

REFORMING THE JUVENILE JUSTICE SYSTEM: THE DIVERSION OF STATUS OFFENDERS

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Diversion has emerged as one of the most popular reform tactics in the juvenile justice system. An analysis of a two-year diversion program for status offenders revealed significant conceptual and operational ambiguity. The notion of a progression of a delinquent career from status to criminal offenses was not supported. The utilization of community-based programs in place of the juvenile court resulted in agency competition for clients and lengthy treatment programs for status offenders. Finally, the impact of specialized treatment for status offenders on behavioral and attitudinal measures was not significant. It was concluded that diversion programs developed exclusively for status offenders may be predicated on faulty assumptions.

I. INTRODUCTION

The juvenile justice system has been under a heavy barrage of criticism for well over a decade. Some critics saw the juvenile court essentially as a stigmatizing mechanism that produced negative self-concepts which played a part in transforming adolescents into delinquents (Lemert, 1967; Schur, 1973). The United States Supreme Court lent its weight to the attack in two landmark cases. The *Kent* (1966) and *Gault* (1967) decisions injected a strong element of due process of law into juvenile hearings, while at the same time leveling scathing denunciations of juvenile court proceedings as "kangaroo courts," "fatally defective" or "grudging gestures" to justice. An even more formidable offensive was marshalled under the auspices of the Commission on Law Enforcement and Administration of Justice (President's Commission, 1967), which charged that the juvenile justice system had not only failed to achieve its objectives, but in the process had contributed to an increase in delinquency. Finally, some recent

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research findings call into question the rehabilitative impact of any phase of the juvenile court process (Robison and Smith, 1971; Lipton *et al.*, 1975; Lerman, 1975). In response to this widespread dissatisfaction with current treatment and prevention strategies, Congress passed the Juvenile Justice and Delinquency Prevention Act of 1974, which purported to restructure and reorient the juvenile justice system.

Current reform tactics have been subsumed under what Empey (1978) refers to as the “four Ds”—decriminalization, diversion, due process, and deinstitutionalization. However, diversion has emerged as the most popular program initiative. Part of this can be attributed to the specific recommendation of the President’s Commission on Juvenile Delinquency (1967), and to the high priority given to the removal of status offenders from the juvenile justice system in the 1974 Act. But it has also been argued that diversion is a fad (Etzioni, 1976) and that the conceptual ambiguity surrounding it lends itself to myriad operational definitions (Klein, 1979). Ostensibly, juvenile diversion refers to the process of turning young offenders away from the juvenile justice machinery. This may represent a step toward Schur’s (1973) admonition of radical nonintervention, or at least towards the elimination of “treatment” far in excess of the standards of justice (Pawlak, 1977). But diversion may also represent a “widening of the net phenomenon.”

Diversion of youth from the criminal justice machinery is a longstanding goal of reformers. For example, the common law exempted children under the age of fourteen years from responsibility for criminal behavior (Platt, 1969); the House of Refuge movement in the 1820s arose in response to the dangers of institutionalization (Empey, 1978); the juvenile court was created as a result of children being “warehoused” in Houses of Refuge (Finestone, 1976). It is ironic that yet another diversion movement has arisen in the latter stages of the twentieth century to override these previous reform efforts. But whatever may precipitate a social movement to correct what the Juvenile Justice Act of 1974 referred to as “the devastating failures of the juvenile justice system” (Public Law 93-415, § 101), diversion is a muddled concept with no precise definition. Klein (1979) has suggested that the essential ingredient of diversion is the process of turning juvenile offenders away from the formal justice system. But in actual practice, this may refer to diverting youth away from the court as well to diverting them to alternative programs. Hence, diversion may entail the avoidance of the juvenile justice

process through an outright release, or it may consist of diverting offenders away from the justice system through placement in an alternative program.

II. THE INVENTION OF STATUS OFFENDERS

The crux of most diversion efforts is the removal of petty, noncriminal offenders from the juvenile court. Historically, the jurisdiction of juvenile courts was limited to issues of delinquency and dependency. However, in attempting to carry out their mandate to control and prevent delinquency, the courts created a new category of delinquent behavior, the status offender. Since the status offender is not clearly either a delinquent or a dependent child, the juvenile court has struggled with its responsibilities toward this ambiguous legal entity. Initially, the juvenile justice system viewed the status offender as an incipient delinquent who had special needs and required a form of social casework approach designed to curtail future delinquency (Weis *et al.*, 1980). More recently, status offenders have been treated similarly to delinquents in terms of being deviant and subjected to similar judicial processing, resulting in a merger of legalistic and social casework approaches to serve the needs of these noncriminal offenders. Conflict between these approaches was partially resolved by the Juvenile Justice Act's restrictions on juvenile court handling of status offenders. Some states (California, Maine, Utah, and Washington) have come close to abandoning juvenile status offenses.

Common assumptions about the legal attributes of status offenders are suspect. It is popularly assumed that a status offender specializes in petty, harmless, noncriminal behaviors. The justification for maintaining jurisdictional control over status offenders is that, despite their alleged involvement in noncriminal behaviors, status offenses are predelinquent acts which, if not controlled, will escalate into more serious delinquency. Thus, the tension in juvenile court reform and the implementation of diversion for status offenders arises from the question whether such offenders should be truly diverted away from the juvenile justice machinery or merely referred to alternative community-based agencies for specialized treatment.

The juvenile diversion project described in this article was predicated on three assumptions. First, there was an implicit notion of career escalation. Juvenile offenders were viewed as progressing from lower to higher stages of delinquency; if left

unchecked, status offenses would escalate into more serious offenses. Hence, the diversion of status offenders entailed not only deflecting them from the court system but also, in many cases, "treating" the early symptoms of maladjustment. Second, a community-wide referral network was to be established to offer status offenders services in a noncriminal, nonstigmatizing, community-based facility. Community agencies as well as a special unit attached to the juvenile court were to be mobilized to take a proactive stance in dealing with status offenders. The referral process did not necessarily involve the juvenile court directly, and status offenders could be assigned multiple services offered by a wide variety of community agencies. Finally, it was assumed that these treatment programs would lower recidivism rates and enhance the social adjustment of status offenders. This article examines the program outcomes of this diversion project in the context of these three goals.

III. A DIVERSION OF STATUS OFFENDERS PROJECT

In 1975, the Law Enforcement Assistance Administration funded a status offenders' deinstitutionalization project in Pima County, Arizona. Lest we slip into conceptual oblivion by introducing the term deinstitutionalization in place of diversion, we should point out that the Pima County Juvenile Court had implemented a policy of deinstitutionalization of status offenders some three years before the grant award. Status offenders were still being processed by the juvenile court, but virtually none were being institutionalized, and only a small percent were being detained. The grant recipients accordingly interpreted deinstitutionalization as synonymous with diversion.

The Pima County program called for a two-year pilot project during which all status offenders were to be diverted from the juvenile court. A Mobile Diversion Unit was created by the juvenile court to handle all status offenders referred directly to the court, with the provision that no status offender would penetrate into the official processing machinery. In addition, 17 community agencies were selected to be "service providers." These community agencies could receive juvenile referrals either directly from the community or from the court's Mobile Diversion Unit.¹

¹ The Mobile Diversion Unit was to be phased out as the funded community became more actively involved in the diversion program. However, based on a literal interpretation of the Juvenile Code, law enforcement

Ideally, status offenders were to be diverted from the juvenile court and sent home. In the event that the diversion intake agency deemed the youth to be in need of some form of service (e.g., shelter care, educational alternatives, counseling, or medical treatment) he or she could be referred to one of the 17 community agencies. Because it was estimated that during the two-year grant period several thousand status offenders would be diverted, a random sample of diverted youth would be selected at the moment of intake for evaluation purposes. This would entail the construction of an offense history from law enforcement agencies, plus an interview shortly after intake into the program. Both official offense and self-report data would be gathered for a period of one year after program intake.

Two control groups were randomly selected for comparison. Because of ethical considerations, juveniles could not be assigned randomly to experimental and control groups. One control group was therefore selected from those status offenders processed up to one year prior to the advent of the diversion project. However, in light of the philosophical and operational changes that began to unfold in the juvenile court several months before the grant award, it was decided to create a second control group covering a time period 12 to 24 months prior to the diversion project.²

The objective of the program evaluation was to ascertain whether the implementation of a diversion program for all

agencies could release arrested juvenile offenders only to their parents or guardians, or to the juvenile court. There was no provision in the Code for diverting arrested offenders to community agencies. The DSO program staff requested that police issue a "police contact report" when dealing with status offenders rather than making a formal arrest. However, since police promotions and evaluations are rendered on the basis of arrests, and a significant number of police arrests were for status offenses, the DSO program was forced to accommodate to these well-entrenched procedures. The only feasible solution was for the police to continue arresting status offenders but refer these offenders to an official unit of the juvenile court, the Mobile Diversion Unit, which could then divert these arrested offenders to community agencies. Thus, the Mobile Diversion Unit came to occupy a central position in the diversion program for status offenders apprehended by the police. The irony of this situation was that the Juvenile Court, in attempting to divest itself of a large category of offenders, was forced to expand its organizational structure.

² In the process of applying for this grant, the juvenile court staff became sensitized to the need to divert status offenders from the juvenile court system. Changes were implemented in the processing of status offenders prior to notification of the grant award. A separate intake unit was created to handle status offenders in a less punitive manner than delinquent offenders. The use of detention began to be curtailed for status offenders as well. In order to reduce the possible "halo" effect from the experimental time period, one pre-program control group was drawn from the 12-month period immediately preceding the grant period, and another pre-program control group was drawn from 13 to 24 months prior to the grant start-up time.

status offenders had a *detrimental effect*. That is, would divesting the court of all responsibility toward status offenders significantly increase delinquency rates? Furthermore, by mobilizing certain community agencies to provide services for needy status offenders, the program could assess the relative impact of community-based treatment. In all, a total of 4,982 juveniles were diverted during the two-year program; 766 were randomly chosen for the evaluation sample. The first control group (12 to 24 months before the diversion program) contained 506 juveniles; the second control group (up to 12 months before the diversion program) contained 375 juveniles.

IV. THE ESCALATION HYPOTHESIS

Many advocates of diversion argue that treatment rendered to less serious offenders reduces the potential development of careers in deviant behavior. This assertion of a progressive movement from trivial to serious offenses has been referred to by Erickson (1979) as the "escalation hypothesis." If there is evidence of a career escalation from status to misdemeanor to felony offenses, then a diversion program may represent a form of first-aid treatment to offenders who are launching a career in delinquency. Early identification and treatment of status offenders was implicit in the funding of the 17 community-based service agencies in the Pima County program.

The problem of examining longitudinal data for changes in offense characteristics is exceptionally complex. A significant breakthrough in delinquency research occurred with the Wolfgang, Figlio, and Sellin (1972) Philadelphia cohort study (hereinafter referred to as the "Wolfgang" or "Philadelphia cohort" study). In a now classic work in delinquency research, they pioneered the use of stochastic models to analyze the dynamics of delinquent careers. In examining the process that unfolds in the development of a deviant career, Wolfgang and his colleagues constructed a series of transition matrices and computed the probabilities of a youth committing offense type j at time t knowing the type of offense committed at $t-1$. Based on the arrest records of 9,945 Philadelphia males, it was concluded that the dynamics of delinquent careers could be best described by a first-order Markov chain. Predicting the next arrest, they found, is not a function of the length of juvenile's deviant career (or the number of previous arrests) but of the previous arrested offense. They uncovered no evidence of a career escalation or offense specialization.

The depiction of a delinquent career in terms of a dynamic “mover-stayer” model, which represents shifts in offense distributions of a cohort over time, is a highly innovative method of conceptualizing the unfolding of delinquency, but Wolfgang’s analysis of the structure of the transition matrices has been criticized. Bursik (1980) attempted to replicate the Philadelphia cohort study using Goodman’s (1968) technique of contingency table analysis. Bursik found significant evidence of offense specialization but a random distribution of offenses if no specialization occurs. However, in assessing the impact of a diversion ideology predicated on a notion of career escalation, both the original study and Bursik’s (1980) analytical improvements suffer from employing only a narrow range of offenses. Offenses were grouped into categories consisting of property crimes, crimes against persons, and a large residual category that Bursik (1980) called “other” (such as disorderly conduct and drug abuse) and the Wolfgang study referred to as “nonindex” (offenses other than personal injury or theft). Status offenses were either not considered or else merged with other criminal offenses. In order to fully assess the dynamics of delinquency, one must incorporate status offenses into the stochastic model as a distinct offense category, representing the bottom rung of a delinquent career ladder.

We also constructed a series of transition matrices from the first to the fifth point of arrest; a summary or “parent” transition matrix was estimated by averaging the probabilities for each transition matrix.³ The summary transition matrix given in Table 1 for male and female offenders represents a generating matrix of the entire offense history from the first to the sixth arrest (five transition matrices) for the experimental and control groups.⁴ This averaged transition matrix was then

³ In Chapter 11 of *Delinquency In a Birth Cohort*, Wolfgang, Figlio, and Sellin outline the details of this analysis. The dynamics of a delinquent career were tracked by constructing a series of transition tables, showing the probabilities of offenders moving from a prior offense state (K-1) to the next offense state (K). Thus, the first transition matrix shows the probability of offenders arrested at time K-1 moving to another offense status at time K. In the process of testing one transition matrix with another, Wolfgang, Figlio, and Sellin concluded that the chain of transition matrices was essentially unchanging from the first transition (representing the transition of offenses from the first to second arrest) to the eighth transition (the 8th to 9th arrest). They then constructed a “generating matrix” which was the average of the eight transition probabilities. Because of the numerous tables involved in depicting these data matrices, the reader is referred to pages 174-190 of the Wolfgang, Figlio, and Sellin (1972) discussion.

⁴ The transition probabilities for the experimental and control groups did not differ from the first to sixth arrest. In order to keep the cell sizes as large as possible, the two control groups and one experimental group were merged into a single population of offenders. Examining the transition probabilities

tested against each individual transition matrix according to a procedure outlined by Goodman (1968).

As was the case with the Wolfgang study, Table 1 did not differ significantly from any individual transition matrix. This finding supports the conclusion from the Philadelphia cohort study that since the transition matrices are unchanging and the summary matrix could have generated individual transition matrices, "the transition probabilities associated with the commission of juvenile offenses may be modeled by a homogeneous Markov chain" (Wolfgang *et al.*, 1972: 206). In examining the diagonals of the summary transition matrix for Philadelphia adolescents Wolfgang found no transition probability exceeding .5000 and concluded that other than the transition from nonindex to nonindex offenses, there was no clustering along the diagonals and hence, little evidence of offense specialization. Similarly, the diagonals in Table 1 do not reflect any marked propensity for offenders to repeat the same offense in making the transition from $t-1$ to time t . The fact that the entire transition process could be defined as a Markov process implies no evidence of a career escalation. Knowledge of the number and type of previous offenses does not aid in predicting the next offense.

Table 1 differs from the Wolfgang approach by incorporating a lower range of offenses to test for career escalation. Also, the Philadelphia study included no females, while one-third of the offenders in the diversion study were female. Examining first the main diagonals, there appears to be little evidence of offense specialization. The highest transition for boys is found under property offenses (.3713), and for girls under runaway (.4867), indicating that there is not a strong tendency for one offense to be repetitive. For the off-diagonal cells, the highest probabilities for boys are under the property offense column, and for girls the runaway column. Regardless of the offense at time $t-1$, the best estimate of the next offense for boys would be a property offense, while for girls it would be a runaway offense. However, these probabilities are not exceptionally high. Finally, under the column of desistance (no further offenses), there is no clear indication as to what offense facilitates the cessation of delinquent activities. For boys and girls, the highest probabilities to the state of desistance are recorded for other status offenses at $t-1$.

beyond the sixth arrest becomes extremely problematic because of small cell sizes.

Table 1. Summary Transition Matrix: Male Offenders First to Fifth Transitions (N=577)

Offense at Time = T-1	Persons	Property	Other Crimes	Runaway	Other Status	Desistance
Persons	.0691	.3284	.1477	.1071	.1478	.1999
Property	.0540	.3713	.1101	.1186	.1629	.1831
Other Crimes	.0371	.3015	.1361	.0729	.1715	.2810
Runaway	.0275	.2650	.0960	.3215	.1391	.1509
Other Status	.0314	.2206	.1085	.0812	.1674	.3909
Summary Transition: Female Offenders						
First to Fifth Transitions (N=387)						
Persons	.0201	.2676	.1004	.4055	.0985	.1079
Property	.0110	.1567	.0639	.3341	.1840	.2503
Other Crimes	.0101	.1136	.1250	.3750	.1364	.2399
Runaway	.0125	.1250	.0350	.4867	.0875	.2533
Other Status	.0211	.1090	.0550	.2380	.1190	.4579

The transition probabilities given in Table 1 are not an adequate test of a career escalation or specialization hypothesis. Bursik (1980) was critical of Wolfgang's conclusion that by "eyeballing" the transition probabilities in a generating matrix, one can conclude that delinquents do not specialize in certain offenses. The marginal distributions of a generating matrix tend to be highly skewed, with delinquents being highly involved in property offenses but committing relatively few crimes against persons. Hauser (1978) has pointed out that the cell frequencies can be confounded by the marginal distributions. In discussing mobility ratios, he graphically illustrated how the mobility ratios for tables will differ simply because the marginal distributions are not the same. The mobility ratio, or in the case of Table 1, the probability of any cell, is depressed or inflated inversely with the marginal proportions affecting it.⁵ Bursik (1980) suggested using a double standardization technique developed by Haberman (1973) by which the structure of matrices can be strengthened for analytical purposes. The resulting computation was referred to by Haberman as the adjusted standardized residual (ASR_{ij}) and is derived in the following manner:

$$ASR_{ij} = (\text{observed } ij - \text{expected } ij) / \sqrt{\text{expected } ij / \sqrt{(1-N_i / N..) (1-N_j / N..)}}$$

The numerator is the familiar chi-square statistic prior to squaring, while the denominator represents an asymptotic maximum likelihood estimate of the standard deviation of each cell. This adjustment is used by econometricians in order to obtain the "large-sample" properties of an estimator. Table 2 gives the adjusted standardized residuals for male offenders. It shows that the transition from crimes against property, property crimes, and other crimes at *t-1* to property crimes at time *t* is highly significant. Further, the transition from runaway to runaway is also highly significant. But the movement from other status offenses at *t-1* to any other offense

⁵ Hauser (1978) suggests a multiplicative model of the mobility table in analyzing movements in the stratification system. Bursik (1980) cautions against the use of this method of analysis in delinquency research because of the differential quality in the data used in examining clearly established patterns in social mobility versus the fledgling research in offense specialization. Bursik outlined a two-step process whereby first the structure of the matrices can be strengthened and thereby give more reasonable estimates of the transitions. Then, Goodman's model of contingency table analysis was used to test for independence of offense at time *K* and *K - 1*.

Table 2. Adjusted Standardized Residuals for Independence Model of Male Offense Specialization
Offense Committed at Time = T (N=577)

Offense Committed at Time = T-1	Persons	Property	Other Crimes	Runaway	Other Status	Desistance
Persons	.85	4.49**	0	-.06	-.53	-.41
Property	.38	3.90**	.26	0	0	-.46
Other Crimes	.10	3.35*	0	-.76	.15	-.51
Runaway	0	1.05	-.19	4.43**	-.22	-.13
Other Status	.60	1.63	.50	.98	.50	.73

Partitioned Table		
Table Configuration	Chi-Square	Degrees of Freedom
Runaway-Runaway cell	6.50	1
Criminal to Property cells	9.95	3
Remaining cells	.22	16
Total	16.67	20
		P
		.01
		.05
		N.S.
		N.S.

* Residual significant at the .01 level
 ** Residual significant at the .001 level

is random. That is, the best estimate of a male offender's next transition from a criminal offense is to a property offense. However, male runaway offenders tend to repeat the act of running away.

This finding is further documented by using Goodman's (1968) model of independence for non-truncated contingency tables. A likelihood ratio chi-square statistic (X^2_{LD}) computed for the entire table and then the contingency table can be partitioned into successive subtables. The likelihood ratio chi-square statistic has the advantage in that the sum of the individual X^2_{LD} statistics for each subtable created from Table 2 will equal the X^2_{LD} statistic computed for the original table. Testing for independence in the non-truncated Table 2, the X^2_{LD} component from the cell runaway-runaway is 6.50, and the component due to the transitions of person, property, and other crimes to property offenses is 9.95. The X^2_{LD} statistic for all the remaining cells is .22. Hence, male offenders make a pronounced transition to property offenses from any form of criminal offense. There is also evidence that runaways tend to specialize in runaway offenses.

Table 3 repeats the same tests for female offenders. Unlike male offenders, females who commit a criminal or runaway offense at $t-1$ tend to move to a runaway offense at time t . However, in the instance of an arrest for other status offenses at $t-1$ there is a pronounced transition to the state of desistance at time t . Partitioning Table 3 to maximize the X^2_{LD} , the other status-desistance cell, and the four cells representing the transition from criminal and runaway offenses to runaway contribute nearly all of the X^2_{LD} value for Table 3. Hence, females tend to move to an arrest for a runaway offense, except in the case of another status offense at $t-1$, where the transition to the state of desistance is most pronounced.

For males and females, the conceptualization of career escalation that pervaded this diversion program is not supported. There is strong evidence that runaway offenders do not gravitate into any other offense. Indeed, running away may be a unique deviant act. Similarly, for males and females, status offenses at $t-1$ do not inexorably lead to more serious offenses. For males, these "post-status" offenses appear to be random, while for females the most likely transition is to desistance. Thus, juvenile diversion programs that are strongly predicated on referrals to community-based agencies to deter career escalation may be operating under faulty assumptions.

Table 3. Adjusted Standardized Residual for Independence Model of Female Offense Specialization
 Offense Committed at Time = T (N=387)

Offense Committed at Time = T-1	Persons	Property	Other Crimes	Runaway	Other Status	Desistance
Persons	.60	.87	.41	3.49*	-.51	.98
Property	.07	1.25	1.06	3.24*	.61	-.75
Other Crimes	.33	-1.14	.59	3.20*	.06	-.09
Runaway	-.28	-.48	.10	4.54**	.11	-.88
Other Status	-.81	1.20	.74	.85	.05	4.15**

Partitioned Table			
Table Configuration	Chi-Square	Degrees of Freedom	P
Criminal or R/A to R/A cell	9.49	4	.05
Other Status to Desistance cell	6.54	1	.01
Remaining cells	.09	15	N.S.
Total	16.12	20	N.S.

* Residual significant at the .05 level
 ** Residual significant at the .001 level

V. THE REFERRAL NETWORK

In addition to the escalation hypothesis, a second assumption of the Pima County diversion project was the existence of a viable referral network. Diversion is usually seen as turning *from* the juvenile justice system (Klein, 1979), rather than turning *to* some alternative. From a conceptual standpoint, the major emphasis in the diversion process is routing the juvenile offender away from the formal judicial system. However, in operationalizing the concept, the creation of alternatives quickly becomes a central issue. In actual practice, a major concern of any diversion project is the creation of community-based alternatives. What emerges thus is a single term to describe two distinct processes: deflecting offenders away from the court and the development of alternative strategies of community-based treatment. Thus, a juvenile could be diverted from the juvenile justice system and summarily sent home. In another instance, a juvenile could be turned away from the court but placed in a specific agency or program. For purposes of clarification, the former process can be entitled "true" diversion, while the latter constitutes a diversion-referral. The Pima County diversion project included both types, but the referral form of diversion tended to dominate the entire project.

Intake into the diversion project could be either through a special diversion unit affixed to the juvenile court or through 17 participating community agencies. The diversion unit at the court was authorized to either send the juvenile home (true diversion) or refer the juvenile to a community based program (diversion-referral) if some services were warranted. The community agencies were to act as service providers in those cases referred to them by the court's diversion unit. But they also functioned as intake units with direct community linkages. In its capacity as an intake unit, each community agency was authorized either to resolve the problem and send the child home (true diversion) or refer the child to a proper community agency (diversion-referral). Self-referral was also possible. The intake agency could designate itself as the appropriate service provider. A referral network was to be established so that a status offender could be referred to more than one community agency for needed services.

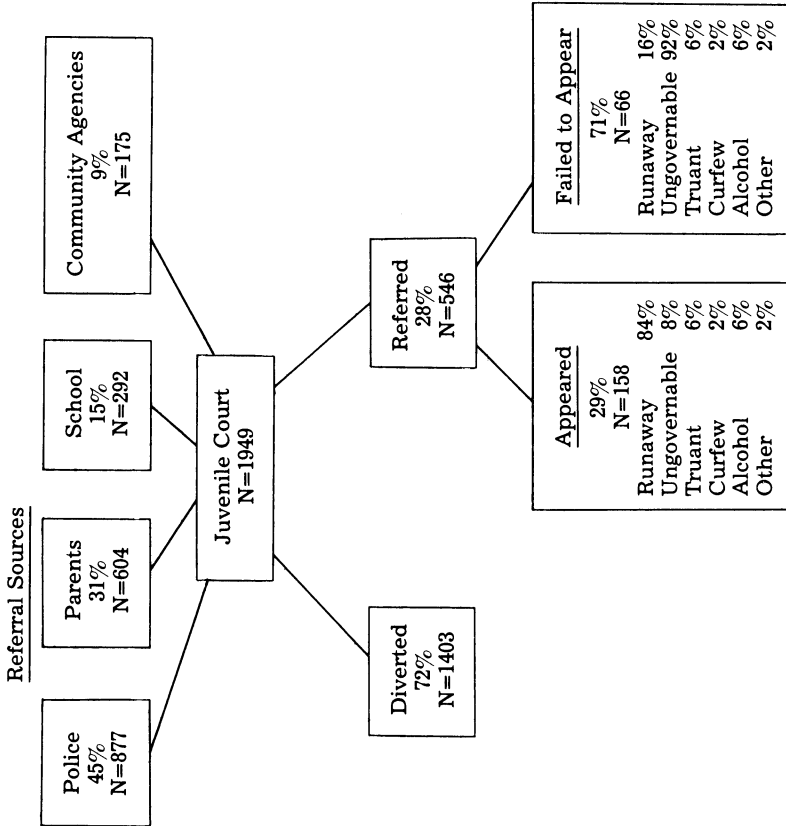
Figure 1 depicts the diversion process that unfolded. What emerged were two relatively distinct diversion processes. Examining first the process generated by the court's own diversion unit, Figure 1 reveals that the major referral source

was the police (45 percent), followed by parents (31 percent), schools (15 percent), and community agencies (9 percent). Of the juveniles processed by this court-based intake agency, 72 percent constituted true diversion; the problems were informally adjusted and the juveniles released to parental custody. The remaining 28 percent were referred to a community agency for additional services. However, since this referral to a community agency was voluntary, only 29 percent actually appeared for services. The one exception to this is the case of runaway offenders. The court's diversion staff actually transported runaway youths to a community-based shelter facility, a procedure which is tantamount to a coercive referral. As shown in Figure 1, while 84 percent of runaway offenders appeared after being referred, less than 10 percent of all remaining offender types appeared at the designated community agency.

The community agencies acting as intake units generated a vastly different diversion process. The biggest source was termed "self referrals" (29 percent), which simply meant that these offenders were recruited directly into the program. Only 1 percent came from the police. Thus 99 percent of status offenders processed into the diversion program by community agencies were not officially arrested. Eighty-two percent of these juveniles were then referred on (diversion-referral), while only 18 percent were adjusted and released to parental custody (true diversion). Although this is not shown in Figure 1, of those juveniles who were processed into this diversion program and then referred by a community agency, 96 percent were simply referred at intake to the same agency. In other words, interagency referrals on the part of community agencies were extremely rare. Finally, the appearance rate for juveniles processed and referred by the 17 community agencies is comparable to the pattern found with court-based referrals: high appearance rates for runaway (technically nonvoluntary referrals who were kept under restraint) and low rates for all other offense categories.

Table 4 lists some selected characteristics of the court-based and community-based diversion programs. While this project was designed to deal exclusively with status offenders, some "leakage" was detected. Of the total number of offenders processed, 93 percent of the total admitted at intake by the court diversion unit were status offenders. One percent were criminal offenders, and 7 percent were technically nonoffenders. The community-based agencies admitted a lower

**Figure 1. The Juvenile Diversion Process
(N=3,570)**



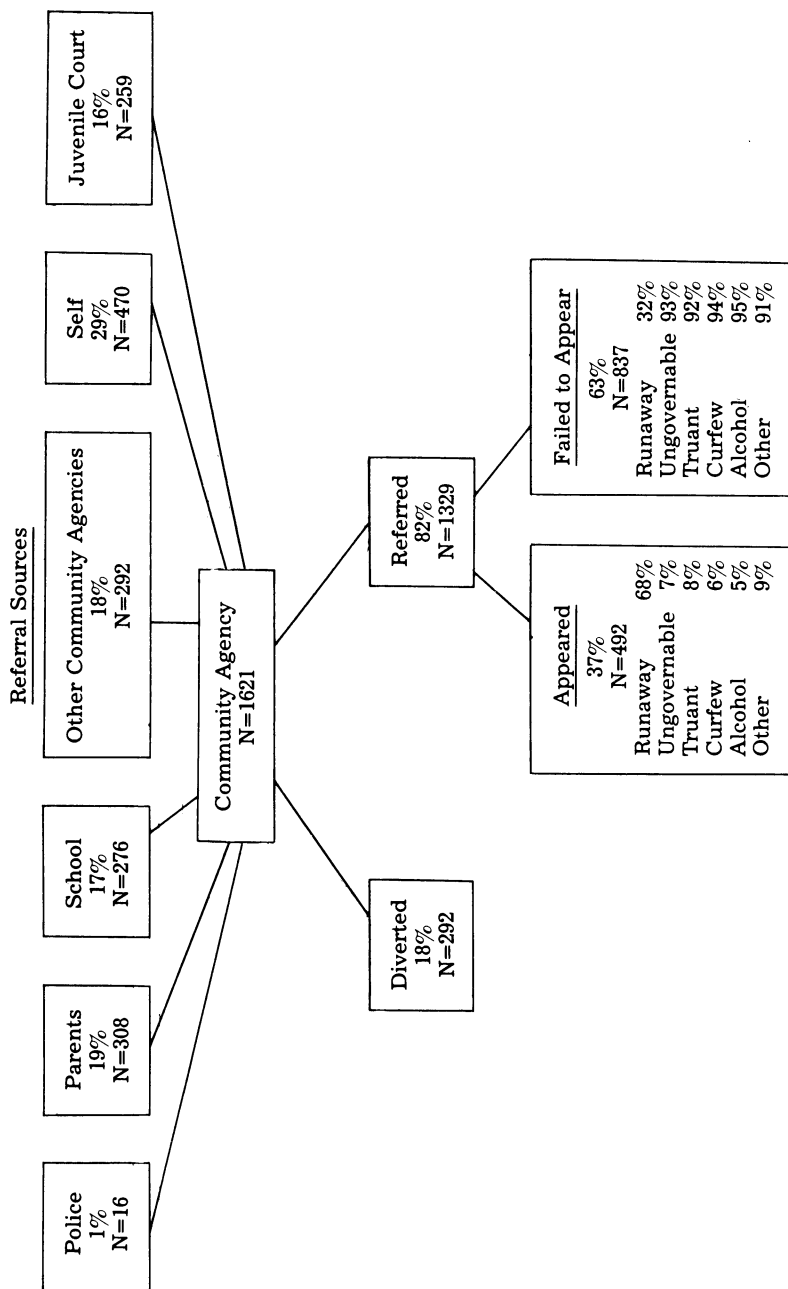


Table 4. Selected Processing Characteristics of Court-Based and Community-Based Diversion Units (N=3,570)

	<u>Court Diversion Unit</u>	<u>Community Agencies</u>
Offense Distribution		
Status offenses	93%	76%
Criminal offenses	1%	7%
Nonchargeable offenses	7%	17%
Referral for services	28%	82%
If referred, referred to another agency	87%	4%
Average time spent in diversion project	2.1 days	87.5 days
Matching offense at intake with termination offense (% congruent)	94%	63%

percentage of status offenders (76 percent) but a considerably higher percentage of criminal offenders (7 percent) and nonoffenders (17 percent). For the latter category, the charge was listed as “preventive runaway” or “no precipitating offense.” As already discussed, the court unit referred 28 percent of the cases for further services, whereas the community agencies referred 82 percent. When a referral was made, the court unit referred 87 percent of the cases to an agency other than itself. On the other hand, the community agencies referred 96 percent of the cases to themselves, and only 4 percent of these cases went to another agency. As a result of this strong reluctance of community agencies to make outside referrals, inappropriate services were rendered to juvenile offenders. For example, shelter care facilities were designed to provide temporary placement for runaway offenders, but their client lists included truants, incorrigibles, and alcohol violators. A similarly inappropriate mixing of clients and services was detected at alternative schools, family counseling clinics, and recreation programs.

The average time spent under the jurisdiction of the diversion program for court-based clients was 2.1 days, while for community-based clients it was 87.5 days. This finding is slightly misleading, since community agencies were used by the court-based diversion unit for cases requiring more extensive follow-up. But the finding is still noteworthy. Finally, Table 4 shows that in matching the offense that precipitated involvement at the point of intake with the offense being dealt with at the point of termination, a match occurred

94 percent of the time for the court's terminated offenders, but only 63 percent of the time for the community agency clients. This suggests that the services rendered were for different behaviors than the offense recorded at the point of intake for 6 percent of the court-based clients and 37 percent of the community-based clients. Whether this is necessarily bad is debatable, but if an agency is treating an individual for a behavior that is different from the initial recorded behavior, the evaluation of program effectiveness is rendered that much more difficult.

Many of the differences recorded in Table 4 are attributable to the intense competition for clients among the community-based agencies. Many of these agencies refused to see themselves solely in terms of a two-year demonstration project. Within a short time of their initial funding, each agency set out to procure a more stable funding source and began to orient itself toward the program dictates of local funding agencies. The size and diversity of the client list became a *sine qua non* for future funding. The temporary nature of this diversion experiment was thus quickly supplanted by the perspectives of a permanent enterprise. Programmatic expectations and mandates of the federal funding agency were co-opted by local funding agencies. The intense competition for survival meant that vying for scarce resources and community attention was often more important than fidelity to the original mandate.

VI. PROGRAM EFFECTIVENESS

What was the overall impact of this diversion program on recidivism rates and measures of social adjustment? The program design called for two pre-program control groups: Pre-Program Group I covered the time period up to one year prior to the project; Pre-Program Group II covered the time span from one to two years prior to the project. Further, because of the ambiguity surrounding the concept of diversion, the experimental group can be classified into diverted-only and diverted-referred. Diverted-only clients were simply deflected away from any formal processing machinery, while diverted-referred clients were not only deflected but also placed in a treatment program. In light of our consideration of appearance rates, for purposes of this discussion, a juvenile offender was classified as diverted even if he or she were referred to a community-based treatment program but failed to appear for services.

Table 5. Longitudinal Regression Equations for Program Impact

(unstandardized regression coefficients)

Variable	Time 2	Time 2	Time 2	Time 2
	<u>Arrests</u>	<u>Self-Reports</u>	<u>Self-Esteem</u>	<u>Social Adjustment</u>
Time 1:				
Arrests	.095**	—	—	—
Self-Report	—	.485**	—	—
Self-Esteem	—	—	.427**	—
Social Adjustment	—	—	—	.399**
Age	-.050	-.176	-.034	.020
Sex	.205*	-.091	.273	.261
Mex-American	.178	.485	-.011	-.081
Am. Indian	-.176	.457	.245	-.113
Black	.226	.111	.120	.176
Pre-program I	.05	—	—	—
Pre-program II	.01	—	—	—
Diversion-Type	-.221	.761	-.351	-.114
R ²	.122	.444	.530	.475

* p = .01

** p = .001

Table 5 examines the program impact on two behavioral and two attitudinal outcomes over a 12-month period, using dummy variable regression. The methodological and statistical problems associated with the analysis of change are complex. The most popular approach to measuring change is to calculate the mathematical difference in status between time 2 and time 1: $\text{Change} = T_2 - T_1$. However, such difference scores have numerous problems, including statistical unreliability and the failure to control for the effects of time 1 on time 2. An alternative approach is to measure change as a residual of the regression of time 2 on time 1. This approach has higher measurement reliability than difference or "gain" scores, and controls for the effects of time 1 on time 2.

In Table 5, the four measures at time 2 are regressed on their respective status at time 1 as well as several demographic and program covariates. The independent variables are age (interval measure, range: 8-18 years), sex (0 = female, 1 = male), and race (Mexican-American, American Indian and Black were dummy coded, with white being the excluded or contrast variable). The two control groups and the experimental group were also dummy coded, with the experimental group being the omitted category. The two pre-program groups were not interviewed; hence, they were only entered into the regression equation for official arrests. Finally, the type of diversion was dummy coded into 1 = diversion-referral and 0 = diverted-only. The intent of Table 5 is to see whether those who received services manifested any significant behavioral or attitudinal change twelve months after program intake.

The first column of Table 5 lists the unstandardized regression coefficients of regressing the number of arrests during a twelve-month follow-up period on client and program characteristics. Not surprisingly, the number of arrests at time 1 is highly significant, along with sex. Age did not have any demonstrable impact on arrests. No difference was detected by racial or ethnic status (compared to whites), and the two pre-program control groups did not differ from the experimental group. More important, the coefficient for the diverted-referred group is not significantly different from the diverted-only group, indicating that those clients who were "treated" had approximately the same number of arrests at time 2 as the diverted nontreated group.

In the second column of Table 5, the total number of self-reported delinquent acts is regressed on the same set of client

and program characteristics, net of the number of self-reported acts at time 1. The explained variance jumps from 12.2 percent for arrests to 44.4 percent for self-reported data, but only the self-report measure at time 1 is significant. Interestingly, the sex variable is not significant using self-reported data, while it is highly significant using official statistics. Once again, the dummy variable for diverted-referred is not significant, indicating no appreciable difference between the two groups in terms of self-reported delinquency at time 2.

The third and fourth columns of Table 5 purport to examine an attitudinal change in program clients. Self-esteem was measured by adding eight highly interrelated social-psychological variables. Respondents were asked to rate themselves on a scale of 1 (describes me very well) to 4 (does not describe me at all) on such items as popularity, sociability, respectability, and emotional maturity. Regressing self-esteem at time 2 on the independent variables, net of time 1, resulted in no significant regression coefficients. The treated clients were not significantly different from the simply diverted clients on the basis of self-esteem. Similarly, the last column of Table 5 attempted to measure the program's impact calibrated in terms of social adjustment. Respondents were asked to indicate how important good grades, continued education, communication with parents, and obeying the law were in terms of a scale ranging from 1 (agree strongly) to 6 (disagree strongly). These four items were collapsed into a single measure of social adjustment. As shown in the last column of Table 5, net of the effect of social adjustment at time 1, none of the variables are significant. Again, the differences between the diverted and referred group are negligible in terms of social adjustment. In sum, using four plausible outcome measures, the group that participated in some form of community-based treatment did not appear to be significantly different from the purely diverted group.

VII. SUMMARY AND CONCLUSIONS

Analysis of a two-year experimental diversion program serving over 4,900 status offenders reveals that diversion may not be the panacea that it was originally envisioned to be. The concept of diversion is extremely ambiguous. While it implies deflection from the formal juvenile justice machinery, it is often confused with referrals to alternative programs. Merely removing offenders from one system and placing them in another may not result in a significant advancement in

efficiency, effectiveness, or due process guarantees. The diversion project that served as the basis for this information was predicated on three assumptions: (1) career escalation from status to criminal offenses; (2) the establishment of a community-wide referral network; and (3) the need for community-based treatment. The findings of this study challenge these assumptions. The evidence is not convincing that status offenders inevitably progress into criminal offenders. Furthermore, community-based programs exhibit a high degree of competition with one another, resulting in what has been called a widening of the net phenomenon. Diversion may allow more status offenders to be processed into some social control agency, rather than fewer numbers as was originally intended. Finally, the impact of community-based treatment on recidivism and social adjustment measures in the agencies we studied was shown to be trivial.

It is becoming increasingly clear that diversion is a fad which serves multiple and conflicting goals. An unintended consequence of the labeling school's attack on the juvenile court has been the inference that the community is the basic resource for rehabilitation and delinquency prevention. Community-based treatment is presumed to be more efficacious than court-based treatment. However, as Spergel (1976) has argued, the concept of community has been poorly operationalized, particularly in terms useful for public policy. The diversion ideology emphasizes the return of an offender to the community without careful consideration as to what capacity the community has for rehabilitating the offender. Indeed, there is some evidence suggesting that diversion of a youthful offender to a community agency may have negative consequences. Preliminary evidence from this study indicates that some community agencies were less tolerant and more punitive than the juvenile court itself. It is not inconceivable that adolescents need to be protected or diverted *from* some community-based strategies that may be more stigmatizing or punitive than the formal agencies of social control. Diverting a delinquent to the community may in some instances "constitute a form of incarceration" (Spergel, 1976: 89).

While reform of the juvenile justice system has been clearly mandated, diversion programs developed exclusively for status offenders are fraught with unfounded assumptions. Lest we embark on a grand strategy to re-invent the wheel, it behooves us to re-examine the history of the juvenile court movement and learn its lessons: diversion is neither new nor

inherently benign. Ill-founded innovations may well become sources of serious abuse.

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