you describe what took place in that meeting between yourself and your parents?
32. If a lawyer was present at your first diversion meeting would you describe what took place in that meeting between yourself and the lawyer?

VI. Diversion Plan.

Soon after entering the Diversion Program a diversion plan is drawn up for each person in the program. We'd like to know how your plan was developed by asking you to remember who you thought was involved in deciding what your plan would be.

(The respondent will be given an answer sheet having scales of 1-5 on it.)

To the best of your knowledge, please rate from 1 to 5 the influence of the following in developing your Diversion Plan:

33. (If present) my parents influenced me in the development of my diversion plan.

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34. (If present) the lawyer influenced me in the development of my diversion plan.

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35. I helped to influence the development of my diversion plan.

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36. The diversion worker influenced me in the development of my diversion plan.
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37. (If present) the person whom I offended by my action influenced my in the development of my diversion plan.

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38. Was there any one person or persons present at your first diversion meeting who you feel should not have been involved in the development of your diversion plan?

---

39. Was the person you offended present at any diversion meeting?

---

40. At anytime did you meet with this person to discuss your problem?

---

41. Do you feel the person you offended was adequately paid back for what happened to him?  

   Yes _____  No _____

   Explain:  

   ---

VII. Restitution Or Compensatory Tasks In The Diversion Program

   Not everyone in the Diversion Program completes the same diversion task plan. In this section we are asking you
to share some of your thinking about your diversion task plan in terms of what you did and what you thought about what you were required to do.

42. In your Diversion Plan what were you required to do?

________________________________________________________________________

43. Why do you feel you were required to complete the task you were given?

________________________________________________________________________

44. Were you required to complete your Diversion Plan task with the person who was offended by your action?

Yes ________ No ________

45. Was your Diversion Plan task carried out in the community?

Yes ________ No ________

VIII. Attitude Toward Diversion Plan

People usually have different views about the same thing. Probably your feelings about diversion and what it meant to you are very different from others who were in the program when you were. In the following questions we are interested in finding out what you think the Diversion Program did for you.

(Respondents will be given an answer sheet with scales 1-5 on it.)

46. My involvement in Diversion was my own choice.

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<th>Strongly disagree</th>
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47. Do you see Diversion as providing you with an opportunity to resolve your own problems?

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48. The Diversion Program provides a better opportunity than does the court process for helping you to solve your problems.

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49. Do you think that the Diversion Program will help to keep you out of future contact with the law?

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50. I feel Diversion gives immediate attention to my problem.

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51. I feel Diversion helps me be personally involved in resolving my problems.

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52. I feel that my involvement in the Diversion Program was a voluntary one without the court being involved.

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53. Considering the offense I committed, the task I was required to do was a fair one.

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54. Working in the community helped me solve my problems.

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55. The Diversion Program helped me become more responsible for my conduct.

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56. The purpose of the Diversion Program was not to punish me for the offense I committed.

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57. What do you believe is the purpose of the task you agreed to do (restitution-compensation)?

1. ______ To teach me a lesson.
2. ______ To work on problem.
3. ______ To take care of me.
4. ______ To keep me out of court.
5. ______ None.
6. ______ Other: Specify ____________________________

58. How do you feel now about the task you agreed to do?

________________________________________________________________________________________

In this section we would like you to think about what the Diversion Program was trying to do for you and what it actually did for you.

59. I think the Diversion Program was trying to teach me a lesson.

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Discuss why you chose this answer.

________________________________________________________________________________________
60. The Diversion Program taught me a lesson.

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Discuss why you chose this answer.

61. I think the Diversion Program was trying to keep me in school.

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Discuss why you chose this answer.

62. The Diversion Program helped to keep me in school.

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Discuss why you chose this answer.

63. I think the Diversion Program was trying to make me admit to my problems.

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Discuss why you chose this answer.
64. The Diversion Program helped me admit to my problems.

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Discuss why you chose this answer.

65. I think the Diversion Program was trying to keep me out of the juvenile court system.

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Discuss why you chose this answer.

66. The Diversion Program kept me out of the Juvenile Court System.

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Discuss why you chose this answer.

67. I think the Diversion Program was trying to protect me.

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Discuss why you chose this answer.
68. The Diversion Program protected me.

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Discuss why you chose this answer.

__________________________________________________________

IX. Attitudes Toward Offense

All youths in the Diversion Program have admitted to committing an offense of some kind and have become involved with the police for different reasons. We would ask you here to share your feelings about your contact with the police and why you think you became involved with them in the first place.

69. How did you happen to get in trouble with the law?

__________________________________________________________

70. How many times had you had official contact with the police before participating in Diversion?

__________________________________________________________

71. Do you believe you committed an offense?

_______ Yes _______ No _______ Ambivalent

72. If yes, what are your feelings about your offense?

__________________________________________________________

X. Self Definition and Others

In the earlier part of this interview we talked about how people are different, such as your parents, the lawyer and the diversion worker. Now, we would like to ask you how you see yourself as different from others. First, let's talk about how you see other people.

73. How could you describe the way the diversion worker treated
you in the program?

74. What do you think about the police?

75. What kind of people do you like?

76. What are the things you like about yourself?

77. What are the things you don't like about yourself?

78. What do you usually do about them?

XI. Conclusion

In this last part of our interview we would like to learn from you how you think the Diversion Program could be improved. In this community the Diversion Program is only one year old. In future years it is hoped that the program will be made even better. You can be an important part in helping us in making changes so that the program may be made better.

79. If one of your buddies was in trouble, would you recommend Diversion to him?

   Yes _____   No _____   Undecided _____

80. If yes, why would you recommend Diversion?
81. If you could make some changes in the Diversion Program, what would you change?
   a) Program: ____________________________________________
   b) People: _____________________________________________
   c) Tasks: ______________________________________________

82. We've talked a great deal about the way you feel about various people and things. I wonder if we could spend some time discussing your feelings about what we were doing?

83. What did you think while we were talking?
APPENDIX B

PILOT DIVERSION REPORT

ESSEX COUNTRY PILOT DIVERSION PROGRAM
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PHILOSOPHY

For many years the Criminal Justice System has been the only method of dealing with juvenile offenders. However, it has become evident that in many cases, it is not in the best interests of either society or the juvenile to follow the traditional justice process. Research indicates that the probability of delinquent behavior reoccurring increases in children who have been identified as delinquent by a formal court process. It seems that once an individual enter the justice system he has extreme difficulty in extricating himself and usually remains within the system. Based upon this rationale, "Diversion" represents an approach which minimizes involvement in the traditional adversary process and maximizes conciliation and problem settlement.

Diversion is a method of temporarily deflecting or administratively sidetracking juvenile offenders from the juvenile justice system, that according to certain acceptable criteria do not belong to that system.

This deflection of youthful offenders began in the late 1960's and has been successfully adopted by many jurisdictions in the United States. Its purpose is to take the first offender or pre-delinquent child (usually between 12 and 14 years of age) and play down or minimize his perception of being important because he is an offender. Thus the official role of the Juvenile Court is minimized so that it does not become attractive to him.

In order to accomplish this purpose, it is necessary
that:

(a) These cases be handled as much as possible, on an unofficial basis, with minimal (or no) direct involvement of the child in the Court procedure.

(b) No use of detention and minimal use of various forms of probation.

(c) Immediate referral of the youngster and his parents to some kind of program involving family counselling, emphasising the problem as a family problem, requiring efforts by all of them.

(d) Increasing the child's belief that there is more to be gained from adults through socially desirable kinds of behaviour than misbehaviour.

The key casework tool in this community based approach is behavioural contracting.

It is not necessary nor is it desirable that all the children receive identical treatment. Of importance is the impact made and the assistance received through the development of non-traditional resources.

Hopefully, the child should not be able to associate these services with the official Juvenile Court.

Finally, participation in the program must be voluntary.

GOALS OF DIVERSION PROGRAM

The process of Diversion encourages interaction and involvement between the delinquent child, the parents, the
victim, and the Diversion Worker. This interaction is designed to attain the following goals:

1. To provide an informal means of solving problems involving delinquent acts of children.

2. To offer assistance to children on a voluntary basis without court intervention.

3. To give immediate attention to the problem to protect the community from a child's continued delinquent behaviour.

4. To allow the child to be actively involved in undoing his wrong.

5. To involve the victims of delinquent acts in the resolution of the problem, i.e. confrontation and compensation.

6. To engage parents in formulating and carrying out a plan to deal with their child's behaviour.

7. To elicit the participation of community groups and institutions in an actualizing response to the child's behaviour.

8. Bringing the youngster into contact with appropriate interested adults, where this is already inaccessible at home.

9. To enlist the aid of trained citizen volunteers.

10. To instil responsibility for conduct and deemphasize punishment.

ADMINISTRATION

The program in Essex County was instituted on June
18, 1975 under the direction of Provincial Judge T.L. Docherty. For 12 months, it is being operated as a Pilot Project under the supervision of Patricia Rolfe, a Probation Officer with Juvenile Probation and After Care. Other part-time staff includes Mary Pylak and Neville Cheeseman, social workers with the John Howard Society of Windsor. Jack Buhlman, Executive Director of the John Howard Society acts as Casework Supervisor and Consultant to the program.

Staff requirements can be consolidated as two full-time persons.

FLOW CHART

* Charge
* Notice to Parents
Receptionist * * Appearance Notice
Division Worker * * Juvenile Court

The informality of the administration allows for quicker intervention to curb the antisocial behaviour. The expected time lag between the laying of the information and the first appointment is 7 days.

Monthly meetings are held between the diversion workers and the Judge to discuss new resources and to assist in enlisting the cooperation of helping agencies.

CRITERIA FOR PROGRAM

A fixed set of criteria is essential to ensure that
access to diversion is granted consistently in each case, and to ensure that the program deal only with those cases it is designed to handle.

The availability of personnel and the ability of the program to adequately deal with certain behavioural problems dictate the criteria for diversion. Criteria should be arrived at by friendly cooperation between the Police, the Crown Attorney and the Court.

The following cases are not to be diverted:
1. Armed robbery
2. Robbery with violence
3. Murder
4. Manslaughter
5. Any offense involving violence except common assault.
7. Where the child or his parents insist on Court intervention.
8. Where the Prosecutor’s case will become stale or unprovable through the lapse of time.
9. Where the child has previously appeared in Court or been diverted.

PROCEDURES FOR DIVERSION

1. **At In-Take**

At the first meeting of child, parents and Diversion Worker, a brief explanation of the program and its processes
leading to either a Compensatory Task Agreement and or a referral to a Helping Agency are given. When it is established that the child has a clear understanding of the charge alleged against him/her and options available, the Diversion Worker leaves the family and is replaced by the acting Duty Counsel.

2. Importance of Admission of Facts.

Duty Counsel peruses the Crown brief attached to the charge, advises of the probability of a finding of delinquency if the charge proceeded to Court, and assists the family in arriving at a decision to proceed either to Diversion or to Court. Before a child can elect for diversion, it must be clearly understood that the plea would be "guilty" if the charge proceeded to 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.

3. Options Available for Diversion Worker.

Within two weeks of the initial interview, the Diversion Worker meets with parents and child to ascertain how the child functions in the home, the school, and the community; to identify strengths existent in the family constellation; and to discuss the need (if one exists) for referral to a resource agency. Possible diversion responses include: cautioning the child verbally, developing a Compensatory Task Agreement, developing a Referral Agreement, or
moving the case on to Court process.

4. **The Plan.**

The Diversion plan is mutually developed by child, parents, victim and Diversion Worker. It is specific and time limited. It is individually tailored to the needs and abilities of the child.

5. **Compensatory Task Agreements.**

Each restitution plan is arrived at through negotiation between child and victim with the Diversion Worker acting as a facilitator and mediator. Work values for offenses are developed based on actual monetary cost incurred by the victim and the community (police time), personal suffering and inconvenience incurred by victim, and the child's age and work capacity. When victims choose not to be involved in Compensatory Task Agreements, they are asked to participate in developing a work value, and to suggest a community service area to which the child's work can be applied.

6. **Referral.**

Only those children whose social profiles indicate the need for ongoing intervention and support are referred to resource agencies. The child and his parents are engaged with the Diversion Worker in identifying the appropriate agency and in negotiating the duration of their involvement with that resource.

7. **Follow-up.**

In the instance where a Compensatory Task Agreement
is developed, the Diversion Worker remains in contact to assure that the child keeps his/her promise of restitution, and to mediate any interpersonal difficulties between the child and the adult supervising the child's work.

When a referral is made to a resource agency, a request is made to that agency to feedback on the child's progress at one, three, six and nine months. At these intervals, the Diversion Worker makes a contact with the child, parents, the resource agency to ascertain that the child remains engaged in the helping process and to mediate any difficulties.

8. Closing Option.

The charge against the child remains pending until the child fulfills his agreement. If at any time the child fails to live up to the terms, or indicates a lack of cooperation the charge is activated and the child must appear in Court. When the child has fulfilled his agreement, and upon recommendation of the Diversion Worker, the charge is adjourned sine die. The process is thus completed without the child having had a formal court appearance or ever having been adjudicated delinquent.

At any point in the Diversion program of a child that the worker is assured of the child having attained satisfactory social adjustment, a recommendation for sine die adjournment—may be made and the contract regarded as having been completed. At the point of sine die adjournment, the case is closed.
PROTECTING THE JUVENILE

(a) Reasons for a Formal Charge.

Any Diversion program should be designed to deal effectively with those persons presently coming into the system. Like all new programs, if not controlled, it will expand and will bring into the justice system many juveniles not normally dealt with by the system and whose conduct is normally overlooked.

Accordingly, criteria should be laid down to guard against this danger. This is the main reason for insisting that a charge be laid.

(b) Legal Advice.

Again to ensure that the program is a refinement in the existing system and not an informal expansion of the existing system, it is essential that the offence charged be a provable offence, i.e. if it proceeded to Court as set out in the Crown brief, a finding of delinquency would probably follow. At the first meeting of the child and the Diversion Worker, Duty Counsel is present to read the Crown brief and to advise the family if the offence is a provable one. If it is not, he is obliged to advise the Diversion Worker of this fact and to advise the family to refuse diversion.

(c) No Court Record.

The fact that the child has been directed or refused diversion is not taken into account in any future hearings and is not a matter of record to the Court. Once diversion has been completed and the charge adjourned sine die, the
file is closed. No reference is to be made to the Juvenile Court of any previous diversion process prior to any disposition being made to avoid any prejudice to the child.

POLICY GUIDELINES

1. Partial Admission of Facts.

At the first Diversion interview with child and parents:

(a) where there is more than one information and the child is prepared to make a General Admission of Facts to only one information, all informations are returned to court process;

(b) where the child disputes the facts as stated in the information (e.g. information alleges property damage to two cars and child admits damage to one), the Diversion Worker contacts the police officer who laid the information and ascertains if the officer is willing to amend the information. After the information is amended and the child signs General Admission of Facts to amended information, Diversion may proceed. If the officer chooses not to amend the information, the case is returned to court process.

2. Insurance Liability.

Since the child is doing work voluntarily and is not actually an employee of the corporation, the corporation's liability in the case of accident or injury would be the same as the corporation's liability in the case of any citizen who suffered accident or injury while on the corporation's pre-
mises. In essence, a corporation's existing insurance liability coverage is sufficient to allow it to participate in Compensatory Task Agreements.


Since the child is doing voluntary work and is not an employee, the child's work is not subject to these statutes.

With regard to Labour Unions, a child who is involved in a compensatory task agreement is not an employee of a corporation nor is he/she doing work ordinarily done by an employee. The child's role is that of a voluntary helper to an existing employee. The employee who the child is assisting is a gainfully employed citizen and is therefore a responsible model for the child.

4. Return of Property to Victims.

In those cases where the information laid against a child is held pending, and where the victim requests it, property can be returned to the victim before the case is completed in Diversion (i.e. Compensatory Task Agreement or Referral is not yet completed).

Procedure: Informations of all children in Diversion involved in the offense are presented to Judge Docherty. Judge Docherty orders return of property to victim on the information and endorses it. Diversion Worker xeroxes the informations and sends them to the police officer involved. A letter of explanation may accompany the informations to the police officer or a telephone contact of explanation may proceede them.
PLAN FOR EVALUATION

1. Present.
   Monthly meetings are held between all persons involved to revise and update any forms and procedures and to critically examine the program itself. Meetings with the law enforcement agencies are scheduled every six months to establish uniformity of procedure. A weekly meeting of diversion workers takes place to examine and review all cases diverted to identify any need for modification of approaches to behavioural modification.

2. Future.
   A comprehensive report evaluating the program is to be prepared by the University of Windsor, School of Social Work as part of a Master's Thesis. It is to be available by the fall of 1976.

APPENDIX

PROCEDURE FOR DIVERSION WORKER

1. Review all information laid to determine if it is a diversion case, i.e. meets diversion criteria.

2. If NO, return information to Court for processing in accordance with established procedure.

3. If YES, have Secretary mail form letter requesting appointment and personal history.

4. Receptionist to be provided with Diversion Worker's book to arrange appointments and determine if parents intend to retain their own counsel.
5. An appointment date to meet with accused and his/her family.

6. **Procedure at first meeting:** (to take place within one week of laying information). Ideally, this first Diversion Interview should provide an opportunity for participation in discussion by the juvenile, his parents or guardian, duty counsel and diversion worker.

   (a) Present facts of occurrence as given in police information. Permit individual reactions and opinions to emerge in discussion. Note the views toward and reasons for the occurrence as presented by juvenile and parents.

   (b) Introduce and explain diversion program, including purpose of program, responsibilities of participants, involvement of victim, role of duty counsel, role of diversion worker. Gather views from individual family members concerning the program as well as involvement of victim in the diversionary process.

   (c) Have duty counsel meet privately with the family to consider the information from a legal perspective, determine its provability, offer legal advice to juvenile and parents and assist them in reaching a decision regarding their intention toward the program.

   (d) If decision is to proceed with diversion, meet with family and begin to explore present home situation, family constellation and relationships, juvenile's attitude toward school, and problem areas. Invite solutions from family, as well as suggestions for compensatory tasks and feelings toward program.
(e) Arrange to meet with the family within two weeks.

7. (a) It is then the diversion worker's responsibility to record the interview and develop a diagnosis. Based on the diagnosis, the worker then formulates a tentative treatment program.

    (b) Within the two week period, contact the victim and explain diversion as well as the victim's role in the process. If victim is willing to proceed, arrange an interview during which compensation and expectations can be discussed. Invite victim to second diversion meeting. If victim expresses an unwillingness to be involved, contact a Community Resource.

8. Procedure at second meeting:

    (a) If victim is unable to attend the second interview with the juvenile and family, present victim's view regarding compensation, as well as tentative treatment program. Encourage individual members to express their views toward the proposed program. Once agreement has been reached by all the participants, obtain signature on the necessary documents.


10. Send referral letter to agency with xerox copy of Settlement Contracts and Consents to Referral with Feedback Outlines.

11. Diarize case for 30 days for interim report.

12. Review file at 1, 3, 6, and 9 months.
13. In no case is program to exceed 9 months from date of intake.

14. In event there is an apparent lack of cooperation by either the parents or child at any stage, the matter is to be referred back to Court for processing in accordance with established Court procedures.

15. File may be closed at any time upon satisfactory results being obtained.

Conditions mitigating Verbal Caution to the child and no further action by Diversion Worker:

(a) Child having had little or no previous contact with police.

(b) Child presenting relatively few or no serious behaviour problems at home, at school and in the community apart from the occurrence.

(c) Child living in a stable home environment.

(d) Demonstrated strength in child's parental figures to deal with problematic behaviour child presents (gleaned from parents' own disciplinary response to the occurrence).

(e) Child's attitude demonstrating an appreciation of the seriousness of the offense, remorse, and firm intent not to get into further difficulty with the police.

COMPENSATORY TASK AGREEMENT

PURPOSE:

To afford a child charged with an offense for the first time an opportunity to voluntarily compensate the vic-
GOALS:

1. To acquaint the child and victim personally with each other, thereby personalizing their appreciation of each other beyond the experience of the offense.

2. To have children do productive, useful work which is beneficial either to a citizen or to the community at large and to the child.

3. To provide a means by which children are given the opportunity to assume responsibility for their own behaviour.

4. To involve victims and juveniles with members of the community in the process of dealing with the offense, fostering an interpersonal response to delinquent behaviour.

FORMULA FOR THE DEVELOPMENT OF A WORK VALUE FOR AN OFFENSE

<table>
<thead>
<tr>
<th>FACTORS</th>
<th>$ VALUE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Personal Suffering or Inconvenience of Victim</td>
<td>$2.40 (or more)</td>
</tr>
<tr>
<td>B. Property Damage</td>
<td>actual cost of repairs or replacement</td>
</tr>
<tr>
<td>C. Company Time Spent Dealing with Offense (Including Security Officer's Time)</td>
<td>$2.40/hr. (or more)</td>
</tr>
<tr>
<td>D. Police Time Spent in Investigation of Offense and Taking Statements</td>
<td>$8.00/hr. per officer</td>
</tr>
<tr>
<td>E. Value of Articles Stolen</td>
<td>actual $ value of merchandise</td>
</tr>
<tr>
<td>E. Value of Articles Stolen</td>
<td>$ Value</td>
</tr>
</tbody>
</table>
Minimum $2.40 wage  # of Hours to be Worked

$ Value

CAUTION:

Formula is to be used as a guideline and not a rigid rule. Pre-Court Settlement Contracts are individualized and tailored to the capacities of the child and the needs of the victim or the community. In offenses that have an exceptionally large Dollar Value, and therefore an exceptionally large Work Value, common sense is to prevail and excessive long-term demands not to be made on the child's time. Work Values in these offenses, however, should be sufficient to reflect the seriousness with which the community regards such behaviour.

DETERMINING THE BENEFICIARY OF THE CHILD'S WORK

In all cases where Settlement Contracts are being developed, the Diversion Worker contacts the victim of the offense to solicit the victim's participation in the Contract. In those instances where victims choose not to, or are unable to participate, a Community Service Contract is developed. In a Community Service Contract, the beneficiary of the child's work is the community at large. Charitable, municipal and provincial institutions and agencies are solicited as participants.

FINANCIAL COMPENSATION

Consideration is to be given to the appropriateness of the child doing financial restitution when the child has
a source of income that is an allowance or a part-time job, and when the child chooses this option. Contracts are entered into whereby the child chooses to make a given monthly payment for a specified number of months not exceeding nine. Cheques are made payable to Mary Pylak and Pat Rolfe and mailed to the Juvenile Court. When the lump sum is arrived at, Diversion Worker then cashes the cheques and issues a cheque either to the victim or to the party who suffered financial loss. For example, the insurance company which paid the victim's claim - Diversion Worker then sends a copy of the victim's or compensated party's receipt to the child and the process is completed.

It is desirable for the Diversion Worker to personally accompany the child to the place of work to introduce the child to the adult who will be providing work instructions and equipment. It is desirable that the Diversion Worker provide the adult participant with receipts which the adult issues to the child at the end of each work period as proof of work done. When the Contract is completed, the child returns the receipts to the Diversion Worker and the process is completed.

**ROLE OF THE LAWYER**

In general, Diversion refers to a process whereby certain types of delinquent behaviour are handled by some other means than the Juvenile Justice System. A child is given the chance to voluntarily compensate for the harm he
has caused and if necessary, consent to treatment by a helping agency. This pre-court settlement arrangement is designed to make a first offender aware of the responsibilities of delinquent behaviour by a less serious means than court procedure.

Role at initial diversion:

1. Lawyer will review informations screened by the Diversion Worker to determine whether there is a provable offense.

2. Also he will review the file to determine whether the prosecutor's case will become stale if the program is not successfully completed by the individual.

Role at first meeting:

1. After the facts of the occurrence have been presented to the accused, the lawyer will explain in private that a provable charge has been laid and determine if the accused has a good defense.

2. If there is no defense and child intends to plead guilty he will discuss the program with them.

3. In any event the lawyer will advise the parents and the accused of their right to reject the alternatives of diversion and proceed to trial.

4. The lawyer will further be available to advise the parties during the meeting.

ROLE OF DIVERSION SECRETARY

1. Secretary will type information on all charges.
2. Information will be scrutinized on Monday morning by the Diversion Worker. The Diversion Worker will determine informations to be diverted.

3. Informations not diverted will be returned to court clerk for court processing in the usual manner.

4. On informations being diverted, secretary will:
   (a) send out diversion letter to child's parents. Enclosed in the letter will be pages 1 and 2 of the child's Personal History Sheet.
   (b) prepare an index card for court records with child's name, address, telephone number, charge, date diversion letter sent out and date of first appointment.
   (c) prepare an index card for diversion worker with child's name, address, telephone number, charge, date diversion letter sent out, date of first appointment and diversion worker's name. This index card will be put in the file.
   (d) N.B. Make no diversion notation on face sheet of file.

5. Within 48 hours of receiving diversion letter, child's parents should phone the Court to arrange an appointment. When parents do not call, Diversion Worker will call the parents to find out if they received the letter. If letter received, and appointment not wanted, Diversion Worker records telephone contact on diversion index card, notes no response to diversion letter, on fact sheet on file, returns the file to court clerk for usual processing and files diversion index card in file box under NO RES-
PONSE. If letter not received, Diversion Worker having
checked address with parents, sends out diversion letter
and personal history sheets to parents again.

When parents call, secretary will arrange appointments
and record them in appointment book. Secretary is to ob-
tain their telephone number and record on both index cards.

6. Secretary will place in the file the following forms:
   (a) General Admission of Facts
   (b) Settlement Contract - Statement of Intentions
   (c) Consent to Referral
   (d) Profile of the Child - Part I and II
   (e) Diversion Index Card

7. When files prepared, index cards included, appointments
   arranged, secretary puts files and appointment book in
   Diversion Cabinet under New Cases.

8. Secretary types all follow-up correspondence on accepted
diversion clients.

9. Secretary will provide reading material explaining the
Diversion Project to parents and children waiting for
their appointments.

DIVERSION FILING PROCEDURE

ENTRY - Secretary receives no response from letter and enters
"no response" on Index Card. File and case are put
into Court process.

FILE - Index Card under NO RESPONSE

Diversion Worker receives Court File with Information
and Index Card
ENTRY - Date letter sent to parents
ENTRY - Date of first appointment

WHEN PLEADING NOT GUILTY:
ENTRY - Diversion Worker notes pleading not guilty Takes out Personal History Sheet
Creates Diversion File

FILE - Under NOT GUILTY
Returns file to court clerk for court processing.

FILE - Index Card under NOT GUILTY PLEA

WHEN ADMITTING FACTS:
FILE - Signed admission of facts
FILE - Personal History
When discussion of child's needs and difficulties indicate:

ENTRY - a) Diversion Worker gives caution; sends child home. Sends form letter to police, copy for file, copy to parents. Diversion Worker takes out Diversion documentation, returns file to Judge. Makes up Diversion file

FILE - File under CAUTION
FILE - Index Card under CAUTION
ENTRY - b) Diversion Worker discusses concept of settlement contract; compensatory task schedules second interview (with victim to be present)
ENTRY - c) Diversion Worker discusses the need for a comprehensive Social History; obtains Release of Information;
schedules interviews with parents, child, school, other agencies; schedules next meeting with parents and child to discuss referral and/or treatment plan.

ENTRY - Settlement contract interview
ENTRY - Note if victim present or not
FILE - Signed settlement contract
   Send xerox copy to police
FILE - Index Card under month contract to be completed (if no referral involved)
ENTRY - Child’s name and date contract to be completed on
   Diversion Worker’s List of Active Contracts
ENTRY - Date and person involved in Social History interviews
FILE - Social History and recommendations
ENTRY - Referral or treatment planning interview
FILE - Referral Contract
   Send xerox copy to police
ENTRY - Date Referral Contract sent to referral agency
FILE - Index Card under month first feedback required
ENTRY - Child’s name and date first feedback required under Feedback Outlines
ENTRY - Dates feedback received
FILE - Feedback Outline
ENTRY - Date case resolved
   Send closing letter to Police - xerox copy to parents
   - xerox copy remains in file.
   Diversion worker removes Diversion documentation from Court file, returns file to Judge. Make up Diversion
APPENDIX C

INTRODUCTORY LETTER TO PARENTS
Dear

An incident involving ______________________ has been referred to this Court by ______________________.

It is essential that we meet with your child and you and your husband in order to conclude this matter in the best interests of your family. We invite you to phone Juvenile and Family Court within 48 hours, at 254.2871 to arrange a friendly, confidential conference. Also please complete the attached form and bring it with you on the day of your appointment.

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

We trust that your cooperation in this matter will be voluntary and it will not be necessary for this Court to issue a subpoena.

Yours truly,
APPENDIX D

LETTER TO RESEARCH POPULATION
The School of Social Work at the University of Windsor has been asked by the Ministry of Correctional Services to evaluate the newly-developed Windsor Diversion Program in terms of its effectiveness.

The intent of the Diversion Program, as you probably know, is to help juvenile offenders in an informal manner, apart from the traditional justice system.

It is readily obvious that any such evaluation must include the attitude and reaction of those persons who have been directly involved in the program. We are therefore planning to interview all of the young persons who are presently in the program or who have been in it at some earlier time. These interviews will be conducted by three graduate students in Social Work, Norm Reynolds, Clint Tyler and Jane Vanderzwet.

We are most interested in finding out what the Diversion Program has meant to your son or daughter. The only way we can accomplish this is through your cooperation and your son's participation. We are quite prepared to come to your home for this interview, and wish to assure you that anything that you say will remain anonymous and will be kept in the strictest confidence, and will in no way affect your relationship with the Diversion Program or the Ministry of Correctional Services.

It is our hope that the information obtained through this research project will enable the Essex County Diversion project to best meet the needs of young people in this community with whom they will be working in the future.

One of the above-mentioned interviewers will be telephoning you soon to arrange for a convenient interview time.

Thanking you in advance for your time, interest and cooperation.

Yours truly,

B.J. Crocker
Director
School of Social Work
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Interview with Patricia Rolf, Program Supervisor, Essex
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February, 1976.
VITAE AUCTORIS

Norman Montgomery Reynolds was born on June 14, 1947 in Toronto, Ontario. Both primary and secondary school education were completed in Toronto after which he enrolled at the University of Windsor in 1969.

Mr. Reynolds graduated in 1971 with a B.A. in psychology and later graduated in 1973 with a B.S.W. During his fourth year in the Social Work program, Mr. Reynolds undertook his field placement at the National Parole Service, Windsor, Ontario. Upon graduation, Mr. Reynolds assumed employment with the Canadian Penitentiary Service working within the Classification Department at Warkworth Penitentiary. Mr. Reynolds later transferred to the National Parole Service, Peterborough and worked as a Parole Officer until August of 1975, at which time a one year period of educational leave was granted to him by the National Parole Service. Mr. Reynolds then enrolled in the M.S.W. program in September of 1975 at the University of Windsor.

Throughout the academic year, Mr. Reynolds undertook his field placement at the National Parole Service.
VITAE AUCTORIS

Clinton Leo Tyler was born on February 4, 1942 in Detroit, Michigan. His elementary and secondary education was completed in the Detroit Public School system: Owen Elementary School; Jefferson Junior High School; and Western High School.

Following six years of self-employment, as a sales representative, Mr. Tyler entered the University of Windsor and was awarded the Bachelors of Arts degree, in history, in 1969. Upon graduation, Mr. Tyler managed a store and warehouse for a major paint manufacturer in the Detroit area.

It was during this time that Mr. Tyler, as a volunteer, participated on the Board of Directors of Crossroads Human Growth Community, Windsor, Ontario and co-ordinated that agency's community crisis intervention and Drop-in Centre. In 1971, Mr. Tyler was employed by the Crossroads organization as the Programme Co-ordinator of the residential treatment unit.

In 1972 Mr. Tyler entered the University of Windsor, School of Social Work. His field placement experience was at the Windsor Y.M.-Y.W.C.A. as an outreach worker.
Upon graduation, B.S.W., 1973, Mr. Tyler accepted employment at the Boy's Farm and Training School, Shawbridge, Quebec, as Cottage Co-ordinator of an open treatment unit for acting-out "delinquent" youths.

In 1975 Mr. Tyler received a bursary from Boy's Farm and Training School to return to school. He entered the University of Windsor, School of Social Work, Masters of Social Work program and is expected to graduate in October, 1976. His field placement experience was with the Ontario Ministry of Correctional Services, Juvenile Probation and Aftercare, Windsor, working as a Probation Officer.

Upon completion of this thesis, Mr. Tyler will return to Boy's Farm and Training School, Group Home Division, Montreal, Quebec, as the Supervisor of the Group Homes.

Mr. Tyler has had published an article titled "From Child Care to Treatment: an Account of the Change Process in a Residential Treatment Unit for Acting-out Delinquent Youth" in Criminology Made in Canada, March, 1976.
VITAE AUCTORIS

Jane Lynn Vanderzwet was born on August 28, 1949 in Oshawa, Ontario. Her elementary school education was completed at Dr. Robert Thornton School in Oshawa and her secondary school education was obtained at Anderson Collegiate in Whitby, Ontario.

Following the completion of her B.A. in 1970 at the University of Windsor, Mrs. Vanderzwet assumed employment with Browndale Treatment Centre for emotionally disturbed children. Later, she accepted employment at Hillsdale Manor, Home for the Aged, Oshawa, as a social service worker in the newly created Social Service Department.

In 1974 she enrolled in the B.S.W. program at the University of Windsor to continue her education with the intentions that her studies would culminate in a Master's degree in Social Work. After receiving her B.S.W. degree in the spring of 1975, Mrs. Vanderzwet enrolled in the M.S.W. program at the University of Windsor and expects to graduate in October, 1976.

During the completion of the B.S.W. program, her field work placement was with the Crippled Childrens Centre where she was involved with the children in the Cerebral Palsy pro-
ogram as well as the young people attending the Red Cross School. In the M.S.W. program, Mrs. Vanderzwet's field placement was carried out at Huron Lodge, Home for the Aged, Windsor. Specialization was in the area of administration.

Further to her studies, she held a teaching assistant position and was a member of the Admissions Committee, School of Social Work.