

Diversion - A Study of Alternative Processing Practices:
An Overview of Initial Study Findings
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by

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The primary objective of this project was to evaluate three alternative processing practices available to the police with respect to youthful offenders-- screening (lecture and release), diversion, and referral to juvenile court. The emphasis was upon diversion which provides for some treatment or service outside the justice system, compared to screening which implies no further legal action or treatment and court referral which provides for treatment and services within the justice system. Based upon labeling theory, it was postulated that youth who are diverted or screened should experience less negative labeling than those processed on in the justice system. Further, youth who are diverted, compared to those who are screened or processed legally, should experience more positive change in 1) their perceived access to acceptable social roles, 2) their feelings of alienation and self-esteem, and 3) their involvement in delinquent activity. These variables constitute the major components of the comparative analysis. In conjunction with this comparative analysis, a general test of the theoretical propositions specified in the National Strategy for the prevention of delinquency was completed and the adequacy of that model was assessed with respect to its power in accounting for changes in delinquency involvement across time.

A second objective of this project involved a search for possible interaction effects between types of youth and processing alternatives. There is reason to believe that youth's responses to police encounters are variable and that some youth may be particularly susceptible to potential labeling effects. The study thus attempted to develop a typology of youthful offenders and to compare their responses to police processing alternatives.

In the above comparisons, the focus was not upon alternative treatment modes (e.g., family counseling vs. tutor's assistance vs. employment) but rather on treatment or no treatment and treatment in the justice system or in non-justice

system agencies. The location of treatment was assumed to imply different degrees of punitiveness and stigma.

The study design was a four-wave longitudinal panel design with three matched comparison groups (screened, diverted, and referred to court), on each of three study sites (Boulder, CO; San Antonio, TX; and Kansas City, MO). All youth apprehended by the police between January and July, 1975, in Kansas City and San Antonio and January through November, 1975, in Boulder were placed in an eligible pool from which respondents were selected. Selection involved 1) obtaining voluntary consent from parents and youth to participate and 2) an attempt to match youth in the three processing alternatives within each city. The sample in Boulder involved 50 youth lectured and released, 77 diverted and 53 referred to court; they were predominantly middle-class, white youth. In Kansas City, these N's were 96, 98, and 96 and these youth were predominantly black and lower-class. In San Antonio, the N's were 99, 102 and 95, and youth were predominantly Chicano and lower-class. Across all sites, 71 percent were male, the age range was 7 to 17 with a majority falling in the 14-16 age range. Less than half (41%) reported living with both their mother and father.

Initial measures on study variables were obtained shortly after arrest in a personal interview. Follow-up interviews occurred at 4, 12 and 18 months. Parent interviews were obtained initially and at 18 months. In addition to interview data, all police and court records for each subject were obtained through a search of these agencies' records.

Several types of analyses were employed in the comparisons of youth in these alternative processing categories. Initially t tests of subgroup means and analysis of variance was utilized for static time comparisons on each site and across sites. Analysis of variance was also used to introduce additional variables; analysis of covariance was used to control for initial differences on the criterion variable; and multiple regression (and stepwise multiple regression) analyses were

utilized to examine the combined effects of predictor variables upon criterion variables (labeling, recidivism and gains in delinquent behavior). Offender types were developed from the variables in the theoretical model utilizing clustering techniques (minimum variance hierarchical clustering and K-Means clustering). Interaction effects were examined through analysis of variance and multiple regression analysis. The general test of the theoretical model involved multiple regression and discriminant function analyses.

In general, perceived negative labeling was associated with experience in the justice system, i.e., those with more recorded arrests and court appearances perceived more negative labeling from parents, peers and teachers. For the Boulder and Kansas City sites, this appeared to be the result of selection factors rather than an effect of processing in the justice system. When initial levels of labeling were controlled, no relationship between subsequent juvenile justice system experience and labeling was found. In San Antonio, this relationship persisted for some selected measures of labeling and juvenile justice system experience. The relationship did not hold when the sites were combined in a general analysis. Overall, these findings challenge the view that experience with the justice system per se is a major cause of perceived negative labeling.

Comparisons of youth screened, diverted and referred to court resulted in no statistically significant short or long term differences in perceived labeling. Nor was disposition related to subsequent changes in self-esteem. There were initial differences between disposition groups with respect to perceived parental and peer labeling for Boulder youth, but when these differences were controlled, there were no statistically significant differences in subsequent perceived labeling by either of these reference groups. While no differences between disposition groups were statistically significant, there was a clear pattern in their directionality, with those in the diversion alternative consistently reporting higher levels of labeling than either those screened or referred to court. Overall, the general

hypothesis that the diversion alternative is less stigmatizing than traditional processing, received little support from these data.

While neither subsequent experience in the justice system nor particular police dispositions was associated with differential negative labeling or change in self-concept, the provision of services was associated with both. This relationship was strongest in San Antonio, held only for perceived parental labeling in Boulder and was not statistically significant in Kansas City. The directionality of the relationship was consistent on all sites with all measures of labeling, however, and in the general across-site analysis, most differences were statistically significant. Those youth receiving services, whether through a diversion program, the court, or independent of these agencies, reported more negative labeling than those receiving no services. Within each police disposition alternative, controlling for subsequent contact with the justice system, those receiving services reported higher levels of subsequent negative labeling and lower levels of self-esteem than did those receiving no services. Even among those lectured and released with no prior or subsequent contacts with the juvenile justice system, those reporting that they received services from some community agency during the study reported significantly greater negative labeling than those receiving no services. Those with greater juvenile justice system experience were, in fact, more likely to have received services; but it was the latter experience which was directly associated with increased negative labeling, not the former. From a labeling perspective, it appears that receiving help or treatment from agencies is more stigmatizing than being arrested and processed in the justice system.

The more specific hypothesis that services provided through diversion programs would result in less negative labeling than services provided through the juvenile justice system was also examined. The data did not support this hypothesis for any site or in a general across-site analysis. Very few differences were statistically significant and there was no consistency in the direction of differences. It

appears that it makes little difference whether services are provided in connection with diversion programs or the court.

It should be noted that the "service" measure employed in the above analyses was a "self-reported" contact with service agencies during the course of the study. It was not possible to determine if the services reported were always the direct result of contact with diversion programs or justice system agencies. The comparisons thus involve subjects within each study disposition group (screened, diverted, court) who report having received no services at all during the study and those in these groups reporting some services from community/court agencies. Data relative to whether youth perceived they were forced to go to an agency and what person or agency insisted they go, clearly suggests more coercion for those in the court sample and a greater likelihood that the court or probation department was the agency requiring the services. For those in the diversion sample, services were more likely to be seen as voluntary and the police, parents and others were typically the ones requiring the services when they were involuntary. Both outcomes are consistent with the position that services experienced by those in the diversion sample were primarily associated with diversion programs and services experienced by those in the court sample were primarily associated with the court and probation programs.

An offender typology was developed in an effort to examine the possibility of differential labeling effects upon different types of youth. The typological analysis utilized those variables specified in the theoretical framework in a multivariate classification analysis (WARD Clustering and K-Means Analyses). A reliable partitioning of respondents into four general types was achieved: Type 1 - those having difficulties at school and negative peer pressure; Type 2 - those having difficulties with parents and moderate to high levels of personal alienation; Type 3 - normal youth; and Type 4 - youth with serious difficulties at home and school, highly alienated, perceiving strong pressure for deviance from their peers. Data on

official police/court contacts or self-reported delinquency were not utilized in the construction of the types. Types did differ significantly on both official and self-report delinquency dimensions, with Type 3 reporting normal levels of delinquent behavior and limited experience in the juvenile justice system; Types 1 and 2 moderate levels on both dimensions; and Type 4 with high self-reported delinquent behavior and more extensive careers in the juvenile justice system.

An analysis of the relationship between study disposition, services and labeling by offender type did result in some differential effects. The original finding that disposition was unrelated to subsequent levels of perceived labeling was replicated for all offender types. For Types 1 and 3, receiving or not receiving services was also unrelated to subsequent levels of labeling. The general finding that services was associated with negative changes in labeling was replicated for offender Type 2 with respect to perceived parental labeling and for Type 4 with respect to both parent and peer labeling. For all types, those reporting that they received services generally had higher levels of negative labeling and lower self-esteem (controlling for initial levels) than did those reporting no services, but statistically significant differences were observed only for Types 2 and 4. Both of those types were having difficulties with parents at the point they entered the study, although Type 2 did not report particularly high levels of perceived negative labeling from parents. It may be that involvement with community agencies offering services for "troubled" or "delinquent" youth aggravated the already strained relationships these youth had with their parents, resulting in increased levels of negative labeling from parents. Because causal order can not be clearly established, it may also be that those with increasing levels of perceived parental or peer labeling were more likely to get services, but this interpretation appeared less plausible, and less consistent with other data relative to this issue.

The hypothesis that diversion results in a lower probability of recidivism received some support. Both the proportion of youth rearrested and the number of

rearrests were related to study disposition. The general (across-site) pattern reflected higher recidivism for court-referred youth with diverted and screened youth showing similar lower rates. Two exceptions to this general trend occurred. In San Antonio, diverted youth had a significantly lower proportion of youth re-arrested and lower numbers of rearrests than did youth screened. The court group continued to have the highest recidivism rates. This was the only instance in which the diversion alternative resulted in significantly lower recidivism than the screening alternative. In Boulder, the opposite relationship occurred, i.e., those screened had a lower proportion and number of rearrests than did those diverted.

The above analysis was confounded by the fact that assignment to disposition groups was not random and these groups differed substantially with respect to prior juvenile justice system contacts and the seriousness of presenting offense, both of which were independent predictors of recidivism. When controlling for these initial differences between disposition groups, the relationship between disposition and recidivism persisted but was substantially weaker and appeared specific to those having some prior juvenile justice system contact. In no case was disposition significantly related to violent recidivism and the magnitude of differences for total and serious recidivism measures was generally lower. Further, there was a significant interaction effect between disposition and juvenile justice system experience on recidivism.

Among those with no prior contacts, disposition was generally unrelated to subsequent recidivism. The only exception involved Boulder and the serious recidivism measure, where the proportions rearrested and the mean number of rearrests for those referred to court was over three times that for youth screened or diverted. With this exception, there were no statistically significant differences by disposition and no consistent pattern of differences which favored any disposition group. Among youth with prior juvenile justice system experience, however, there

was a consistent disposition effect; those screened or diverted had low proportions and numbers of rearrests compared to those referred to court. These results suggest that the initial disposition is not significant with respect to subsequent rearrests, but that disposition becomes more relevant with additional juvenile justice system contacts.

A number of other study variables were associated with recidivism: sex, S.E.S., ethnicity, self-reported delinquency, services, and offender type. Age was significantly related to recidivism only in Boulder. In general, lower-class black males (and older youth in Boulder) had higher probabilities of re-arrest. It was also the case that those with high or increasing levels of self-reported delinquent behavior had greater risks of rearrest. The class, sex and ethnic differentials were not the result of differences in self-reported delinquent behavior. Finally, those receiving agency services and particular offender types had higher rearrest rates.

Agency services was associated with all measures of recidivism with those reporting no services having substantially lower proportions and numbers of rearrests. There was some evidence that those with limited participation in agency programs had higher rates of rearrest than did those with more extensive contacts, but those reporting no agency contacts consistently had the lowest recidivism. This relationship between services and recidivism was independent of disposition. While services was not one of the strongest predictors of recidivism in the multiple regression analysis, it was a significant variable in the regression equation.

There did not appear to be any relationship between changes in perceived labeling and recidivism. There was no evidence that the disposition-recidivism relationship was affected by changes in labeling, i.e., change in perceived labeling does not appear to be an intervening process which accounts for the higher recidivism of those in the court disposition. Nor did labeling appear to be an intervening variable in the services-recidivism relationship.

In a multiple regression analysis including all of the above variables as predictors, disposition had a significant independent effect on recidivism in Boulder (total recidivism and serious recidivism) and overall, in the across-site analysis (serious recidivism only). In Boulder, disposition was the strongest predictor variable, followed by type of offender, change in self-reported delinquency and number of prior police contacts. In Kansas City and San Antonio, the independent explanatory power of disposition was not significant, although disposition had weak to moderate beta weights in the regression equations.

In sum, disposition does appear to be a factor in recidivism. In Boulder, it appears to be a substantial factor; elsewhere, it is a minor one. In Kansas City and San Antonio and in the across-site analysis, initial and changing levels of self-reported delinquent behavior appear to be the best predictors of recidivism, followed by the number of prior contacts with the justice system. It thus appears that rearrest is more closely tied to ongoing delinquent behavior than to disposition decisions or perceived labeling resulting from official processing.

The analysis of recidivism by offender type again revealed some interaction effects, i.e., the relationship between disposition and recidivism varied by offender type. The general conclusions noted above thus need qualifying for specific offender types. The general relationship between disposition and recidivism was not replicated for Type 1 youth, i.e., the general finding that those screened and diverted had similar and low rates of recidivism compared to those referred to court did not hold for Type 1 youth. Disposition was unrelated to recidivism for this type of youth. For Type 3 youth, the relationship between disposition and recidivism was significant, but those diverted had substantially higher rates of recidivism than did those screened. Type 3 youth referred to court continued to have the highest recidivism rates. Finally, there was some limited evidence that the disposition-recidivism relationship was reversed for Type 4 youth. For these youth, diversion was often associated with higher rates of recidivism and screening with rates that were equal or higher than for those in the court disposition.

Court referral may be the most effective disposition alternative for this type of youth if reduction in recidivism is the primary objective.

The hypothesis that diversion leads to lower rates of subsequent delinquent behavior than traditional processing was not supported. Initial differences in self-reported delinquency by disposition were found on the Boulder site where those referred to court had substantially higher levels of self-reported delinquent behavior than either those diverted or screened. On the other sites, the decision to screen, divert or refer to court was unrelated to one's reported level of delinquent involvement. In controlling for initial differences in self-reported delinquent behavior, disposition was generally unrelated to subsequent delinquency. One exception to this generalization occurred on the Boulder site in an analysis involving youth with no prior juvenile justice system contacts and no recidivism. For these youth disposition was related to subsequent self-reported delinquency with those receiving a court disposition or screened reporting the lowest delinquency and those in the diversion group the highest. This same pattern occurred in Kansas City and in the across-site analysis, but none of these latter differences were statistically significant. Overall, there was no consistent pattern favoring any of the three disposition alternatives with respect to subsequent self-reported delinquent behavior. Disposition was unrelated to changes in self-reported delinquent behavior.

Youth perception of negative labeling was associated with reported involvement in delinquency and changes in perceived labeling during the study were also associated with changes in reported delinquency. While it was not possible to establish a clear causal ordering, the most plausible sequence appeared to be that changes in delinquent behavior lead to changes in perceived labeling.

The hypothesis that the diversion alternative results in more favorable change in perceived opportunities for educational and occupational goals, relationships with parents, attitudes towards school, and feelings of alienation was not supported.

There were few initial differences on these variables by disposition, and no differences on subsequent measures when initial differences were controlled.

Receiving services was associated with these social psychological variables. Those receiving services indicated negative change across the study period on all of these variables relative to those receiving no services. The greatest negative changes involved the youth's relationships with his family, i.e., increasing rejection of parents and perceived parental dissatisfaction with youth's behavior. The data also indicate that parents did, in fact, negatively label youth receiving services relative to those receiving no services. The perceived (by youth) increase in negative parental labeling associated with services as reported earlier was consistent with actual parental reports of increased negative labeling. Receiving services was also associated with a decrease in parental counter labeling influences. There was simply no evidence in this study that receiving services resulted in any positive change on any of the study variables. Instead, the impact of services appears to be uniformly negative on subsequent attitudes and behavior and particularly upon parent-youth relationships.

Both static and dynamic multivariate tests revealed substantial support for the theoretical model. Static tests (involving variables at a single point in time) were strongest in the Boulder site (R ranged from .70 to .85) and weakest on the Kansas City Site (R ranged from .43 to .75). Dynamic tests (using initial and gain measures of predictor variables on gains in self-reported delinquency) yielded similar levels of explanation. On all sites, the model provided a better prediction for females than males and for whites as opposed to blacks and Chicanos. While changes in the theoretical variables were clearly associated with changes in delinquent behavior, the decision to divert, screen or refer youth to the juvenile court appears to have had little impact on these postulated intervening variables. Receiving agency services, whether provided by juvenile justice agencies or non-justice agencies, was associated with negative changes on these intervening variables and with increases in self-reported delinquency.

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