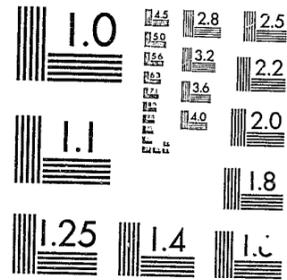


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AN EVALUATION OF THE SECOND YEAR OF  
STATE-FUNDED JUVENILE DIVERSION IN WASHINGTON STATE

FEBRUARY, 1982

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
DIVISION OF JUVENILE REHABILITATION OB-42J  
OLYMPIA, WASHINGTON 98504

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STATE-FUNDED JUVENILE DIVERSION IN WASHINGTON STATE

by

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and

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February 1982

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Department of Social and Health Services  
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U.S. Department of Justice  
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ACQUISITIONS

EXECUTIVE SUMMARY

This report assesses state-funded diversion programs operating in Washington State DSHS Region 3 during 1980. A previous report (Guthmann and Steiger, 1980) compared 1979 state-funded diversion to the process prior to the implementation of diversion in 1978. The present report compares 1980 state-funded diversion to 1979 diversion and to the 1980 county-funded unit in Snohomish County. In the current study, state-funded diversion programs in 1979 and 1980 are compared to assess changes in a still evolving diversion process; 1980 state and locally funded diversion programs are compared to assess differences between the two relatively different methods of operating diversion.\*

The findings comparing 1979 diversion programs with 1980 state-funded programs indicate:

- . There was an increase in the likelihood of being assigned some sanctions (e.g., community service, restitution, or counseling) in 1980 as compared to 1979.
- . Counsel and release was more often used as a disposition option in 1980.
- . There was no significant difference in the average number of community service hours assigned and restitution collected by diversion units.
- . Diverted youths were significantly more likely to receive sanctions proportionate to the seriousness of their prior and current offenses and age.
- . There was a decrease in recidivism when comparing 1979 and 1980 diversion. The state-funded diversion recidivism rate is similar to rates for youths served prior to diversion in 1977 and youths served at the locally-funded unit in Snohomish County.

A comparison of state and locally funded programs in 1980 showed:

- . Costs of the 1980 state-funded diversion units were, as in 1979, greater than costs for the locally-funded Snohomish County unit. While the greater costs for state-funded diversion can be attributed to the relatively remote location of some of those units, an important factor is the ability of the Snohomish County unit to serve a large number of offenders through group sessions, such as shoplifting, alcohol, and traffic classes.
- . The 1980 state-funded units did not differ substantially from the locally-funded 1980 Snohomish County diversion program. Given evidence that less serious (and less expensive) sanctions, such as counsel and release, are equally effective, the use of this option should be expanded for less serious offenders.

\* Locally-funded diversion, as in the case of Snohomish County, serves youths at relatively low costs. It requires fewer dollars per client, but provides less counselor contact with individual offenders.

Other important findings included:

- . In 1980, state-funded diversion programs youths were more likely to receive sanctions than was the case prior to the implementation of diversion.
- . Offenders who penetrated most deeply into the system were most likely to recidivate.

## I. INTRODUCTION

At the end of 1980, the report "An Evaluation of Juvenile Diversion in Washington State Region III" assessed the impact of the newly created diversion process upon "less serious" juvenile offenders. That report compared a group of youths referred to state-funded diversion units in 1979 with a group of similar offenders served by the traditional juvenile justice system in 1977. The study's results indicated that the diversion process had both advantages and disadvantages compared to the process followed in the past. With the advent of diversion, youths were held more accountable (i.e., were more likely to be punished), they were required to pay more restitution, and there was more community involvement in the process. Conversely, punishments continued to be assigned inconsistently, recidivism was slightly (though not significantly) greater, and costs (for some of the specific diversion units) were greater with the implementation of diversion.

This second-year evaluation of diversion programs in Washington State Department of Social and Health Services (DSHS) Region 3 again examines youths served by the state-funded diversion sites. However, this report focuses upon two issues distinct from those addressed in the previous report. First, 1980 data were collected from the diversion sites to determine if the program's impact changed between 1979 and 1980. Second, 1980 data were collected from a locally-funded diversion unit at the Snohomish County Juvenile Court to assess whether the two separate methods (in-house vs. private non-profit) of operating diversion have a different impact on diverted youths. Generally, state-funded units are located outside of the juvenile court and have a lower client/staff ratio. Locally-funded diversion, as in the case of the Snohomish County unit, operates within the court and generally serves a greater number of youths per staff person. The major focus of this study is the determination of the relative impact and costs of the two methods.

In comparing 1980 state-funded diversion to both 1979 state-funded diversion and 1980 locally-funded diversion, four specific issues are analyzed in the report:

1. Accountability. Were state-funded diversion youths still held accountable for their behavior in 1980? Did state-funded diversion hold youths more or less accountable than locally-funded diversion?
2. Consistency. Were sanctions assigned to state-funded diversion youths more consistently than in the past? Were dispositions more highly related to the youth's prior and current offenses in state-funded or locally-funded diversion?
3. Recidivism. Did the likelihood of recidivism decrease for state-funded diversion youths between 1979 and 1980? Were patterns of recidivism different in state-funded and locally-funded diversion in 1980? Were offenders more or less likely to recidivate according to which sanctions they were assigned?

4. Costs. Did the costs of operating state-funded diversion increase, or decrease between 1979 and 1980? Were the costs of administering diversion greater for the state-funded units, or the locally-funded juvenile court unit?

The report includes five sections: an overview of the diversion process, a brief description of the state-funded diversion units in Region 3, a review of the study's evaluation methodology, the findings from the analysis, and a summary and conclusions section.

This report is intended to provide an empirical basis for assessing the relative impact of state-funded and locally funded diversion in DSHS Region 3. The analysis does not focus upon individual diversion units within Region 3 and presents no conclusions regarding individual sites. The results are limited to the impact of diversion programs in Region 3, and the findings are not necessarily generalizable. However, the results do address the relative impact of the diversion process and, in turn, the value of the two general methods of operating diversion in Washington State.

## II. OVERVIEW OF DIVERSION PROCESS

Diversion in Washington State is designed to process "less serious" offenders outside the formal court system. All cases referred to County Juvenile Courts are reviewed by the prosecutor (or a person designated by the prosecutor's office) for legal sufficiency. If the evidence is sufficient, a decision is made on where the case should be handled based on the seriousness of the offense. The "seriousness" of offenders is determined through a point system based on the youth's current offense, prior criminal history, and age. According to the State Juvenile Justice Act of 1977, certain cases must be referred to court; other cases must be diverted. The remaining cases may be handled in either fashion at the discretion of the prosecutor or the prosecutor's designee.

If a youth is diverted, the youth's case is sent to the diversion unit located in that youth's community. A diversion unit may be located within the juvenile court probation department; however, all but one of the units funded through DJR in Region 3 were operated during the study period by agencies independent of the juvenile court.

The youth's first contact with the diversion unit is through an intake interview. At this time, the youth's legal rights are explained and the diversion process is reviewed. The youth is informed that, by entering diversion, the youth accepts responsibility for the offenses and that the offenses will become part of the youth's criminal history. Either the youth or the diversion unit may refuse to enter a diversion agreement. If this happens, the case is returned to the prosecutor's office.

The diverted youth is typically either "counseled and released"\*, or enters into a "diversion agreement." Counsel and release involves a single interview session designed for the "less serious" offenders. The diversion agreement is utilized for the "more serious" offenders and may require one or all of the following outcomes: community service, educational/informational counseling sessions, and restitution. This agreement also specifies the length of time within which these obligations must be completed.

Sanctions ordered as part of a diversion agreement can be imposed by either the diversion unit staff or a community accountability board (CAB). In Region 3, nearly all cases are heard by a community accountability board. These boards are made up of citizen volunteers in the youth's community who are screened and trained by the diversion unit staff. These boards do not determine guilt; they set the sanctions for youths who enter into a diversion agreement.

Upon signing a diversion agreement, the youth is monitored by the diversion staff through the completion of the agreement. If a youth fails to meet the terms of the agreement, the case is returned to the prosecutor's office for further action, and may eventually be heard in the juvenile court.

---

\*"Counsel and release" is a legal term and does not necessarily include actual counseling.

### III. THEORETICAL ASSUMPTIONS

Three theoretical perspectives underlie the diversion process: deterrence theory, labeling theory, and the "justice model." The notion that offenders should be held accountable for their actions, yet kept outside of the traditional justice system, seeks to incorporate contradictory aspects of the labeling and deterrence theories within the context of a "justice model." This section briefly reviews the three perspectives.

#### Deterrence Theory

Deterrence theory states that individuals are less likely to perform a particular behavior the more certain or severe they believe punishment for that behavior will be. Certainty of punishment is the probability that a guilty individual will be assigned a punishment for that offense. Severity is the relative "harshness" or costs of the punishment. If the expected cost (punishment) for committing a particular offense is greater than the benefit of committing the offense, the likelihood of that act occurring is decreased.

The deterrent effect of punishment may be general or specific. "General" deterrence refers to the decreased likelihood of individuals in the general population committing an offense because of the certain and severe sanctions associated with it. "Specific" deterrence refers to the decreased likelihood of an individual reoffending after receiving a punishment for the previous offense. Punishment is expected to make the offender accountable for that behavior and aware that subsequent offenses will result in a punishment that is at least equally certain and severe.

#### Labeling Theory

Labeling theory, in the juvenile delinquency literature, states that youths who have been involved with the juvenile justice system are more likely to commit offenses in the future because they have been labeled "delinquent" by the system. Whether assigned sanctions or not, contact with the system often gives the individual a negative label that is both internalized by the individual and adopted by society. The "labeled" individual is therefore more likely to perform further delinquent acts because of the individual's and society's expectations of "delinquent youths."

The offender who internalizes the delinquent label experiences a change in self-concept. The youth may identify with other delinquents because they are similarly labeled by society. The delinquent role is observed and practiced by the youth. It is likely that sooner or later the youth will fulfill the expectations of the delinquent label and commit an offense.

Society reacts to a youth in a different manner after the delinquent label has been attached. Family, teachers, and neighbors may dwell upon the youth's "problem" and affirm the youth's new delinquent self-concept. The youth's chances of leaving behind the delinquent label are undermined by society's tendency to react to the delinquent label of the adjudicated offender.

#### Justice Model

While labeling and deterrence provide theoretical justifications for diversion, the "justice model" approach provides a third and alternative justification. According to a justice model, offenders should be punished for their crimes because such punishment is "just." Deterrence and labeling focus on what the offender may do in the future as the basis for determining the appropriateness of sanctions; the justice model focuses on what the offender did in the past as the primary determinant of the appropriateness of sanctions. Thus, proponents of the justice model support the use of diversion to hold even minor offenders accountable (i.e., to punish) as a means to assure that justice has been served. Under the justice model, consistency in sanctioning becomes a key concern; in order to be just, a punishment must be a function of the seriousness of the offense as opposed to "treatment need" or institutional behavior.

#### Summary

The concept of diversion attempts to combine aspects of deterrence and labeling theory. Unfortunately, a major hinderance to combining these perspectives is their conflicting assumptions. Making a youth "accountable" inevitably involves the offender in a labeling process. On the other hand, truly diverting an offender out of the system limits accountability. The diversion process attempts to serve both purposes by providing sufficient punishments for offenders in a setting less likely to "label" the youth, and thereby providing justice to both the offender and society.

#### IV. DESCRIPTION OF REGION 3 DIVERSION UNITS

During 1979 and 1980, there were six state-funded diversion units in DSHS Region 3 (Island, San Juan, Skagit, Snohomish, and Whatcom Counties). Two units were county-wide and served all diverted youths: the San Juan and Whatcom County units. Two units were county-wide, and served most of the divertees in the county: the Island and Skagit County units. In those counties, the county juvenile court served a small number of "more serious" divertees. Finally, two units were located in Snohomish County: one in the city of Mountlake Terrace and one in the Sultan Basin area. The remainder of Snohomish County was served by the locally-funded diversion unit within the Snohomish County Juvenile Court. The map on the following page indicates the geographic location of the six Region 3 diversion units.

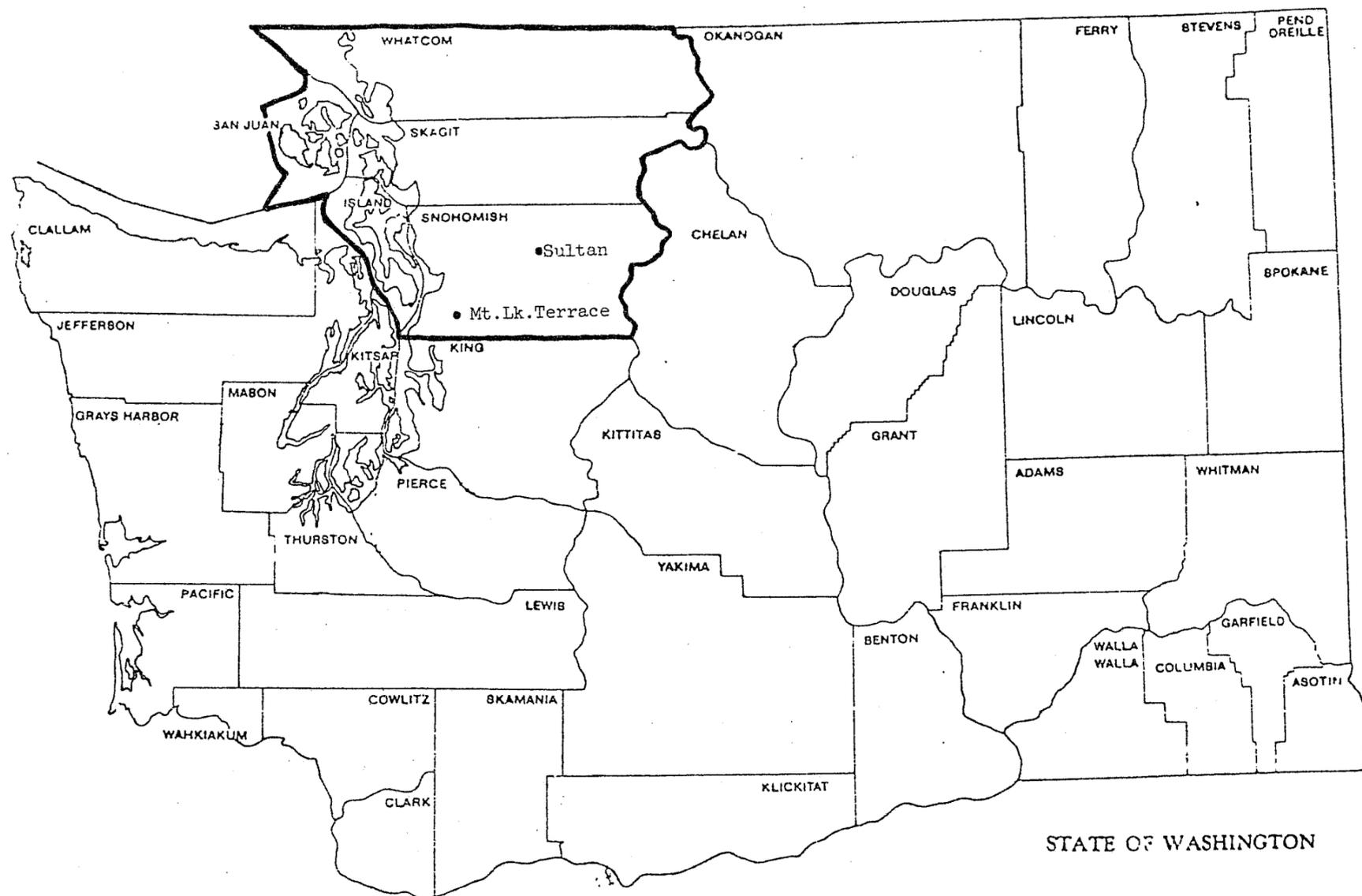
The Island, San Juan, and Skagit County units were originally implemented on July 1, 1978 when the new juvenile code became effective. The opening of the Whatcom County program was delayed until August 1, 1978. The Mountlake Terrace and Sultan Basin programs began on January 1, 1979.

Five of the six diversion units were operated outside of the county juvenile court. Only the San Juan County unit was housed in that county's juvenile court. The Island County unit was operated by the North Star Youth Service Bureau. The Mountlake Terrace program was administered by the City of Mountlake Terrace. The Skagit County program was operated by the Juvenile Probation Department in 1979 and the Skagit Youth Service Bureau in 1980. The Sultan Basin unit was contracted through Snohomish County and located in the City of Gold Bar. Finally, the Whatcom County program was operated as part of the Voluntary Action Center in that county.

The number of paid staff members in the diversion units ranged from two part-time employees to three full-time employees. Staff size varied according to the expected number of referrals to the unit. The number of volunteers participating in the diversion programs, through Community Accountability Boards, also varied from unit to unit. Generally, three or four citizens sat on the Accountability Board hearing. However, the number of boards differed at the various sites. While Sultan Basin had only one board, Whatcom County operated up to 11 boards in the various communities in that county.

At the end of 1980, funding for the Mountlake Terrace and Sultan Basin units was terminated. The termination was attributed to the high costs per client at these two sites. Eventually, severe cutbacks in state expenditures necessitated reductions in funding for the remaining four units. Currently, each of those counties (Island, San Juan, Skagit, and Whatcom) still receive (reduced) state funding for diversion. State funding for diversion is now allocated through "Consolidated Juvenile Services", a more general state funding category for all juvenile offenders.

REGION 3 DIVERSION SITES



V. EVALUATION METHODOLOGY

Three groups of diverted youths are included in the analysis: 1979 state-funded diversion youths, 1980 state-funded diversion youths, and diversion youths served by the Snohomish County Juvenile Court in 1980. The 1979

version group is a random sample of youths served by the state-funded diversion programs in Region 3 during the first six months of 1979. The 1980 diversion group includes all youths served by the state-funded units in the first six months of 1980. The Snohomish County group includes youths served by the diversion unit at the Snohomish County Juvenile Court during the first six months of 1980.

The 1979 (state-funded) diversion group was first examined in a study assessing differences between diverted youths and youths served prior to the implementation of diversion (Guthmann and Steiger, 1980). All youths served by the Island County, Mountlake Terrace, and San Juan County diversion units, and a one-third sample of the youths served by the Skagit County and Whatcom County units were included in the 1979 group. No youths from Sultan Basin were included because of that unit's small size. A total of 396 youths were originally selected to be in that sample; however, the sample size was reduced to 307 when several youths who didn't fully participate in diversion (i.e., their cases were eventually returned to the prosecutor or there was a change of jurisdiction) were excluded from the analysis. In addition, the 1979 diversion group was weighted to compensate for the disproportionate sampling technique so as to represent the actual geographic distribution of divertees in the region.

The 1980 diversion group includes all youths served during the first six months of 1980 by the Island County, San Juan County, Skagit County, and Whatcom County diversion units. Youths were not selected from the Mountlake Terrace and Sultan Basin units because funding for those units was terminated before the data collection occurred in 1981. Again, those cases which were returned to the prosecutor or had a change of jurisdiction were not included in the analysis. A total of 617 youths, who either signed a diversion agreement or were "counseled and released," are included in the 1980 state-funded diversion sample.

The Snohomish County comparison group includes a sample of youths served by the diversion unit at the Snohomish County Juvenile Court in 1980. Approximately one-seventh of the youths referred to the unit in the first six months of that year were selected for the sample. After exclusion of those cases in which the offender did not sign a diversion agreement and was not counseled and released, the sample included 152 youths.

Information about all three groups was collected through two sources: (1) a search through the youth's diversion file, and (2) a search of JUVIS (Juvenile Information System), the state-wide computerized information system for juvenile offenses. Data were collected for the 1979 diversion group during the summer months of 1980, while data for the 1980 state-funded diversion and Snohomish County groups were collected in the fall of 1981. The delay between the youth's referral to the diversion unit and final data collection was necessary to collect longitudinal information about reoffenses committed by the youth after diversion.

VI. FINDINGS

DESCRIPTION OF TARGET POPULATION

This section presents offender characteristics of the three groups: the 1979 diversion group, the 1980 diversion group, and the 1980 Snohomish County comparison sample. Differences between the three groups are identified to assess their potential effect on the analyses of this study.

Table 1 presents the offender's sex for each of the groups. Though there were slightly more females participating in state-funded diversion in 1979, differences between the groups were not significant.

TABLE 1  
SEX OF OFFENDER BY GROUP

| Sex    | 1979 State-Funded Diversion | 1980 State-Funded Diversion | 1980 Snohomish County |
|--------|-----------------------------|-----------------------------|-----------------------|
| Female | 34.0%                       | 29.7%                       | 25.0%                 |
| Male   | 66.0%                       | 70.3%                       | 75.0%                 |
|        | 100.0% (307)                | 100.0% (617)                | 100.0% (152)          |

Chi-Square = 4.14, n.s.

In Table 2, age of offender is examined. The age distributions of the three groups were quite similar; the differences were not significant.

TABLE 2  
AGE OF OFFENDER BY GROUP

| Age         | 1979 State-Funded Diversion | 1980 State-Funded Diversion | 1980 Snohomish County |
|-------------|-----------------------------|-----------------------------|-----------------------|
| 14 or under | 30.1%                       | 31.4%                       | 28.7%                 |
| 15          | 17.6                        | 16.5%                       | 21.3%                 |
| 16 or 17    | 52.3%                       | 52.0%                       | 50.0%                 |
|             | 100.0% (307)                | 99.9% (617)                 | 100.0% (150)          |

Chi-Square = 2.04, n.s.

Table 3 presents the percentage of non-whites and whites in the groups. Though there were slightly fewer non-whites in the Snohomish County sample, the differences between the groups were not significant.

TABLE 3  
RACE OF OFFENDER BY GROUP

| Race      | 1979 State-Funded Diversion | 1980 State-Funded Diversion | 1980 Snohomish County |
|-----------|-----------------------------|-----------------------------|-----------------------|
| Non-White | 7.9%                        | 8.5%                        | 2.9%                  |
| White     | 92.1%                       | 91.5%                       | 97.1%                 |
|           | 100.0% (307)                | 100.0% (617)                | 100.0% (139)          |

Chi-Square = 5.23, n.s.

Table 4 shows the percentage of offenders with "least serious," "moderately serious," and "more serious" primary current offenses within each group. The primary current offense is the most serious offense for which the youth was assigned to diversion during the analysis period. "Least serious" offenses are "E" offenses, "moderately serious" are "D" and D+ offenses, and "more serious" are "C" offenses. The results in Table 4 indicate that the groups were fairly similar. Though there were fewer offenders with a "least serious" offense in the Snohomish County sample, the differences were not significant.

TABLE 4

SERIOUSNESS OF OFFENDER'S PRIMARY CURRENT OFFENSE BY GROUP

| Seriousness of Primary Offense | 1979 State-Funded Diversion | 1980 State-Funded Diversion | 1980 Snohomish County |
|--------------------------------|-----------------------------|-----------------------------|-----------------------|
| "Least Serious"                | 44.8%                       | 43.1%                       | 35.5%                 |
| "Moderately Serious"           | 48.5%                       | 48.9%                       | 59.9%                 |
| "More Serious"                 | 6.8%                        | 7.9%                        | 4.6%                  |
|                                | 100.1% (306)                | 99.9% (617)                 | 100.0% (152)          |

Chi-Square = 7.23, n.s.

Table 5 specifies the type of primary current offense for which the youth was assigned to diversion. There were fewer youths charged with possession/consumption of alcohol and more youths charged with theft - 3rd degree in the 1980 diversion and Snohomish County groups. Differences between the groups were statistically significant.

TABLE 5

TYPE OF OFFENDER'S PRIMARY CURRENT OFFENSE BY GROUP

| Primary Offense                   | 1979 State-Funded Diversion | 1980 State-Funded Diversion | 1980 Snohomish County |
|-----------------------------------|-----------------------------|-----------------------------|-----------------------|
| Possession/Consumption of Alcohol | 34.4%                       | 30.3%                       | 25.4%                 |
| Theft - 3rd Degree                | 33.9%                       | 40.2%                       | 46.8%                 |
| Malicious Mischief - 3rd Degree   | 8.4%                        | 3.2%                        | 4.6%                  |
| Driving without a License         | 4.9%                        | 4.1%                        | 0.0%                  |
| Criminal Trespass - 2nd Degree    | 4.7%                        | 2.4%                        | 3.3%                  |
| Marijuana Violation               | 3.3%                        | 4.9%                        | 5.5%                  |
| Simple Assault                    | 2.5%                        | 1.5%                        | 3.3%                  |
| Other Offense                     | 7.9%                        | 13.4%                       | 11.1%                 |
|                                   | 100.1% (307)                | 100.9% (617)                | 100.0% (152)          |

Chi-Square = 39.7, p < .01

Finally, Table 6 presents the percentages of offenders with prior criminal records for the three groups. Differences among the groups were significant; the 1980 diversion group had proportionately more offenders with previous offenses.

TABLE 6

PRIOR RECORD OF OFFENDER BY GROUP

| Prior Record               | 1979 State-Funded Diversion | 1980 State-Funded Diversion | 1980 Snohomish County |
|----------------------------|-----------------------------|-----------------------------|-----------------------|
| No Prior Offenses          | 90.0%                       | 78.6%                       | 90.1%                 |
| One or more Prior Offenses | 10.0%                       | 21.4%                       | 9.9%                  |
|                            | 100.0% (306)                | 100.0% (617)                | 100.0% (152)          |

Chi-Square = 24.9, p < .01

Significant differences between the two groups could potentially affect the results of analyses presented in subsequent sections of this report. For example, because the 1980 diversion youths generally had more previous criminal offenses, those youths might have a higher recidivism rate than the other groups (assuming that youths with more previous offenses are more likely to reoffend). Therefore, differences between the groups are statistically controlled in the subsequent analyses to reduce the possibility of spurious relationships.

ACCOUNTABILITY IN DISPOSITIONS

The diversion programs which were implemented across the state after the enactment of the Juvenile Justice Act of 1977 provided a new structure for the assignment of sanctions to minor offenders which explicitly incorporated the concept of accountability. In the previous evaluation comparing pre- and post-diversion, accountability was measured both in terms of certainty of sanction and severity of sanction. This section of the evaluation compares accountability in 1979 diversion programs with accountability in 1980 state-funded diversion programs. In addition, the 1980 Snohomish County locally-funded program is compared with the 1980 state-funded programs.

Certainty of Sanction

Data are presented in Table 7 showing the certainty of an offender receiving specific sanctions in both the 1979 and 1980 samples. Data were collected on the number of community service hours ordered, the amount of restitution ordered in cases of monetary loss, and the number of counseling hours ordered. Each of these measures represents a sanction that can be applied to an offender. Table 7 presents, for each sample in the analysis, the probability of each of these sanctions being applied to an offender. In addition, the table compares the three samples in terms of the percent of offenders receiving at least one of these sanctions.

TABLE 7  
CERTAINTY OF SANCTION BY GROUP

| Sanction  | 1979<br>State-Funded<br>Diversion | 1980<br>State-Funded<br>Diversion | 1980<br>Snohomish<br>County | Significance<br>of Difference |
|---|-----------------------------------|-----------------------------------|-----------------------------|-------------------------------|
| Percent counseled and released                                  | 13%                               | 20%                               | 20%                         | p < .05                       |
| Percent assigned hours of community service                     | 70%                               | 65%                               | 40%                         | p < .001                      |
| Percent assigned restitution (in cases of monetary loss)        | 92%                               | 100%                              | 100%                        | n.s.                          |
| Percent assigned counseling                                     | *                                 | 38%                               | 47%                         | n.s.                          |
| Percent receiving community service, restitution, or counseling | 70%                               | 79%                               | 74%                         | p < .05                       |
| (N)   | (307)                             | (617)                             | (151)                       |                               |

\*Data on hours of counseling were not available for the 1979 sample.

The significant differences among the samples were in the percent of offenders assigned community service hours, the percent receiving some sanction and the percent "counseled and released." Both the 1980 state-funded and the 1980 locally-funded diversion programs were significantly more likely to order some measurable sanction than was the case in the 1979 state-funded diversion program. While there was no significant difference between the 1979 and 1980 state-funded diversion program, the 1980 locally-funded program was significantly less likely to assign community service hours than was the 1980 state-funded program. The 1980 state-funded and locally-funded diversion programs were identical in their assignment of restitution in cases of monetary loss (in each case 100% of the monetary loss was assigned as restitution). While differences existed between the 1980 programs in terms of the percent of offenders being assigned counseling (38% in the state-funded program, 47% in the locally-funded program), the differences were not statistically significant. Offenders in each of the 1980 diversion samples were significantly more likely to be "counseled and released" than was the case in 1979.

In summary, the diversion programs in 1980 continue to hold offenders accountable (approximately 75% of all offenders were assigned measurable sanctions). This figure compares favorably with the pre-diversion (1977) sample where 31% received some measurable sanction prior to the implementation of diversion programs. The only significant differences between 1980 programs involved the assignment of community service; the state-funded programs were significantly more likely to utilize this sanction.

Table 8 presents information on the severity of sanctions assigned to offenders in the three samples. Our previous study found that 1979 diversion programs were significantly more likely to assign community service hours than had been the case prior to the new juvenile code. However, for those cases where community service hours were assigned, there were no significant differences in the average amount of community service for the pre-diversion and the 1979 diversion groups. Table 8 indicates that a similar pattern holds for the 1980 state and county funded programs.

TABLE 8  
AVERAGE NUMBER OF HOURS OF COMMUNITY SERVICE ASSIGNED

| Sanction   | 1979<br>State-Funded<br>Diversion | 1980<br>State-Funded<br>Diversion | 1980<br>Snohomish<br>County | Signifi-<br>cance of<br>Difference |
|--|-----------------------------------|-----------------------------------|-----------------------------|------------------------------------|
| Average hours of community service assigned all diverted youths                            | 21.32                             | 17.95                             | 9.98                        | p < .001                           |
| (N)  | (307)                             | (617)                             | (151)                       |                                    |
| Average hours of community service assigned to youths ordered to perform community service | 30.42                             | 27.61                             | 24.69                       | n.s.                               |
| (N)  | (215)                             | (401)                             | (61)                        |                                    |

Table 8 first presents the average number of hours of community service ordered by group. Those averages were computed using all offenders in the sample. In addition, a second average was computed for only those offenders who were actually ordered to perform community service hours.

There were significant differences between the three groups when all offenders were included in the analysis. In the 1979 state-funded diversion sample, the average number of community service hours ordered was 21. The comparable figures for 1980 diversion programs were 18 hours in state-funded units and 10 hours in the county-funded programs. These differences were significant.

When examining only those cases in which community service hours were assigned, the small differences among the three groups were not statistically significant. For offenders actually assigned community service hours, the average number of hours assigned in 1979 was 30, in the 1980 state-funded program, 28, and in the 1980 county-funded program, 25. Thus, the severity of sanction in the three samples was not significantly different when looking only at those offenders who were assigned community service hours.

#### Summary

In the previous study, comparing state-funded diversion programs with programs existing prior to the implementation of diversion, we reached the conclusion that the major change in terms of accountability involved the certainty of sanction rather than the severity of sanction. In other words, diverted offenders are more likely to receive specific behavioral sanctions than were offenders prior to diversion. In the current study, which compares diversion programs (1979 vs. 1980 and state vs. county funded), the differences between the groups were substantially smaller. In 1980, diversion programs were significantly less likely to assign community service hours than was the case in 1979. The difference is primarily due to the practices within the county-funded program. When looking at offenders who were actually assigned measurable sanctions, the only significant difference between county and state-funded programs is in terms of the frequency with which community service hours are assigned. For those offenders who were actually assigned community service hours, the differences in the average amount of community service hours assigned is not significant. Similarly, the percent of offenders assigned counseling is not significantly different in the two 1980 groups.

#### RESTITUTION

The Washington State Juvenile Justice Act of 1977 emphasizes the importance of victim compensation and specifically establishes restitution as a component of diversion programs. As in the previous analysis comparing pre-diversion with 1979 diversion, three different measures of restitution were analyzed. Data were collected on monetary loss (the amount of loss sustained by the victim), restitution assigned (the amount of restitution assigned by the diversion unit), and restitution paid (the amount of restitution paid by the offender).

Table 9 presents an analysis of the restitution assigned and paid by group. There were significant differences between 1980 and 1979 diversion programs. The 1980 programs (both state and county funded) assigned a significantly larger portion of monetary loss as restitution and a significantly larger proportion of the actual monetary loss was collected as restitution. For example, in the 1979 state-funded diversion programs studied, an average of 75% of monetary loss was assigned as restitution. Figures in the 1980 state and county-funded programs were 95% and 100% respectively. Similarly, in 1979, the diversion programs studied collected 69.8% of the monetary loss; in the 1980 state and county-funded programs the figures were 91.4% and 100% respectively. There were no significant differences among the three samples in terms of the proportion of assigned restitution actually paid by the divertees. All three of the diversion samples were highly effective at collecting assigned restitution. In effect, the major difference between 1979 and 1980 is that in 1980, a significantly larger amount of the monetary loss was assigned as restitution.

TABLE 9

AVERAGE PERCENT OF LOSS ASSIGNED, AVERAGE PERCENT OF LOSS PAID AND

AVERAGE PERCENT OF ASSIGNED RESTITUTION PAID, BY GROUP

|  | 1979<br>State-Funded<br>Diversion | 1980<br>State-Funded<br>Diversion | 1980<br>Snohomish<br>County | Significance<br>of Difference* |
|--|-----------------------------------|-----------------------------------|-----------------------------|--------------------------------|
| Proportion of Loss<br>Assigned as Restitution.         | 75.0%                             | 95.1%                             | 100.0%                      | p < .01                        |
| Proportion of Loss<br>Paid as Restitution              | 69.8%                             | 91.4%                             | 100.0%                      | p < .01                        |
| Proportion of Assigned<br>Restitution Actually<br>Paid | 94.7%                             | 94.6%                             | 100.0%                      | n.s.                           |
| (N)  | (33)                              | (56)                              | (9)                         |                                |

\*Significance based on analysis of variance.

The previous study indicated that diversion programs were significantly more effective in returning monetary loss to the victim as restitution payments than was the case prior to implementation of the Juvenile Justice Act of 1977. The data included in the current study indicate that diversion programs have continued to improve their ability to return monetary loss to victims by assigning an increasingly larger proportion of the monetary loss as restitution, while continuing to collect almost all restitution assigned.

CONSISTENCY IN DISPOSITIONS

It was argued in the previous study that a major assumption of diversion programs is that consistency in sanctioning offenders will act as a deterrent. Further, the justice model is based upon the offender receiving sanctions consistent with what that offender deserves. As in the previous analysis, two aspects of sentencing consistency will be considered: (1) the degree to which the severity of sanctions is related to the seriousness of the offense; and (2) the degree to which the severity of sanctions for the same or similar offenses vary across offenders. Correlation/regression is again used as the statistical test for disposition consistency. The reader is referred to the previous study for discussion of the use of this method.

Table 10 presents the bivariate correlations between community service hours and five independent variables for the three samples.\* In the 1979 sample, the correlations between offender characteristics and the number of community service hours ordered were uniformly low; for only one of five characteristics were the correlations statistically significant. As Table 10 indicates there were major increases in the consistency of sanctioning in both the 1980 samples. In the 1980 state-funded diversion programs, age, number of prior offenses, prior offense seriousness score, number of instant offenses and instant offense seriousness score were all significantly and, with the exception of age, strongly correlated with the number of community service hours ordered. In the 1980 county-funded diversion sample, number of instant offenses and instant offense seriousness score were also highly correlated with the number of community service hours ordered. Neither number of prior offenses or prior offense seriousness score were significantly correlated with number of community service hours assigned in the 1980 county-funded program.

TABLE 10  
CORRELATIONS BETWEEN OFFENDER CHARACTERISTICS  
AND COMMUNITY SERVICE HOURS

| Offender Variable                 | -----Community Service Hours----- |                                 |                          |
|-----------------------------------|-----------------------------------|---------------------------------|--------------------------|
|                                   | 1979 State-<br>Funded Diversion   | 1980 State-<br>Funded Diversion | 1980<br>Snohomish County |
| Number of Prior Offenses          | .096                              | .257**                          | -.042                    |
| Prior Offenses Seriousness Score  | .101                              | .263**                          | -.021                    |
| Number of Instant Offenses        | .125*                             | .433**                          | .235**                   |
| Instant Offense Seriousness Score | .115                              | .431**                          | .457**                   |
| Age                               | .076                              | .082**                          | -.043                    |

\* p < .05  
\*\*p < .01

\*Consistency in the assignment of restitution was not assessed because of the, infrequency of its use (10% of all cases). Consistency in the assignment of counseling was not included in the table because data were not available for 1979.

The correlations presented in Table 10 are impressive evidence of an increasing consistency in sanctioning, within both state and county funded diversion programs.

Data were presented in Table 10 showing the correlations between single measures of offense seriousness and sentencing severity. Table 11 presents a summary of a multiple regression analysis of community service hours with all of the offender characteristics, by group. This analysis presents information on the consistency of sentencing considering all five offense related variables. Offense variables explained between six and seven times more variance in sentencing in the 1980 diversion programs than was the case in 1979. In the 1979 state-funded diversion program, the total amount of explained variance in sentencing was less than four percent. In the 1980 state-funded diversion program, the figure exceeded 28 percent. In the 1980 county-funded program, the comparable figure was about 23 percent. While in 1979 over 95 percent of the variance in sentencing was explained by factors other than offense related variables, the figure dropped to under 75 percent in 1980. These findings suggest that diversion has become much more consistent in the application of community service hours.

TABLE 11  
ANALYSIS OF COMMUNITY SERVICE HOURS WITH  
OFFENDER CHARACTERISTICS\* BY GROUP

| Dependent Variable      | 1979 State-<br>Funded Diversion | 1980 State-<br>Funded Diversion | 1980<br>Snohomish County |
|-------------------------|---------------------------------|---------------------------------|--------------------------|
| Community Service Hours | R <sup>2</sup> = .032           | R <sup>2</sup> = .286           | R <sup>2</sup> = .231    |

\* Number of prior offenses, number of instant offenses, prior offense seriousness score, current offense seriousness score, age at instant offense.

ANALYSIS OF RECIDIVISM

Results from the previous Region 3 diversion report indicated that there was no significant difference in recidivism when comparing the prediversion sample and 1979 diversion youths. There was, however, some indication that the recidivism rate for 1979 diversion youths was slightly higher. Recidivism is examined here for two reasons: (1) to assess patterns in state-funded diversion programs and to determine if patterns of recidivism have changed over time, and (2) to compare state-funded and Snohomish County court-operated diversion groups in order to assess differences between the two operating methods.

To assess recidivism, the amount of time each youth was "at risk" (the period of time in which a youth could reoffend--from completion of diversion until some later point in time) was held constant. For this analysis, a 12 month "at risk"

period was chosen. The period is held constant by including in the analysis only those youths who were "at risk" a full 12 months or more, and only examining reoffending within that 12 month period. Though this procedure excludes from the analysis some youths who were recently terminated from diversion, a 12-month period provides a more reliable assessment of recidivism.

Table 12 presents the percentages of offenders who did and did not re-offend within the offender's "at risk" period for these groups. Though there were slightly more re-offenders in the 1979 diversion group, the differences between the groups were not statistically significant.

TABLE 12

TWELVE-MONTH RECIDIVISM RATE BY GROUP

|   | 1979 State-<br>Funded Diversion | 1980 State-<br>Funded Diversion | 1980<br>Snohomish County |
|---|---------------------------------|---------------------------------|--------------------------|
| No re-offenses<br>within 12 months          | 73.5%                           | 80.3%                           | 82.0%                    |
| One or more re-offenses<br>within 12 months | 26.5%<br>100.0% (173)           | 19.7%<br>100.0% (523)           | 18.0%<br>100.0% (111)    |

Chi-Square = 3.87, n.s.

Table 13 examines rates of recidivism (i.e., the percent re-offending within the 12-month "at risk" period) for each sex across the analysis groups. The results indicate that, for either males or females, there was no significant difference in recidivism. Though males were more likely to re-offend than females in each of the groups, the differences across the groups were not especially great.

TABLE 13

RECIDIVISM RATE BY GROUP BY SEX

| Sex    | 1979 State-<br>Funded Diversion | 1980 State-<br>Funded Diversion | 1980<br>Snohomish County | Significance<br>of Difference |
|--------|---------------------------------|---------------------------------|--------------------------|-------------------------------|
| Female | 23.9% ( 54)                     | 13.4% (157)                     | 14.8% (27)               | n.s.                          |
| Male   | 27.7% (119)                     | 22.4% (366)                     | 19.0% (84)               | n.s.                          |

In Table 14, each of the age groups is analyzed for differences in recidivism rates. For both the 1979 diversion and Snohomish County groups, younger divertees reoffended more often than older divertees. However, in the 1980

diversion sample, the youths who were 14 or under reoffended fairly infrequently. Differences in rates across the three groups were quite large for the younger divertees; youths 14 and under were significantly less likely to reoffend in 1980 as compared to 1979. On the other hand, older divertees were not significantly different across samples.

TABLE 14

RECIDIVISM RATE BY GROUP BY AGE

| Age         | 1979 State-<br>Funded Diversion | 1980 State-<br>Funded Diversion | 1980<br>Snohomish County | Significance<br>of Difference |
|-------------|---------------------------------|---------------------------------|--------------------------|-------------------------------|
| 14 or under | 41.4% (46)                      | 14.5% (166)                     | 27.6% (29)               | p < .01                       |
| 15          | 22.5% (33)                      | 33.7% ( 83)                     | 18.2% (22)               | n.s.                          |
| 16 or 17    | 20.6% (94)                      | 18.6% (274)                     | 13.8% (58)               | n.s.                          |

Table 15 presents rates of recidivism for non-whites and whites. The results indicate that non-whites were significantly more likely to reoffend in the 1979 diversion sample than in either of the 1980 samples. Recidivism rates for whites were fairly constant across the three groups.

TABLE 15

RECIDIVISM RATE BY GROUP BY RACE

| Race      | 1979 State-<br>Funded Diversion | 1980 State-<br>Funded Diversion | 1980<br>Snohomish County | Significance<br>of Difference |
|-----------|---------------------------------|---------------------------------|--------------------------|-------------------------------|
| Non-White | 50.0% ( 10)                     | 14.6% ( 41)                     | 0.0% ( 3)                | p < .05                       |
| White     | 24.7% (162)                     | 20.3% (478)                     | 20.0% (100)              | n.s.                          |

Table 16 examines recidivism controlling for the seriousness of the youth's current offenses. For each of the offense seriousness categories, there were no significant difference across groups. Surprisingly, the youths with "more serious" current offenses were least likely to reoffend.

TABLE 16

RECIDIVISM RATE BY GROUP BY SERIOUSNESS OF OFFENDER'S CURRENT OFFENSE

| Race                 | 1979<br>State-Funded<br>Diversion | 1980<br>State-Funded<br>Diversion | 1980<br>Snohomish<br>County | Significance<br>of Difference |
|----------------------|-----------------------------------|-----------------------------------|-----------------------------|-------------------------------|
| "Least Serious"      | 29.1% (85)                        | 19.2% (229)                       | 14.3% (42)                  | n.s.                          |
| "Moderately Serious" | 27.3% (73)                        | 20.4% (260)                       | 21.5% (65)                  | n.s.                          |
| "More Serious"       | 3.2% (15)                         | 17.6% ( 34)                       | 0.0% ( 4)                   | n.s.                          |

Recidivism rates, controlling for the youth's prior criminal record, are presented in Table 17. For each of the samples, youths with previous offenses were more likely to reoffend than youths without prior records. However, differences across the samples were not significant, regardless of the youth's prior record.

TABLE 17

RECIDIVISM RATE BY GROUP BY PRIOR RECORD

| Prior Record                 | 1979                   | 1980                   | 1980             | Significance of Difference |
|------------------------------|------------------------|------------------------|------------------|----------------------------|
|                              | State-Funded Diversion | State-Funded Diversion | Snohomish County |                            |
| No Prior Offense             | 25.3% (161)            | 17.4% (420)            | 15.8% (101)      | n.s.                       |
| One or More Prior Offense(s) | 43.0% (12)             | 29.1% (103)            | 40.0% (10)       | n.s.                       |

An additional factor in assessing patterns of recidivism is the seriousness of reoffenses during the "at risk" period. A recidivism seriousness score, similar to the current offense seriousness score, was computed. Each reoffense in the "at risk" period was given a value according to its seriousness (1 for an "E" offense, 2 for a "D" offense, and so forth). The reoffense values were summed to produce the recidivism seriousness score.

Table 18 presents the average 12 month recidivism score for the three groups. Differences across the three groups were not significant. However, when examining differences between specific groups, there was a significant difference in recidivism between the 1980 diversion sample and the 1979 sample. Recidivism was significantly lower in 1980. On the other hand, there was no significant difference between the 1980 diversion group and the Snohomish County sample. Though the 1980 state-funded diversion recidivism score was slightly lower, the difference was not large enough to conclude that recidivism was less likely for state-funded diversion youths.

TABLE 18

12-MONTH RECIDIVISM SCORE BY GROUP

|                          | 1979 State-Funded Diversion | 1980 State-Funded Diversion | 1980 Snohomish County |
|--------------------------|-----------------------------|-----------------------------|-----------------------|
| Average Recidivism Score | 1.02                        | .64                         | .92                   |

For 1979 vs 1980 Diversion,  $t = 2.00$ ,  $p < .05$

For 1980 Diversion and Snohomish County,  $t = 1.01$ , n.s.

To control for other variables when assessing the relationship between the youth's group and the recidivism score, a pair of multiple regression analyses were performed. Table 19 examines the effects of participating in 1980 diversion as compared to participating in 1979 diversion. The  $R^2$  is an indication of the percent of variance in recidivism score that each variable explained alone. The variables were entered simultaneously in the regression analysis, and changes in  $R^2$  were calculated to indicate the effects of each variable with all other variables controlled (i.e., as if each variable was forced last in the analysis).

The results in Table 19 indicate that three variables were significantly related to the recidivism score controlling for all other variables in the analysis: the youth's prior record, the effects of 1980 diversion as compared to 1979 diversion, and the youth's sex. Youths with previous criminal offenses, and males were more likely to reoffend. 1980 diversion youths were less likely to reoffend, even after the control of other variables. However, the individual changes in  $R^2$ , and the adjusted total  $R^2$ , were rather small; it should be noted that the impact of these variables on recidivism was not great.

TABLE 19

MULTIPLE REGRESSION: RECIDIVISM SCORE WITH ALL CONTROL

VARIABLES AND EFFECTS OF GROUP

(1979 STATE-FUNDED DIVERSION VERSUS 1980 STATE-FUNDED DIVERSION)

| Variables                                 | $R^2$ (Controlling for Other Variables) | F         | Significance of F |
|---|---|-----------|-------------------|
| Prior Record                              | .0102                                   | 7.18      | $p < .01$         |
| Group (1979 Diversion vs. 1980 Diversion) | .0096                                   | 6.76      | $p < .05$         |
| Sex                                       | .0072                                   | 5.05      | $p < .05$         |
| Age                                       | .0041                                   | 2.92      | n.s.              |
| Race                                      | .0000                                   | .02       | n.s.              |
| Current Offense Seriousness               | .0000                                   | .01       | n.s.              |
|   | Adjusted Total $R^2$                    | Overall F | Sig. of Overall F |
|   | .0202                                   | 3.38      | $p < .01$         |

Table 20 presents a multiple regression analysis examining the effects of 1980 state-funded diversion as compared to the Snohomish County sample. Only two variables were still significant after the control of other variables: the youth's sex and the youth's prior criminal record. The effects of participating in state-funded 1980 diversion had no significant impact on recidivism score; differences between state-funded diversion and Snohomish County diversion were not significant after the control of other variables.

TABLE 20  
 MULTIPLE REGRESSION: RECIDIVISM SCORE WITH ALL CONTROL

VARIABLES AND EFFECTS OF GROUP  
 (1980 DIVERSION VERSUS SNOHOMISH COUNTY)

| Variables                                   | R <sup>2</sup> (Controlling for Other Variables) | F                | Significance of F                |
|---|--|------------------|----------------------------------|
| Sex   | .0136  | 9.23             | p < .01                          |
| Prior Record                                | .0077  | 4.35             | p < .05                          |
| Group (1980 Diversion vs. Snohomish County) | .0037  | 2.35             | n.s.                             |
| Age   | .0024  | 1.49             | n.s.                             |
| Race  | .0003  | .19              | n.s.                             |
| Current Offense Seriousness                 | .0002  | .14              | n.s.                             |
|   | <u>Adjusted Total R<sup>2</sup></u>              | <u>Overall F</u> | <u>Significance of Overall F</u> |
|   | .0197  | 3.08             | p < .01                          |

In summary, there was a significant decrease in recidivism between 1979 and 1980. There was, however, no significant difference between 1980 state-funded diversion and the Snohomish County diversion sample. While recidivism was reduced within state-funded diversion between 1979 and 1980, state-funded diversion youths were no less likely to reoffend than youths served at the Snohomish County Juvenile Court diversion unit.

Some other differences between groups were revealed when examining recidivism. For instance, younger divertees were especially less likely to reoffend if they participated in 1980 diversion (as compared to 1979 diversion). Further, non-whites reoffended less frequently if they participated in 1980 diversion (as compared to 1979 diversion). Previously high recidivism rates for these subgroups were major factors in the relatively large rate for the entire 1979 group; the reduction in subgroup recidivism rates coincided with the reduction in recidivism for state-funded diversion as a whole.

PENETRATION INTO THE SYSTEM

The preceding analysis of recidivism showed no significant difference in recidivism rates across all groups (1979 state-funded diversion, 1980 state-funded diversion and 1980 locally funded diversion). The following analysis is restricted to the 1980 state and local diversion groups and examines the issue of whether or not penetration into the criminal justice system is in

itself related to recidivism. In other words, all things being equal, is the extent of involvement with (i.e., "penetration into") the criminal justice system a predictor of future recidivism? Labeling theory suggests "yes" while deterrence theory predicts "no."

To analyze the issue, a variable was constructed measuring degree of penetration into the system. This variable was then cross tabulated against recidivism. The penetration variable was constructed from four disposition variables: counsel/release, counseling, community service, and restitution. A scale was created with values as follows:

- (0) - Counseled and released with no other recorded sanction
- (1) - Diversion contract signed with or without recorded "counseling hours"
- (2) - Diversion contract with community service
- (3) - Diversion contract with community service and counseling
- (4) - Restitution (with or without counseling and/or community service)

Table 21 shows the percent of offenders, at-risk for 12 months or more, recidivating by degree of system penetration. Offenders who minimally penetrated the system (counseled and released) were least likely to recidivate (9.5%). Offenders with greatest system penetration (restitution) were most likely to recidivate (33.3%). Recidivism rates for offenders with "moderate" penetration ranged from 18% to 23%. These differences were statistically significant.

TABLE 21  
 RECIDIVISM RATES BY SYSTEM PENETRATION

|  | <u>% Recidivating</u> | <u>(N)</u> |
|--|-----------------------|------------|
| (0) Counsel and release                                    | 9.5%                  | (148)      |
| (1) Counseling hours only                                  | 23.3%                 | (116)      |
| (2) Community service                                      | 18.0%                 | (194)      |
| (3) Community service and counseling                       | 23.4%                 | (124)      |
| (4) Restitution and/or counseling and/or community service | 33.3%                 | ( 51)      |

Chi-Square = 18.4, p < .001

While the tabular analysis in Table 21 clearly shows a strong relationship between recidivism and system penetration, further analysis was done to control for differences in offenders. The results of a regression analysis relating penetration and recidivism, controlling for differences in age, number of current and prior offenses, and the seriousness of current and prior offenses, confirmed that offenders who penetrate more deeply into the system are more likely to recidivate, even when offender differences are controlled.

Summary

Labeling theory, as discussed earlier, hypothesizes a link between contact with the criminal justice system and offender recidivism. It is argued that the more extensive the contact, the greater the probability of negative labeling and resulting recidivism. The concept of diversion was originally proposed as a means of minimizing the opportunity for negatively labeling minor offenders by dealing with them informally outside the formal criminal justice system. Our data provide some support for the labeling hypothesis; offenders receiving sanctions which require more extensive contact with the diversion infrastructure are more likely to recidivate than offenders who are simply "counseling and released," even after controlling for differences in current and prior offense and age. This suggests that greater accountability is being achieved at a cost of greater recidivism.

COSTS OF DIVERSION

A primary consideration in assessing differences between state-funded diversion and court-operated diversion is the cost of the two operating methods. Ideally, a determination of the "cost-effectiveness" of the programs would reveal the true value of each operating method. However, cost-effectiveness analysis considers the benefits and other factors of the program that are difficult to assess in monetary terms. Those factors were not immediately determinable for the diversion programs. For this analysis, the programs are examined only in terms of "cost-efficiency" -- the relative direct cost of serving the average divertee.

Table 22 presents the average cost per client for the state-funded diversion units in 1979 and 1980, and the Snohomish County Juvenile Court unit in 1980. The costs for the Snohomish County unit are approximate; the unit's budget is included within the entire juvenile court budget and must be estimated. Between 1979 and 1980, one staff position was eliminated in that unit. Therefore, the estimated 1980 costs of the Snohomish County diversion unit are actually less than the costs estimated for that unit in 1979. (See previous study of state-funded diversion.)

TABLE 22

COSTS PER CLIENT OF STATE-FUNDED DIVERSION UNITS IN 1979 AND 1980  
AND SNOHOMISH COUNTY DIVERSION UNIT IN 1980

|                                      | <u>1979 State-Funded<br/>Units</u> | <u>1980 State-Funded<br/>Units</u> | <u>1980 Snohomish<br/>County Unit</u> |
|--------------------------------------|------------------------------------|------------------------------------|---------------------------------------|
| Personal Services                    | \$140,536                          | \$166,735                          | \$ 93,400                             |
| Capital Outlay                       | 6,491                              | 1,980                              | 220                                   |
| Supplies                             | 4,868                              | 2,649                              | 1,600                                 |
| Other Services                       | 21,321                             | 25,563                             | 43,100                                |
| <b>Total</b>                         | <b>\$173,216</b>                   | <b>\$196,627</b>                   | <b>\$138,320</b>                      |
| <b>Total Number<br/>of Referrals</b> | <b>1,754</b>                       | <b>1,727</b>                       | <b>2,244</b>                          |
| <b>Costs Per Client</b>              | <b>\$ 100</b>                      | <b>\$ 114</b>                      | <b>\$ 62</b>                          |

Table 22 indicates that there was a slight increase in the cost per client at the state-funded units between 1979 and 1980. The state-funded units were more expensive than the Snohomish County unit. However, to provide a fair estimate of costs per client, some adjustments should be made to these figures. Two of the state-funded units were terminated at the end of 1980 specifically because they were not cost-efficient. A more realistic assessment of the costs of the state-funded units would exclude those units. The four remaining units cost \$152,214 and served 1,616 youths, for a cost per client of \$94 in 1980.

Further, two of the four state units (that weren't terminated) are located in remote, island locations. Costs of those units are necessarily higher; basic costs are needed to run those units even though the volume of referrals is not great. (See previous study of state-funded diversion for a more complete discussion of this issue.) The four individual cost per client estimates vary considerably: \$57 (Skagit County), \$85 (Whatcom County) \$160 (Island County), and \$163 (San Juan County). The Skagit County estimate is low; part of that unit's operating costs were included in the budget of a separate program. (Costs per client, after this additional funding source was eliminated in 1981, were estimated at approximately \$105). The Whatcom County unit's cost per client is probably the best comparison to the Snohomish County unit. Both units serve a fairly large number of referrals. That comparison indicates that the state-funded units are still more expensive (\$85 as compared to \$68), although not to the degree that Table 24 would indicate.

In summary, the most cost-efficient method of operating diversion was probably the Snohomish County Juvenile Court unit. That unit served more youths with fewer dollars than the state-funded units. That efficiency can be largely attributed to the size of Snohomish County's area of coverage. While smaller counties are occasionally subject to periods of few referrals, Snohomish County generally receives enough referrals such that caseloads remain relatively full.

An additional explanation for Snohomish County's lower costs per client is its method of serving many "less serious" offenders. As noted earlier in the report, fewer offenders received formalized sanctions at the Snohomish County unit (as compared to the state-funded units) in 1980. Three services were offered by Snohomish County diversion that enabled quick processing of many offenders. Approximately 20 percent of the Snohomish County divertees were referred to a community alcohol program, another 9 percent were assigned to a class for traffic violations, and finally, 8 percent were assigned to a shoplifting prevention class. All three dispositions require only minimal contact by the youth's diversion counselor.

Costs of diversion are minimized by responding to divertees as a group, e.g., alcohol or shoplifting classes. In terms of cost-efficiency, this method is potentially quite valuable. Conversely, it might be argued that this method is less able to hold the youth accountable. The trade-off between cost and accountability is clear; increased response to the youth (i.e., holding the youth accountable) necessitates greater costs. Ideally, an analysis of cost-effectiveness would assess the relative merits of decreased costs and increased accountability.

## VII. SUMMARY AND CONCLUSIONS

State and county funded diversion programs in Region 3 continue to hold minor offenders accountable (as measured by the certainty of sanction and the likelihood of repaying monetary loss as restitution). In addition, the programs have become increasingly more consistent in their application of sanctions. Evidence continues to indicate, however, that neither accountability nor consistency in sanctioning has resulted in a significant decrease in recidivism among the offender population. Overall, there were no significant differences in recidivism among the similar groups of minor offenders over the period of 1977 to 1980.

As we suggested in the previous evaluation, the concept of diversion is based on labeling theory and was originally an attempt to remove minor offenders from contact with the juvenile justice system and the accompanying potential for negative labeling. Diversion, as implemented in Washington State, goes further and incorporates the objective of accountability. This objective is consistent with deterrence theory which argues that the more certain and severe the sanction, the less likely the youth is to reoffend. Justice, or accountability, is also seen as a goal in and of itself.

As in the previous evaluation, diversion holds minor offenders more accountable than in the past. Most (75 to 80 percent) offenders are assigned restitution, community service or counseling. We argued before that the lack of any impact on recidivism is understandable, given the conflicting theoretical bases for diversion. That is, while deterrence theory predicts the decrease in recidivism as a result of increased accountability, labeling theory predicts an increase in recidivism as a result of greater involvement in the criminal justice system. Thus, the fact there was again no significant reduction in recidivism is not surprising.

In an era of increasingly tight money, the cost of social programs comes under greater and greater scrutiny. The cost analysis indicates that diversion, whether state or county funded, is not an inexpensive proposition - the cost per offender runs between \$60 and \$160. Programs which are in isolated or lower populated areas tend to be more expensive. The study indicates that county-funded (in-house) diversion programs tend to be less expensive and no less effective than state-funded diversion programs. Whether funded by the state or the county, diversion programs have shown themselves to be not only effective in holding young offenders accountable, but also capable of becoming increasingly consistent in the application of sanctions to those offenders.

It is unfortunate that a program which enjoys substantial community support and is effective in terms of holding offenders accountable and in applying sanctions consistently to those offenders nevertheless fails to have a significant impact on the recidivism rates of those offenders. More unsettling is the suggestion, raised by findings of a link between recidivism and system penetration, that the increased "accountability" gained by sanctioning even minor offenders, may be

achieved at a cost of increased recidivism. Perhaps the best solution to these dilemmas is to seek ways to provide diversion in the most cost-efficient manner, limiting sanctions such as community service, counseling, and restitution (which require greater contact with the criminal justice system) to more sophisticated offenders. Under such an approach, most minor offenders would be "truly diverted" through a brief "counsel and release" procedure. In this way, the minor offender is held accountable, but is spared the stigma of extensive involvement in the criminal justice system and the possibility of resulting increased recidivism.

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### References:

Guthmann, D.R. and Steiger, J.C. (1980). An Evaluation of Juvenile Diversion in Washington State DSHS Region III. State of Washington: Olympia, Washington.

**END**