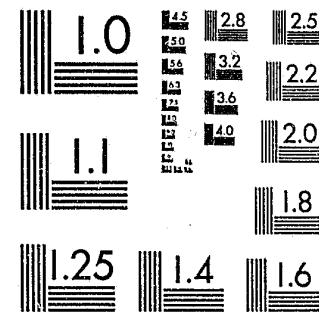


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Intensive Evaluation  
of  
Juvenile Diversion  
Programs

FINAL REPORT

Prepared by  
NYS Division of Probation  
Intensive Evaluation Unit

Hugh L. Carey  
Governor

Thomas J. Callanan  
State Director

Richard E. Ely  
Project Director

Pamela Derrick  
Senior Probation Program Analyst

Carol Hsiao  
Probation Program Analyst

Intensive Evaluation of Juvenile Diversion Programs

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## Preface

As in any major evaluation effort, much more was done in this project than can be written of in a final report. The planning phase alone lasted for six months and even then it was far too short. The Intensive Evaluation Unit did not, could not, anticipate more than a quarter of the problems encountered. Lack of existing data and accurate or complete records in numerous state agencies prevented the development of an innovative, jurisdiction specific, functional utility index. The determination of our clients to behave in the context of a random walk made the prediction effort less than useless. The programs themselves proved to be quite dynamic, leading to major and often quite unscientific changes in the design of the evaluation. These and numerous other problems make this final product look somewhat different from what was originally anticipated. The Evaluation Team made every effort, in spite of these many frustrations, to ensure a report of quality, one which would be of practical use to justice system decision makers. All the same, the reader must bear in mind that these are some threats to the validity of the findings and, while every effort was made to control these threats, the findings must be viewed with some caution. In one target site, for example, the diversion program staff provided the information on program activity that elsewhere was obtained directly by the evaluation team. While the results were comparable to the other counties, they must remain at least somewhat suspect.\*

The reader will notice a dearth of statistics in the findings (Section V) of this report. This was intentional. The purpose of the evaluation is to inform, not to overwhelm or impress. Technical information on the testing of hypotheses is included in outline form, in Appendix II and the authors are available, for discussion, criticism, or righteous indignation, but the simple truth is, we could not justify inclusion of non-significant or inconclusive statistical discussions.

In following standard format, it must now be stated that there are too many people to be thanked to do so individually. This is the truth. Literally hundreds of individuals participated in the planning and conduct of the evaluation and the preparation of this report. Some individuals and groups do, of course merit special recognition. We thank the Division of Probation and the Division of Criminal Justice Services for their support of the project similarly, the Directors and staff of the Probation Departments in Chautauqua, Erie, Rensselaer, Suffolk and Westchester Counties, as well as the Suffolk County and Yonkers Police Departments, all deserve special thanks for their concern and cooperation.

We also wish to thank those individuals who provided support, advice, and permission to use their work: Dr. Stanley Coopersmith, Dr. Marvin Wolfgang, Dr. Timothy Flanagan, Michael Maltz, Richard McCleary, John Clark, and Eugene Wenninger.

Finally, the Director of the Evaluation Unit would like to express appreciation to members of the team: John P. Bonn, former Director; Roz Ansaldo, Program Analyst; Pam Derrick, Senior Program Analyst; Carol Hsiao, Program Analyst; Roy Burdick, Sandra



Jacobowitz and Richard Sissman, Field Staff; and Christine Root, graduate student intern. Obviously, without them there would have been no evaluation.

\*This situation was the result of the county director wishing to withdraw from the study. Negotiation led to this compromise which was supported by the project director and DCJS (SPA) staff to avoid the loss of numerous vital data. (All further notes will be found at the end of the text before the Appendices).

# I. EXECUTIVE SUMMARY

## General Results of Hypotheses Testing in the Evaluation of Juvenile Diversion Programs in New York State.

1. Diversion programs do not significantly reduce recidivism beyond the rate observed for traditionally processed intake clients.
2. Success rates vary from program to program, but they do so as a function of client characteristics and type of initial offense rather than program/treatment efforts.
3. Diversion programs do not appear to impact at all on client's attitude, value orientation or self esteem.
4. Diversion programs have the effect of keeping clients in the probation system longer (pre-disposition) than intake clients, but have the ability to reduce the proportion of clients going to petition.
5. Diversion programs show a tendency to "widen the net" through their informal style, drawing individuals into the justice system whose cases would otherwise be adjusted outside of the system or earlier in the system.
6. There are indications (no "solid" proof) that diversion programs are more successful to the extent that they are clearly separated, both functionally and physically from probation intake procedures.
7. Diversion programs offer more "in house" services than intake (though these services do not affect outcome) but, like intake, tend to make little use of community based services outside probation.
8. Diversion programs do not appear to be able to meet the clients' treatment needs with any more success than traditional intake procedures, although diversion addresses the perceived needs in greater depth.
9. Based on long range outcome variables (recontact, time to recontact, and seriousness of outcome offenses), diversion is less cost effective than traditional intake procedures. The diversion client is in the "front-end" of the system longer and has more contacts with system personnel while there is no difference in outcome between diversion clients and their counterparts at intake.

10. Diversion has the ability to provide an efficient processing tool to the extent that, based on its location and purpose, it can significantly reduce the time taken to process a complaint.

#### Conclusion

1. Diversion, as a program aimed at effectively treating clients and thereby reducing or eliminating future deviant behavior, is no more effective, for the majority of clients, than other programs at preliminary procedures.
2. Diversion is no more likely to positively affect clients' attitude or behavior than traditional, less costly, less interruptive forms of predispositional treatment.
3. The use of diversion has a good potential for decreasing the number of cases which go to petition without negatively affecting outcome.
4. There is a potential for abuse of process in the use of diversion when that program draws in cases for treatment that would not or could not support a petition in the Family Court.
5. In conjunction with the above, probation diversion programs are, at times, used in an attempt to treat cases that would be more properly addressed by another unit of government or by the private sector.
6. Diversion, as it is operated in counties where the police are closely involved, can be used as an effective management tool, screening out cases where further processing is unnecessary and reducing delays and lag time in processing those cases which go on in the system.
7. In the probation - police diversion programs, understanding and cooperation between the agencies appears to be increased.
8. Diversion, as it exists in New York State today, has as its main purpose a goal identical to that of the intake process upon its inception in 1922. That goal was to reduce the number of cases going to petition through a process of "informal adjustment." To some extent this must reflect on the success of the intake function.

9. No single one of the diversion programs stood up well enough under examination to provide a statewide model for the process. Further, the programs were so diverse, from theory to practice, that an attempt to create a model using the best aspects of each program would make little sense and be of no use on a statewide basis.

#### Recommendations

It is recommended that:

1. Research be continued in order to determine which clients are most likely to benefit from the informal but intensive approach which marks most diversion programs;
2. The concept of diversion be reconsidered and addressed on a statewide basis to provide common purpose and practice and to finally distinguish the concepts of diversion and intake;
3. Any program set up to provide diversion services take every precaution to ensure that only clients eligible for processing under Article 7 of the Family Court Act be included;
4. Clear cut eligibility criteria for client entry into diversion programs be established and closely adhered to;
5. Efforts to improve the timeliness and efficiency of system actions be continued but that they not be confused with "diversion";
6. The idea and practice of establishing closer and more effective working relationships with local police departments be continued and expanded, particularly in the area of juvenile offenders;
7. Every effort be made by local probation departments to shorten the amount of time spent by the juvenile offender in preliminary procedures;
8. Juvenile cases be closed unless there is an affirmative reason to keep them open, particularly in those cases where there are only one or two contacts with the client;
9. The use of the 60 day extension in preliminary procedure be reduced or, preferably, eliminated as it has a slightly negative correlation with outcome;
10. The use of community resources receive greater emphasis at the state and local level;

11. The concepts developed in these programs, where shown to be positive, not be dropped with program termination, but incorporated into ongoing programs where possible;
12. The six and twelve month follow up practice, used in Westchester County, be adopted Statewide, to provide ongoing feedback and allow for program modification;
13. The departments provide for close and ongoing monitoring of diversion and intake units to determine not only compliance but effectiveness as well;
14. The findings of this report, where appropriate, be incorporated into the revision of the rules regarding preliminary procedure.

## I. Introduction

Legal authority has existed for the operation of juvenile diversion programs by probation departments in New York State for more than fifty-five years. The Children's Court Act of 1922 allowed an informal process which was designed to refer persons to appropriate community services. The Family Court Act further refined and developed the idea of informal adjustment of Juvenile Delinquency and Person-in-Need of Supervision complaints in its specification of Preliminary Procedures under Article 7 Part 3. (see Table I)

The New York State Division of Probation, as the standard setting agency for probation services in the state, has a legislative mandate to develop policies and procedures regulating probation's functioning within the juvenile justice system.

The general purpose of this evaluation is to study five federally funded, probation operated juvenile diversion programs. However, important as the evaluation of these programs may be, this evaluation will have a more far reaching impact. As will be explained under the description of the target programs later in the text, each diversion program represents a variation on the basic idea of Preliminary Procedure. Any thorough evaluation of these programs must examine a number of questions including: how the diversion programs differ from traditional processing and the impact of those variations in processing for both the respondents serviced and the juvenile justice system.

For the Division of Probation, an intensive evaluation of these five programs represents the opportunity to obtain rigorous feedback about the effectiveness of various modifications in Pre-



liminary Procedures for juveniles. This feedback in turn may be used to revise and refine the Division policies toward juvenile diversion and in future revisions of the General Rules and Regulations, Methods and Procedures in the administration of probation.

In any, evaluation, the first issue of needs must be one of definitions and that will be addressed here.

Hudson, writing in Federal Probation,<sup>1</sup> has noted that even the term "diversion" has no uniformly accepted definition. From this rather discouraging beginning, things go rapidly downhill in terms of research efforts. It has been indicated "...by 1977, almost 1.5 billion dollars could be saved in official court costs by the adoption of a strategy of diversion..."<sup>2</sup> Due to this and other issues of concern, diversion is a concept which demands in-depth examination. Failure to address these "...issues is likely to result in diversion efforts...as fragmented and disjointed as those justice system practices which, in some measure, led to the diversion movement."<sup>3</sup> The author goes on to point out that "...lack of...systematic evaluation has long been a major defect in justice operations..."<sup>4</sup> Technically, this is an exaggeration. There are, across the country, many hundreds of diversion programs at various stages (police, prosecution, probation, etc.) of the system and a number of these programs have been subjected to evaluation of a sort. The problem does not lie with the lack of evaluation research, but rather with the quality of those research efforts. As Gibbons pointed out:

One of the major current fads in criminal and juvenile justice programming is diversion of offenders. At the same time, little evidence exists in support of diversion policies. Nine

studies of the outcome of specific juvenile diversion programs are reviewed in this paper, along with an investigation of the impact of diversion programs upon the juvenile justice system in Los Angeles County. Most of these evaluation studies were flawed by small sample numbers and other methodological defects. As a result, it cannot be said that diversion arguments and proposals are buttressed by firm research support.<sup>5</sup>

More specifically, the problem from the lack of standard definition of terms is noted as follows:

There is, as mentioned above, the problem of definition of terms, Klapmuts states that:

Repeated attempts to pin down the term 'diversion' have not produced a widely accepted and broadly applicable operational definition. It is likely that such a definition cannot be formulated and that different working definitions should be developed for 'diversion' at different points in the decision-making process.<sup>6</sup>

In reviewing the literature, three different levels of diversion seem to emerge which we have labeled: "pure", "true", and "operational" diversion.

"Pure" diversion is synonymous with the concept of absorption as described in Juvenile Justice Management. It is defined by:

...the processes by which institutions in the community (family, educational, religious) or agencies (scouts, clinics, Big Brothers, etc.) take on offenders or suspects rather than reporting them or their acts to the police. To the best of my knowledge, the concept of community absorption was first explicated by Carter who defined it as...the attempt of parents, schools, neighborhoods, indeed, the communities, to address the problem of delinquent and deviant youth by minimizing referral to one of the official State or County agencies designated to handle such youth; or, if there has been a referral to one of these agencies, the attempt to remove the offender from the official process

by offering a solution, a technique, or a method of dealing with the offender outside of the usual agency channels.<sup>7</sup>

Cressey and McDermott furnish the definition of true diversion when they explain that:

A simplistic interpretation of the definition would insist that in order for diversion to occur, individuals known as public officials concerned with delinquency-- police, probation officers--must refrain from all direct action except that of referring the juvenile to individuals or agencies capable of handling the problem by "other means". They would have to do this, somehow, unofficially. Such diversion may be identified as "true" diversion, even if the official unofficially calls the juvenile's problem one of delinquency rather than of, say, "acting out", "resenting authority", or "interfering with the property rights of another".

If "true" diversion occurs, the juvenile is safely out of the official realm of the juvenile justice system and he is immune from incurring the delinquent label or any of its variations--predelinquent, delinquent tendencies, bad guy, hard core, unreachable. Further, when he walks out the door from the person diverting him, he is technically free to tell the diverter to go to hell. We found very little "true" diversion in the communities studied.<sup>8</sup>

Cressey and McDermott go on to recommend that researchers adapt the definition of "minimization of penetration".<sup>9</sup> Similarly, Juvenile Justice Management states that:

We shall mean by diversion any process employed by components of the criminal justice system (police, prosecution, courts, correction) to turn suspect and/or offenders away from the formal system or to a lower level in the system.<sup>10</sup>

Finally, Klapmuts states:

At this time diversion is most frequently an alternative to continued processing by the justice system that delays such processing while an effort is made to resolve the problem presented by the alleged offender and his behavior by other means.<sup>11</sup>

Thus, within this project, an operational definition of diversion as the minimization of penetration into the juvenile justice system will be used.

The importance of this definitional problem cannot be over emphasized. The nature of the programs being evaluated demands at least one constant since the programs are so diverse. The Divergent Trend in Juvenile Justice Today:

Lock up the violent offender and divert the non-violent offender. Liberals and conservatives, lay people and criminal justice professionals alike are beginning to coalesce around the new position that embraces both a "get tough" with youth posture and a "hands-off", keep the non-violent offender out of the system view.

According to Frank Hellum:

On the one hand, the velvet glove is being extended to non-criminal, status offenders in the form of legislative restrictions on jurisdiction and confinement with alternative reliance on diversion to voluntary community-based treatment. For delinquent offenders, however, especially those charged with felony violations, there is an emerging iron-fisted, punitive approach that requires either remand to the regular criminal courts or juvenile court findings akin to adult convictions with the possibility of fines and set terms of imprisonment.<sup>12</sup>

Hellum considers the diversion of non-criminal status offenders from institutional confinement and the adoption of more punitive responses to serious criminal violations a virtual second revolution in juvenile justice. The present juvenile justice system is being challenged on legal, empirical, and political grounds. In reviewing the legal challenge, Hellum outlined the successful challenges: Kent v. United States, In re Gault, In re Winship and McKeiver v. Pennsylvania. The empirical challenges center on the twin issues of rehabilitation and deterrence. The effectiveness of individualized treatment has been challenged for both juveniles and adults. Recent research cannot confirm or deny the effectiveness of general deterrence. The Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974 specifically provided (Section 223a) that 75 percent of the funds available be used for programs and services to prevent delinquency, to divert juveniles from the juvenile system and to provide community based alternatives to juvenile detention and correctional facilities.<sup>13</sup> Hellum presents a plan for future juvenile justice which relies on a police diversion model. Police would be requested to limit formal referrals to youths for which they have probable cause to arrest or reason to believe protective custody is needed.

Paul Nejelski in his article "Diversion: Promise and Danger" speaks to the concern that "diversion programs" really just "widen the net".<sup>14</sup>

This distinction between programs and diversion is emphasized by a national survey which found that 63.8 percent of the directors of youth service bureaus thought that diversion was the primary objective of their organization. However, only

25 percent of the youths in their programs were in immediate jeopardy of the juvenile justice system.

Nejelski emphasizes the need to make historical comparisons between the number of juvenile court adjudications prior to, during and post diversion. If there is no reduction in the number of adjudications, juveniles coercively treated will rise with the level of additional system funding. "Youths may not just be diverted away from the juvenile court; they are often coercively diverted into a treatment program".<sup>15</sup> Nejelski views diversion as a balance sheet in which one is asked to weigh the loss of due process against the gain in social welfare.

An additional benefit of diversion cited was that diversion programs are generally less costly and generally quicker to reach a decision. Questions raised were: do children of all classes and races have an equal chance to take advantage of diversion; does the child have a right to refuse treatment; what burden of proof does a diversion project bear? Nejelski points out that it is ironic that the National Advisory Commission recommended the abolition of plea bargaining at the same time that it encouraged diversion for juveniles. The need for judicial review of the administrative decisions involved in diversion was stressed. In summation, Nejelski is concerned that diversion may relieve the pressure on the system by dealing with status offenses but create an "equally coercive social control system with less visibility and accountability" than the present juvenile system.<sup>16</sup>



Bruce Bullington et. al. in their "Critique of Diversionary Juvenile Justice" caution criminal justice system personnel to take a closer look at diversion program claims before they jump on the diversion bandwagon. They state that diversion programs are not practical, fraught with potential for inequity and abuse, and provide a renunciation of civil libertarian values articulated by the Supreme Court.<sup>17</sup> Rather than an exception, diversion is in fact the rule. Most delinquent acts do not come to the attention of the police or the courts. True diversion occurs when parents, neighbors, shopkeepers, teachers, social workers and police choose not to invoke the formal process of the law.

The arguments against diversion are:

- 1) The concept of diversion is dangerously ambiguous.
- 2) The goals of these programs may be unattainable.
- 3) Diversionary efforts may be incompatible with concepts of due process and fundamental fairness.

Diversion of youth from the juvenile justice system implies that the system will be limited in scope and authority. Bullington et. al. believe that "diversionary programs" is a contradiction in terms - to divert a youngster no new "programs" are necessary. Increasing the number of programs for juvenile offenders is incompatible with the idea of diversion. According to Bullington, the informal practices of Parens Patriae justice are being abandoned in juvenile courts only to be re-created in innovative diversion programs.<sup>18</sup> Informality and justice do not go hand in hand. Nor are benign intentions adequate safeguards of individual liberties.

In January 1978, Ronald Roesch started a dialogue on diversion with the publication of his article "Does Adult Diversion Work?"<sup>19</sup> After reviewing a number of diversion programs and related literature, Roesch concludes that little is known about the effectiveness of this form of pretrial intervention. Projects typically have not been evaluated or they have used weak experimental designs. Roesch concentrated on a review of the Illinois Adult Diversion Project. In the Illinois Adult Diversion Project, the Adult Diversion Committee made a firm decision not to include an evaluation component.

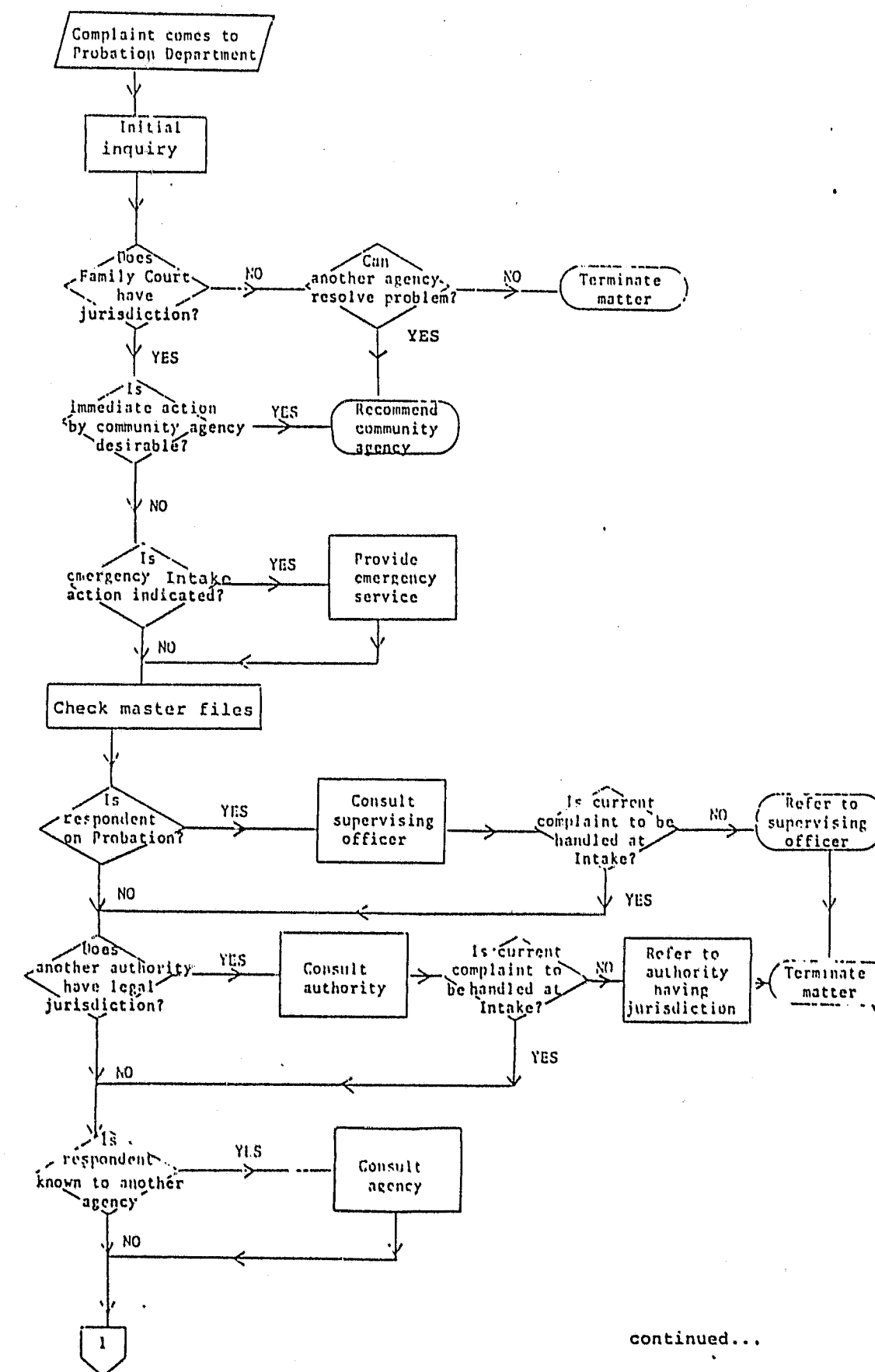
Roesch also reviewed Rovner - Pieczenik's evaluation of fifty diversion projects undertaken throughout the United States. Weaknesses in the program evaluations included lack of control groups, lack of comparison groups equivalent to diversion groups, lack of ability to generalize beyond participant population. Roesch's section on the function of research evaluation is of special interest. Since there are so many diversion programs, many people erroneously assume that diversion has been proven to be successful. Secondly, a large number of people view the present justice system in such a negative light that they believe diversion must be good. Evaluation is seen as useless waste of time and funds. In the Illinois Adult Diversion Project, some committee members were opposed to evaluation because they felt that it would show that the program does not work and would lead them to conclude that their efforts were in vain. If the Committee thought the results of the evaluation would be negative, the question remains: why were they advocating the diversion program in the first place? Last but not least, cost is the bottom line. With the amount of money available on the decrease, dollars must be carefully allo-

cated to programs that are successful or have potential for success.

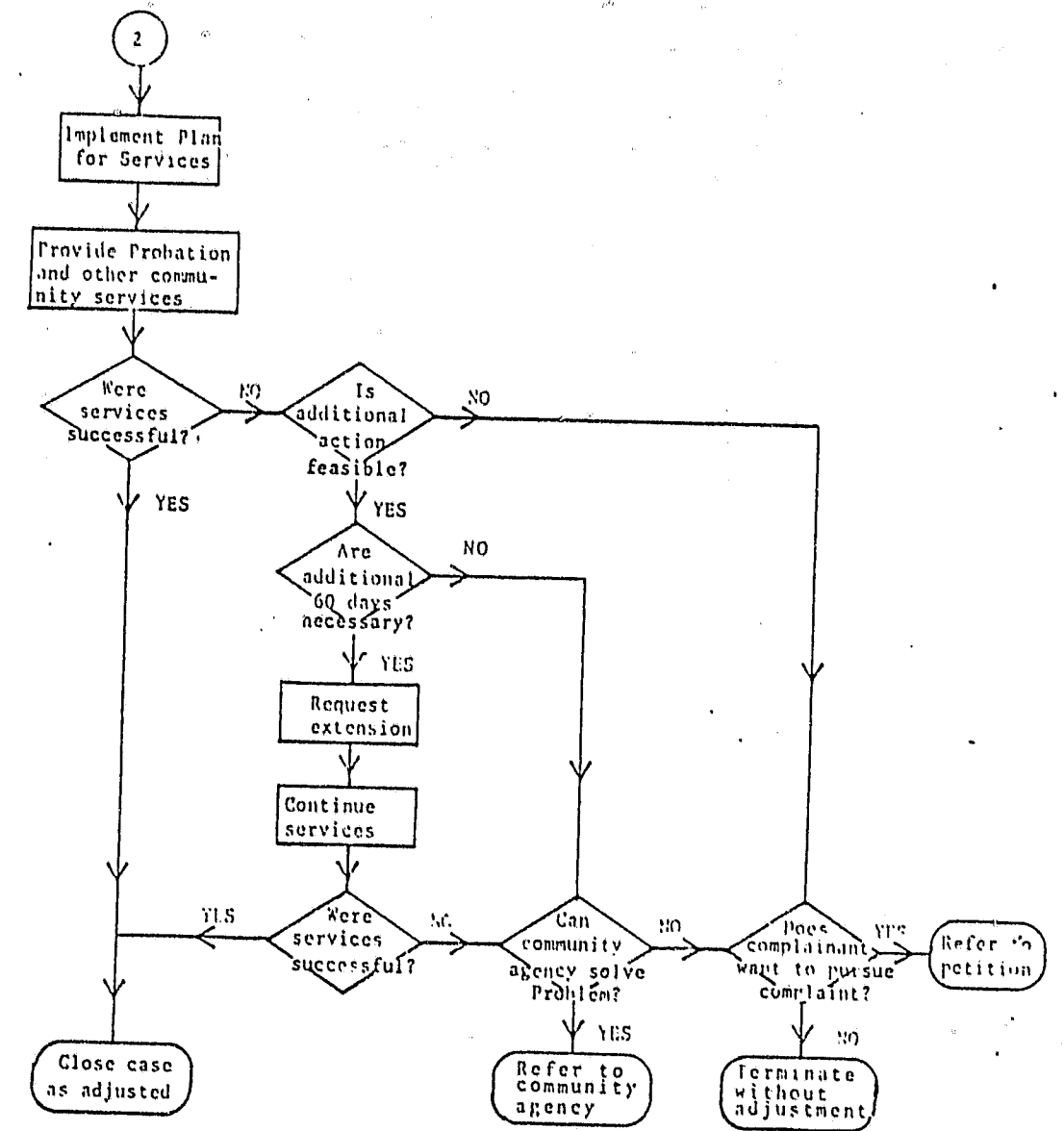
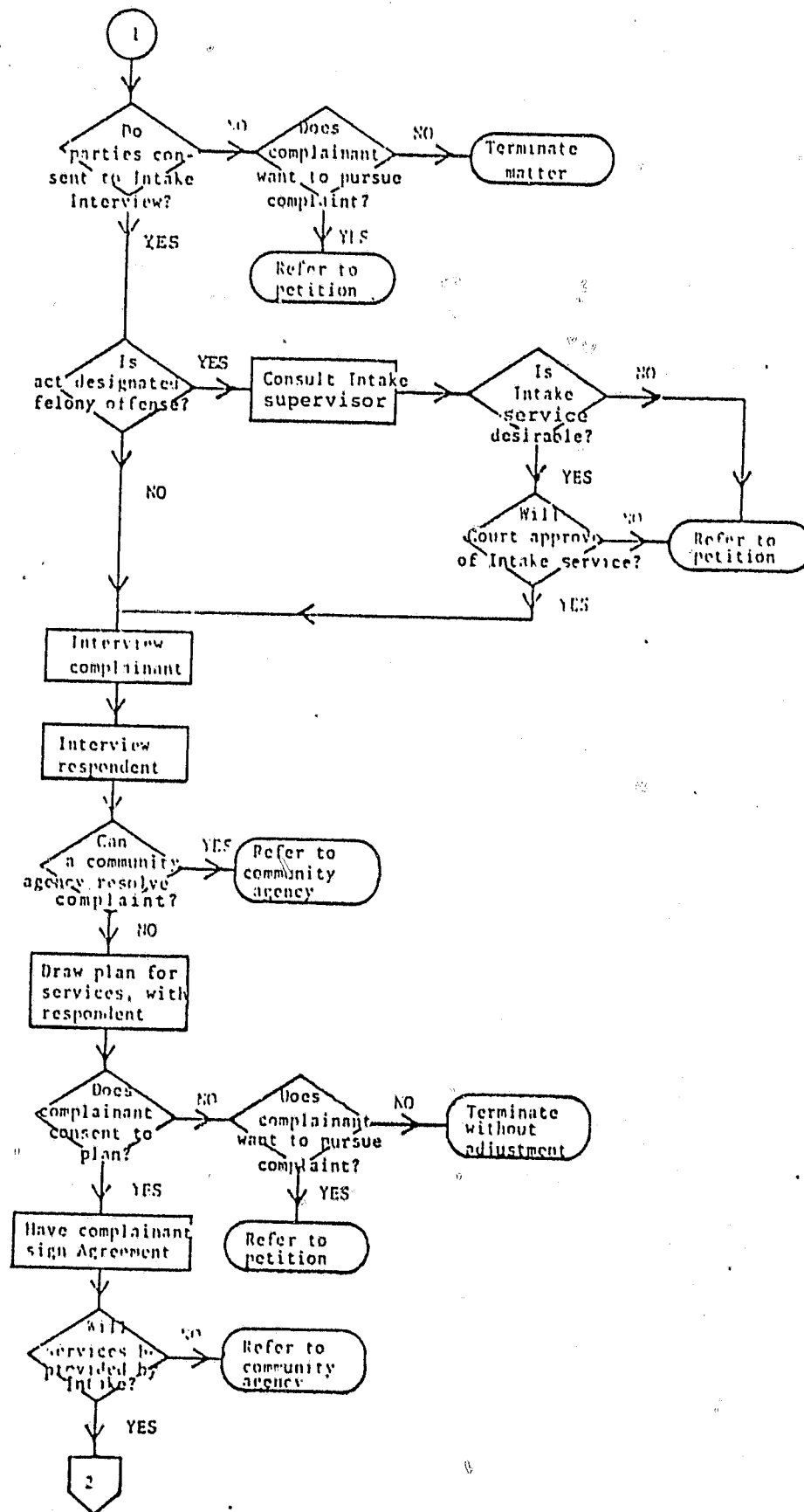
A year later in Crime and Delinquency, Kiane L. Gotheil published "Pretrial Diversion: A Response to the Critics."<sup>20</sup> Diane Gotheil was Director of the Illinois Adult Diversion Program discussed by Roesch. Gotheil lays the ground work for a discussion on whether diversion programs "widen the net" and due process rights of clients are sacrificed. However, she marshalls little or no data to refute either claim. Gotheil stresses the voluntariness of the Illinois Diversion Program and the fact that no charge will be filed or court appearances required on the basis of this charge. Rather than the threat of prosecution, the offender is to be influenced by the lack of a second chance at diversion.

Gotheil emphatically states that the Cressey and McDermott criterion for true diversion is met (i.e., the diverted client can walk out the door and be technically free to tell the diverter to go to hell).<sup>21</sup> The program provides an opportunity to receive counselling and other needed services in a non-coercive setting. If the client drops out of the voluntary program and is not re-arrested that is to be taken as success. "In as much as no services were provided and no recidivism occurred, simple diversion was effective."<sup>22</sup> Statistics on how many comply with voluntary programs were not given. It was also stressed that Illinois was unique, in that their clients knew the program was voluntary. The assumption presented was that in other voluntary programs, clients did not know participation was voluntary. (Note - The Intensive Evaluation Program evaluation of juvenile diversion found that voluntariness was very difficult to measure. Probation officers/staff regularly stated that the client had participated voluntarily but the clients did not always see it that way.) It is not clear

-11- Table 1  
PRELIMINARY PROCEDURE TO FAMILY COURT



continued...





from Gottheil's article that the first-time youthful offender saw the choice as one between walking out the door vs the voluntary program. Since streetwise second offenders were not eligible, it is possible that many first-time offenders did not understand the real choices involved.

In her response to evaluation purists (those who use experimental design research evaluations), Gottheil argues that the failure to evaluate criminal justice programs may just be the result of the limited funds available to each project.<sup>23</sup> Program administrators are likely to choose a counselor or social worker over an evaluator or researcher. Fear was expressed that a costly evaluation component might convince an already reluctant local official to refuse to approve or fund an innovative program. "It is unrealistic to expect that the provision of an experimental design to enable evaluation research on diversion will receive the highest priority, no matter what the inclinations and skills of the program administrator. Experienced program administrators might also point out that, regrettably, local officials tend not to be impressed with statistically sophisticated - albeit sound - evaluation reports."<sup>24</sup>

In "The Evaluation of Pre-Trial Diversion: A Response" Roesch discusses the problems that arise when policy and programs are based upon methodologically unsound evaluations.<sup>25</sup> Basically, Gottheil is committed to diversion as a solution while Roesch is committed to choosing a solution based on methodologically sound evaluation. Further, Roesch addresses Gottheil's claim that the Illinois Diversion Project was voluntary. Problems cited were: 1) the offender is given a choice of diversion with all

charges dropped or be processed by the juvenile justice system.

2) The prosecutor may regard the unsuccessful divertee in the same light as a probation failure. Harsher treatment may follow. Although charges are dropped, Roesch believes that the prosecutor may regard acceptance of diversion as akin to conviction.

Roesch has provided a good summary of the "widening the net" theory:

Diversion programs usually make conservative choices in selecting participants, limiting their clients to those who do not have a previous record and those who are charged with relatively minor, non-violent offenses. Such defendants do not often become involved in the system to a significant degree in the absence of a diversion program, charges against some would have been dismissed; or, if convicted, these persons might be placed on probation. In some jurisdictions, even convicted offenders can have their records cleared following successful completion of probation.<sup>26</sup>

In regard to cost, Roesch points out that caseloads can be reduced by simply not prosecuting offenders. This would incur less cost than a diversion program. Whether funding is local, state or federal, Roesch believes that the value of the program should be based on sound evaluations. Good programs should not be abandoned nor should weak programs be continued based on methodologically inadequate evaluations.<sup>27</sup>

Gregory Falkin's thesis from Cornell University, now available as a monograph, Reducing Delinquency, includes a section on juvenile diversion as a cost effective alternative. Falkin compares the cost of juvenile diversion to the cost of juvenile detention.

The average cost per juvenile detained using a standard detention program was computed at \$120 per juvenile for the course of treatment.

(\$16.3 million, 140,000 juveniles). In a simulation model, the cost per juvenile in a diversion program was \$150. The cost for the Los Angeles Sheriff's Diversion Program was \$128 per youth; the cost of the Santa Clara Diversion project was \$107 per youth.<sup>28</sup>

Using Falkin's simulation model, diversion could reduce the probation department's workload by \$1.5 million, total probation and court workload reduction by \$15 million.<sup>29</sup> In the simulation model, the average daily caseload was 65,000. Thus, the author estimates that probation officers could spend an average of three hours more per case than they did spend in 1970.<sup>30</sup>

Falkin also speculates that the reintegration of youth and the increase in the probability of punishment under diversion would cause a decrease in the crime rate. After discussing a number of simulation models, Falkin concludes that the most cost-effective program would be a combination of police and probation diversion programs.<sup>31</sup>

For a review of diversion programs and their evaluations, see Appendix I.

## II. Target County Program Descriptions

### A. Erie County: The Juvenile Diversion Intake Services Project

The Juvenile Diversion Intake Services Project was initiated January 1, 1974 under the auspices of a federal grant award\*. The project was federally funded for four years, at which time the Diversion Unit was institutionalized by Erie County and became a permanent unit in the probation department. The general purpose of the program is to provide immediate service at the time of crisis and to reduce the number of juveniles petitioned to court.

#### Problem Area

In the year immediately preceding the inception of the Diversion project, the Erie County Intake Unit received 2,415 juvenile delinquency and PINS complaints. Of these complaints, 777 or 32% required full court processing. In this same year, only 161 or approximately 7% of the total complaints received were adjusted by referral to a community agency.

#### Project Objectives

The Juvenile Diversion Intake Services Project proposed that it would\*\*:

1. Reduce the total number of juvenile delinquents and PINS complaints requiring court processing.

\*See D.C.J.S. Grant Proposal #1502

\*\*Erie County Probation Department. Final Report of the Juvenile Diversion Intake Services Project for period January 1, 1974 August 26, 1977. By the County, 1977. mimeo.

2. Increase the number of clients using community service agencies.
3. Decrease each diversion officer's caseload to fifteen clients so that more in-depth counseling services could be provided.
4. Increase the use of crisis intervention strategies so that immediate services to clients would be provided.

Program Functions:

The procedure for directing cases to the Juvenile Diversion Unit in Erie County is as follows:

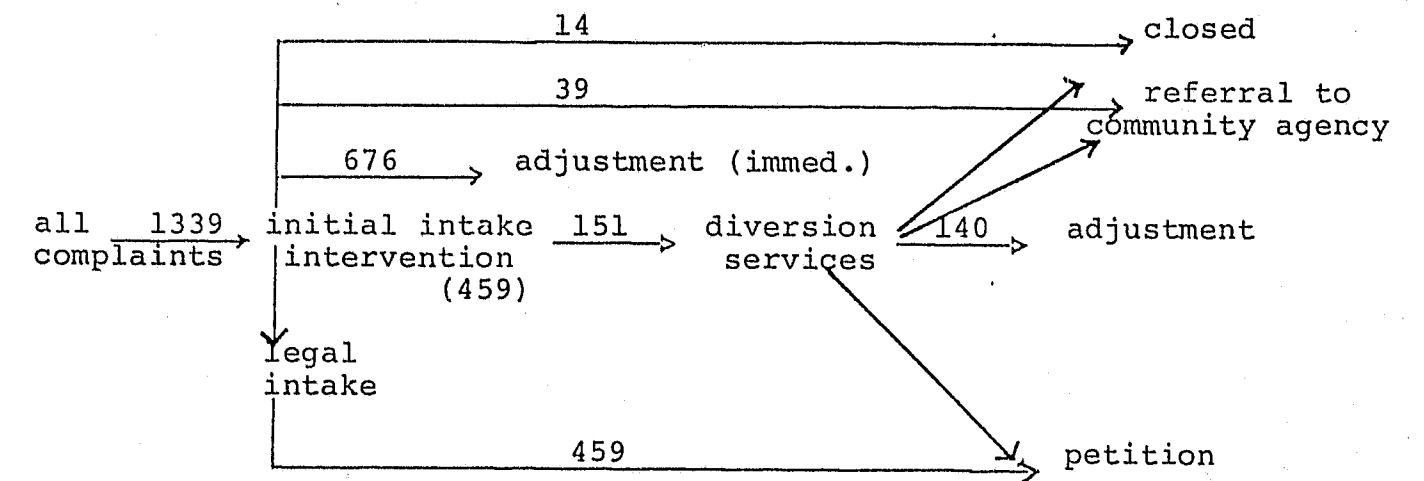
All referrals come to the Diversion Unit from the Family Court Intake Unit and the decision to refer a case to Diversion is initially made by the Intake Unit staff. The Intake Unit determines if the case should: (a) go directly to petition, (b) be referred to a community agency, or (c) receive counseling at the Intake level. Those counseling cases that can be resolved in one or two sessions are adjusted at the Intake Unit level. Those cases requiring more intensive services are referred to the Diversion Unit.

Services provided by the Diversion Unit include:

1. The establishment of linkages to 44 identified community agencies.
2. Close work with schools so that transfers to another educational program within the school or to another school can be accomplished when appropriate.
3. Providing social, cultural and recreational programs for clients at risk of court processing.

- 4.. The use of temporary, voluntary placements (without court intervention) if the immediate crisis situation at home can not be resolved.

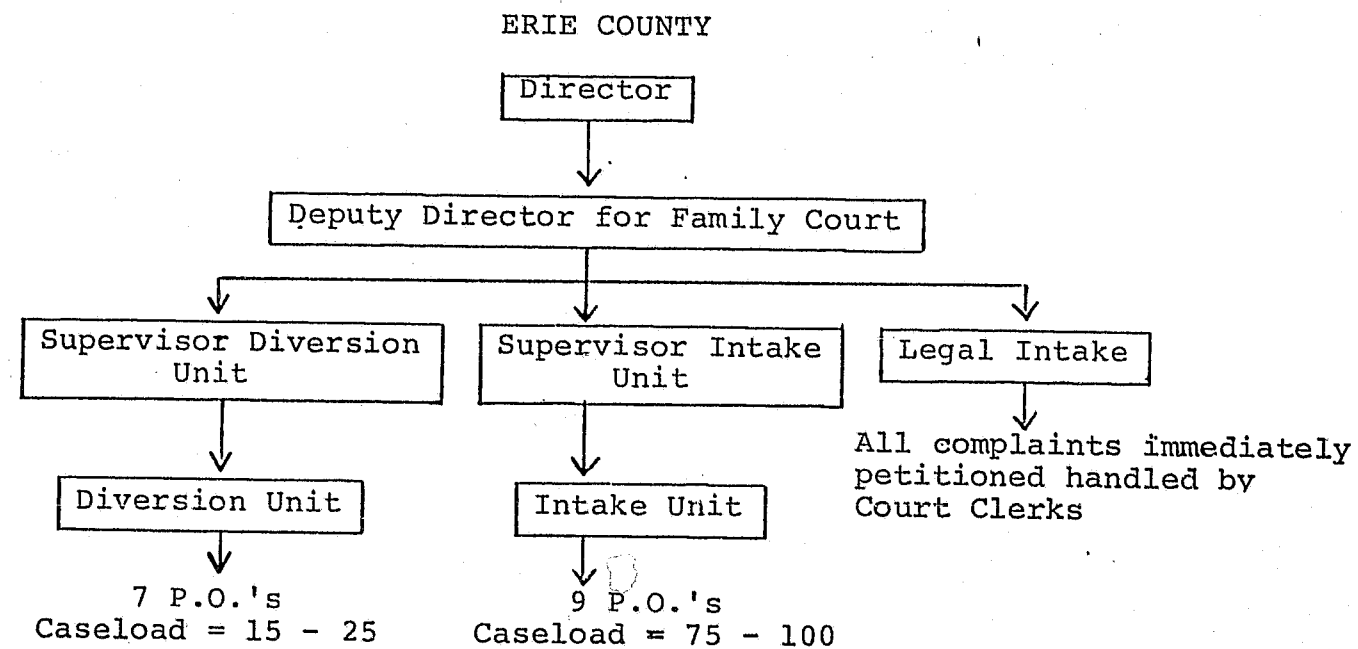
A diagram of the procedure followed in Erie County is as follows:



During the six months of sample selection for the intensive evaluation 1,339 juvenile delinquency and PINS complaints were received at Intake. 676 (50%) were immediately adjusted and 151 were referred for services in the Diversion Unit. 459 cases required immediate petitioning and an additional seven cases were petitioned after receiving diversion services.



Table II  
Preliminary Procedure to  
Family Court



1. Policy decisions for both units are made by the Deputy Director for Family Court.
2. Unit supervisors address management issues for their specific unit and advise, assist Deputy Director for Family Court for policy decisions.
3. Unit supervisors review cases and advise P.O.'s regarding client matters in each of their respective units.
4. P.O.'s have primary responsibility for case management.
5. Physical location - both units are in the same building.  
The Diversion Unit is located on the fifth floor;  
Intake Unit is located on the fourth floor which is publicized as Family Court Intake.

#### B. Rensselaer County: Probation Diversion Program

The Rensselaer Probation Diversion Program, made possible by a grant award\*, established three components of innovative probation services in Rensselaer County. These components are: Adult Misdemeanant Diversion, Release on Recognizance and Family Court Intake Diversion. The project was officially initiated in the beginning of the year 1976. The general purpose of the Family Court Intake Diversion component is to decrease the number of petitions referred to Family Court by providing intensive counseling to juveniles coming to Intake and their families.

##### Problem Area

In the year prior to the establishment of the Juvenile Diversion Project, a Rensselaer County Program Audit Report clearly indicated that complaints opened under Article 7 of the Family Court Act increased by 28 percent. In addition, the Program Audit determined that 80% of these petitions were bypassing Probation Intake due to the lack of an effective intake/diversion program. In an attempt to maximize efforts to deal with these problems, the Rensselaer County Probation Department initiated an aggressive Intake procedure six months before the Federal money was available to supplement staff and services.

##### Project Objectives

The stated program objectives as presented in the original grant proposal are:

1. Divert appropriate cases meeting established criteria from formal Family Court process at Probation Intake.

\*D.C.J.S. Grant #2150. Funded through the Division of Criminal Justice Services. April, 20, 1976.

2. Develop individualized community programs tailored to the offender and his situation.
3. Develop and/or coordinate community efforts in carrying out these programs.
4. Provide intensive, structured community-based supervision as a substitute for institutionalization of the juveniles, both at Intake and during the court process.
5. Demonstrate reduction of recidivism.
6. Demonstrate cost savings.

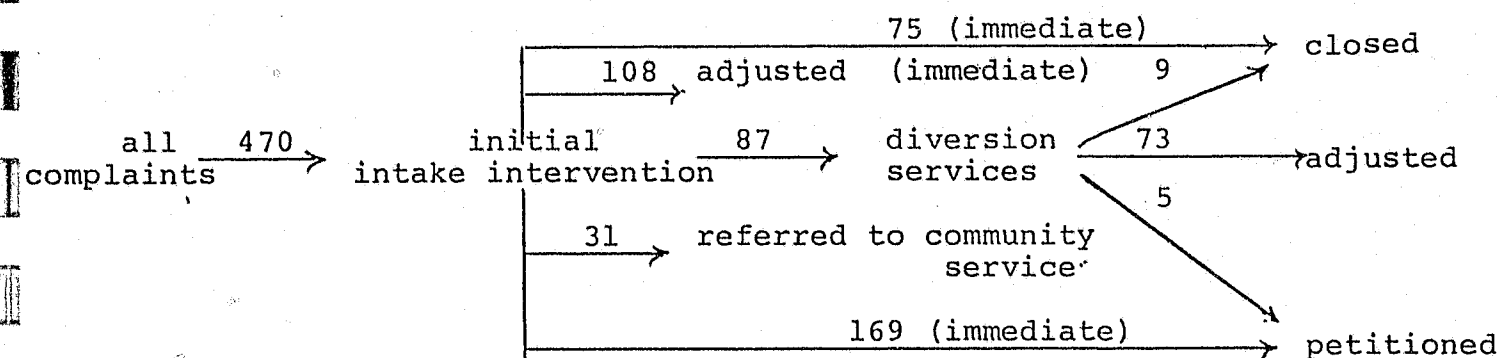
#### Program Functions

Through the implementation of the Juvenile Intake Diversion component, a Juvenile Intake Specialist serves to screen cases for appropriate diversion and serve as a counselor and community resource manager to those diverted. Eligibility criteria will exclude: juveniles alleged to have committed offenses equivalent to or more serious than a Class D Felony; juveniles who deny the substance of the allegation and/or prefer formal petition to the court, and juveniles against whom the complainant insists on filing a petition.

In all instances where juveniles are diverted at Intake the period of counseling and/or community programming is for a period of sixty days, with the possibility of sixty day extensions based on detailed extension request reports filed by the Probation Department with the Family Court Judge.

Upon satisfactory participation in the Diversion Program, the complaint will be adjusted and terminated. Unsatisfactory performance will lead to the filing of a formal petition.

A diagram of the Rensselaer County Intake/Diversion procedure is as follows:

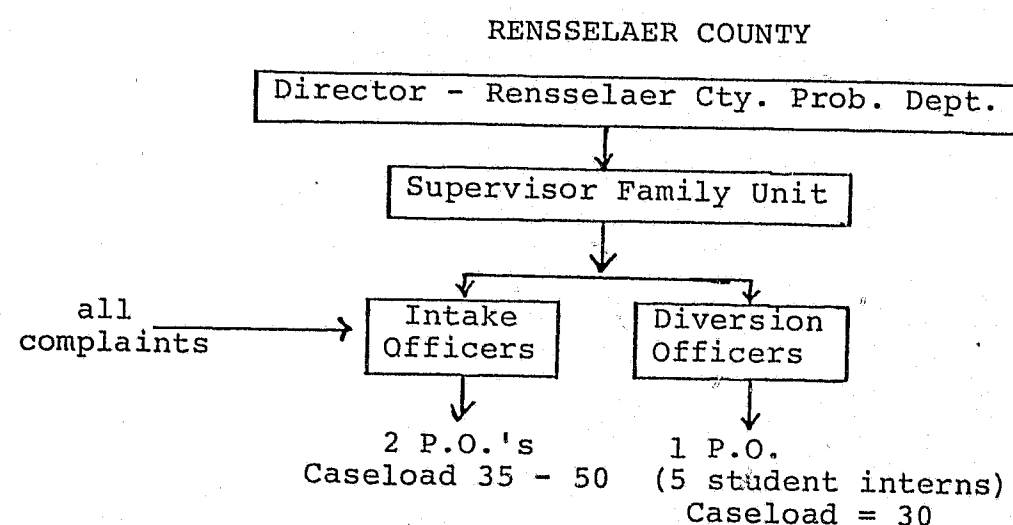


During the six months of sample selection for the evaluation, 470 juvenile complaints were received at Intake; 75 were immediately closed, 108 complaints were immediately adjusted and 87 were referred for Diversion services. Of the diverted clients, five required referral to court.

Table III

Preliminary Procedure to  
Family Court

Administrative Chart



1. The preliminary procedure process is very informal.
2. Intake and diversion officers have a great deal of discretion.
3. Supervisor handles more administrative matters.
4. Director makes policy decisions.
5. Physical location: Both "units" are housed in same building on the same floor with no real physical separation. The Supervisor of Family Unit has responsibility for both procedures.

C. Chautauqua County: Probation Offender Rehabilitation Program

The Probation Offender Rehabilitation Program\* joined the concepts of Diversion for juveniles and adults, Release on Recognizance and Release under Supervision. These three components had the mutual goal of providing a continuity of offender treatment and alternatives to offender treatment. Three cycles of federal assistance were furnished for the time period September 1, 1974 through December 15, 1977. The project was administered within the county probation department by probation personnel.

Problem Area:

This program was established to diminish several types of failings in the Chautauqua County correctional system. Among those identified problems was the costly and potentially unnecessary processing of juveniles through the court system. In 1973, the Chautauqua County Family Court received 1330 cases. Of these cases only 180 cases (or 14%) were adjusted at intake, while 849 (or 64%) received full court processing.\*\* The stated program objective for the juvenile diversion component was to create a system of services that will the offender at the earliest possible time from the traditional criminal justice process.

\*Requests for funding form LEAA through the DCJS's Grant Proposal 31694

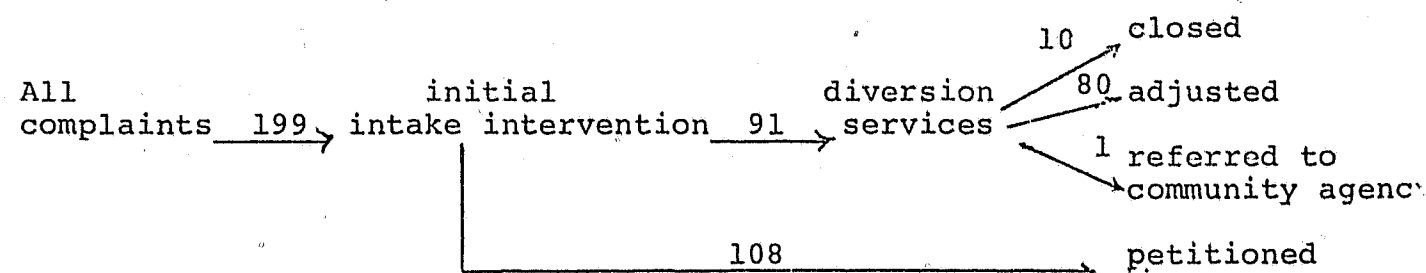
\*\*See Grant Proposal 31694, page 3.

# Program Functions

The Chautauqua County Probation Department described the Juvenile Diversion Program as designed to give intensive, supportive, directive counseling to juveniles who would otherwise have been adjudicated either a juvenile delinquent or a Person in Need of Supervision.

The intake officer would provide a combined social-legal review of the case to determine if court action was warranted. If the case was to be adjusted without court action, the intake officer had the option of handling the case himself or referring the case to the juvenile diversion unit. Generally, first offenders and misdemeanor cases were eligible for diversion with intensive counseling or referral to community agencies.

At the completion of the grant-funded period\* several elements of the diversion procedure were incorporated into the Preliminary Procedure to Family Court. At present, the procedures used in the Chautauqua County Probation Department can be diagrammed as follows:



During the six months of our sample selection, the intake units at Jamestown and Dunkirk received 199 complaints (JD's and PINS). Of these cases, 108 (54%) were petitioned and 91 (46%) were opened for diversion services.

\* The Intensive Evaluation of Juvenile Diversion Project, by contract, cannot evaluate programs that are not administered with Federal money. The Chautauqua County program, therefore, has been identified as a comparison rather than an "experimental" project.

## D. Suffolk County: Probation Juvenile Intake Screening and Diversion Project

The Probation Juvenile Intake, Screening and Diversion Grant, funded by LEAA\* was initiated April 1, 1977. These funds made possible the establishment of the Juvenile Services Unit located in the police precinct in Yaphank, Long Island, and jointly administered by probation staff and police staff. The general purpose of the project is to provide immediate intake screening for juveniles apprehended by the police and to facilitate initial decisions regarding referral to court, informal adjustment and referral to other agencies.

### Problem Area:

Prior to the establishment of the Juvenile Services Unit, Suffolk County Probation Intake processed 4,467 JD and PINS cases in the year 1975. In that year, 2,650 juvenile delinquency cases were referred from the police for intake screening, petition or counseling. Due to a lack of timely probation intervention and resource restraints over 10% of the delinquency cases were terminated unsuccessfully after counseling and over 18% of the juvenile cases were petitioned even after intervention services were attempted. In addition, intake screening services were available only on weekends and evenings.

\*D.C.J.S. Grant No. 2397, made possible by the Omnibus Crime Control and Safe Streets Act, 1968 (P.L. 90-351, 82STAT. 197)



Project Objectives:

The Juvenile Services Unit was established to meet the following objectives.

1. To provide immediate adjustment services resulting in precinct based problem resolution.
2. To reduce the time between juvenile arrest and adjustment services.
3. To direct those cases that require petitioning into court as quickly as possible and to reduce the backlog in cases to be petitioned to Family Court.
4. To direct those juveniles who would benefit from further counseling into intake as quickly as possible.
5. To provide crisis intervention services to the various precincts regarding runaway juveniles.

Program Functions

The major strategy of the Suffolk County diversion program is to assign probation officers to work closely with the Suffolk County Police Youth Section serving juvenile delinquency cases and to provide immediate crisis intervention services (evening, weekend and holiday coverage is provided).

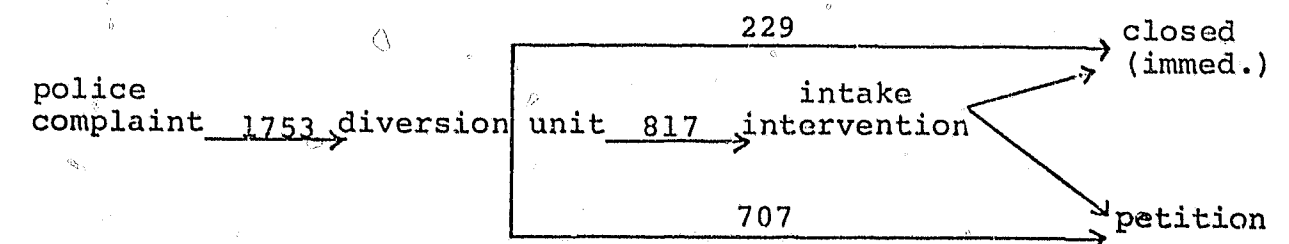
The procedure followed in Suffolk County is for the juvenile service officer (a police officer) to telephone the diversion officer (a probation officer) and advise him that he has a youth in custody and provide the following information: nature of offense, prior record, parental and youth attitudes, attitudes of complainant, information on co-defendants and general social and family background. The probation officer makes a preliminary decision regarding whether the case is suitable for informal adjustment or whether a formal petition to court should be prepared. If the decision is to open an adjustment case the diversion officer schedules an appointment to see the youth. If immediate

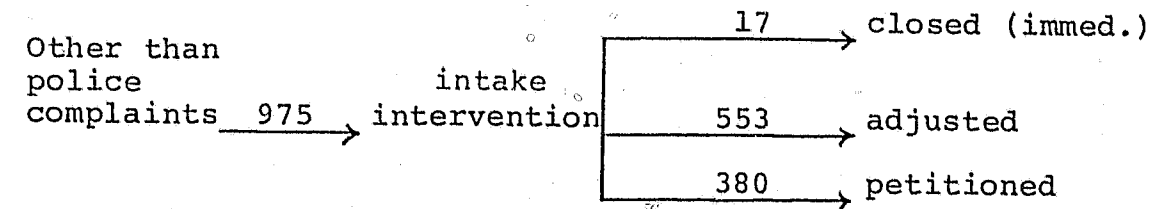
adjustment is possible the diversion probation officer provides service. If additional services are needed, the case is then referred to the intake unit.

The program also provides a crisis intervention oriented service. If a runaway is picked up by the police, the probation officer at the Juvenile Services Unit will contact the parents and attempt to return the youth to his home. If the juvenile cannot be returned to his home, the probation officer makes use of temporary placement in Sanctuary houses (a countywide system of voluntary placement homes staffed by social workers).

The program serves as a Police Liaison Unit for the rest of the Probation Department: if a Probation Officer doing juvenile investigations wants to quickly find out if a juvenile has any prior arrests he or she calls the Diversion Unit for that information due to the record keeping and filing system, as well as the close proximity to police records.

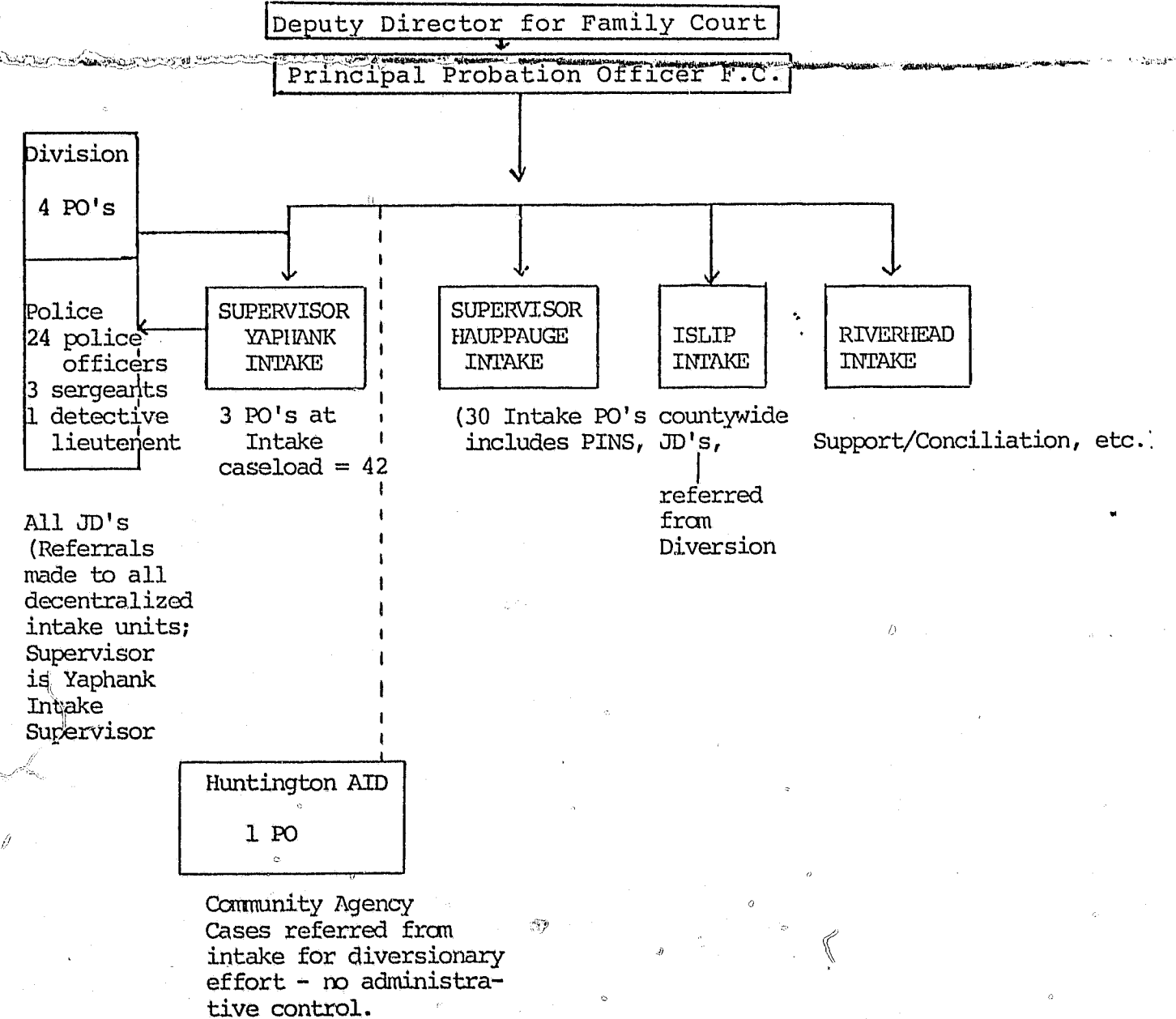
The preliminary procedure to Family Court in Suffolk County, which incorporates the diversion unit, can be diagnosed as a dual system: one for complaints from police and one for complaints from other than police.





During the six months of sample selection for the intensive Evaluation, the Suffolk County intake and diversion process showed the following results: a total of 1753 police complaints was received by the diversion unit; 817 police complaints were referred for adjustment to the intake officer; 229 police complaints were closed immediately and 707 were referred to petition. The intake unit received 975 PINS complaints; 553 were adjusted, 380 were petitioned and 17 were closed immediately.

Table IV  
Preliminary Procedure to Family Court  
Administrative Chart  
SUFFOLK COUNTY



- 1) The Deputy Director for Family Court oversees the entire management of the Family Court System in Suffolk County.
- 2) The Principal Probation Officer for Family Court has primary responsibility to oversee procedures and practices with a minimum of involvement in case management; i.e., to resolve any major problems.
- 3) Supervisors in each unit assign intake complaints and diversion referrals to intake officers in each unit.
- 4) Physical location-Diversion is housed in the police precinct; intake units are separate from diversion and each other - Administration - policy division reflects differences in supervisory control of units.

E. Westchester County: Juvenile Services Project

The Westchester County Juvenile Services project combines the underlying premise of police-probation interaction while establishing a more elaborate services-oriented approach to juvenile diversion. The starting date of the project was September 28, 1978, and represented an expansion of the Yonkers Juvenile Diversion Program, already in place with the Yonkers Police Department Youth Division.\* The general goal of the project is to provide immediate and intensive counseling, referral, recreation and prevention services to clients and their families.

Problem Area:

The 1976 Comprehensive Criminal Justice Plan for Westchester County identified the need for "a structured community based mechanism for counseling and referral of problem youth...(and the need) to enhance the preventative programming capability of the YPD Youth Division." The annual report for 1977 of the Yonkers Police Department shows that there were 453 arrests in 1977. The police department referred 312 clients to Family Court, 94 clients to Probation and 96 clients to Juvenile Diversion. The number of investigations reported for the same year is 2,382. While strategies were in effect to serve problem youth in the YPD Youth Division, the service was viewed as inadequate. In addition, if referral to Probation Intake was made, the youth officer frequently lost contact with the development of the case.

\*See DCJS Proposal #2241C.

Project Objectives

The proposed restructuring of the project described the following objectives:

1. Increase police-probation interaction.
2. Provide intensive probation services to a minimum of 100 families.
3. Provide crisis intervention to 100 juveniles including certain categories of felonies.
4. Reduce the amount of time between arrest and contact with the probation office.
5. Increase reading scores two months for every month of tutoring.
6. Increase positive family interaction.
7. Effect a recidivism rate significantly lower than for those youths processed through regular probation channels.
8. Provide prevention services to the siblings of youth previously or presently included in the program, through family counseling and follow-up contacts.

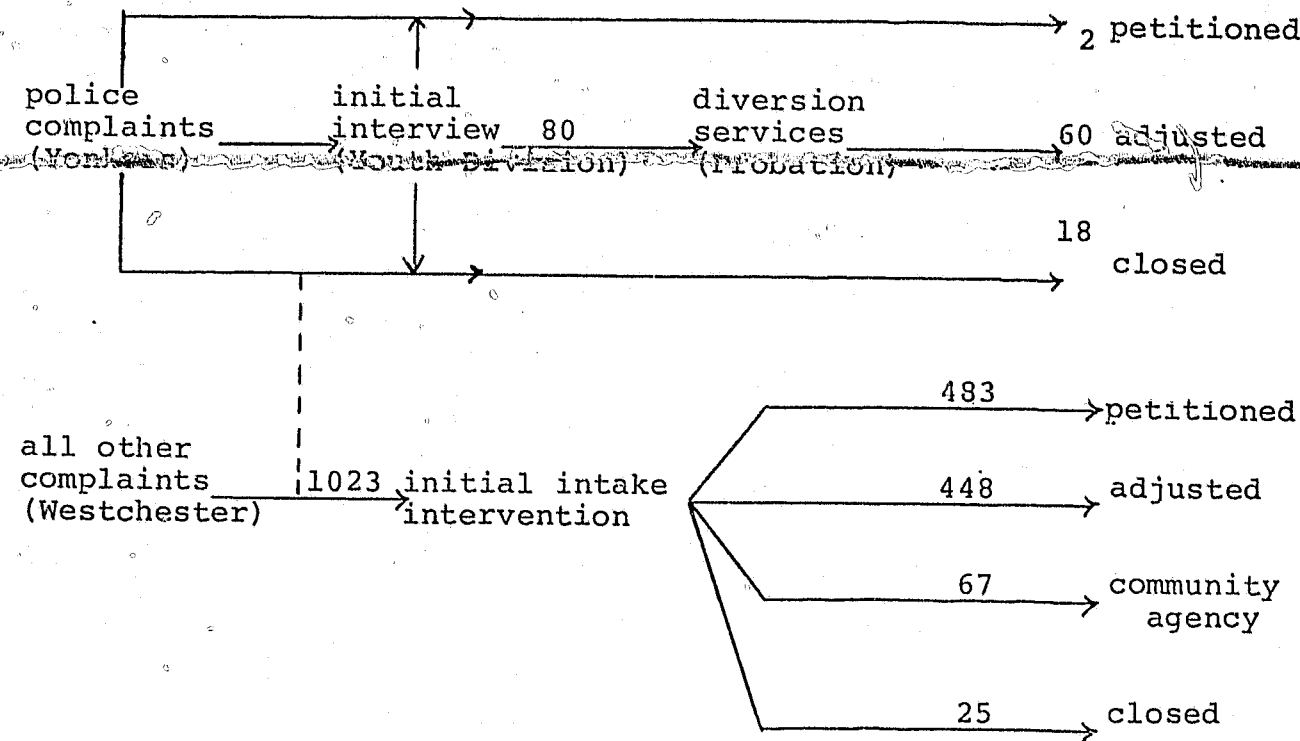
Program Functions

The procedure followed in Westchester County is as follows:

Youths served by the diversion project are clients who have come in contact with the police either in an arrest or a non-arrest situation. Referrals may also be made by parents or other agencies. The investigating officer will initially recommend diversion. If all parties agree to the youth's participation (parents, complainant), the probation officer will interview the client and set up a treatment plan.

The Hudson River Youth Center houses the Yonkers Police Department as well as the Juvenile Services Unit. A probation diversion officer, a social worker and tutors work during and after business hours to provide counseling, tutoring and recreational programming.

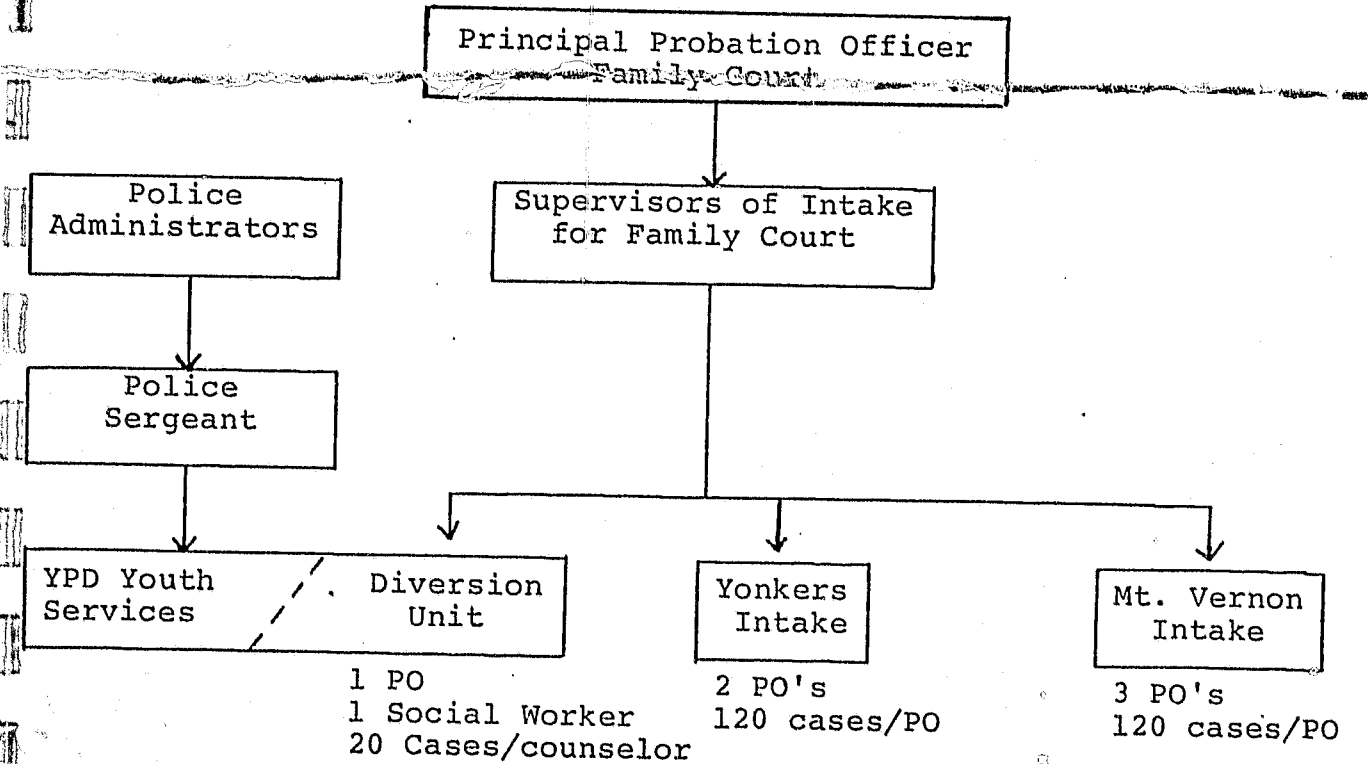
The Westchester County procedure can be diagrammed as follows:



The six months of sample selection for the evaluation was concurrent with the final six months of the diversion (police/probation) project. Eighty clients were received for diversion services: 60 (75%) of these complaints were adjusted, 18 (23%) were immediately closed and two clients were petitioned.

Table V

Preliminary Procedure to Family Court  
Administrative Chart  
Westchester County



- 1) Management decisions made by PPO and SPO's.
- 2) Diversion officer is supervised by supervisor of Yonkers Intake.
- 3) Police segment of the project under the administrative control of police administrators.
- 4) Diversion officer supervises social worker.
- 5) Physical location: Diversion unit physically separate from Yonkers intake. Located in the Hudson River Youth Center with the Yonkers Police Department Youth Division.



### III. The Purpose of the Evaluation

#### A. Key Diversion Issues

The preceding discussion provides a description of the five target programs, a discussion of the concept of diversion and a rationale for why we chose to use minimization of penetration as our operational definition. The programs described are assumed to be representative of types of diversion programs operating, the clients served and the services provided. The purpose of this section is to provide a theoretical framework consisting of the key dimensions within which any diversion program can be described. The discussion is intended to serve as a bridge to the research hypotheses.

The goal or purpose of diversion must be clearly delineated, as well as the boundaries of the programs to be examined. As indicated in the preceding review, the overriding goal is to "adjust" cases without formal adjudication. However, secondary goals ranged from freeing the court to handle the more difficult cases to helping youth to resolve problems. The programs to be evaluated in these five target counties have certain elements in common: they are probation operated, servicing delinquency and/or PINS cases. Each represents a variation on the traditional probation intake process. As diversion programs, their primary purpose is to minimize both the number of adjudications in Family Court and the rearrest of those diverted. To evaluate these programs one must go beyond these measures and look at a number of additional areas including: a) services, b) clients, c) processes, d) the system and e) the interaction of these four elements.

The literature indicates that program services are a key issue. When diversion clients receive services they are reportedly less likely to be rearrested. However, we believe that it is not enough to simply look at whether services are provided. One must consider whether these services should be provided by probation staff or through referral to community agencies, the content, type and quality of services offered, as well as the time delays in providing services and the duration and frequency of services rendered. All of the above have to be evaluated in terms of their impact upon the clients as well as their implications for the system. Thus, pro-social measures of behavior as well as adjustment and rearrest rates must be used.

The anticipated consequences of providing services will be the meeting of client needs and improvement of client functioning in the key areas of social support: family, school, peers, work/leisure. Both the client's behavior within these systems and his attitudes towards these systems will improve with services. Further, it is believed that these services will be more effectively and efficiently provided by diversion programs as compared to traditional intake processing. An unanticipated consequence of the provision of services within or by referral from probation operated diversion programs may be an alienation of the juvenile from these support systems. For example, if the school is aware of the youth's status as a client of a diversion program, staff may alter their behavior toward him, offsetting any gains made by the services provided. This issue of stigmatization or labeling must be addressed.

The further exploration of the consequences of labeling would include the examination of the changes in the youth's self-concept. Whether diversion or traditional intake, whether services or no services, the relationship of the service provided to the juvenile justice system: all are factors which may affect stigmatization and all must be addressed. The underlying assumption is that system contact is indeed stigmatizing and that types of diversion differentially decrease stigmatization.

While services represent the programs of the diversion projects, these programs must be placed within the context of the diversion process. As indicated above, each of the five target counties has its own diversion process. That process has been described and placed within a theoretical model (see introduction: Table I) so that the similarities and differences can be clearly conceptualized.

The criteria for client eligibility must be examined both in terms of the criteria themselves and their application. As indicated in the Review and Critique of Diversion Programming and Evaluations, (see Appendix I) the pressure to demonstrate program success leads to the inclusion of minimal risk cases in the diversion program. This may, in turn, lead to a "widening of the net". that is increasing the number of juveniles contacted by the system by bringing in cases that otherwise never would have penetrated the system at all. The addition of the diversion process to the juvenile justice system may result in increased staff and budget for the processing of "deviant behavior." This increased capacity to process deviants may lead to a greater number of clients processed and an unnecessary increase in the amount of official deviance.

The need to measure this phenomenon is extremely important and must be incorporated into a flow analysis of the diversion programs rather than simply rearrest rates. The use of maintenance probabilities and adjusted adjudication rates will meet this need. In addition, the functional utility (see: Functional Utility Index in Methodology Chapter) of the program would actually be decreased as the program expands to include unnecessary cases. The development of this measure takes into consideration both the seriousness of the original complaint and the subsequent success of the respondent and thus presents improvements upon the use of recidivism as a program measure.

In that the five programs under consideration all operate within the probation system and are an integral part of the juvenile justice system, the degree of coercion involved in the programs is an important consideration. Since the authority for the programs is derived from the preliminary procedures of the Family Court Act each program must officially be voluntary. However, there is an implicit assumption of guilt. As indicated in the concept of a "widening net" if more youths are brought into contact with the juvenile justice system by the presence of a diversion program, that program may in reality be increasing the total amount of coercion. An additional issue is the treatment of unfavorable terminations, which may then get processed through the regular system, adding six months of diversion "treatment" to the regular sentence. Finally, if the lower risk cases are diverted it is possible that there is more intensive handling of the non-diverted youth and, in that sense, more coercion.

In sum, the process of juvenile diversion in a probation setting is embedded in the juvenile justice system and therefore, if one

is to evaluate such a program one must look at the total system changes caused by its introduction not just at the diversion program itself.

#### B. Project Objectives

The primary purpose of intensive evaluation is two fold. First the research must determine the degree and direction of impact of the target program on its clients. Second, the research must address and meet the information needs of the program decision makers. As Dunford notes:

The most relevant and often raised issue that the national evaluators have heard on site visits involves concern about the kinds of information that the evaluation will produce. Juvenile Justice agents, diversion program personnel, and other practitioners all want to know what they will learn that will be of use to them as a result of involvement in the national evaluation. 32

To address impact alone is fruitless. If the program is deemed effective, the practitioners must know why in order to continue in the right direction. Similarly, a lack of positive impact must be explained in order to allow the practitioner to make necessary program changes. Further, the evaluation effort must be built upon existing theory. While the quest is not for "absolute truth", the purpose of the research should be to answer questions raised by other efforts and to make meaningful contributions to the existing body of knowledge surrounding the practice being examined. Thus, the evaluation of diversion programs must assist program staff, local probation administrators, the State Division of Probation and the justice community at large (including, but not limited to, other juvenile justice agencies and the Division of Criminal Justice Services).

This means, of course, that each audience will have specific questions that must be answered. Those questions which must be combined for complete program assessment are presented briefly here under separate headings.

#### Diversion Program Personnel

Dunford points out, and the Intensive Evaluation Unit agrees, that there are:

...three broad types of information that are of special concern to service deliverers: 1) information about the nature of their programs, 2) information about the impact their programs have on youth, and 3) information about program characteristics associated with success. The first two types of information are specific to particular projects. The third involves comparisons among projects. 33

We can delineate and address these concerns as follows:

1) Information about the nature of the programs -- One of the more common problems in program administration is, simply, that the program has never been adequately defined, structurally or procedurally. The service provider, not knowing what his program looks like, can hardly make decisions leading to program change and increased effectiveness. That section of the evaluation labelled "process comparison" has, as its primary purpose, this specific function. The program itself will be described in terms of various predetermined decision points. Beyond this, the client population (as compared to normally processed clients) will be described in depth in order to construct a profile or typology for each program. Of course, a crucial aspect of program description involves the provision of services to clients. This would involve examination of criteria, means of problem identi-

fication, range and type of services provided within and outside of the program, efficiency (i.e., frequency of use? and appropriateness) of referral systems, relationships with service units outside of the justice system, etc. These aspects of service delivery will be examined through a full systems analysis, using rates of referral, systems maintenance probabilities, determination of feedback loops, agency primacy analyses, and communication flow patterns.

2) Information about program impact on clients -- This is undoubtedly the single most crucial aspect of the proposed evaluation. Impact will be measured, through the use of program utility indices and base expectancy tables, within and among each of the five sites. Current and historical samples will be followed from nine months to three years (depending on the individual program's starting date) and impact of the programs will be examined in terms of labeling, functioning of the clients' support systems, and subsequent deviant behavior. An analysis of recidivism will be conducted using official records and self report data.

3) Information concerning program characteristics and program success -- Program success must be defined as a) limiting the clients' penetration of the justice system and b) the reduction of future proscribed acts. The question, of course, is which aspects of the various programs contribute most heavily to these desired ends. The process comparison, when tied statistically to the utility measures, will allow for this information. Programs will be compared in terms of selection criteria, means of problem identification, services offered, location of program, degree of use of "outside" services, and program relationship to the rest of the system.

#### Local Probation Administrators

As Dunford notes, the concerns of the various audiences overlap and build upon one another. The administrator, of course, has an interest in all the points discussed above but, additionally, has other broader concerns. The concerns of the Directors center around: 1) the overall success of the individual program, 2) comparisons of the diversion program and traditional intake procedures and 3) the costs of the target programs.

1) Program success -- Overall program success is of great concern to the administrator who is responsible for program continuation, adjustment or termination. The primary measure of success is the degree to which the program reduces recidivism. This will be addressed as indicated above. While important however, recidivism is not the sole measure of success. Each individual client presents program personnel with a unique problem. Given valid selection and diagnosis, another equally important measure of success is the degree to which the program addresses and resolves the problem of the client. The successful program should result in changes in both attitude (self image, attitudes toward authority, etc.) and behavior (improved school attendance, decreased association with delinquent peers, etc.). This type of impact will be examined through observation, self reports, attitude surveys, and contacts (i.e., interviews and record searches) with those agencies or individuals best qualified to provide the information. Success will also be discussed in terms of how the existence of the program affects community and interagency relations. The extent to which the department's "significant others" (i.e., referral sources, enforcement agencies, family court, schools, etc.) are aware of and

willing to use the program will be assessed by interviews and examination of differences in types and numbers of referrals over time, as well as their perceptions of the program's success.

2) Comparison of diversion and intake -- As noted earlier, the concept of diversion (or, at least, the reality of diversion) is distinctly related to problems encountered over the years with probation intake services. Of course, the comparison of outcomes for similar cases in the separate processes is of intense concern. This will be addressed by the various outcome measures discussed above. Of more immediate concern to the administrator, however, are a number of administrative comparisons. First, the existence of any alternative program in an agency should have an impact on the maintenance probabilities of the other (i.e., intake) program. These probabilities, in turn, effect the workload, schedules, counselling duties, relationships with supervisors, assignment of cases, and case flow for each of the units and, indeed, for the department as a whole. These issues will be addressed through the process comparison, observation of the programs, records searches, and interviews with project and administrative staff. The answers to the questions posed here will be crucial for program modification, reallocation of resources, and the successful addressing of both departmental and client needs.

3) Program costs -- Extremely important to the probation administrator is the cost of the program being examined. It would be safe to say that, for most directors, success, or a lack thereof, can come at too high a price. Total program costs (from local department budgets and Division of Probation reimbursement records)

will be compared to program outcome (recidivism, attitudes, and behavior measures), client attendance record (that is, how often do the clients appear for scheduled treatment, both in and out of the department), use of "free" resources (i.e., referral to community agencies), etc. Further, that part of the analysis which identifies effective program components can be used by the administrator to eliminate program components that are shown to be ineffective. Cost comparisons will also be conducted among the programs and between diversion and intake units within departments. This will be accomplished by means of the Cost Effectiveness Index (explained below).

#### The New York State Division of Probation

In addition to the points discussed in the previous two sections there are concerns and points of interest unique to the Division of Probation. They fall into three general categories as follows: 1) the functional utility of the programs, 2) the general effectiveness of probation operated diversion efforts and, 3) the impact of diversion on system relationships.

1) Functional Utility Information -- As will be discussed below, every program in the justice system is intended to deal with, and compensate for, disutilitarian acts. The relative success of programs is of great interest to the Division of Probation. The Division is responsible for reimbursement (42.5%) to local counties for funds allocated to probation. The identification of wasteful and/or ineffective programs and the promulgation of effective and cost efficient ones would contribute



significantly to the Division's efforts. Further, the Division of Probation has a responsibility for the development and implementation of program standards. To the extent that a program is proven effective, the Division could recommend and oversee its replication on a statewide basis.

2) General effectiveness information -- As noted above, there is more to program effectiveness than the reduction of recidivism and the reduction of penetration. We can assume that the different programs will have different rates and types of success. Given the probation department's ability to adjust, refer or terminate cases, the evaluation should be able to address the often-raised question of the effectiveness, generically, of services, since adjustment (immediate) is akin to diversion without service.

3) Information regarding system relationships -- The Division of Probation is a state-wide agency. As such, it has the responsibility of examining, if not assuring, the strength of the relationship between local probation departments and other justice agencies. Any action taken by probation has an effect on the functioning and maintenance probabilities of other system components. Consequently, the evaluation will include contacts with police, Family Court and Division for Youth officials and examination of their records in an attempt to determine what, if any, impact the diversion programs have on system functioning.

#### The Justice Community

The juvenile justice system, particularly as represented by

the Division of Criminal Justice Services, would, of course, have an interest in all the informational issues discussed above. In addition, however, as Dunford points out, the funding agency has concern for

...a number of issues that transcend individual projects and...agencies...they want to know if youth diverted from the juvenile justice system are less stigmatized and experience better social adjustment and engage in less delinquent behavior; if certain kinds of services rendered by diversion programs are more effective in terms of reducing stigma and delinquent behavior and increasing social adjustment; if diversion for services is less costly than alternative justice processing; if improvement in social adjustment and decreases in labeling and delinquent behavior are associated with effective efforts to build cooperation, trust, feedback mechanisms, etc. between youth service providers and juvenile justice agencies; if early diversion and non-coercive diversion are more effective in terms of reducing stigma and delinquency than are late and coercive diversion efforts.<sup>34</sup>

DCJS has expressed interest in all of these points and the evaluation will be constructed so as to answer these and other issues. The general thrust of the evaluation, as noted earlier, will be to provide specific, program-oriented information while building on existing theory and prior research efforts.

#### IV. Methodology

##### A. The Hypotheses:

The purposes of the evaluation discussed above were best served by the creation and examination of various research hypotheses. These hypotheses, 16 in number, were devised in order to fully address the primary issue: whether probation operated juvenile diversion programs "make a difference" in comparison to traditional intake procedures. There were five groups of hypotheses dealing with the following areas:

1. Program goals and program location.
2. Process and systems issues.
3. Client changes.
4. Program services.
5. Program costs.

It is believed that these groupings will allow for a broad three-dimensional view of the diversion process in the target counties and, more importantly, will serve to provide acceptable generalizations concerning the concept of diversion from the juvenile justice system.

The hypotheses are presented here by the five areas listed above.

##### 1. Program goals and program location:

The first set of hypotheses are derived from the program descriptions, above, on the assumption that innovation should clearly depart from old processes. The hypotheses follow:

- Those programs which clearly articulate program goals and selection criteria will be more successful than those in which such goals and criteria are less specified. (Hypothesis 1)

- Diversion programs will have a greater success rate to the extent that the programs are distinct and separate from the probation intake unit. (Hypotheses 2)

##### 2. Process and systems issues:

The second area concerns program processes, those elements which characterize the five diversion programs and which should service to distinguish the programs from what we are terming the traditional intake process. Further, this group of hypotheses will allow for cross program process comparisons which, in turn, provides a basis for judgement of the equity of program comparisons in terms of impact on the client population. The hypotheses in this section are as follows:

- The amount of time taken to process a juvenile case (JD or PINS) will be significantly shorter for diversion programs than for "traditional" probation intake procedures. (Hypothesis 3)
- Amount of penetration into the system by the client is reduced with the use of diversion programming. (Hypothesis 5)
- The number of cases entering the system, their referral sources and their flow patterns will show significant change with the initiation of a diversion program. (Hypothesis 6)
- The existence of a diversion program will lead to a decrease in the adjusted adjudication rate. (Hypothesis 7)
- Diversion programs will evidence a higher success rate the earlier the decision to divert is made. (Hypothesis B)

### 3. Client changes:

The next major area of concern with the findings building on those of the two preceding sections, would be that of the impact, intended or otherwise, of the programs on their target populations. This section will begin with a discussion/description of that population and will go on to address the following hypotheses:

- The amount of disutility addressed successfully will be proportionately greater for diversion programs than for "traditional" probation intake procedures. (Hypothesis 4)
- The use of diversion, as an alternative to traditional processing will lead, for any given client, to reduced future contact with the justice system. (Hypothesis 9)
- In a follow-up period, diverted clients are more likely than traditionally processed youth to exhibit improved behavior patterns (i.e., socially acceptable, non-proscribed behavior). (Hypothesis 10)
- Success of the client in the diversion program will vary with certain client characteristics. (Hypothesis 11)
- In a follow-up period, diverted youth will exhibit improved attitudes toward normative values than will clients processed without diversion. (Hypothesis 12)

### 4. Program Services

Services provided by the programs constitute the next area of consideration and will be addressed through examination of the following:

- Those diversion programs which emphasize community treatment will have greater success rates than those which rely on "in-house" counseling and adjustment. (Hypothesis 13)

- Those programs which offer client services will have a higher rate of success than those programs with less services. (Hypothesis 14)
- Diversion programming is more likely than traditional intake processing to be able to meet the client's individual treatment needs. (Hypothesis 15)

### 5. Program Costs:

The final area, represented by one hypothesis, concerns comparative costs of diversion programs.

The hypothesis:

- Use of the diversion programs by probation departments will lead to significant cost savings when compared to "traditional" probation intake procedures. (Hypothesis 16)

### B. Design of the Evaluation

Briefly stated, the design of this evaluation involved the examination of the projects over time and space and, where possible, comparing the projects to one another and to the intake processes upon which they sought to improve. This examination involved, the five projects over a time span of up to six years.

The hypotheses were tested through a variety of means, reflected in Table VI.

The actual methodology involved in testing the various hypotheses will be addressed in greater detail at the beginning of each subsection within Section V (Findings).

### C. Sampling

Due to the fact that the programs were examined over a long period of time, three separate samples were drawn in each of the sites and labeled "Pre-Diversion", "Historical" and "Active."

National Criminal Justice Reference Service

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While portions of this document are illegible, it was micro-filmed from the best copy available. It is being distributed because of the valuable information it contains.

National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

HYPOTHESIS #	DEPENDENT VARIABLE	INDEPENDENT VARIABLE(S)	PREEXISTING VARIABLE(S)	INTERVENING VARIABLE(S)	CONTINGENCY VARIABLE(S)	UNIT OF ANALYSIS	INSTRUMENTATION
1	Success Rate	Extent of clear statement of goals/criteria	Client needs	PO receptivity	-----	Client/Program	Content Analysis, records examination, FUI, Maltz-McCleary projection, Counsellor diagnosis, Staff interviews.
2	Success Rate	Extent to which program is clearly separated from intake	-----	Fiscal constraints, location, staffing	Services Offered	Client/Program	Process comparison, FUI, Maltz-McCleary projection records examination, staff interviews.
3	Client's amount of time in the system (to termination) Diversion & Intake Only	Type of programming	Program structure	Decision points	Outcome	Client	Decision point index, Official records, observation, client tracking forms, process comparison, FUI.
4	Functional Utility	Type of programming	Eligibility criteria	Client characteristics	Program Cost	Client	Functional Utility Index (FUI).
5	Degree of Penetration	Type of programming	Program structure, legal requirements	Client needs	Outcome	Client	Decision Point Index, client tracking forms, observation, process comparisons, records examination.
6	Case Distribution	Type of programming	Program structure	Decision making	-----	Client/Program	Maintenance Probabilities Index, process comparisons, flow analysis, records examination, Decision Point Index, historical/current analysis of case distribution and referrals.
7	Adjusted Adjudication Rate	Type of programming	Number of cases entering system, criteria selection	-----	Functional Utility	Client/Program	FUI, process comparison, records examination.
8	Success Rate	Diversion Decision Point	-----	Client receptivity	Services Offered	Client	FUI, official records, Decision Point Index, process comparison.
9	Recontact with system	Program	-----	Treatment	-----	Client	Official records, self report, FUI.

Table VI  
Design of the Evaluation



TABLE VI (continued)

HYPOTHESIS #	DEPENDENT VARIABLE	INDEPENDENT VARIABLE (S)	PREEXISTING VARIABLES (S)	INTERVENING VARIABLES (S)	CONTINGENCY VARIABLES (S)	UNIT OF ANALYSIS	INSTRUMENTATION
10	Behavior Patterns	Program	Prediction	Treatment	-----	Client	Observation, FUI (individual) Official records, self report.
11	Client Success	Act, Age, Sex, Social Class, Prior Record, Attitude	-----	Treatment	-----	Client	FUI, observation, staff, client interviews, self esteem measure, official records, case diagnosis and progress report, demo- graphic information, normative value scale.
12	Attitudes	Program	-----	Treatment	Outcome	Client	FUI, official records, norma- tive values, self esteem measure.
13	Success Rate	Services Offered by Program	Selection criteria, client need	Client re- ceptivity	-----	Client	FUI, Maltz-McCleary projection, records examination, obser- vation.
14	Success Rate	Service and non- service diversion programming	Client Needs	Client re- ceptivity	-----	Client	FUI, Maltz-McCleary projection, records examination, observa- tion, counsellor diagnosis.
15	Successful Treatment	Program	-----	Diagnosis, Treatment Plan	Client Needs, Outcome	Client	Counsellor diagnosis, case diagnosis and progress report, records examination.
16	Total program costs	Type of programming	Act, client need	Services provided	Outcome, functional utility	Client	Program, department budgets, reimbursement records, Functional Utility Index (FUI).

Pre-Diversion -- One relatively simple way of looking at the impact of a program is to examine the process prior to program implementation. Since, in all five sites the evaluation was limited to an ex-post facto approach, it was decided that, at a minimum, records for a period of time prior to the study should be examined. Consequently, two independent samples were drawn in the five counties. The first was the pre-diversion group. In all counties, a sample of Article 7 (Juvenile Delinquent and PINS) cases for the year preceding the beginning of the diversion program was drawn. That sample, consisting of 541 cases, was broken down as follows:

Pre-Diversion Sample	Time Period	% Total	n
Chautauqua	1/74-7/74	15	20
Erie	2/73-3/74	records not available	
Rensselaer	6/75-5/76	50	161
Suffolk	2/76-1/77	7	141
Westchester	9/77-8/78	29	215

In all counties, the selection procedure consisted of simple random samples of available records.

Historical Diversion Sample -- The same procedure was used to obtain a sample of diversion cases opened prior to the beginning of the evaluation, covering the period from the initiation of diversion through December 31, 1978 (May 31, 1979, for Westchester County). This resulted in 723 cases with the following configuration:

Historical Diversion Sample	Time Period	% Total	n
Chautauqua	8/74-12/78	15	164
Erie	4/74-12/78	19	167
Rensselaer	6/76-12/78	37	97
Suffolk	2/77-12/78	5	234
Westchester	9/78-5/79	40	105

Active Cases -- Finally, the evaluators examined and tracked a sample of current intake and diversion cases. This involved a total of 441 experimental (diversion) and 474 comparison (intake) cases, broken down as follows:

Active Sample	Experimental/Diversion		Comparison/Intake	
	n	% Total	n	% Total
Chautauqua	0 *	---	64	32
Erie	131	87	131	11
Rensselaer	40	75	108	28
Suffolk	208	11	83	8
Westchester	62	78	88	7

N.B. A smaller sample (11% vs 75% to 87%) was drawn in Suffolk County due to the bulk of cases through diversion and the inability to intercept the comparison group and in Westchester County due to lack of cooperation from the law guardians.

An overview of the samples follows as tables VIIa through VIId.

\*See page 23.

Table VIIa  
PROGRAM DESCRIPTION-EXPERIMENTAL (DIVERSION) COHORT

SITE	AGE	SEX	RACE	OFFENSE CHARACTERISTICS	COMPLAINANT/ REFERRAL	RECONTACT RATE/TIME/OFFENSE CHAR.
SUFFOLK COUNTY N = 208	Range 8-16 Mean Age 13.8 Mode 15 Median 14.1	Male 94% Female 6%	White 79% Black 13.5% Hispanic 7% Other .5%	JD 100% PINS 0% Common: Burglary Petit Larceny	Parent 1% Neighbor 5% Police 3% Other 80% School 10%	Success 83% Failure 17% x time to recontact 134 days 4.5 months Outcome offenses: JD 97% PINS 3% Common: Burglary
RENSSELAER COUNTY N = 40	Range 8-15 Mean Age 13.3 Mode 15 Median 13.7	Male 60% Female 40%	White 87.5% Black 12.5%	JD 40% PINS 60% Common: Crim. Mischief Incorrigibility	Parent 25% Other Rel. 2.5% Police 37.5% Other 5% School 30%	Success 64% Failure 36% x time to recontact 119 days 4.0 months Outcome offenses: JD 79% PINS 21% Common: Petit Larceny
ERIE COUNTY N = 131	Range 9-15 Mean Age 13.7 Mode 14 Median 13.9	Male 52% Female 48%	White 69% Black 24% Hispanic 1% Other 2%	JD 32% PINS 68% Common: Petit Larceny Incorrigibility	Parent 57% Other Rel. 1.5% Police 23% Other 3% School 15%	Success 76% Failure 24% x time to recontact 141 days 4.7 months Outcome offenses: JD 31% PINS 69% Common: Harassment Incorrigibility
CHAUTAUQUA COUNTY	D A T A N O T A V A I L A B L E					
WESTCHESTER COUNTY N = 62	Range 8-16 Mean Age 13.3 Mode 14 Median 13.6	Male 61% Female 39%	White 42% Black 43.5% Hispanic 11% Other 2%	JD 82% PINS 16% Common: Petit Larceny Incorrigibility	Parent 13% Neighbor 11% Police 45% Other 24% Court 2%	Success 85% Failure 15% x time to recontact 90 days 3.0 months Outcome offenses: JD 33% PINS 67% Common:

PROGRAM DESCRIPTION-COMPARISON (INTAKE, COHORT Table VIIb

SITE	AGE	SEX	RACE	OFFENSE CHARACTERISTICS	COMPLAINANT/ REFERRAL	RECONTACT RATE/TIME/OFFENSE CHAR.
SUFFOLK COUNTY N = 83	Range 8-15 Mean Age 13.8 Mode 14 Median 14.0	Male 65% Female 35%	White 77% Black 1% Hispanic 17%	JD 0% PINS 100% Common: Truancy	Parent 16% Neighbor 8% Other 1% School 75%	Success 81% Failure 19% x to recontact 185 days 6.2 months Outcome offenses: JD 27% PINS 73% Common: Burglary, Truancy
RENSSELAER COUNTY N = 108	Range 9-16 Mean Age 13.5 Mode 15 Median 13.8	Male 60% Female 40%	White 91% Black 5% Oriental 2% Other 1%	JD 68% PINS 32% Common: Petit Larceny, Truancy	Parent 11% Other Rel. 1% Police 65% Other 3% School 20%	Success 69.5% Failure 30% x to recontact 128 days 4.3 months Outcome offenses: JD 87.5% PINS 12.5% Common: Burglary, Truancy
ERIE COUNTY N = 131	Range 7-16 Mean Age 13.8 Mode 15 Median 14.3	Male 60% Female 40%	White 36% Black 8% Other 1%	JD 56.5% PINS 43.5% Common: Petit Larceny Harassment Truancy	Parent 16% Other Rel. 4% Neighbor 8% Police 27.5% Other 16% School 28%	Success 85% Failure 15% x to recontact 118 days 3.9 months Outcome offenses: JD 47% PINS 53% Common: Petit Larceny Truancy
CHAUTAUQUA COUNTY N = 64	Range 10-17 Mean Age 14.0 Mode 15 Median 14.5	Male 77% Female 23%	White 45% Black 6% Hispanic 3% Other 2%	JD 69% PINS 31% Common: Burglary Petit Larceny Incorrigibility	Parent 20% Other Rel. 2% Neighbor 9% Police 50% Other 9% School 9%	Success 70% Failure 30% x to recontact 130 days 4.3 months Outcome offenses: JD 74% PINS 26% Common: Burglary, Truancy

PROGRAM DESCRIPTION-COMPARISON (INTAKE) COHORT  
Table VIIb (Cont'd)

SITE	AGE	SEX	RACE	OFFENSE CHARACTERISTICS	COMPLAINANT/ REFERRAL	RECONTACT RATE/TIME/OFFENSE CHAR.
<p>WESTCHESTER COUNTY</p> <p>N = 88</p>	<p>Range 9-16</p> <p>Mean Age 13.9</p> <p>Mode 15</p> <p>Median 14.3</p>	<p>Male 78%</p> <p>Female 22%</p>	<p>White 35%</p> <p>Black 45.5%</p> <p>Hispanic 11%</p>	<p>JD 69%</p> <p>PINS 26%</p> <p>Common:</p> <p>Petit Larceny</p> <p>Truancy</p>	<p>Parent 14%</p> <p>Neighbor 10%</p> <p>Police 27%</p> <p>Other 29.5%</p> <p>School 15%</p>	<p>Success 84%</p> <p>Failure 16%</p> <p>X to recontact 57 days</p> <p>1.9 months</p> <p>Outcome offenses:</p> <p>JD 75%</p> <p>PINS 25%</p> <p>Common:</p> <p>Petit Larceny</p> <p>Incorrigibility</p>



PROGRAM DESCRIPTIONS FOR HISTORICAL INTAKE SAMPLE

Table VIIc

SITE	AGE	SEX	RACE	OFFENSE CHARACTERISTICS	REFERRAL/COMPLAINANT	RECONTACT RATE/TIME/OFFENSE CHAR.	TIME PERIOD SAMPLE SELECTION	SERVICES
SUFFOLK COUNTY INTAKE N = 145	RANGE = 8-16 MEAN AGE=14.1 MODE = 15 MEDIAN = 15	MALE = 75% FEMALE=24% UNK = 1%	WHITE = 52% BLACK = 15% HISPANIC= 7% UNK = 25%	JD = 57% PINS = 43% RANGE: PINS, VTL- Robbery 3 COMMON OFFENSES: Truancy; Incorrigibility=42% Burglary; Petit Larceny=30%	POLICE = 56% PARENT = 18% SCHOOL = 24% OTHER = 2%	RECONTACT RATE = 14% MEAN TIME TO RECONTACT = 7.3 mos. OUTCOME OFFENSES: PINS = 40% Burglary = 30%	FEBRUARY 1976 thru JANUARY 1977	Traditional Intake Procedure
RENSSELAER COUNTY INTAKE N = 161	RANGE = 5-16 MEAN AGE=12.9 MODE = 14 MEDIAN = 14	MALE = 76% FEMALE=22% UNK = 2%	DATA NOT AVAILABLE	JD = 64% PINS = 36% RANGE: PINS-Arson 4 COMMON OFFENSES: PINS: Incorrigibility=25% Criminal Mischief=15% Assault 3 = 13.5%	POLICE = 28.5% PARENT = 26% SCHOOL = 8.7% NEIGHBOR=11.8% OTHER = 25%	RECONTACT RATE = 33.5% MEAN TIME TO RECONTACT = 5.9 mos. OUTCOME OFFENSES: No mode Range: PINS-Murder 2	JUNE 1975 thru MAY 1976	Traditional Intake Procedure
ERIE COUNTY INTAKE	D A T A N O T A V A I L A B L E						FEBRUARY 1973 thru MARCH 1974	Traditional Intake Procedure
CHAUTAUQUA COUNTY INTAKE N = 67	RANGE = 9-16 MEAN AGE=13.4 MODE = 15 MEDIAN = 14	MALE = 58% FEMALE=42%	DATA NOT AVAILABLE	JD = 52% PINS = 48% Offenses Not Available	POLICE = 48% PARENT = 24% SCHOOL = 16% COURT = 3% OTHER = 9%	RECONTACT RATE = 21% MEAN TIME TO RECONTACT = 5.4 mos. OUTCOME OFFENSES: JD = 43% PINS = 57%	JANUARY 1974 thru DECEMBER 1974 and JANUARY 1978 thru DECEMBER 1978	Traditional Intake Procedure
WESTCHESTER COUNTY INTAKE N = 215	RANGE = 8-16 MEAN AGE=13.5 MODE = 15 MEDIAN = 14	MALE = 71% FEMALE=29%	WHITE = 40% BLACK = 16% HISPANIC=11% OTHER = 1% UNK = 32%	JD = 56% PINS = 44% RANGE: PINS-Robbery 2 COMMON OFFENSES: Truancy; Incorrigibility=39% Petit Larceny; Burglary 3 = 19%	POLICE = 48% PARENT = 13% SCHOOL = 34% OTHER = 5%	RECONTACT RATE = 20% MEAN TIME TO RECONTACT = 4.6 mos. OUTCOME OFFENSES: PINS-Truancy, Incorrigibility = 39% Criminal Trespass, Petit Larceny = 20%	SEPTEMBER 1977 thru AUGUST 1978	Traditional Intake Procedure

PROGRAM DESCRIPTIONS FOR HISTORICAL DIVERSION SAMPLE  
Table VIIb

SITE	AGE	SEX	RACE	OFFENSE CHARACTERISTICS	COMPLAINANT/ REFERRAL	RECONTACT RATE/TIME/OFFENSE CHAR.	TIME PERIOD SAMPLE SELECTION	SERVICE
SUFFOLK COUNTY JUVENILE SERVICES UNIT N = 234	RANGE = 8 - 16 MEAN AGE = 14 MODE = 15 MEDIAN = 14	MALE = 85% FEMALE = 15%	WHITE = 77% BLACK = 13% HISPANIC = 5% (UNK = 6%)	JD = 100% RANGE = VTL-ROB- BERY 3 COMMON OFFENSES. Burglary 3 = 32% Petit Larceny = 21%	POLICE = 100%	RECONTACT RATE = 21% TIME TO RECONTACT = 4.8 mos. OUTCOME OFFENSES. Mode. Burglary 3 = 37%	FEBRUARY 1977 thru DECEMBER 1978	JSU located in Police Precinct. Probation staff team with po to attempt a ate adjustment of complaint
RENSSELAER COUNTY PROBATION DIVERSION PROGRAM N = 97	RANGE = 4-16 MEAN AGE=13.3 MODE = 14 MEDIAN = 14	MALE = 68% FEMALE=32%	DATA NOT AVAILABLE	JD = 46% PINS = 54% RANGE-PINS- Forgery 3 COMMON OFFENSES. Truancy = 32% Incorrigibility = 21% Petit Larceny = 12%	POLICE = 46% PARENT = 22% SCHOOL = 31% (UNK = 1%)	RECONTACT RATE = 46% TIME TO RECONTACT = 6.5 mos. OUTCOME OFFENSES. Mode. PINS Truancy, Incorrigibility = 53%	JANUARY 1976 thru DECEMBER 1978	Diversion Unit located within probation depart. Two-four month counseling pro- diversion office clients where plans are used for adjustment
ERIE COUNTY JUVENILE DIVERSION INTAKE SERVICES PROJECT N = 167	RANGE = 9-16 MEAN AGE=13.8 MODE=14 MEDIAN=14	MALE = 59% FEMALE=41%	WHITE = 68% BLACK = 15% HISPANIC=1% (UNK=26%)	JD = 26% PINS = 74% RANGE = PINS- Robbery 3 COMMON OFFENSES. Incorrigibility = 56% Truancy = 11% Petit Larceny = 12%	POLICE = 19% PARENT = 57% SCHOOL = 13% OTHER = 7% (UNK = 4%)	DATA NOT AVAILABLE	APRIL 1974 thru MARCH 1978	Diversion Unit within the proba- department Two months of refer- counseling services vided by diversion officers, for client where complis- open for adjustm-
CHAUTAUQUA COUNTY PROBATION OFFENDER REHABILITATION PROGRAM N = 120	RANGE = 9-16 MEAN AGE=13.5 MODE = 15 MEDIAN=14	MALE = 68% FEMALE=30% (UNK=2%)	DATA NOT AVAILABLE	JD = 66% PINS = 34% (Offense specifics unknown)	POLICE = 60% PARENT = 20% SCHOOL = 9% COURT/ACDI=3% OTHER = 7%	RECONTACT RATE = 34% TIME TO RECONTACT = 5.9 mos. OUTCOME OFFENSES JD = 68% PINS = 30% (Specifics unknown)	JANUARY 1975 thru DECEMBER 1977	Diversion Unit within the proba- department Pro- intensive, support- counseling to juve- by probation off- in an attempt to delinquents and P- clients from court processing.
WESTCHESTER COUNTY JUVENILE SERVICES PROJECT N = 105	RANGE = 8-16 MEAN AGE=13.4 MODE = 14 MEDIAN = 14	MALE = 62% FEMALE=38%	WHITE = 43% BLACK = 46% HISPANIC=11%	JD = 56% PINS = 33% Voluntary client=10% HANGE = PINS- Robbery 3 COMMON OFFENSES Petit Larceny = 18% Incorrigibility = 16%	POLICE = 68% PARENT = 19% SCHOOL = 3% INTAKE = 8% (UNK = 2%)	RECONTACT RATE = 23% TIME TO RECONTACT = 4.95 OUTCOME OFFENSES Mode PINS = 68%	SEPTEMBER 1978 thru JUNE 1979	Diversion Unit loc- in the Hudson A- Youth Center bation staff team Yonkers Police Division to pro- immediate and counseling, refer- recreation for ju- clients and clients ting 1

Prior to beginning a discussion of the research hypotheses and the findings of the evaluation there are several points, concerning omissions, which must be made. First, at the outset of this study, the evaluators decided to address, as a logical theoretical base for the concept of diversion, the issue of labeling, the assumption being that the divertees, in the process of being diverted, would suffer fewer effects from external labeling. As a consequence of the reduction of delinquent labels from the outside the client should suffer less from self-imposed labels. It was originally the intent of the evaluators to contact various significant and peripheral others in the client's life to determine the extent to which the others (including teachers, parents, complainants, neighbors, etc.) perceived the individual as deviant based on whether the child was a diversion or an intake client. After a great deal of thought and discussion, it was decided to abandon this approach. Two large issues led to this decision. The first was legal. By law, juvenile proceedings of all types are confidential. By extension, the confidentiality issue is of even greater concern when the client has not been adjudicated, as was the case with all participants in this study. In order to fully test the hypothesis that diversion would decrease the effects of labelling, it would have been necessary to identify the clients to numerous persons outside of the justice system, an unacceptable side effect of the test. The second issue, closely related to the legal, was ethical. If diversion, or intake for that matter, succeeded in addressing successfully the problems of the client, it was felt that the evaluators might undo all that had been accomplished by contacting parties involved in the original complaint.

The evaluation team, therefore, found itself in the position of being able to address only half the issue. Even this was difficult, in that the self-labelling process had to be examined obliquely, again due to ethical considerations. The type of "testing effect" possible from an instrument designed to measure self perceptions of delinquent labels (i.e., possibility of creating or reinforcing the negative self concept) would, once again, be unacceptable. To the extent possible, the evaluation did attempt to address this critical issue. The clients' self esteem and normative values orientation were measured (with the consent of the client and parent or guardian) at three separate times. The results must be treated cautiously in terms of drawing inferences concerning labelling.

The second point of omission deals, most unfortunately, with risk assessment, the ability to predict clients' future behavior absent some significant and effective intervening variable (e.g. diversion programs). It was felt that the use of a prediction table would allow greater confidence in discussing program outcomes. A search was initiated for an acceptable instrument to accomplish this purpose. No such instrument was found. There are a number of acceptable risk assessment scales available for adult offenders. These are, without exception, "experience tables", each relying heavily on the offender's prior, officially recorded contacts with the system. Simply stated, if an individual has been arrested three times in the past, he is more likely (statistically) to be arrested again in the future than the person with one arrest or one with no prior record. To the extent that

an offender is already known to the system, risk instruments are potentially valuable tools. The difficulty is that we cannot, with any acceptable degree of accuracy, predict the future behavior of the first offender. Herein lies the main problem encountered in this evaluation. The vast majority of juveniles in the justice system have had no prior contact. The evaluators, using such previous research as was available, attempted to construct a risk assessment instrument for our juvenile population. The attempt failed. A construction sample of 400 cases in five counties other than the program sites was drawn randomly. The construction instrument was legitimately analyzed by discriminate and multiple regression analyses on four separate outcome variables. The highest predictive value obtained was an "r" of .22, with seven independent variables. The resulting instrument, applied to a validation sample (n=400) drawn from the program locations, yielded an "r" of .09. The full instrument re-applied to the validation sample resulted in a nearly new table (three variables overlapped) with a high "r" of .23. Due to time constraints and an unavoidable shortage of resources, the effort was terminated although it is recommended that research in the area continue. If systematic differences affecting outcome existed among the various samples, they were not picked up. Please note, however, that the results (see "Findings," below) seem to indicate no differences of any significance among the groups.

The third omission in this study is much less crucial than the preceding two but must nonetheless be mentioned. It was hypothesized that the effort to "treat" a child would have a greater success rate the more the client perceived the process

to be voluntary. This, of course, could only be determined for the current cases. Unfortunately, the return rate for the "Voluntariness Questionnaire" was too low (less than 4%) to allow meaningful analysis. The fact that this particular instrument was returned with significantly less frequency than those instruments which accompanied it might be considered a partial answer to the voluntariness question. We believe, however, that it would be unfair to imply this formally.

With the omission covered, let us now turn to the major findings of the evaluation.

# V. Findings

There is some difficulty in reporting the findings of the research addressing these hypotheses, due to the diversity of the target programs. Where possible the results and findings will be generalized, but the reader must necessarily bear with the various tangential discussions. In order to simplify the presentation, comparative results for the four active sites on all of the major variables (excluding cost) are presented in Table VIII. As noted earlier, throughout this section, statistical and technical discussion will be minimized to facilitate presentation of findings (see preface).

Finally, prior to presentation of the findings a statement concerning outcome must be made and kept in mind during the reading of this section. The nature of the programs was such that each diversion program handled very different types of clients. While, overall, there were no significant differences in offense distribution over the counties, there were differences in the seriousness (disutility) of presenting offenses among the various diversion groups and, as a result of program structure, between diversion and intake clients in two counties (Suffolk and Erie). These differences, examined through an analysis of variance (of disutility scores) were significant at the .05 level (Table VIII). When outcome was examined initially, there was also a difference, statistically significant at .01, indicating that some diversion practices were much more successful than others. These differences, however, disappeared when the evaluators controlled for the initial offense. This will be discussed in detail below. The important

Table VIII  
Ranking of four juvenile diversion programs on key process and outcome variables

	1	2	3	4	Significance of difference
Disutility (seriousness) of original act (High to low)	S 22.7	W 16.3	R 13.9	E 10.7	.05
Time from complaint to date closed (days)	W 58	S 85	E 112	R 121	.05
Time from complaint to referral to diversion (days)	S 2	W 5	E 6	R 18	NS
Time from diversion to case closing (days)	W 53	S 83	R 102	E 106	.05
Mean number of contacts with client	S 1.6	W 6.1	E 11.4	R 12.6	.01
Average frequency of contact (per week)	S .05	R .10	E .12	W .18	NS
Percentage of cases in which extension to 120 days was obtained	S 4	R 26	W 32	E 87	.01
Percentage of cases in which petition was eventually filed	W .10	R .19	S .23	E .24	.05
Disutility of recontact offenses	W 1.4	E 3.5	S 8.8	R 10.1	.01*
Mean time to recontact (high to low)	E 141	S 134	R 119	W 90	NS

\*The significant difference in outcome disutility disappears when original act disutility is controlled for.



	1	2	3	4	Significance of difference
Number of acts involved in recontact	W .16	S .36	E .40	R .46	.05
Program Efficiency (high to low)	R	W	S	E	.05
Program Effectiveness (high to low)	S	W	E	R	NS
Degree to which program was distinct from intake (high to low)	S	W	E	R	NA
Degree to which goals were clearly stated and understood (high to low)	S	W	E	R	NA
Overall program ranking (high to low)	S	W	E	R	NA

E = Erie  
R = Rensselaer  
S = Suffolk  
W = Westchester

point now is that there is no one program which is significantly more effective in terms of recontact variables. We are left to deal with a nonsignificant rank ordering of programs by which to compare diversion practices. From most to least effective, that ranking is:

Suffolk  
Westchester  
Erie  
Rensselaer

Similarly, except as noted below, there are no significant differences between diversion and intake upon which sweeping statements can be based. Each hypothesis concerning comparison between the two processes must be addressed separately and with caution, keeping in mind that, due to the intent of each diversion program, comparisons to the intake process can lose a substantial amount of meaning. Let us now turn to the results.

#### A. Program Goals and Location

The two hypotheses comprising this section stand unconfirmed. \*

The goal statements of the programs were taken from grant proposals, contracts, and reports from the projects to funding agencies. These statements were examined and ranked by evaluation unit staff on the bases of: clarity, quantifiability, objectivity, and (subjectively) obtainability. Evaluation field team members interviewed departmental and project staff to determine the extent to which the goals were formalized in project operations and the degree to which the goals were clearly understood and the objectives implemented by project staff. Similarly,

\*See pp. 43-46 for statement of hypotheses

the criteria used to select diversion clients were examined through examinations of records and interviews. Additionally, client characteristics were examined and compared to stated criteria.

This was, admittedly, not a tightly controlled analysis, although the examination was standardized, point systems established and inter-rater reliability was checked and controlled for.

#### Findings

The primary measures of success, defined at the outset of the evaluation, were the absence of client recontact with the system in a twelve month follow-up period (from the date of complaint), recontact at a "reduced" level (e.g. the outcome offense is less serious than the original) and length of time to recontact. The results of this examination took the following forms:

- 1) Rank ordering of diversion programs from most to least effective in terms of goals, objectives and selection criteria.
  - a. Suffolk (S)
  - b. Westchester (W)
  - c. Erie (E)
  - d. Rensselaer (R)
- 2) Comparison of rank ordering to order or success variables.

Goals/Criteria	Recontact	Seriousness	Time
S	S	W	E
W	W	E	S
E	E	S	R
R	R	R	W

The positive findings around the area of recontact (note that this is the same rank order as for "Overall Program Ranking") indicates a general trend which will obtain throughout the study. Sim-

ilarly, that trend is often countered by other variables such as "seriousness" or "time". We are faced here with a suggestive but necessarily inconclusive result. The degree to which goals, objectives and selection criteria are clearly stated, understood and followed seems to have some relationship to successful program outcome but the relationship is weak and, to a degree, contraindicated by the other success outcomes.

A similar result was obtained when the second hypothesis in this grouping was tested. It was noted that diversion was, in all cases, different from intake in concept, purpose, form, and target population. Based on these observations, it was hypothesized that the extent to which the diversion program was separate from the intake unit/process, both physically and procedurally, would to some degree have an impact on outcome. Based on the program descriptions (above) and, again, examination of project records and staff interviews, the results were identical to those presented above, leaving the same ambiguities.

#### B. Processes

The evaluations were concerned here with a number of variables dealing with the form of the diversion programs. As noted earlier, five hypotheses were created to deal with these variables. The results of hypothesis testing in this area are, briefly:

1. The hypothesis stating that diversion clients would have a shorter processing time than intake clients was refuted.
2. The hypothesis stating that penetration into the system would be reduced for diversion clients was refuted.
3. The hypothesis concerning changes in numbers of cases, referral sources and case flow is supported in part and

refuted in part.

4. The hypothesis that diversion would lead to a decrease in the adjudication rate was unconfirmed.
5. The hypothesis involving the time of the decision to divert and its relation to success is supported.

The Intensive Evaluation Unit began this study with several assumptions concerning the concept and process of diversion for juveniles. First among these was that diversion should lead to the client spending less time in the probation department in a pre-adjudicatory status. In each project this was found not to be the case. (See Table IX) In every county, the diversion group spent significantly more time on preliminary procedures than did the intake clients. Further, it was more common for diversion clients to be "extended" to the 120 day maximum\* (27% compared to 4% of intake clients) and to be kept in beyond this legal limit (3% compared to less than one half of one percent for the intake group). This clearly indicates deeper penetration for diversion clients in terms of time. The same holds true when number of contacts are examined. The diversion group had an average of 4.6 contacts per case between client and probation officer. The average intake client, in preliminary procedure for 48 days (91 days for the diversion group) had only 1.3 contacts with a probation officer.

A real question exists concerning the above information, that being whether these programs can be legitimately measured on these penetration criteria. The avowed purposes of diversion in the target counties did not include the reduction of time or contacts at preliminary procedure. Since the programs did succeed

\*Intake cases are allowed 60 days for the adjustment process. An additional period of 60 days can be granted by the Family Court.

Table IX

Time in Preliminary Procedure  
Comparison of Diversion and Intake Clients

County	Diversion $\bar{x}$ days	Intake $\bar{x}$ days	Eta	$r^2$	Significance of Difference
Suffolk	85.29	66.0	.28	.077	.001
Erie*	112.00	51.645	.76	.57	.001
Rensselaer*	121.24	19.223	.74	.54	.001
Westchester	57.77	36.05	.36	.13	.001

\*Indicates a strong and significant difference but refutes hypothesis.  
Intake clients spend less time in preliminary procedure.

to varying degrees on their own success criteria, care must be taken not to hold them responsible for objectives externally imposed and which they had no intention of addressing.

While none of the programs reduced processing time, as described above, Suffolk County did significantly reduce lag time, that period between arrest and initial interview at intake, resulting in an appreciably more efficient process.

Penetration into the system was measured by examining the time the client spent in the system, total number of contacts (see above), frequency of contacts, and general level of program intervention in the client's life. As noted above, the diversion clients were in the system longer and had more contacts with probation personnel than their counterparts at intake. The frequency of contact was significantly less for diversion clients (.08 per week to .18 per week for intake), but this appeared to be largely a function of time in preliminary procedure (93 days as opposed to 47 for the intake group). Level of intervention into the client's life was viewed as a function of several variables (time, contacts, type of treatment, case objectives and officer knowledge of client). On all criteria diversion clients were subjected to greater intervention. Thus, the diversion group penetrated the system at a significantly greater level than did the comparison group. This is only, however, a partial indicator of penetration. As will be discussed shortly, the diversion programs sent fewer clients to petition (a notable reduction in absolute penetration) with no ill effect on program outcome.

It was believed that the mere existence of a new, and hopefully,

innovative program would have an impact on maintenance probabilities\*, numbers of cases, types of cases and flow of cases within the system. It was further believed that knowledge of the program within the justice community would lead to a change in referral sources. As noted above, the hypothesis was supported in part and refuted in part. Supported was the section concerning case flow and the result provides one of the single most important findings of this evaluation. It was established that the counties with diversion programs had an adjustment rate significantly higher than the statewide average. This, of course, significantly and correspondingly means a relative decrease in the proportions of cases going to petition. In order to establish this, the evaluation took statistics from local departments, statewide, from January 1973, through July of 1979. The results of the comparisons are shown in Tables X to XII.

As can be seen, in 1973 the target counties were quite similar to the statewide figure as regards the proportion of cases going to petition, were, in fact, slightly higher than the average (45% to 44%). By 1977, the trend had begun to reverse with the diversion counties petitioning 42% and the rest of the state 48%. By mid 1979, the rate of cases going to petition statewide was 41% while the target counties had dropped to 37%, a difference significant at the .05 level (t-test). This pattern was reversed for the adjustment rate. In 1979, the counties with diversion programs showed an adjustment rate of 60% (a 16% increase from 1973) while the statewide figure was 30%, a 12% decrease from 1973.

\*The rates of petition and adjustment over time.

**CONTINUED**

**1 OF 3**

A t-test showed this difference to be significant at the .01 level. Also notable in the statewide figure was an increase in the number of cases terminated unsuccessfully (without adjustment) from 7% in 1973 to 12% in 1979. Our target counties showed an increase of only 1.5%.

A problem was anticipated in the form of the "widening net". It was believed that the existence of a program would, of itself, cause more youths to be brought into the system, many unnecessarily and some illegally. This was indeed found to be true in a fair number (approximately 7%) of cases examined by evaluation staff. However, overall it was found that, for unexplained reasons, the rate of increase of cases coming to intake was substantially lower for the target counties than for the rest of the state. From 1973 to 1979, there was an increase of 5% statewide compared to only 2% for the diversion sites. While this lower rate of increase cannot be attributed to the diversion programs, it makes a relatively sound case against an overall and dangerous widening of the net. This also accounts for the refutation of that part of the hypothesis dealing with numbers of cases. There was no unexpected difference in numbers of cases entering the system prior to and following the exception of the diversion program at any site.

Similarly, offense and referral source distributions showed no significant or attributable differences at any site over time.

A note of caution must be sounded concerning these positive and encouraging results. Five programs, very different in design and function, each showed a significant increase in adjustment rates and a substantial decrease in petition rates. This might



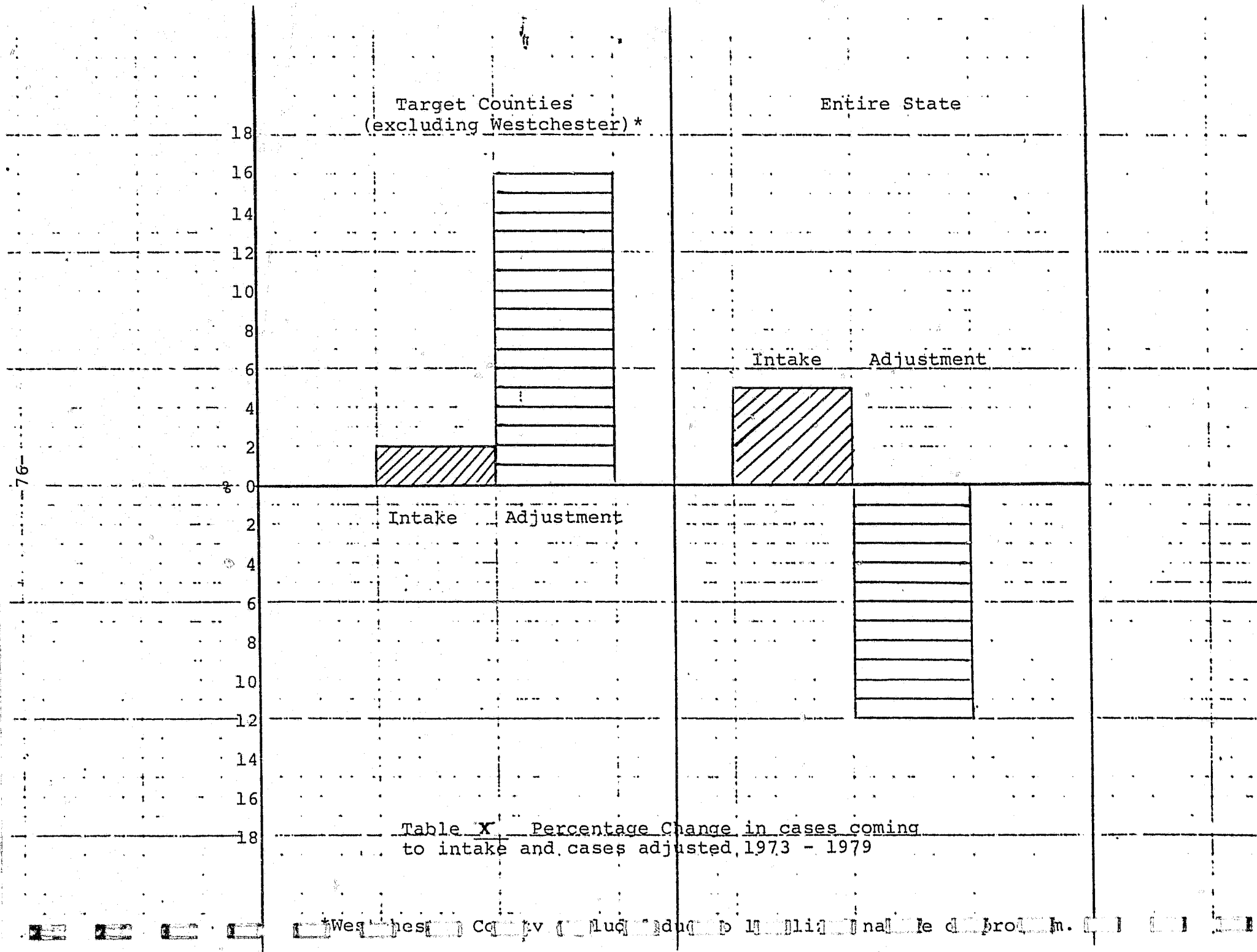


TABLE XI

Percentage of Preadjudicatory Dispositions 1973 - 1979

Target Counties

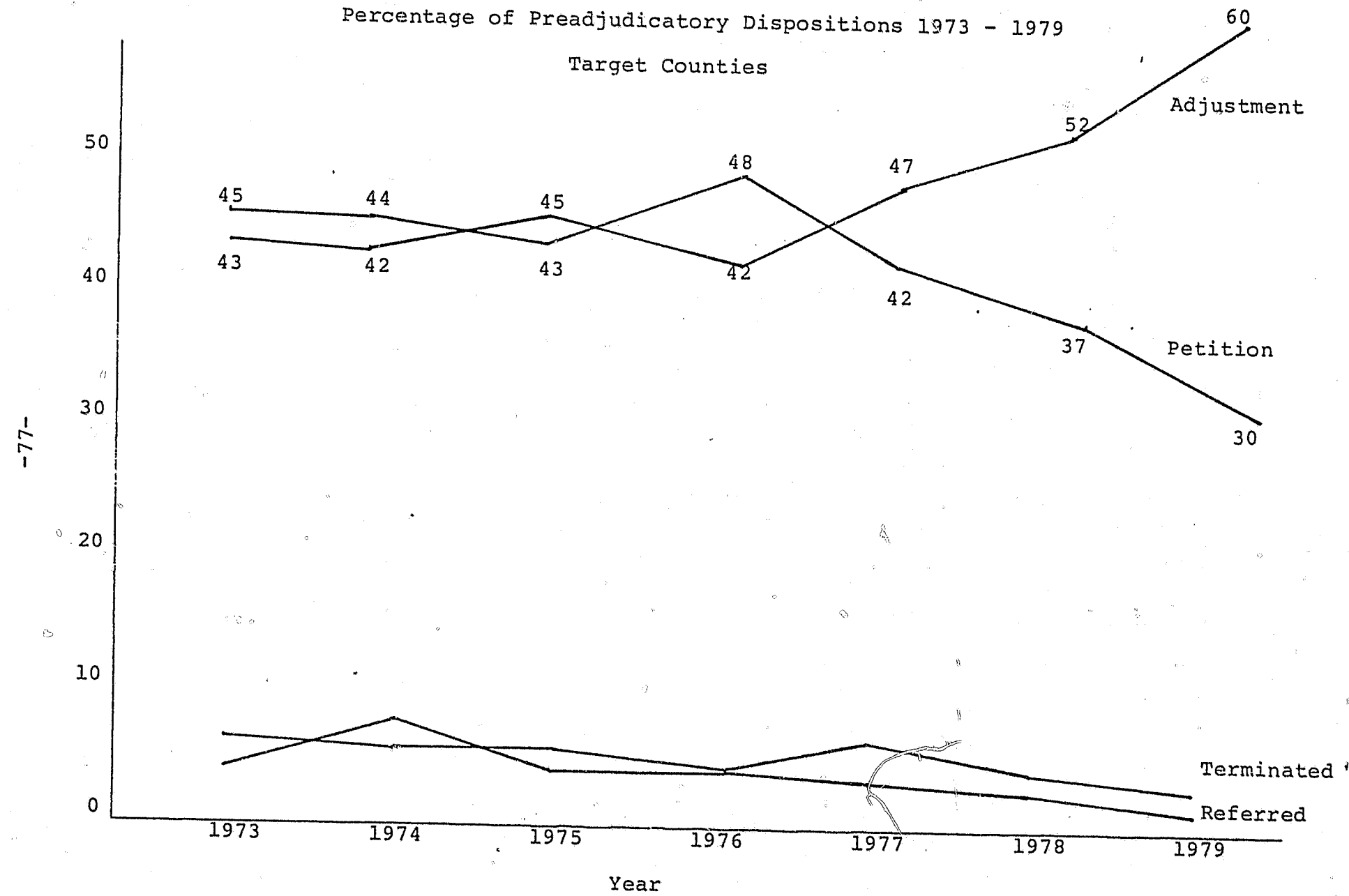
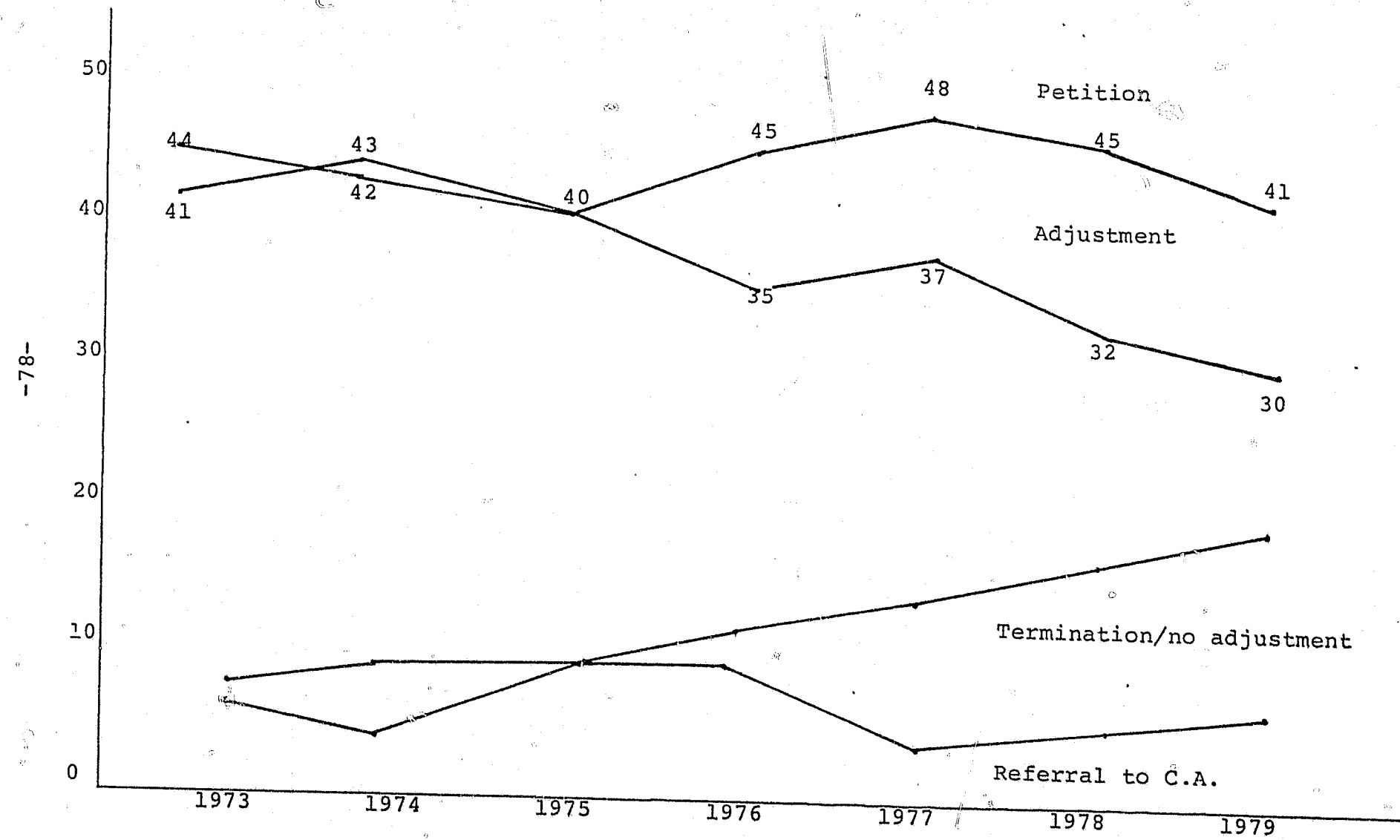


TABLE XII

Percentage of Preadjudicatory Dispositions 1973 - 1979

Entire State



be wholly attributable to specific program characteristics. On the other hand it may be due to the presence of a program, any program, dedicated partially or in whole to that end.

Examination of records provided by the Office of Court Administration provided a means of examining the hypothesis concerning the adjusted adjudication rate. This rate was to be determined by looking at the number of adjudications over the number of complaints received by probation intake in a time series analysis. The hypothesis, unfortunately, had to remain unconfirmed and, basically, unaddressed. This was due to two basic problems. First, it was discovered that a substantial number of cases going to petition in the Family Court were bypassing probation intake in at least two of the target counties. These complaints were, therefore, not accounted for. Secondly, the record keeping system (especially intra-agency) in the juvenile justice system is little short of a total shambles. The local probation departments often show more individuals received for supervision than the court shows for total adjudications for a given time period. There was no means of judging the accuracy of any of the records and the results of the analysis were inherently untrustworthy and often nonsensical.

Since one of the tenets of the concept of "ideal" diversion is that the sooner the decision to divert is made, the better the chances of success, the evaluation set out to test this idea.

Table XIII represents the time frames for each of the steps in the process of preliminary procedure for Family Court. Preliminary procedure is defined as the date of the original complaint to the date the case is closed or petitioned to Family Court. The target sites may set the diversion service in a different place during

preliminary procedure. Erie County and Rensselaer County interview the client at intake. The intake officer will then decide if the case should be referred for diversion services. Thus, in the first two counties presented:

Time I is the average time ( $\bar{x}$  of clients sampled) in preliminary procedure.

Time II is the average time ( $\bar{x}$ ) from the date of the initial interview at intake to the date the case is closed.

Time III is the average time ( $\bar{x}$ ) from the date of initial interview to the date of referral to diversion and

Time IV is the average time ( $\bar{x}$ ) from the date of referral to diversion to the closing date.

Westchester and Suffolk Counties have maintained police/probation diversion services. In these two counties, diversion services begin soon after the complaint is made. Here the diversion officer will either adjust the complaint, refer it on to intake for services or hold the case at diversion for service. Westchester and Suffolk Counties show that Times I and IV are consistent with the above definitions. These time elements represent all sampled clients from these two sites. Time elements II and III for these two sites are defined as follows:

Time II is the mean time ( $\bar{x}$ ) from initial interview to the date case is closed at preliminary procedure for those clients referred to intake.

Time III in Westchester County reflects the time taken to determine if diversion services are required. ( $\bar{x}$  = one day)

Time III in Suffolk County reflects the time from the

Table XIII  
I. Time in Preliminary Procedure 112 days

ERIE II. (Initial Interview to Close) 107 days

6.38 2.495 IV. Time in Diversion Services 105.62 days

I. Time in Preliminary Procedure 121.24 days

SSSELAER II. (Initial Interview to Close) 113 days

18.81 10.895 days IV. Time in Diversion Services 102.43 days

I. Time in Preliminary Procedure 57.8 days

TCHESTER II. (Initial Interview to Close) 50.8 days

5.16 1 day IV. Time in Diversion Services 52.6 days

I. Time in Preliminary Procedure 85.3 days

SUFFOLK II. (Initial Interview to Close) 39.7 days

1.97 43.54 days IV. Time in Diversion Services 83.32 days

Time of Original Complaint

1 space = 1 day  
Time Elements Represent Average  
Time for Group Sample

date the decision to refer for services is made at diversion to the time the case is closed at intake. This average time represents only those cases referred from diversion to intake.

This hypothesis required calculating the time taken to make the decision to divert. Table XIII shows that, across all sites, the time presented from the original complaint to the time diversion services begin is the desired value. In ranked order by program, these values are:

- I Suffolk County - 1.97 days
- II Westchester County - 5.16 days
- III Erie County - 6.38 days
- IV Rensselaer County - 18.81 days

We see that the police diversion programs made the decision to divert earlier in the preliminary procedure time period, for these sampled clients. Linking this finding to measures of success we see:

	time to divert	success* index	functional* utility index
Suffolk	I	.83	18.9
Westchester	II	.85	13.9
Erie	III	.82	8.5
Rensselaer	IV	.53	7.4

These findings support the hypothesis in question.

#### C. Client Changes

Unfortunately, all save one of the hypotheses on p. 45 concerning program induced client changes were refuted and the one that was supported cannot be used to support the concept or practice of diversion. Briefly, the results were as follows:

\*Measures of success are defined in sections immediately following.

1. That diversion will more successfully address the disutility (i.e., seriousness) of delinquent and PINS acts than traditional procedures is refuted.

2. The hypothesis concerning reduced future contact for diversion clients is refuted.

3. The evaluation also refuted the idea that general behavior patterns (post program) of diversion clients would be better than their intake counterparts.

4. The hypothesis concerning attitudes and normative value orientation was refuted.

5. The idea that success would vary with client characteristics was supported.

For any client oriented program in the justice system, one critical impact variable for any evaluation is outcome (success/failure), as well as other, related attitudinal and behavioral factors. The purpose of this section is to examine such variables.

One common problem in evaluation research is the definition of success. Using the standard measure, rate of recontact, is sufficient on a number of grounds. The traditional means of examining program impact in the criminal justice system has been the cross program comparison of outcomes, analyzing the degree to which the programs under scrutiny present reduced recidivism rates among their clients. While this indicator of program success can be attacked on various grounds, particularly by those advocating social control theory, symbolic interaction and/or functionalism,



such is not the purpose here. The ideas presented here in concept form begin with the assumption that the primary purpose of the system is to control, prevent, and reduce behavior proscribed by law. Given this assumption, the question becomes how best to measure the extent to which a program in the system accomplishes its stated purpose.

Program outcome should be examined in terms of both the number and seriousness of deviant acts addressed by the programs in question. Traditionally, (diversion) program outcome has been looked at in one of two ways. The first method is the one most commonly used and is, unfortunately, the least meaningful in actually determining the impact of the target program. This method involves determining the rate of success (defined in any number of ways) by dividing successful cases by the total number of cases completing the program thereby ignoring probability of success (with or without the program) of individual cases, in-program failures ("dropouts"), and the seriousness (overall and by individual case) of the acts leading to intervention. A diversion program that "loses" (but does not count) 50% of its cases and ends up successfully dealing with 90% of the remainder, all PINS, would be viewed as highly successful and, perhaps more importantly, more successful than another program which, "losing" no clients, deals successfully with 60% of its serious delinquency cases. Without this unfair comparison, the figure, though still used, has even less meaning.

The second approach involves the use of the more sophisticated base expectancy concept. This concept, while correcting for a number of problems, tends to present others, equally serious and

at least somewhat detrimental. Base expectancy, or prediction, is based on the idea that certain characteristics are related, in varying degrees of importance, to types of future behavior. The assumption, of course, is that if we have knowledge of the importance of the characteristics and the degree to which the individual has those characteristics, we can, with an accuracy better than chance, predict that person's behavior given the lack of determinant intervening variables. In the justice system, we should be able to match groups or (ideally) individuals on the basis of a prediction score and any differences in (short term) behavior could be attributed to differential intervention. In theory, the concept is excellent. Unfortunately the mechanics of the process, due apparently to the high degree of human variability, are such that we cannot make acceptably accurate predictions, particularly on the individual level, across time and group membership. Base expectancy tables are developed using a "construction sample", a group of offenders with a known success/failure rate. Analysis (usually multiple regression) is conducted and the successes are separated from the failures by a weighted ordering of characteristics, the weights being determined by the amount of variance in the dependent variable (outcome) accounted for or controlled by the given characteristic. This method generally yields from three to seven variables that account for a great deal of variance in the construction sample. The real problem arises when an attempt is made to apply the table to a second, independently drawn sample. The reliability or generalizability of these tables have been, generally rather poor, producing a high rate of error in the predictions for the second sample. This casts serious doubt on the

use of any prediction device as a valid technique for matching groups or individuals in order to compare program outcomes. Differences in outcome might too easily be attributed to chance error of the prediction instrument. What this means is that given the experience we've had with offender A, we predict that offender A-1, with characteristics similar to A, will come to the same end. When and if A-1 does not behave like A, it would, theoretically, be due to a specific intervention in his life. In truth, due to the fact that prediction is based on probability and transferability of the instruments, we cannot say with any kind of certainty that the difference in behavior between A and A-1 is due to treatment or intervention by the justice system. As a note, it would appear to this writer that the primary problem lies with the weights assigned to the predictors rather than with the predictors themselves. This observation comes after an examination of various prediction studies. In the majority of seriously constructed tables, the predictors are generally the same (current offense, prior offenses, age at first offense, employment or educational stability, etc.).<sup>35</sup> It appears, however, that while these factors do contribute to deviant behavior, they apparently do so differently with different individuals and even different groups.

Yet another problem with base expectancy is that it does not, as a measure of program outcome, address the issue of the seriousness of the recidivistic act. The prediction tables are constructed in such a way as to predict failure rates. Whether the act is a homicide or fraudulent check writing does not enter into the equation. It is constructed to predict general behavior leading to recontact with the system and cannot, without a great deal more

statistical effort and an even greater loss of power, predict which deviant acts will be committed by which individuals. This again leaves us in the situation of not being able to tell how successfully a given program can deal with a particular act.

In order to solve, or at least avoid, some of the more difficult problems addressed above, it is proposed that the program(s) being evaluated be examined in terms of their "functional utility." The concept of functional utility is not complex and is based on a number of proven or accepted premises. Like prediction it assumes that the success of the system depends on the extent to which that system effectively deals with deviant behavior, "effectiveness" being defined as the prevention, or at least the reduction, of future deviant acts. Unlike prediction it concentrates on the amounts and types of deviance prior to and following program participation.

None of the above is meant to disparage the concept of prediction. We are simply saying that prediction, used as a comparative measure of program outcome, must be used cautiously and, ideally, as only one of several such measures, one of which is the "ratio of functional utility".

The concept was mentioned briefly by Sellin and Wolfgang as well as by the President's Commission<sup>36</sup> but, in both cases, their primary concern was in building an index of crime seriousness which would be more reflective than indices in use, particularly the Uniform Crime Reports, of actual crime rates. The Intensive Evaluation Unit intends to use an index of seriousness, called the Wolfgang Seriousness Index<sup>37</sup> as a basis for determining the amount of disutility addressed successfully (see below) by the programs

under observation. The idea is that any particular deviant act represents a certain measurable amount of disutility (seriousness) to society and/or the delinquent actor. The purpose of the justice system is to somehow address the disutility, attempting to ensure the discontinuance or reduction of the disutilitarian act. To the extent that the system succeeds in this purpose, it can be said that a certain amount of disutility is compensated for.

Based on the Wolfgang scale the functional rates for the programs and comparison groups are presented in Table XIV, along with the means of deriving the score. This should provide a point of reference for the following discussion of the results of hypothesis testing.

As can be seen in Table XIV, there are substantial differences in the rates of program utility among the various intake and diversion programs. As a matter of fact, at first test, the differences were as follows (comparing outcome disutility to experimental or comparison group membership):

Suffolk Eta = .54	Sig. 0.000
Erie Eta = .14	Sig. 0.023
Rensselaer Eta = .13	Sig. 0.113 N.S.
Westchester Eta = .06	Sig. 0.446 N.S.

Overall, the difference between experimental and comparison cases favored the experimentals with an eta of .10 (sig. 002). These results would seem to support the hypothesis. However, when a partial correlation was conducted, controlling for the disutility of the original offense, it netted the following:

Suffolk	r = .14	N.S.
Erie	r = .07	N.S.
Rensselaer	r = .12	N.S.
Westchester	r = .19	N.S.

DERIVATION OF THE FUNCTIONAL UTILITY RATE  
Table XIV

County	Sum of Original Disutility Score (ED)	Sum of Original Disutility Successfully Addressed (EDC)	Sample Size missing	Success Rate	$SI = \frac{EDC}{ED}$	$\bar{XDS} = \frac{ED}{N}$	Program Effectiveness $UP = SI \times \bar{XDS}$
Suffolk Exp.	4,737	3,931	172 of 208	.83	.83	22.77	18.9
Suffolk Com.	519	433	64 of 83	.77	.83	6.25	5.2
rie Exp.	1,366	1,123	99 of 131	.755	.82	10.43	8.5
rie Com.	1,761	1,448	110 of 131 (1)	.84	.82	13.55	11.1
haut. Com.	1,125	828	45 of 64	.70	.74	17.58	13.0
ensselaer Exp.	557	296	25 of 40	.625	.53	13.93	7.4
ensselaer Com.	2,021	1,244	73 of 108	.675	.62	18.71	11.6
estchester Exp.	994	846	53 of 62 (1)	.85	.85	16.3	13.9
estchester Com.	1,481	1,108	72 of 88 (3 of 5)	.82	.75	17.84	13.4

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# DEFINITIONS

EDC Total amount of disutility compensated for (non-recidivism by seriousness of original act)

ED Total amount of disutility referred to and processed by the program

SI Success index:  $SI = \frac{EDC}{ED}$

$\bar{XDS}$  Mean disutility score obtained by average amount of disutility, per act, addressed by the program

$UP = SI \times \bar{XDS}$

UP is rate of program utility; degree to which program is successfully controlled for seriousness (weighted) of the act

Thus, success seems to be more a function of the nature of the original act than the nature of treatment.

The second "success/failure" hypothesis dealt with actual re-contacts over a six month to one year follow-up period. The cases in the cohort were tracked through January 2, 1980, in all counties except Westchester in which the evaluation began on July 1, 1979 (compared to January 1 for the other sites) and cases were followed until March 30, 1980. This means that the cases were tracked for varying time periods ranging from four to twelve months. This created a problem in the analysis due to the variance in time at risk for the various clients. To counter this, the evaluation incorporated a projection technique developed by Michael Maltz and Richard McCleary<sup>38</sup> and expanded by Michael Lloyd and George W. Joe.<sup>39</sup> Use of the Lloyd and Joe model shows that the "maximum likelihood" estimates of recidivism rates, over time, do not vary significantly between experimental and comparison groups. The results follow.

Time Period (months)

Group	6		9		12		24		36	
Erie exp est/actual	.29	.18	.29	.21	.31	.24	.34	-	.34	-
Erie comp	.27	.11	.28	.12	.30	.16	.32	-	.33	-
Rens exp	.30	.14	.31	.26	.31	.38	.35	-	.39	-
Rens comp	.29	.13	.31	.21	.35	.32	.37	-	.38	-
Suf exp	.20	.11	.22	.13	.22	.17	.24	-	.27	-
Suf comp	.20	.11	.23	.15	.25	.19	.27	-	.28	-
West exp	.23	.12	.26	.14	.29	-	.30	-	.31	-
West comp	.25	.15	.27	.16	.29	-	.32	-	.33	-
All exp	.21	.12	.23	.18	.25	.21	.26	-	.31	-
All comp	.24	.12	.24	.16	.27	.22	.28	-	.33	-

The differences were subjected to a series of t-tests, excluding the "all" categories from the intra-site analysis, beginning at the six month period. As noted, no significant results were produced.

Also examined, in conjunction with recontact, was time to first recontact for the recidivist group. Once again, the tests of the results (which follow) showed no significant differences.

Site	Mean Time to Recontact (days)	
	Experimental	Comparison
Chautauqua	-	130
Erie	141	118
Rensselaer	119	128
Suffolk	134	185
Westchester	90 *	57 *
All	129	125

\* Shortened follow-up period

A major question in the evaluation was whether the diversion groups' behavior patterns would be more acceptable post program than those of the intake group. As noted earlier, the official behavioral indicators (any recontact, seriousness of outcome offense, etc.) showed no differences between the groups. To supplement these indicators, a self report study was administered to voluntary participants at the end of the follow-up period. Based on the responses received (43% of the total cohort, or 392 cases) the following results were obtained.

Site	Mean Self-Reported Disutility Score	
	Experimental	Comparison
Chautauqua	-	87
Erie	174	198
Rensselaer	289	271
Suffolk	267	316
Westchester	94	114
All	204	216

These results yielded no significant differences except in the Chautauqua group. It should be kept in mind that this is a self report instrument and, as such, is liable to numerous sources of error. Its purpose here was to provide information concerning trends, not absolutes. The lack of significant results are, once again, a function of controlling for original offense (this, by the way, lends some degree of validity to the Self Report scores).

The next area to be examined was that of clients' perceptions and attitudes. It was believed that, to the extent that behavior is a function of attitude the successful program would be the one

that would impact on client perceptions of self and environment. Two primary indicators were chosen for testing, self esteem and normative values orientation. Used were the Self Esteem Scale developed by Stanley Coopersmith and the Normative Values Questionnaire of John Clark and Eugene Wenninger. These tests were pre-tested in the instant case on a sample (n = 59) of randomly selected "normal" grammar and middle school children in Troy, New York. The findings were well within the bounds of earlier field test results for the instruments.

For this study, the instruments were presented at the initial interview (by the Intake Worker) with the consent of the child and parent or guardian. The forms were sent to these clients for retest at program termination and again at final follow-up. The response rate was relatively good as can be seen:

#### Self Esteem Scale

Time	n	% cohort	% n <sub>tI</sub>
I	770	84	100
II	321	35	42
III	367	40	48

#### Normative Values Scale

Time	n	% cohort	% n <sub>tI</sub>
I	774	84	100
II	319	35	41
III	378	41	49

Before beginning a discussion of the results, the underlying concepts of the scales should be addressed.



Self esteem is not, of course, a new concept. Connections were made between self esteem and delinquent behavior at least as early as 1956, by Walter Reckless. That the assumption connecting self esteem and probation treatment was acceptable was reinforced by a 1965 follow-up of Reckless' work by Schwartz and Tangri in which it was found that probation officers themselves made the connection. The current evaluation assumed, and this was later borne out, that probation clients would have a lower self esteem score, perhaps as a result of the labelling process. The hope not borne out was that diversion would improve self esteem through treatment and a counter-labelling effect (though reduced penetration).

The same basic argument held for values orientation. It was assumed, again correctly, that the "deviant" group would adhere less to universal/middle class values and more to lower class values. Once again, the hypothesis, resuted when analysis, was that diversion would help address this problem.

The Coopersmith Self Esteem Index was chosen for use in this study primarily because it relates to what staff considered to be key correlates of self esteem. It tests self concepts in terms of self, peers, school, parents and leisure activities. Further, it is well tested, short, and easy to read. Finally, it offered a means of comparing non-delinquent groups to the study cohort.

The Normative Values Test, by Clark and Wenninger, was chosen because it explicitly addressed the three primary orientations; universal, middle and lower class. It was easily administered and scored.

Going now to the results we find our basic assumptions concerning self esteem and values orientation supported while, un-

fortunately, the hypothesis concerning the impact of diversion on these variables was soundly refuted.

The results of the pre-test supported Coopersmith's findings as well as those of Clark and Wenninger. The self esteem scores of the three pre-test groups did not vary significantly from one another or from the means noted for Coopersmith's school groups. Similarly, the students in the Troy sample had value orientations which emphasized universal and middle class values.

The scores from the pre-test groups did, however, differ significantly from those of the test cohorts, both diversion and intake. It was found that the clients at Preliminary Procedure had lower self esteem scores and tended to identify more with lower class values.

	Pre-Test	Exp	Comp
Self Esteem	43.0	39.8	40.2
Universal Values	34.0	25.8	26.0
Middle Class Values	20.7	13.2	13.5
Lower Class Values	6.3	9.6	9.5

It is obvious, then, that the Reckless theory is supported. The Self Esteem scores were not significantly lower for the study cohorts but were consistently lower than the pre-test group or any of Coopersmith's "normal" groups. On the other hand, an Analysis of Variance showed significant (ranging from .05 to .001) differences for all value orientations.

More important for the study at hand are the results of the cohort test - retest, shown in Table XV, which indicate no change for experimentals or comparisons over time in either area.

This is the primary reason for the flat refutation of the hypothesis.

Further, to the extent that self esteem is a component in the labelling process, this allows for a tentative rejection of the assumption that diversion addresses the labelling phenomenon.

Table XV

Self Esteem and Normative Value  
Scores at Three Time Periods

		Experimental	Comparison
SEI	T1	39.8	40.2
	T2	40.8	41.7
	T3	41.5	41.0
NV Mid	T1	13.2	13.5
	T2	13.4	13.5
	T3	13.3	13.4
NV Low	T1	9.6	9.5
	T2	9.6	9.8
	T3	9.8	9.8
NV Univ	T1	25.8	26.0
	T2	26.3	27.0
	T3	26.0	26.2

Note: There were virtually no differences among counties on these variables.

At the outset of this study, it was assumed that clients of differing characteristics would show varying success rates depending on the program in which they participated. This belief was, in a sense, supported. The phrase "in a sense" is used

because it was found that success rates do vary with client characteristics but that programs do not, in fact cannot, address or take advantage of these variables. Certain client characteristics do effect outcome but they are wholly independent of treatment and cannot be altered by the juvenile justice system.

Numerous data were collected on each client in the cohort both for the attempted construction of a base expectancy table and for general information and analysis. Information concerning the individual client, criminal history, education, family background, economic status was recorded. A series of multiple regression analyses, based on the results of simple linear correlations, were conducted to determine which characteristics were most highly associated with outcome. The results were subjected to partial correlation tests controlling for various program variables. The efforts to partial out program effects on the results of the regression analyses are presented below. As can be seen, the contributing variables, in order of free entry analysis, are (simplified):

<u>Variable</u>	<u>Success</u>	<u>Failure</u>
Sex	Female	Male
Type of Initial Offense	PINS	JD
Who youth resides with	Both parents	Other
Age	Below 14	14, 15
Presence of Correspondents	No	Yes
Prior Offenses	No	Yes

Table XVI

Client Characteristics Associated  
with Successful Outcome

	Chautauqua		Erie		Rensselaer		Suffolk		Westchester		Overall
		C	E	C	E	C	E	C	E	C	
Sex		X	X	X	X	X	X	X	X	X	X
Initial Offense		X	X	X	X	X		X	X	X	X
Residence		X	X	X	X	X		X	X	X	X
Age		X	X		X		X	X	X	X	X
Correspondents				X	X	X	X	X	X	X	X
Prior Offenses		X	X		X	X	X	X		X	X
Race		X	X	X	X	X	X		X	X	
Multiple Regression Final r		.46	.26	.28	.46	.56	.17	.44	.33	.52	.39

Overall, these variables accounted for between 38% and 41% of the variance in outcome on three separate measures (Discriminant Analysis was used on the dichotomous outcome variable.) The county by county breakdown is reflected in Table XVI.

Thus, the hypothesis is supported but in such a way as to make little difference in the programs under examination. This is not to say that the concept of diversion might not benefit certain "types" of clients but only that this study cannot answer which types they might be. This still appears to be an area worthy of further research.

One note must be added. These results are not surprising and support findings in numerous other studies. One possible explanation is simply a matter of system response combined with social attitudes (particularly regarding the variables of sex and race). If this is the case, then a system wide investigation is called for. The issue is beyond the scope of this paper and the concept of juvenile diversion.

#### D. Services

1. It was hypothesized that the diversion program which utilized available community services would have a greater rate of success than those which did not use such services. This hypothesis remains unconfirmed.
2. It was further assumed that those programs which offered "in house" services would be more successful. This hypothesis was refuted.

3. The hypothesis which stated that diversion programs would, to a greater degree than intake services, be able to meet client treatment needs was refuted.

The first hypothesis in this section must remain unconfirmed due to a lack of sufficient numbers of cases referred to community services. Overall, 83 clients were so referred. This represents 9% of the total sample and includes 27 intake clients. When broken down by service provided, the diversion cohort looked as follows:

	<u>Erie</u>	<u>Renss.</u>	<u>Suf.</u>	<u>W'chester</u>	<u>Total</u>
Soc. Services	6	2	1	7	16
Voc. Rehab.	2	4	0	0	6
Other Referral	12	8	2	12	34

Analysis of this sample indicated no relationship between "external" services and outcome ( $r = .04$ ) but it is felt the sample is too small to draw any real conclusion. It should be noted, however, that the diversion cohort had a referral rate of 13% compared to a comparison group rate of 6% and a statewide rate of 3%. This indicates that diversion programs make greater use of community resources albeit with little effect on outcome.

Apart from services provided to the client by community resources there was the issue of service provided within the diversion program by probation personnel. It was assumed that, in order for the program to make an impact, something planned and specific would have to be done to or for the client. As noted above, such was not the case.

The cumulative number of interventions\* related to change of residence, school, school program, work, recreation and referral showed the following:

	<u>DIVERSION</u>				<u>INTAKE</u>			
	TOT. N	# INTERVENTIONS	%	SUCCESS INDEX	TOT. N	# INTERVENTIONS	%	**SUCCESS INDEX
SUFFOLK	215	7	3%	.83	83	17	20%	.77
ERIE	131	76	58%	.75	131	12	9%	.84
RENSSELAER	40	35	88%	.63	108	14	13%	.675
WESTCHESTER	62	29	47%	.85	88	11	12.5%	.82
CHAUTAUQUA	---	N/A	---	---	64	14	22%	.70

The above cited interventions reflect one type of service, oriented toward changes in the client's environment. As can be seen, the amount of service provided has little bearing on the success index ( $r = -.39$ , n.s.).

Another type of service consists of counseling efforts. More individuals, overall, receive these types of services (Table XVII), the most common differing from one county to the next.

Services provided reflect in-house adjustment services for both Intake and Diversion clients. The following table XVII reflected those sites where the listed services are available. The areas starred indicate those services where over 50% of the sampled clients were recipients.

Once again, there are no significant relationships between services and outcome ( $r = -.35$ , n.s.). The high  $r$  value might be an indication that those clients least likely to succeed are, indeed, being identified by probation personnel. Unfortunately, the inverse relationship between services and outcome indicate

\*Interventions are defined as acts, on the part of the PO, designed to change the environment of the juvenile.

clearly, once again, that the systems best efforts are having little on client behavior.

This last statement begins to address, as well, the belief that diversion programs would more successfully address client treatment needs. Such was not the case if it can be assumed that meeting treatment needs will lead to reductions in delinquent behavior. Further examination of Table XVII shows that the five diversion programs tended to offer more services to proportionately more clients than did the corresponding intake units (this difference, analyzed by a difference of proportions test, was found to be significant at the .05 level). Similarly, the Case Diagnosis and Progress Sheet showed that the diversion officers identified 2.3 problem areas for every 1.0 noted by intake personnel. Thus, we have more problems identified and worked upon for diversion clients, but with no better results in terms of client attitudes or behavior.

#### E. Cost Benefit

The hypothesis (p.46) arguing reduced costs for diversion programs is refuted. Assessment of program impact, that is, the benefits of the programs being evaluated, is necessary. However, the bottom line of any evaluation is not only an assessment of program benefits but also an assessment of program costs. Thus, cost benefit analysis is critical in the preparation of an evaluation report for the utilization of decision makers. Cost-benefit analysis has been defined as:

The economic efficiency of a program expressed as the relationship between costs and outcomes, usually measured in monetary terms. <sup>42</sup>

To address the issue of cost benefit, the required elements to be derived are indicators of program gains and estimates of

TABLE XVII

## TOTAL IN-HOUSE SERVICES PROVIDED

Services	D I V E R S I O N				I N T A K E				
	Suffolk	Erie	Rensselaer	Westchester	Suffolk	Erie	Rensselaer	Westchester	Chautauqua
Crisis Intervention	(.5%)	(29.3%)	(18.4%)	*(58.3%)	(1.2%)	(10.0%)	(26.7%)	(25.3%)	(3.2%)
Short-Term Counseling	(96.6%)	(4.0%)	(5.3%)	(20%)	*(81.5%)	*(88%)	*(51.4%)	(45.3%)	(17.7%)
Long-Term Counseling	(7.3%)	*(94.9%)	(47.4%)	*(61.7%)	(14.8%)	(2.0%)	(1%)	(2.7%)	*(80.6%)
Diagnosis	(1.5%)	(17.2%)	(7.9%)	(3.3%)	(8.6%)	(6.0%)	(1%)	0	0
Individual Counseling	*(80.6%)	*(93.9%)	*(97.4%)	*(80%)	*93.8%	(4.0%)	(7.6%)	(6.7%)	*(83.9%)
Family Counseling	*(80.1%)	(41.4%)	*(68.4%)	(40%)	*91.4%	(5.0%)	(35.2%)	(4.0%)	(12.9%)
Alternate Living	(.5%)	(14.1%)	0	(1.7%)	(2.5%)	(4.0%)	0	0	(3.2%)
Referral for Educational Treatment	0	3.8%	*(63.2%)	8.3%	0	0	0	0	0

Note: The "n" or intervention of each type of service was excessively small.  
The cumulative value represented could reflect more than one intervention for each client.

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Table XVIII  
TOTAL COST - INTAKE AND DIVERSION SERVICES

County	<sup>1</sup> Final Federal Grant Period	<sup>2</sup> Intake Case Bearing Staff Ratio	<sup>3</sup> Total Reimbursable Probation Cost	Net Cost Intake Services	<sup>4</sup> Diversion Case Bearing Staff Ratio	<sup>5</sup> Adjusted Federal Grant Costs	Net Cost Diversion Services
Chautauqua	12/16/76 - 12/15/77 (12 Months)	.19	\$ 319,310	\$ 60,668.90 \$5,056/mo.	.61 ( $\bar{x}$ ratio for 38 mo.)	\$ 63,482	\$ 38,724 (12 mo.) \$3,227.00/mo.
Westchester	5/1/79 - 12/31/79 (9 Months)	.08	\$2,620,512 for 12 mo. \$1,965,384 for 9 mo.	\$157,230.72 \$17,470/mo.	1.00 (ratio for 9 mo.)	\$ 53,898	\$ 53,898 (9 mo.) \$5,988.67/mo.
Suffolk	3/1/78 - 2/28/79 (12 Months)	.17	\$4,831,413	\$821,340.21 \$68,445/mo.	1.00 (ratio for 24 mo.)	\$101,663	\$101,663 (12 mo.) \$8,471.92/mo.
Erie	1/1/77 - 6/1/78 (18 Months)	.19	\$2,860,052	\$543,409.88 \$30,189/mo.	1.00 (ratio for 42 mo.)	\$198,828	\$198,828 \$11,046.00/mo.
Rensselaer	7/1/77 - 6/30/78 (12 Months)	.09	\$ 329,752	\$ 29,677.68 \$2,473/mo.	.295 ( $\bar{x}$ ratio for 27 mo.)	\$101,764	\$30,020.38 \$2,501.70/mo.

\*Discounts fringe  
benefits and  
presents figures  
for the final  
funding cycle.

TOTAL COSTS - INTAKE AND DIVERSION SERVICES

Explanatory Notes

1. Final Federal Grant Period

The time frame presented represents the last cycle the Diversion Project was Federally funded.

2. Case Bearing Staff Ratio: Intake

Material adapted from: Probation Staffing Requirements, Annual Probation Program Plan, Personnel and Budget Summary for 1979.  
Prepared by New York State Division of Probation.

The ratio is derived from the case bearing staff assigned to Intake divided by the total case bearing staff providing services for Intake, Investigations and Supervision. Administrative and clerical staff, as well as travel, phone, equipment, etc. are assumed to be equally proportioned among case bearing staff.

3. Total Probation Cost

Based upon the individual county applications for State Aid. This total represents reimbursable costs and discounts Federal Grant monies, CETA funds and all other non-reimbursable costs.

4. Case Bearing Staff Ratio: Diversion

Computations are made to be consistent with the case bearing staff ratio for Intake. Base figures were drawn from specific Federal Grant budgets. If the Federal Grant was multipurpose, the ratio of case bearing juvenile Diversion staff was extracted. If this ratio varied based upon several funding cycles, the average ratio was computed.

5. Total Grant Cost: Includes the total Federal monies supplied and the local matching funds. Total costs were prorated to determine an estimate for 12 months of funds as follows:

If several funding cycles occurred, the average cost per month was calculated, and this value was multiplied by 12.

Table XIX  
COSTS PER CLIENT

County	INTAKE SERVICES			DIVERSION SERVICES		
	Intake Clients Six Month Period	Estimated Cost Six Month Period	Cost Per Client	Diversion Clients Six Month Period	Estimated Cost Six Month Period	Cost Per Client
Chautauqua	199	\$ 30,334.45	\$ 152.43	*120	\$ 19,362.00	\$ 161.35
Westchester	1,130	\$104,820.48	\$ 92.76	80	\$ 35,932.02	\$ 449.15
Suffolk	1,682	\$410,670.11	\$ 244.16	1,046	\$ 50,831.52	\$ 48.60
Erie	1,199	\$181,136.63	\$ 151.07	140	\$ 66,276.00	\$ 473.40
Rensselaer	417	\$ 14,838.84	\$ 35.58	53	\$ 15,010.20	\$ 283.21

\*Estimated figure based  
upon grant period  
client population  
figures.

Table XX  
Costs and Success Rates

Diversion Services

Intake Services

Site: Rank Order Based Upon Cost	Cost Per Client	*Number of Contacts	*Days From Initial Interview To Closed	Success Rate	Site: Rank Order Based Upon Cost	Cost Per Client	*Number of Contacts	*Days From Initial Interview To Closed	Success Rate
1. Suffolk ** n=208	\$ 48.60	1.6	39.7	83%	5 Suffolk n=83	\$244.16	2.0	48.8	77%
2. Chautauqua	\$161.35	Data	Not Available		4 Chautauqua n=64	\$152.43	1.0	58.2	70%
3. Rensselaer n=40	\$283.21	12.6	113	63%	1 Rensselaer n=108	\$ 35.58	1.0	12.3	68%
4. Westchester n=62	\$449.15	6.1	50.8	85%	2 Westchester n=88	\$ 92.76	1.0	19.6	82%
5. Erie n=131	\$473.40	11.4	107-25	76%	3 Erie n=131	\$151.07	1.1	48.9	84%

\*Presents average number for group sampled.

\*\*Service indicators based upon 1979 cohort data.

# COST EFFICIENCY INDEX

Table XXI

Site	**Total Program Costs	*Functional Utility Index	*Total Successes	*Mean Functional Utility	*Cost Efficiency Index
Chautauqua Intake n=64	\$ 30,334.45	828	45	18.4	1648.61
Westchester Intake n=88	\$104,820.48	1,108	72	16.06	6526.80
Westchester Diversion n=62	\$ 35,932.02	846	53	16.27	2208.48
Suffolk Intake n=83	\$410,670.11	433	64	6.765	60705.12
Suffolk Diversion n=208	\$ 50,831.52	3,931	172	22.85	2224.57
Erie Intake n=131	\$181,136.63	1,448	110	13.28	13639.81
Erie Diversion n=99	\$ 66,276.00	1,123	99	11.34	5844.44
Rensselaer Intake n=108	\$ 14,838.84	1,244	73	17.04	870.82
Rensselaer Diversion n=40	\$ 15,010.20	296	25	11.84	1267.75

\*\*Total program costs for six months.

\*See text for explanation of values.

Table XXII  
RATIO OF FUNCTIONAL UTILITY

	Suffolk Exp.	Suffolk Comp.	Erie Exp.	Erie Comp.	Chautauqua Comp.	Rensselaer Exp.	Rensselaer Comp.	Westchester Exp.	Westchester Comp.
UP=18.9 Suffolk Experimental	/	3.6	2.2	1.7	1.45	2.6	1.6	1.35	1.4
UP=5.2 Suffolk Comparison	.275	/	.61	.47	.40	.70	.45	.37	.39
UP=8.5 Erie Experimental	.45	1.6	/	.765	.65	1.15	.73	.61	.63
UP=11.11 Erie Comparison	.59	2.1	1.3	/	.85	1.5	.96	.80	.83
UP=13.0 Chautauqua Comparison	.69	2.5	1.5	1.2	/	1.8	1.1	.935	.97
UP=7.38 Rensselaer Experimental	.39	1.4	.87	.66	.57	/	.64	.53	.55
UP=11.6 Rensselaer Comparison	.61	2.2	1.4	1.0	.89	1.6	/	.83	.865
UP=13.9 Westchester Experimental	.735	2.7	1.6	1.25	1.1	1.9	1.2	/	1.0
UP=13.4 Westchester Comparison	.71	2.6	1.6	1.2	1.0	1.8	1.15	.96	/

the cost of the undertaking. The preceding tables present these derived elements. Before information provided may be interpreted, however, certain assumptions must be made about the elements used. Units of program costs may then be translated into an index for comparison across program sites.

The presentation following provides cost data for two major procedures of probation services. The first is intake services, the second is diversion services. Client groups served by each procedure are not randomly selected. Activities continued in each of the units in question vary depending upon the client population served. Intake serves juvenile delinquency complaints, PINS complaints, family offenses, support and conciliation. Adoption and custody investigations may be conducted by probation intake. In addition, the intake officer makes decisions related to jurisdiction and, generally, the potential for the potential client to be served. The diversion units are established primarily to handle juvenile delinquency and PINS complaints. Given these considerations, comparisons of costs related to the two types of services provided would be difficult.

In each of the jurisdictions examined, there are many uncontrolled variables related to geographical and demographical differences between sites. Comparisons made between program sites must be made with full consideration of these differences. Table XVIII presents the derivation of total program costs for intake services and diversion services. Intake costs were derived as follows:

The total reimbursable<sup>42</sup> expenditures for each county

probation department was obtained for the final funding period of the diversion program. The case bearing staff ratio for intake services represents the total number of intake officers divided by the total number of case bearing staff in each of the county probation offices. The net cost represents the total cost for intake services, for the time period presented, holding clerical and administrative services constant.

Total costs for diversion services were obtained by drawing information from the federal grant contract budgets. If a case bearing staff ratio is presented, the total federal grant was multipurpose. The ratio was calculated in the same manner as the intake services case bearing staff ratio was obtained. The net costs for diversion services represents the total estimated cost for each project during the time period presented.

Table XIX presents the cost per client for intake and diversion services for a six month period. The six month time frame was chosen because client data for the impact evaluation were drawn from six month cohorts in each of the project sites. Intake and diversion clients served are the number of juvenile delinquency and PINS complaints handled during the six month time period. As stated above, intake serves many other types of clients; therefore, this estimate is inflated due to a smaller base figure. The "cost per client" presented serves as an index for comparison across intake sites.

Table XX presents the relative costs per client of \*PO's offering more than diversion services.



diversion and intake services. To identify the type of services provided, indicators chosen from our 1979 data base have been selected. Aggregate data from each of the experimental (diversion) and comparison (intake) sites have been compiled. The service indicators selected are:

1. Number of contacts - This value reflects the average number of times clients at each site meet with the probation officer for counseling services.
2. Days from initial interview to case closed - reflects the average number of days clients' cases are held open at intake or diversion unit.
3. Success rate - indicates a simple success ratio, based upon the total number of clients sampled who do not recontact the juvenile justice system within one year.

To derive a measure of cost efficiency, the concept of functional utility<sup>43</sup> and total program costs were combined. Total program costs can be matched to program outcome in such a way as to give dollar cost per unit of disutility adjusted. Given the amount of disutility adjusted successfully and the number of clients involved, the average functional utility score is obtained. Dividing the total program cost by average functional utility score will yield the average cost per unit adjusted successfully. This then allows for cost com-

parison between programs, controlling for volume, success rates and seriousness of offense.

Table XXI presents the derivation of cost efficiency, as follows:

Column 1 - Total Program Cost: for six months.

The six month time frame was chosen to match the sample selection time frame.

Column 2 - Functional Utility Index: The total amount of disutility successfully addressed.

Column 3 - Total Number of Successful Cases: Clients sampled who do not recontact the juvenile justice system during the twelve month followup.

Column 4 - Mean Functional Utility: The average amount of disutility successfully addressed.

Column 5 - Cost Efficiency Index: The total program cost divided by the average functional utility score. This value represents the relative cost for each unit by disutility successfully addressed, based upon the seriousness of the clients' original offenses.

#### Program Effectiveness

The monetary estimation of the benefits of programs is listed in social service areas, since only a portion of project outcomes can be given a quantifiable value.<sup>44</sup> For this reason, program effectiveness should be addressed in the context of cost efficiency. The rate of functional utility is the chosen indicator of program effectiveness. While cost efficiency measures the successes of the program, the index of effectiveness includes the total program sample.

RATE OF FUNCTIONAL UTILITY

The rate of functional utility is indicative of the degree to which a program is successful, controlling for weighted seriousness of the acts of the original offenders served, regardless of success or failure.

The derivation of the functional utility rate (UP) requires: the total amount of disutility, (i.e., weighted seriousness score for each offense) for the entire sample for each program EDC, the total amount of disutility successfully addressed (i.e., where there was no future recidivism within a year period (ED), the total number of clients within the sample for each program (N) and the total number of clients within each program who have not recidivated.

The arithmetic formula for the functional utility rate is as follows:

$$UP = SI \times \bar{XDS}$$

where SI (Success Index) is the degree to which a program is successful in addressing recidivism as measured by:

$$SI = EDC/ED$$

and where  $\bar{XDS}$  is the mean disutility score addressed by a program:

$$\bar{XDS} = EDC/N.$$

A comparison of one program to another can be obtained by dividing the rate of functional utility of program A with the functional utility rate of program B, see Table XXII, ratio of functional utility.

Findings

The rank ordering of the diversion programs, in terms of

cost-efficiency, is as follows:

Rensselaer County	1267.75
Westchester County	2208.48
Suffolk County	2224.57
Erie County	5844.44

The degree of efficiency is assumed to be greater, to the extent that the cost is lower.

The rank ordering of diversion services in terms of program effectiveness is as follows:

Suffolk Diversion	18.9
Westchester Diversion	13.9
Erie Diversion	8.5
Rensselaer Diversion	7.4

Here, the higher the ratio, the more effective the program appears.

In sum, the relative ranking in terms of efficiency and effectiveness is:

PROGRAM SITE	EFFECTIVENESS	EFFICIENCY
Suffolk Diversion	I	III
Westchester Diversion	II	II
Erie Diversion	III	IV
Rensselaer Diversion	IV	I

While Suffolk Diversion is the most effective program, it is nearly the least efficient of our target sites. This finding is due to the increased cost for each unit of disutility successfully addressed. Rensselaer County, on the other hand, is the least effective. However, it is the most efficient program since the efficiency is a function of a lower program cost. Westchester County appears to be more effective and more efficient, ranking second on both indices.

## VI. CONCLUSION

During the eighteen month study, a tremendous amount of information was gathered, sorted and analyzed. Only those data which were directly connected with the hypotheses were dealt with in this report. Even then, the presentation was often cursory, particularly when no significant results were obtained. Similarly, in most instances results pertaining to each individual site were essentially hidden in the aggregate. To have done otherwise would have required five separate reports, each as complex and lengthy as this one. Nonetheless, this document serves its primary purpose, which was to provide decision makers with information pertinent to the concepts and practice of diversion. In so doing, enough information is presented to allow numerous valid conclusions to be drawn, to support findings of numerous other studies, and to provide substantial direction in the still unsettled area of preliminary procedure.

The first conclusion of this evaluation is that the term "diversion" still lacks a standard definition. This, of course, makes it difficult to measure and, unfortunately, nearly impossible to compare one program to another. Similarly, the absence of firm definitions and operational guidelines at times means that diversion is virtually indistinguishable from the intake process, again making extremely difficult to make any sound comparative analyses.

Diversion, as it exists in New York State today, has as its main purpose a goal identical to that of the intake process upon its inception in 1922. That goal was to reduce the number of cases going to petition through a process in "informal adjustment." To some extent this must reflect on the success of the intake function.

Second, it is an inescapable fact that diversion, as a program aimed at effectively treating clients so as to reduce or eliminate future deviant behavior is no more effective for the majority of clients than more traditional intake procedures. The diversion client, like his counterpart at intake, seems to succeed or fail based largely on factors (such as sex, offense, and family background) outside of the ability of the system (or at least that part of the system being discussed here) to control.

Along the same line, diversion, if conceived as a means of reducing recidivism, is not a cost effective alternative to the intake process, costing more with no improvement in results. If, however, one looks at cost effectiveness in terms of systemwide processes, the picture might be altered. The fact is that diversion does not reduce recidivism. What it does reduce is the proportion of cases going to petition while it increases the proportion of cases being adjusted to the satisfaction of complainants and respondents. It does this without significantly widening the net of the justice system and with no negative effect on outcome. Thus, while the cost to probation is fairly substantial, the cost to the system is reduced substantially on a per capita basis. For every adjustment that otherwise would have gone to petition, court and correctional costs, for the instant case, are eliminated at no added social costs. This, of course, represents a trade off which decision makers must reconcile: increased component cost for increased system benefit. Beyond this, there is a good possibility of reducing the costs of the diversion process. The idea is based on observation and subjective process of evaluators. It is no more than a hunch, but one based on long contact with the diversion programs. These programs, as shown, are extremely diverse, to the point

that any positive finding which holds across all five sites was totally unexpected. Yet this finding, the reduction of petitions and the increase in adjustments, combined with numerous "negative" findings (e.g. general staff lack of awareness of program goals and the "personalized" aspects of the programs) create a temptation to say that any concerted effort (even inexpensive ones) to reduce petition rates might well work. This, in the belief of the evaluators, is at least worthy of further examination.

It can be concluded that diversion, as it operated, in the sites examined, had no impact on client reported deviant behavior. A self report instrument, analyzed with the Wolfgang Index showed no difference in behavior over a twelve-month follow-up period. The disutility of self reported incidents showed no differences between intake and diversion clients, although self report disutility ran at about 37 times that of official reports.

Further, diversion makes no greater impact on client attitudes (self esteem and normative values) than does intake. Neither service appears to impact at all on these variables. Youth entering the preliminary procedure sub-system have low self esteem and a lower class value orientation. This does not change during intake or diversion processing or during a follow-up period when program effects would be expected to manifest themselves.

While it was not a major problem and was certainly not widespread, it must, nonetheless be concluded that diversion programs carry a potential for abuse. By law, no case should be opened at preliminary procedure if, under Article 7 of the Family Court Act, that case could not support a petition to the Family Court.

Similarly, a case can only be held open at preliminary procedures for 60 days with a 60 day extension, for a maximum of 120 days. Nonetheless, cases were observed at several sites in which it was obvious to all parties that the facts would not support a petition. In the same manner, several cases were open beyond 120 days, the longest being 310 days. It is presumed that these problems occur due both to the informal nature of the programs and the desire of program personnel to provide necessary assistance. There is a good indication that these officers are correctly identifying which clients need more help in that there is a very slight inverse relationship between success and length of time on program (this based on treatment and outcome information, above). This same correlation, however, leads to the conclusion that the extra time in the system does little good. In conjunction with these observations, it was noted by field observers that there were cases that would have been more appropriately handled outside of the justice system by such agencies as Social Services or Mental Health or by private groups from schools to churches to child and family services.

It was further concluded that diversion programs exhibited other process benefits. It was observed that in those programs in which local police agencies were closely involved diversion had the potential of becoming a very effective management tool. In those programs the traditional sift and screen procedures were performed much more quickly and efficiently, with cases having no need for further processing leaving the system quickly. Further, delays in processing and lag time between appearances were substantially reduced where diversion "front ended" the system.

An added and desirable benefit of police involvement appears to be an increase in understanding and cooperation between the agencies. It should be clearly noted that these conclusions are drawn from two programs where the police had heavy involvement from the outset. In Suffolk County, the program was jointly "owned" while in Yonkers, the Juvenile Aid Bureau had sole ownership and responsibility for two years prior to probation involvement. It is doubtful that such a program could be imposed on a police agency successfully but should rather be a matter of cooperative development.

Finally, and unfortunately, a conclusion must be reached regarding the development of a model diversion program which was a goal of this evaluation from the outset. We must conclude that no single one of the diversion programs stood up well enough under examination to provide a statewide model for the process. Further, the programs were so diverse, from theory to practice, that an attempt to create a model using the best aspects of each program would make little sense and be of no use on a statewide basis.

Overall, then, it can be said that diversion, as it currently exists in these counties, cannot be viewed as a more effective treatment model which would provide an alternative to traditional intake procedures. Its promise, instead, lies in various procedural changes which address efficiency within a context of minimal penetration.

#### RECOMMENDATIONS

Based on the foregoing, the result of an eighteen month study in five New York counties, it is recommended that:

1. Research be continued in order to determine which clients are most likely to benefit from the informal but intensive approach which marks most diversion programs;
2. The concept of diversion be reconsidered and addressed on a statewide basis to provide common purpose and practice and to finally distinguish the concepts of diversion and intake;
3. Any program set up to provide diversion services take every precaution to ensure that only clients eligible for processing under Article 7 of the Family Court Act be included;
4. Clear cut eligibility criteria for client entry into diversion programs be established and closely adhered to;
5. Efforts to improve the timeliness and efficiency of system actions be continued but that they not be confused with "diversion";
6. The idea and practice of establishing closer and more effective working relationships with local police departments be continued and expanded;
7. Every effort be made by local probation departments to

shorten the amount of time spent by the juvenile offender in preliminary procedures;

8. Juvenile cases be closed unless there is an affirmative reason to keep them open, particularly in those cases where there is only one or two contacts with the client;
9. The use of the 60 day extension in preliminary procedure be reduced or, preferably, eliminated as it appears to have a slightly negative effect on outcome;
10. The use of community resources receive greater emphasis at the state and local level;
11. The concepts developed in these programs, where shown to be positive, not be dropped with program termination, but incorporated into ongoing programs where possible;
12. The six and twelve month follow-up practice, used in Westchester County, be adopted Statewide, to provide ongoing feedback and allow for program modification;
13. The departments provide for close and ongoing monitoring of diversion and intake units to determine not only compliance but effectiveness as well;
14. The findings of this report, where appropriate, be incorporated into the revision of the rules regarding preliminary procedure.

FOOTNOTES

- <sup>1</sup>Hudson, J. et. al., "Diversion Programming in Criminal Justice: The Case in Minnesota," Federal Probation, 39:1, March, 1975, 11-19 (11). See also, Nejelski, Paul, "Diversion: The Promise and the Danger," Crime and Delinquency 22:4, October, 1976, 393-410 (394).
- <sup>2</sup>Gemignani, Robert J. "Diversion of Juveniles from the Juvenile Justice System" in New Approaches to Diversion and Treatment of Juveniles, USC-PO Washington D.C., 1973, 8-38 (10).
- <sup>3</sup>Carter, Robert M., "The Diversion of Offenders," Federal Probation, 36:4, December 1972, 31-36 (33).
- <sup>4</sup>Loc. cit. 35.
- <sup>5</sup>Gibbons, Don C., "Evaluating the Impact of Juvenile Diversion Programs," Crime and Delinquency, 22:4, October 1976, 411-420 (411).
- <sup>6</sup>Klapmuts, Nora, "Diversion from the Juvenile Justice System," Crime and Delinquency Literature, 611, March, 1974, 109.
- <sup>7</sup>Klein, M.W., "Issues in Police Diversion of Juvenile Offenders," in Juvenile Justice Management (G.B. Adams, ed.), 1973, 375-422, 382.
- <sup>8</sup>Cressey, Donald R. and Robert A. McDermott, Diversion from the Juvenile Justice System, USC-PO Washington D.C., 1974 (3).
- <sup>9</sup>Ibid.
- <sup>10</sup>Klein, op.cit., 108.
- <sup>11</sup>Klapmuts, op. cit., 108.
- <sup>12</sup>Hellum, Frank, "Juvenile Justice: The Second Revolution," Crime and Delinquency 25/3, July 1979, 300.
- <sup>13</sup>Ibid, 309.
- <sup>14</sup>Nejelski, Paul, "Diversion: The Promise and the Danger," Crime and Delinquency, October, 1976, p. 397. See also: Elizabeth Vorensberg and James Vorensberg, "Early Diversion from the Criminal Justice System: Practice in Search of a Theory," in Lloyd Ohlin ed. Prisoners in America. Prentice-Hall, 1973, pp. 151-183.
- <sup>15</sup>Ibid, 396.
- <sup>16</sup>Ibid, 394.



FOOTNOTES (Continued)

- <sup>17</sup>Bullington, Bruce, et. al., "Critique of Diversionary Juvenile Justice," Crime and Delinquency, 24/1, Jan. 1978, 64.
- <sup>18</sup>Ibid, 69.
- <sup>19</sup>Roesch, Ronald, "Does Adult Diversion Work?", Crime and Delinquency, 24/1, 72.
- <sup>20</sup>Gottheil, Diane, "Pretrial Diversion: A Response to Critics," Crime and Delinquency, 25/1, 65.
- <sup>21</sup>Ibid, 68.
- <sup>22</sup>Ibid, 69.
- <sup>23</sup>Ibid, 70.
- <sup>24</sup>Ibid, 71.
- <sup>25</sup>Roesch, Ronald, "The Evaluation of Pretrial Diversion: A Response," Crime and Delinquency, 25/4, January, 1979; 504.
- <sup>26</sup>Ibid, 505.
- <sup>27</sup>Ibid.
- <sup>28</sup>Falkin, G.P., Reducing Delinquency, 1979, 110.
- <sup>29</sup>Ibid, 111.
- <sup>30</sup>Ibid.
- <sup>31</sup>Ibid, 113.
- <sup>32</sup>Dunford, Franklyn, Work Plan: National Evaluation of Diversion Programming, 1977, p. 21.
- <sup>33</sup>Ibid.
- <sup>34</sup>Ibid.
- <sup>35</sup>See, for instance, Simon, F.H., Prediction Methods in Criminology, 1971, passim.
- <sup>36</sup>\_\_\_\_\_, President's Commission on Law Enforcement and the Administration of Justice: Task Force Report: Assessment of Crime, 1967, 123-137.

FOOTNOTES (Continued)

- <sup>37</sup>Wolfgang, M., et. al., Delinquency in a Birth Cohort, 1972, 4388.
- <sup>38</sup>Maltz, Michael and Richard McCleary, "The Mathematics of Behavioral Change: Recidivism and Construct Validity," Evaluation Quarterly, 1/3 (1977) 421-438.
- <sup>39</sup>Lloyd, M. and G.W. Joe, "Recidivism Comparisons Across Groups," Evaluation Quarterly, 3/1 (1979) 105-117.
- <sup>40</sup>Rossi, Peter, Howard Freeman and Sonia Wright, Evaluation, A Systematic Approach, Sage Publications, 1979, p. 242.
- <sup>41</sup>Reimbursement refers to : State Aid Requests for Reimbursement, submitted to the NYS Division of Probation by each county, yearly.
- <sup>42</sup>NYS Division of Probation, Probation Staffing Requirements Annual Probation Program Plan, Personnel and Budget Summary, 1979.
- <sup>43</sup>For definition of Functional Utility see: Methodology section above.
- <sup>44</sup>Rossi, op. cit., p. 248.



## Appendix I

Review of the Literature

and

Critique of Evaluations

### MANPOWER COUNSELING SERVICES

Project Crossroads, located in Washington, D.C. began in January, 1968 through funding from the Department of Labor. The project investigated the feasibility and effectiveness of diverting young first offenders from the court. The program provided intensive manpower services for a ninety day period prior to judicial review of the cases. Both males and females were eligible for the program. The age range of eligible clients was between 16-26 and all cases were first offenders. During the ninety day treatment program, job placement and training assistance was provided, as well as individual counseling and remedial education. If the program was completed satisfactorily and clients could demonstrate their determination to use legitimate means to obtain jobs, the staff would recommend to the court that charges should be dismissed.

For the evaluation of Project Crossroads a sample of every second case involved in the program for a time limited period was selected.<sup>1</sup> The sample of diverted youth was then compared to a group of cases processed in a traditional manner. Through a comparison of recidivism rates of the two groups, the findings suggested that diversion reduces the likelihood of rearrest more than traditional processing. In addition, diversion programs that use supportive services (like employment counseling) appear to be more effective than diversion with no services.<sup>2</sup> A third finding

<sup>1</sup>Roberta Rovner-Piecznik. Pretrial Intervention Strategies: An Evaluation of Policy-Related Research and Policymaker Perceptions. American Bar Association, November, 1974, p. 31.

<sup>2</sup>Franklyn W. Dunford, et al. Work Plan: National Evaluation of Diversion Programming. Behavioral Research Institute, April 11, 1977, p. 6.

was related to successful participation in the program. For such participants, charges were dropped. The unsuccessful participants were found to have a greater likelihood of rearrest.<sup>3</sup>

The Manhattan Court Employment Project was funded by the Department of Labor in 1967. The point of intervention came just after the defendant's arrest. The project was located in the Manhattan Criminal Court and the criteria for eligibility included defendants who were predominantly male, aged 16-46, un- or underemployed, and not full time students. Those who had served more than six months in prison as well as those who were charged with murder, rape, aggravated assault, armed robbery or drug addiction were not eligible for this program. The program provided individual and group counseling in seeking and maintaining employment for 90 days (or more with court approval). If program participants indicated a promise of permanent change the staff would recommend to the court that the prosecutor dismiss charges. The prosecution would be resumed for unsuccessful participants. The program was expanded to Brooklyn, the Bronx and Queens and current funding is based upon purchase of service grants with the City of New York.

The evaluation of MCEP<sup>4</sup> also used a time-limited sample from among participants in this program. Further, this sample was restricted to "Favorables". A matched comparison group of "Unfavorables" was selected with the use of intake records. The findings of the evaluation indicated that those who were successful in completing

<sup>3</sup>Ibid.

<sup>4</sup>Rovner-Piecznik, p. 32.

the program showed "considerable success" in maintaining jobs. In addition, the program participants had a much lower rate of recidivism than the comparison group.<sup>5</sup>

The major shortcomings of these two evaluations of early diversion programs are as follows:

First, for each evaluation, a selection of a non-random comparison group was used.<sup>6</sup> For the Manhattan Court Employment Project, a comparison group was chosen from court records of "paper eligibles," prior to program inception. The study used a matching technique of only two variables: offense and age, omitting potentially relevant characteristics such as prior arrest record. The comparison group for Project Crossroads was selected from among all offenders seen by the court prior to program inception. An attempt to match participants was conducted and although the evaluation stated that group similarities exist, "no data are displayed to support this declaration." This retrospective comparison technique casts "serious doubts" on the studies' validity.<sup>7</sup>

The second limitation is that comparisons are made of only good or successful terminations with all members of the comparison control group. This method of comparison makes the success of the program appear more inflated, since the unfavorable terminations resumed regular court processing and were no longer followed.

<sup>5</sup>Dunford.

<sup>6</sup>Joan Mullen et al. Pretrial Services: An Evaluation of Policy Related Research. ABT Associates, December, 1974, p. 23.

<sup>7</sup>Mullen et al, p. 23.

Mullen tells us:

Such comparisons which use only a selective portion of the participant group will inevitably favor the participant since a proper comparison group will contain some proportion of individuals who might have been terminated unfavorably, had they entered the program. Findings based on these comparisons lead only to one conclusion -- after all non-performers and most known recidivists are returned to the courts, the remaining participants look better than a group which contains its failures.<sup>8</sup>

The third problem related to these two evaluations was that participants were compared based upon employment status before and after program participation. However, the eligibility criteria for program participation included assessment of employment needs. Here, the outcome measures (employment status) is a reflection of eligibility criteria (need for employment). The measure for comparison is used as a criterion for participant selection. Using this method, "after measures cannot fail to look better than before..."<sup>9</sup>

The "second round" programs<sup>10</sup> located in nine areas across the United States were modeled after the earlier Manpower Development Programs in Washington, D.C. and Manhattan. They are:

Atlanta, Georgia	Atlanta Pretrial Intervention Project	1972-1975
Baltimore, Maryland	Baltimore Pretrial Intervention Project	1971-present
Boston, Massachusetts	Boston Court Resource Project	1971-1974

<sup>8</sup>Mullen et al, p. 23.

<sup>9</sup>Ibid.

<sup>10</sup>Rovner-Piecznik, p. 16.

San Jose, California	San Jose Project Intercept	1971-present
Santa Rosa, California	Santa Rosa Project Intercept	"
	cept	
Hayward, California	Hayward Project Intercept	"
Cleveland, Ohio	Cleveland Offender Rehabilitation Project	1970-1973
Minneapolis, Minnesota	Operation DeNovo	1971-present
San Antonio, Texas	Project Detour	1971-1973

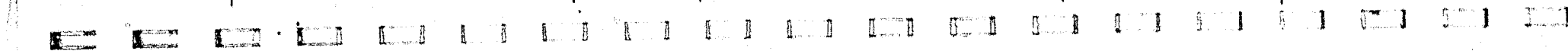
All were initially funded by the Department of Labor and some received continued funding from LEAA and/or local monies. For each program a concentration on employment-related strategies was emphasized. For purpose of brevity, Table A summarizes these programs. Only one of these second-round programs was exclusively concerned with juvenile offenders, the Baltimore Pretrial Intervention Program.

The Nine-sites study<sup>11</sup> (so-called by Rovner-Piecznik) based its evaluation assessments upon all favorably terminated participants. While the problem of non-random selection was eliminated from the sampling of experimentals by including all program participants, the evaluation study was "forced to estimate measurements of those unfavorably terminated" for comparisons. The author continues: "The problem of omitting data on program failures raises questions concerning the use and appropriateness of an estimation formula." The Nine-sites study did offer statistics on the long-term employment gains of participants and concluded that employment stability in-

<sup>11</sup>Ibid, p. 31.

TABLE A					
Site	Eligibility Criteria	Time	Services	Referrals to:	Follow-Up
Atlanta	<ol style="list-style-type: none"> <li>1. Male &amp; Female</li> <li>2. 17-23</li> <li>3. Less than 6 mos. prior incarceration</li> <li>4. Meet D.O.R. criteria</li> <li>5. State prosecutor approval</li> </ol>	90 days	Counseling in employment and educational services	Atlanta Area Vocational Technical School Atlanta Skills Center	After 90 days successful cases would be dismissed by Court. Charges are "deadlocked" and cannot be refiled unless rearrest occurs.
Baltimore	<ol style="list-style-type: none"> <li>1. Male &amp; Female</li> <li>2. 17-17</li> <li>3. Excluded Armed robbery, rape, arson, murder, drug charges</li> <li>4. Consent of parents</li> </ol>	90 days	<p>Individual and group counseling in work habits and attitudes.</p> <p>Twelve week education program 4 hours a day, five days a week</p>	Dept. of Education Job Corps Concentrated Employment Program Upward Bound Opportunities Industrialization Center	Interviews are conducted by project staff at the end of one, three, six, and twelve months to monitor clients' success and offer further assistance, if needed.
Boston	<ol style="list-style-type: none"> <li>1. Male &amp; Female</li> <li>2. Felony and misdemeanor offenses</li> <li>3. Maximum sentence of offense must be five years or less</li> </ol>	Up to 1 yr.	Counseling and job placement Residential Advisor Unit provides housing to participants in need. In some cases clients live with and pay 1/2 rental of successful ex-participant of the program	Job training and educational services in the community	Successful participation leads to program staff recommendation for case dismissal.
San Jose Santa Rosa Hayward	<ol style="list-style-type: none"> <li>1. Male and Female (larger proportion of women in each site)</li> <li>2. Excluded felony offenses</li> <li>3. Excluded petty theft</li> </ol>	90 - 120 days	Job placement Counseling Educational tutoring	State Services Manpower Development & Training Programs	Program recommended dismissal of charges if successful completion by client. Court could dismiss the case or impose summary probation.

TABLE A (Continued)					
Site	Eligibility Criteria	Time	Services	Referrals to	Follow-Up
Cleveland	<ol style="list-style-type: none"> <li>Initially, defendants who entered plea no contest or entered no plea for misdemeanor offenses</li> <li>Expanded to include first offender felony charges</li> <li>Currently, district court judge recommends any candidate who "might benefit"</li> </ol>	14 days	Staff design individual plans of service which can at minimum recommend that charges be dismissed at the end of 14 day initial continuance		The court requests that the aggrieved party approve dismissal of charges. The court can arrange restitution between the defendant and the complainant
Minneapolis	<ol style="list-style-type: none"> <li>Defendants charged with misdemeanor property offenses (Originally)</li> <li>Expanded to felony offenders and those charged with gross misdemeanors</li> <li>Nonviolent juvenile offenders</li> <li>Violent criminal offenders excluded</li> </ol>	Six months	Team of one coordinator and five ex-offenders present classes in finding and maintaining employment. Counseling and tutoring also included.	Educational job training and welfare resources in the area.	At the end of six month program staff recommend that court dismiss charges for successful participants. If defendant is rearrested or absconds, the staff recommends program termination, return to court.
San Antonio	<ol style="list-style-type: none"> <li>Non-violent first offenders</li> <li>Misdemeanor offenses only</li> <li>Must meet R.O.R. eligibility</li> <li>Also, referrals come from Domestic Relations Section of District Attorney's office</li> </ol>	90 days or more with court approval	Counseling and job development services	Educational, job training and social services in the area.	Recommendations for dismissal of charges by program staff for successful participants. Those unfavorably terminated revert to normal criminal justice processing



creased among participants who were favorably terminated.<sup>12</sup> However, by comparing successful terminations with unsuccessful terminations within the program (as pointed out by Mullen et al - see above) the apparent success of the programs is inflated.

The second round projects or "Nine-site" study suffered from practical limitations<sup>13</sup> in implementation. Although all nine sponsors of the programs succeeded in introducing the concept of using appropriate selection criteria, the official response of using such criteria varied from program to program. The responses imposed restrictions on the types of clients served. The intervention process itself further restricted clients serviced and those whose charges actually were dismissed.

Normally referrals to the diversion programs either came directly from the judge or (more commonly) the prosecutor or a court-based screening staff. Once identified, the candidate had to agree to waive his or her right to a speedy trial. If the candidate volunteered to cooperate, then the individual's prior record and personal history was reviewed. The judge and prosecutor then had to agree with the screening staff's decision to divert.

Not surprisingly, many projects suffered substantial fallout between the identification and the intake stages. As a result, even those projects with fairly broad eligibility standards might find their services applied to a fairly selective participant group.<sup>14</sup>

The entire intake and screening process for these programs are especially sensitive to the motivation of the defendant, the

<sup>12</sup>Ibid, p. 65. Also, see Supra Note 3, p. 86. "Stability is defined as the percentage of time an individual works during a stated time interval."

<sup>13</sup>Mullen, et al, pp. 23-25.

<sup>14</sup>Ibid, p. 24.

discretion of program staff and the prerogatives of the court and prosecutor. In addition, since these projects must attempt to promote "official confidence" to maintain funding sources for project continuation, "pressures abound to divert minimal risk cases."<sup>15</sup> High risk cases are more likely to be unsatisfactorily terminated and, therefore, are returned to court. When these cases become the court's responsibility, the projects reviewed are required only to account for their successes.

Mullen suggests, based upon the results of evaluations of these nine-site studies, that:

...the concept in practice is highly susceptible to dilution... By combining an interest in intensive service delivery with the provision of dismissal of charges...can (these programs) ever be expected to gain access to those who might be considered a greater threat to the community (and thereby most in need of intervention services) when diversion itself implies non-prosecution of minimal risks?<sup>16</sup>

The previous studies reviewed represent only one approach to pre-trial intervention. Each emphasizes manpower training and job placement. The programs and their subsequent evaluations do, however, lead to policy-related concerns. Primarily, the net effects of intervention and diversion policies upon all participating defendants must be evaluated. For example:

If higher risk diversion should result in higher in-project failure rates, the personal liabilities of the unfavorably terminated group, and the cost associated with the aborted diversion attempts may outweigh the benefits that accrue in successful cases.<sup>17</sup>

<sup>15</sup>Ibid, p. 24.

<sup>16</sup>Ibid, p. 25.

<sup>17</sup>Ibid. Please refer to "The functional Utility Index" - Design Methodology: Each participant will be included in the sample as applied to the formula for functional utility. This index considers the relative utility of program failure and success, as related to program cost and recidivism.

PERSONAL COUNSELING SERVICES

A second type of diversion project turns the focus away from manpower services to counseling services. Mullen tells us, as related to the above projects that:

Findings related to relative effectiveness of manpower vs. counseling services suggest that personal counseling may be of value to those who may not require specific employment assistance.<sup>18</sup>

The Dade County Pre-trial Intervention Program in Miami, Florida, was implemented from January 1972, through July 1974, with LEAA funding.<sup>19</sup> The program provided for a rehabilitation plan which was drawn up on an individual basis by the client, his family and project staff and three to six months of intensive counseling immediately following arrest. The counselors would maintain contact with clients by means of home visits, monitoring the job or training location and at the project office. The project required a minimum of two individual meetings and one group meeting each week.

To be eligible for participation<sup>20</sup> the defendant could have no prior convictions and the program was limited to non-violent offenders. Both males and females between the ages of 17 and 25 were eligible. In addition, the victim and the arresting officer

<sup>18</sup>Ibid, p. 26.

<sup>19</sup>R. Rovner-Piecznik, p. 209.

<sup>20</sup>National Pretrial Intervention Service Center. Pretrial Criminal Justice Intervention: Techniques and Action Programs. A.B.A. June 1975, p. 18.

had to approve of the defendant's participation. The filing of pending charges was withheld for the duration of the program (three to six months) and a recommendation for dismissal of charges could be made if program participation was successful.

During the project duration 1,248 clients participated. The project staff was able to conduct follow-up interviews with 257 successful completers, for evaluation purposes. Since initial interviews were conducted and post-completion follow-up questionnaires were administered at three month intervals for one year, staff reported:

...in the Eighteen Month Report, reduction of psychosymptomology...in program participants from their Initial Interview to their Post Completion Follow-Ups.<sup>21</sup>

The reviewer, however, is told to interpret this finding with caution:

...In the absence of comparison to unsuccessful completers who do not accept follow-up questionnaires and with the lack of significance studies, the data only indicate the presence of changes in participants' subjective and objective perceptions of themselves in directions which appear to be beneficial.<sup>22</sup>

<sup>21</sup>Ibid, p. 20.

<sup>22</sup>Ibid, p. 21.



To evaluate the effects of program participation and recidivism, a control group of 34 who met all eligibility criteria were randomly chosen and compared to those participating in the program through January 1974. The findings of this comparison showed that:

...the recidivism rate for successful completers whose charges were dismissed (10%, N = 309) compares favorably to the recidivism data for the control group (32.4%, N = 34).<sup>23</sup>

These data also showed, however, that unsuccessful completers had higher recidivism rates than the controls (37.8%, N = 82 and 43.8%, N = 64 for 1973 and 1974 respectively).<sup>24</sup>

These data suffer the same problems as portrayed by Mullen et al (see above) in that success of the program is determined by its successful participants. In addition, while the controls were randomly selected, the small number of comparison cases limits the validity of the findings.

A third type of diversion project concentrates on personal counseling services, but differs from the Dade County project in that the "counselor advocates" are Probation Officers.<sup>25</sup> Project Operation Midway, located in Nassau, New York was initiated in the fall of 1970, through a grant award by the Division of Criminal Justice Services in New York State. The program was formally implemented within the Nassau County Probation Department. Both males and females between the ages of 16 and 25, residing in Nassau County, who were arraigned before the court on a felony

<sup>23</sup>Ibid.

<sup>24</sup>Ibid.

<sup>25</sup>Mullen et al, p. 28.

charge other than homicide were eligible for participation.<sup>26</sup>

Generally, felons who were referred to the program after indictment required application by their counsel. Following a diagnostic investigation report and approval of the judge, the alleged offender would plead not guilty and sign an agreement for deferred prosecution. Counseling services (for vocational or psychological counseling) were usually provided through referral to community based agencies.<sup>27</sup>

At the end of the program, in addition to outright dismissal of charges for successful participants, plea bargaining could be considered for "those cases where the alleged criminal act was of such severity that the District Attorney's office could not consider dismissal."<sup>28</sup> When the participant proved uncooperative, was accused of a serious crime while participating in the project, or dropped out of the program, the case returned to the court. Since January, 1974, the project has been continued by the Nassau County Probation Department with partial funding by the State of New York.<sup>29</sup>

<sup>26</sup>Rovner-Piecznik, p. 209.

<sup>27</sup>Ibid.

<sup>28</sup>Mullen, et al, p. 29.

<sup>29</sup>Rovner-Piecznik, p. 209.

An important difference of this diversion program was that it extended the presentence reporting role of probation officers to the pre-conviction stage of proceedings. Here the "investigative perogatives" of the probation agency facilitated the plea-bargaining process.<sup>30</sup> Another unique quality of the program is that it is implemented within probation, the primary focus for the current proposed evaluation.

During the first phase of Operation Midway, project staff attempted to measure change in program participants' self-concept and personal adequacy:

Self-concept scales, the actual-ideal self-concept discrepancy scales, and the Minnesota Multiphasic Personality Inventory were administered to participants at intake and again six months later. Pre-program scores indicated (i) low self-esteem and negative attitudes towards one's self and (ii) a great discrepancy between how the participant viewed himself and what qualities he felt an individual should possess.<sup>31</sup>

These tests were administered to 115 clients, including Favorables and Unfavorables during the initial phase of Midway. Post-tests, administered to only 32 participants, showed that the previously noted gaps between the actual and ideal self-concepts of the participants was greatly reduced. In addition, post-tests indicated a heightening in self-esteem. "Both findings were statistically significant."<sup>32</sup> These findings suggest that program services should be able to change participants' perceptions of himself and his relationships with others. However:

<sup>30</sup>Mullen, et al, p. 29.

<sup>31</sup>Rovner-Piecznik, p. 85.

<sup>32</sup>Ibid.

Lack of comparable test information on a nonparticipant group also limits information on the effect of history, maturation, testing, instrumentation, and statistical regression as potentially invalidating factors.<sup>33</sup>

Long term client changes were addressed by both the Dade County Project and Operation Midway in terms of reduced recidivism for at least one year following program participation.

The Dade County evaluation stated:

'Therapeutic intervention between arrest and trial of youthful first offenders has been found to effectively lower the (two year) rearrest rate of all participants, successful and unsuccessful alike, when compared to controls...revealing frequencies of 111 (19.82%) and 11 (32.35%) respectively. This compares with a previously reported recidivism rate, following one year of program operation of 8.9% for all participants and 25.0% for controls.<sup>34</sup>

The Operation Midway evaluation stated:

The only true measures of success in a crime prevention program are the level of recidivism displayed by those individuals who have been discharged and the number of clients discharged as improved. Using these variables as a barometer of success, Operation Midway has passed this crucial test with flying colors. Through March, 1973, 125 clients have been discharged from Midway as improved, of this number... (there has been) a recidivism rate of less than two percent. In Nassau County, the recidivism rate among those

<sup>33</sup>Ibid.

<sup>34</sup>R. Nichols et al, Research Supplement: Dade County Pretrial Intervention Program. Office of the State Attorney, 1974. p. 19. Ibid Supra note 15, p. 87.

assigned to regular probation has been recently measured at a level of forty-one percent.<sup>35</sup>

Mullen observes that in the Dade County Evaluation, the findings related to recidivism were obtained through the use of "different periods of observation" for the participant groups and the comparison group. Participants were exposed to rearrest about half as long as their comparisons.<sup>36</sup>

For both the Dade County Project and Operation Midway:

The findings reported regarding the effects of the projects counseling component are similarly difficult to interpret, although the attempted measurement of psychological impact on participants may be an important step toward a more thorough evaluation of the consequences of diversion.<sup>37</sup>

Program conclusions affirm that involvement in these pre-trial intervention programs will decrease recidivism following program participation. A re-evaluation of the statistics and methodologies used by Rovner-Pieczenik does not support these affirmations. Her reasons for disagreement are as follows:<sup>38</sup>

1. Findings for Dade County are based upon a control group of small size (N = 34).
2. The Controls in Dade County were selected in the first year of implementation and compared to a participant group selected over a two year period.

<sup>35</sup>Bruce J. Cohen et al. Project Operation Midway, Final Evaluation-Phase II. Nassau County Probation Department, 1974, p. 177: Ibid, Supra note 17, p. 87.

<sup>36</sup>Mullen et al, p. 26.

<sup>37</sup>Ibid.

<sup>38</sup>Rovner-Pieczenik, pp. 83-84.

3. Operation Midway had no "non-participant" comparison group nor were stated comparisons based upon equivalent samples.
4. The existence of a number of unknown, uncontrolled variables like history, maturation, drop-out rate and the accuracy of recidivism information.<sup>39</sup>

#### YOUTH RELATED DIVERSION PROGRAMS

There are a number of diversion programs not yet addressed which are concerned exclusively with juvenile diversion (the focus of the current application).<sup>40</sup> In several of these projects, attempts are made to compare those juveniles who have penetrated the justice system to those who are diverted.

Operation Juvenile Intercept in Nassau County, New York originated August 1, 1975. The target population was all PINS cases received at Family Court Intake regardless of referral source. Every second case seen at intake was referred to the diversion program, while the remaining cases were processed in the traditional manner and served as the control group for the evaluation. Since cases were randomly assigned to the project, the initial interview was immediately conducted to determine which of the experimental cases were to go to petition. The criteria for referral to Family Court was:

- 1) The youth or petitioner demands formal court proceedings.
- 2) The child or parents refuse to work with the project staff on an informal basis.

<sup>39</sup>The Intensive Evaluation Unit intends to minimize these problems (1-4 above) through its sampling procedures (See: Sampling) and the use of the Maltz-McCleary "Success Rate Prediction Techniques" (See Time Frame/Staffing).

<sup>40</sup>Some of studies thus far reviewed include juvenile clients but are not excluded to juveniles.

- 3) The child shows suicidal or serious aggressive behavior.
- 4) The youth is missing at the time of application.
- 5) The child refuses to return to his home.<sup>41</sup>

The services provided by the Operation Juvenile Intercept Unit were short term (three months), intensive and community based treatment. A team of five probation counselors, a probation assistant and three aides used techniques of "team intervention" and "family centered intervention"<sup>42</sup> Case treatment methods to be used included:

- active use of field work, home visits, school visits, community contacts, etc.
- dynamic use of social group work techniques,
- extensive work in significant areas of the community to locate and help develop resources pertinent for case management.<sup>43</sup>

While the basic project concepts identified types of treatment strategies, the counselor roles needed clarification according to the evaluators. Some counselors favored the use of referral sources while others "tended toward the direct treatment role."<sup>44</sup>

Findings of the evaluation indicated that Intake cases received a significantly greater number of court dispositions (76.9%, N = 200) when compared to the diversion cases (47.2%, N = 136).<sup>45</sup> These figures were used to support the hypothesis that the "rate

<sup>41</sup>James Curran et al. Operation Juvenile Intercept Evaluation: Final Report. John Jay College of Criminal Justice, September 1977, p. 40.

<sup>42</sup>Ibid, p. 30.

<sup>43</sup>Ibid, p. 31.

<sup>44</sup>Ibid, p. 34.

<sup>45</sup>Ibid, p. 61.

of petition and re-entry for OJI clients will be significantly lower than the rate for Intake non-clients." In addition, the "non-reentry figures"<sup>46</sup> for the two groups were reported. Both were found to be very high: 83% for OJI and 71% of Intake cases. These proportions, however, were based upon all cases adjusted (N = 197, N = 92 respectively). Of those cases diverted, a portion for each group re-entered the system and then, some were again diverted. Thus, these figures are not representative of success since some diverted cases were counted twice and those that were failures initially were considered successes. This type of reporting of figures falls into the same type of trap earlier mentioned by Mullen et al: the comparison of outcomes of those who successfully completed the program against the remaining group:

The Pretrial Intervention concept poses a fundamental dilemma acutely reflected in the evaluation literature. The basic conflict is with the delivery of services to reduce recidivism...and the provision of a humane alternative for those not likely to recidivate. In practice, the former may become unintentionally or quite purposefully subordinate to the latter as defendants (or respondents) must pass a number of screening tests prior to admission. ...As these two goals have become confused so too have the outcome measures selected as evaluation criteria.<sup>47</sup>

If the rearrest (or reentry) rate is lower among program participants, this reduction is attributed to the program. But programs do not assume responsibility for their failures.

<sup>46</sup>Reentry was defined by the evaluators to mean "...that a case came again to the attention of the court, either for violation of the terms of the original disposition or for a new PINS or JD offense": Ibid, p. 60

<sup>47</sup>Mullen et al, pp. 29-30.

The Los Angeles County Sheriff's Department's Juvenile Referral and Resource Development Program was evaluated by Malcolm Klein.<sup>48</sup> The most minor juvenile offenders and the most serious offenders were excluded from the program. Youth (N = 306) were randomly assigned to four subgroups:

- 1) Request for court appearance without detention.
- 2) Counseling and release.
- 3) Referral to community agencies.
- 4) Referral with services.

Klein compared official rearrest rates with self-reported recidivism. His findings:

Those higher on self-report are higher on official simple (one offense) recidivism and those lower on self-report are lower on simple recidivism... However, those higher on self-report are not higher in multiple (two or more arrests) recidivism, nor are those lower on self-report lower on multiple recidivism...<sup>49</sup>

Klein reports that the difference in official and self-report data are not significant for the four sub-groupings in terms of simple recidivism. In addition, he states that the differences in multiple recidivism cannot be explained by the differences in the arrestable behaviors of youths.

<sup>48</sup>Dunford, et al, p. 5

<sup>49</sup>Ibid, Supra note p. 6: "Klein, 1975, pp. 46-47"

Petitioned youngsters are rearrested more often and released youngsters are arrested less often because of the adults -- the reporters and arresters -- rather than because of differences in arrestable behaviors. Labeling theories receive support here...<sup>50</sup>

In this evaluation, Klein has attempted to determine the effects of different service strategies upon different subgroups of participants. This attempt meets a criticism that Mullen raises:

Early diversion is best viewed as a multigoal process offering two scarce commodities -- nonprosecution and expensive...treatment services... Determining the impacts of one commodity independent of the other is a crucial measurement not yet reported in the evaluation literature.<sup>51</sup>

Before diversion programming can be effective Mullen states that it is necessary "...to determine the appropriate level and type of assistance required by different individuals."<sup>52</sup> But Klein's findings (which the author, himself regards as suspect because of methodological problems<sup>53</sup>) tell us that differing services do not effect differing levels of arrestable behavior rather:

...it is the status of being referred (to petition) rather than the level of service given which is associated with higher or lower rearrest rates...<sup>54</sup>

<sup>50</sup>Ibid; See also: "Labeling and Juvenile Diversion" for an expanded discussion of issues related to labeling.

<sup>51</sup>Mullen et al, p. 36.

<sup>52</sup>Ibid, p. 39

<sup>53</sup>Dunford et al, p. 5.

<sup>54</sup>Ibid, Supra note, p. 5: "Klein, 1975, pp. 39-40."

## Appendix II

### Statistical Analysis

All significant results of the various statistical analyses were presented at the appropriate points of discussion in the text. The purpose of this appendix is to present, for the overall data set and for each hypothesis, the means of analysis. The statistical tools used in an evaluation effort always amount to a "judgement call" on the part of the evaluation team. In the instant case, we have deliberately chosen a conservative course. This is primarily due to the questionable nature of juvenile data throughout New York State.

#### General Analysis

Following data cleaning procedures, a frequency distribution was produced on all 85 variables in our data set. This distribution served two purposes. It provided the basis for the creation of subfiles and the initial demographic presentation. Secondly, it allowed the examination of the data in preparation for further analysis.

The second major step in the general data analysis procedure involved the creation of subfiles (by county and program versus non-program subjects) and, through the use of the Statistical Package for the Social Sciences (SPSS) a BREAKDOWN run on key variables. The BREAKDOWN subprogram is a procedure for examining means and standard deviations of non-nominal dependent or identified criterion variables between the subfiles. Since randomization for the purposes of the evaluation was impossible, this procedure was used to test the overall comparability of the samples on nine variables, excluding outcome. Since a primary concern was the seriousness of the acts represented in the samples, BREAKDOWN was run with "disutility" as the criteria, examining the cases with reference to race, family income, type of charge, prior record, behavior problems, type of referral, and action at intake.

The next step in the general analysis was, again, exploratory in nature. In this instance, the evaluation team selected variables related to the hypotheses as well as all outcome variables (see test) and ran contingency tables (SPSS subprogram CROSSTABS) in an effort to both compare the subfiles and experimental/comparison groups, and to discover promising relationships for further analysis.

Once the descriptive and exploratory analyses were completed and the samples accurately profiled, the analysis and testing of the hypotheses were undertaken. Once again, the reader will observe that the more conservative procedures were used, the evaluation team being unwilling to proceed as though the basic assumptions of the more robust techniques were automatically met by this data base. This, of course, means that most, if not all, errors will cause a rejection of legitimate program success.



### The Tests of the Hypotheses

#### Hypothesis 1:

Those programs which clearly articulate program goals and selection criteria will be more successful than those in which such goals and criteria are less specified.

#### Testing Procedures:

As noted in the text, the programs' documentation was examined and the goals and criteria separately scaled. The ranked programs were compared on the outcome variables. A straight cross tabulation analysis was constructed between scale/rank order and outcome. This was followed by partial correlation between the same variables controlling for offense seriousness, time in system and services provided.

#### Yield:

The initial analysis supported the stated hypothesis but, as noted when the control variables were considered, the differences disappeared.

CROSSTABS	Eta = .47
PARTIAL CORR	r = .11

#### Hypothesis 2:

Diversion programs will have a greater success rate to the extent that the programs are distinct and separate from the probation intake unit.

#### Testing Procedures:

The same basic procedures used in the test of the first hypothesis were again used for the "distinct and separate" issue. A CROSSTABS analysis using the scaled programs (based on both programmatic and physical distinctions) and the outcome variables was conducted. This was followed by a partial correlation analysis controlling for goal specification, services and demographics.

#### Yield:

Once again, the initial CROSSTABS supported the contention of the hypothesis. The subsequent PARTIAL CORR procedure, however muddled the results.

CROSSTABS	Eta = .39
PARTIAL CORR	r = .17

#### Hypothesis 3:

The amount of time taken to process a juvenile case (JD or PINS) will be significantly shorter for diversion programs than for "traditional" probation intake procedures.

#### Testing Procedures:

Two separate analysis of variance (ANOVA) procedures were used to test this hypothesis. The time, in days, from complaint to case closing was compared for the diversion and intake groups (procedure 1). Second, the time, in days, from the initial interview to case closing (at preliminary procedure) was compared for the two groups. (Procedure 2)

#### Yield:

Procedure 1	Eta = .33
Procedure 2	Eta = .48

In each case, the associated explained variance F ratio was significant at  $p > .001$ . The problem, however, as noted in the text was that the expected relationship was reversed with the diversion clients in all sites spending significantly larger periods of time "in the system."

#### Hypothesis 4:

The amount of disutility addressed successfully will be proportionately greater for diversion programs than for "traditional" probation intake procedures.

#### Testing Procedures:

Disutility, the seriousness concept addressed in the text, was measured on an interval level scale. The findings presented



on pages 88 to 90 were obtained through the ANOVA procedure which yielded significant results for two individual counties and overall. A PARTIAL CORR analysis controlling for disutility of original offense was then conducted (page 88) which, once again, led to much less dramatic results.

#### Hypothesis 5:

Amount of penetration into the system by the client is reduced with the use of diversion programming.

#### Testing Procedures:

The analysis of variance (ANOVA) procedures used in Hypothesis 3 were again used here. In addition, an analysis of variance was conducted using number of contacts and groups membership (Procedure 3). Penetration was also examined in a series of CROSSTABS, using frequency of contacts, whether a petition was eventually filed, and whether an extension to 120 days was obtained (Procedures 4, 5, and 6). On each case the independent variable was group membership.

#### Yield:

ANOVA	Procedure 1	Eta = .33
ANOVA	Procedure 2	Eta = .48
ANOVA	Procedure 3	Eta = .67
CROSSTABS	Procedure 4	Eta = .16
CROSSTABS	Procedure 5	Phi = .33
CROSSTABS	Procedure 6	Uncert. Coeff. = .20

This hypothesis was the single most difficult to interpret, but is discussed fully on page 73 of the text.

#### Hypothesis 6:

The number of cases entering the system, their referral sources and their flow patterns will show significant change with the initiation of a diversion program.

#### Testing Procedures:

The primary test involved a t-test as discussed on page 74, used to determine the difference in petition rates over time (Procedure 1). Procedure 2 was a series of CROSSTABS which examined the offense characteristics, referral sources, and case

flow in Intake between the historical and current cases. Procedures 3 and 4 were used to examine number of cases over time.

#### Yield:

t-test Procedure 1  $t = -17.47$ ;  $n = 1197$ ;  
 $p = .002$

CROSSTABS	Procedure 2
a. Groups by Referral Source	Lambda = .21
b. Groups by Type of Charge	Phi = .19
c. Groups by Adjustment	Eta = .43
d. Groups by Referrals	Lambda = .94

Trend Analysis/CROSSTAB Procedure 3 - Separate trend analyses (regression) were conducted for the groups, overtime. The results were then cross tabulated.

Procedure 4 - Using the trend analysis result for the diversion group as the expected value, an analysis of variance was conducted. Eta = .09. As noted, based on these findings, there could be no rejection of the null.

#### Hypothesis 7:

The existence of diversion program will lead to a decrease in the adjusted adjudication rate.

Not tested: see text, p.61.

#### Hypothesis 8:

Diversion programs will evidence a higher success rate the earlier the decision to divert is made.

#### Testing Procedures:

The hypothesis was tested in three separate ways; CROSSTABS, Analysis of Variance and partial correlation. The cross tabulations examined official disutility (Procedure 1) and number of recidivism acts (Procedure 2) by the time from opening to diversion, subfiling by county. The analysis of variance examined disutility in terms of the same time factors (Procedure 3). The partial correlation

**CONTINUED**

**2 OF 3**

looked at the same factors with no subfiles (Procedures 4 and 5).

Yield:

CROSSTABS	Procedure 1	v = .14 - .34
	Procedure 2	v = .06 - .18
ANOVA	Procedure 3	Eta = .04
PARTIAL CORR	Procedure 4	r = .04
	Procedure 5	r = .09

Thus, we are left with no significant results but only the suggestive findings discussed in the text.

Hypothesis 9:

The use of diversion, as an alternative to traditional processing will lead, for any given client, to reduced future contact with the justice system.

Testing Procedures:

The hypothesis was tested in two ANOVA procedures examining amount of disutility and number of acts in experimental and comparison groups. Additionally, a CROSSTABS was run between group membership and number of acts.

Yield:

ANOVA	Procedure 1	Eta = .14
ANOVA	Procedure 2	Eta = .08
CROSSTABS	Procedure 3	Unc. Coef. = .03

Also, see Text, pp. 90-92.

Hypothesis 10:

In a follow-up period, diverted clients are more likely than traditionally processed youth to exhibit improved behavior patterns (i.e., socially acceptable, non-prescribed behavior).

Testing Procedures:

A cross tabulation analysis was performed using self reported disutility and group membership. The Chi-Squared analysis was not significant.

Yield:

CROSSTABS	Procedure 1	Eta = .05
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Hypothesis 11:

Success of the client in the diversion program will vary with certain client characteristics.

Testing Procedures:

Discriminant Analysis; see text pp 97-99.

Hypothesis 12:

In a follow-up period, diverted youth will exhibit improved attitudes toward normative values than will clients processed without diversion.

Testing Procedures:

A Difference of Means Test was conducted on Normative Values and Self Esteem scores from three separate questionnaire administrations (see test, pp. 97,98).

Yield:

The values of "t" on all dimensions of the questionnaires ranged between 1.12 and 1.58, insufficient in all cases for rejection of the null hypothesis.

Hypothesis 13:

Those diversion programs which emphasize community treatment will have greater success rates than those which rely on "in-house" counseling and adjustment.

Testing Procedures:

A series of CROSSTABS were performed, each examining outcome and County (i.e. program), controlling for referrals in six areas: Individual counselling, family counselling, health, education, employment, and miscellaneous services. As noted in the text, the numbers were too small to provide reliable figures.

Yield:

The low "n" left too many empty cells in the controlled analysis for useful results to be presented.

Hypothesis 14:

Those programs which offer client services will have a higher rate of success than those programs with less services.

Testing Procedures:

A correlation analysis was conducted matching Success Index scores to number of interventions.

Yield:

Procedure 1

$r = -.39$  (n.s.)

Hypothesis 15:

Diversion programming is more likely than traditional intake processing to be able to meet the client's individual treatment needs.

Testing Procedures:

See text, page 102.

Hypothesis 16:

Use of the diversion programs by probation departments will lead to significant cost savings when compared to "traditional" probation intake procedures.

Testing Procedures:

See text, pages 102-115.

Appendix III

Study of Self Esteem

and

Normative Values

in

Troy, New York

-1-

The Enlarged City School District of Troy participated in a pretest survey, as requested by the New York State Division of Probation.

The instruments pretested: The Self-Esteem Index, the Normative Value Scale and the Behavior Rating Form are attached for your review. The first two are attitude measures and the latter provides an appraisal of behaviors associated with self-esteem. The purpose of the pretest was two-fold: 1) to determine the reliability of the questionnaire when administered to a sample of normal boys and girls in the same jurisdiction as the probation clients to be tested and 2) to construct base data for comparison to the juvenile probation sample.

Method:

A selection of 59 students was chosen as follows:

- a. Grade 6 - School #2 . . . . . 13 students
- b. Grade 8 - Middle School . . . . . 17 students
- c. Grade 10 - High School . . . . . 21 students

The self-esteem/normative value questionnaire was completed by each student and forwarded to the Division of Probation. Division staff scored the test and returned case numbers of a subset of students who ranked in the low, medium and high self-esteem levels. In turn, teachers of the students completed a behavior rating form for each identified student. For grades 8 and 10, two raters completed a form for each student, to determine if ratings changed based upon type of contact the rater had with the student.

# General Findings - Self Esteem Inventory:<sup>1</sup>

The 58 item scale measures evaluative attitudes toward the self in social, academic, family and personal areas of experience. Eight items are incorporated as a "lie scale" to assess extremely socialized response sets. The 50 esteem items are thus scored on a basis of 100 points. If five or more "lie questions" were inappropriately answered the student responses were dropped from the pretest. Six cases were dropped due to the lie factor.

Table 1 compares Troy School Data to the original Coopersmith findings and a selection of Rensselaer County Probation clients. As can be seen from the table, the average scores for each of the three samples are similarly distributed in the direction of high self esteem. However, the Troy School sample ranks the highest in self esteem scores of the three samples ( $\bar{x}$  = 86, overall) and the probation sample ranks the lowest of the three sites ( $\bar{x}$  = 80.5 overall).

<sup>1</sup>The Self Esteem Inventory was developed by Stanley Coopersmith (The Antecedents of Self Esteem, W. H. Freeman, 1967) and administered originally to 87 fifth and sixth grade school children. The inventory has been administered to over 40,000 children and adults in the last ten years. For further information, please contact the Division of Probation staff.

TABLE I

SAMPLE/SITE	CATEGORY	TOTAL NUMBER	RANGE	MEAN	S.D.	MEDIAN	MODE
Enlarged City School District of Troy	All	51	63 - 97	86	6.55	85.6	83
	Males	22	63 - 93	84	7.0		
	Females	29	69 - 97	87	6.06		
	Grade 6	13	73 - 95	85	5.86		
	Grade 8	17	63 - 93	84	6.9		
	Grade 10	21	69 - 97	87	6.3		
Rensselaer County Probation Department	All	33	66 - 97	80.5	8.9	79.6	89
	Males	21	66 - 94	83	8.68	87	89
	Females	12	67 - 97	77.5	5.9	75	75,80
	Grade 6	3	75 - 83	79.3	3.3	80	--
	Grade 8	21	67 - 97	80.7	9.4	79	79
	Grade 10	7	66 - 91	83	8.5	87	91
Coopersmith School Children (Original Sample)	All	87	40 - 100	82.3	11.6		
	Males	44		81.3	12.2		
	Females	43		83.3	16.7		

The range of scores is greatest at Grade 8 level for both of the Rensselaer County samples. A difference of means tests shows that there is no significant difference in self esteem scores between the two samples of normal school students ( $z$  - 2.4 not sig.). However, there is a significant difference between the Rensselaer County students and the Rensselaer County probation clients ( $z$  = 3.05 sig. > .01).

Initial findings<sup>2</sup> then, show that the distribution of the test results are consistent when administered to school students in different locations and at different times (Coopersmith reports

<sup>2</sup>Due to small sample sizes, at this point in data collection, all findings should be interpreted with caution.

acceptable test - retest reliability factors of .88 - same sample five weeks later and .70 different sample three years later). In addition, initial probation data shows that the self esteem of juvenile probation clients is significantly lower than the self esteem of comparably aged students living in the same jurisdiction.

Figures 1, 2, and 3 graphically present the self esteem scores for high, medium and low esteem groups. Figure 1, the Troy school sample presents the five dimensions: self, activities, peers, parents and school identified in the 50 item Self Esteem Inventory. Figure 2 presents comparable probation data. In both samples, peer influence is the highest contributor of esteem and school is the lowest contributor. The rank order for each sample by grand mean are as follows:

School Sample		Probation Sample	
Peers	87.6%	Peers	86.6%
Activities, Self	87%	Self	81%
Parents	86.6%	Parents	79.3%
School	75%	Activities	78%
		School	74%

Please note that the highest and lowest contributors are almost identical for both samples, however; for the probation cases, support systems other than peers and school are considerably less important than for the school children. For example, in the school sample parents and peers both have a comparable degree of influence; in the probation sample there is a 7% difference in the client's perception of importance.

Figure 3 presents the sample profiles of high, medium and low self-esteem for graphic comparison. The point most dramatically made by this graph is that while low, medium and high esteem levels are fairly consistently across the school sample, the low esteem

probation cases are distinctively and consistently lower than all other subgroups.<sup>3</sup>

#### General Findings: Self Esteem as Related to Behavior

Scores of Troy students' self-esteem were ranked from lowest (63) to highest (97) and separated into the four quartile ranges. In turn, a sampling from each grade level was chosen as representative of students with low, medium and high self-esteem levels. Behavior ratings prepared by selected teachers were then scored and correlated to the esteem scores. Two raters were chosen for each student so that an estimate of cross rater reliability could be established. The correlation between the ratings of the teachers for sampled youths was relatively strong ( $r^2 = .53$ ). It was concluded, therefore, that the behavior of the students was being consistently evaluated. However, there was no significant difference in behavior ratings when compared to groups of low, medium and high self-esteem scores ( $r^2 = .06$ ).

Correlations of self-esteem and behavior rating scores were additionally computed when controlling for grade levels and sex. The correlations were as follows:

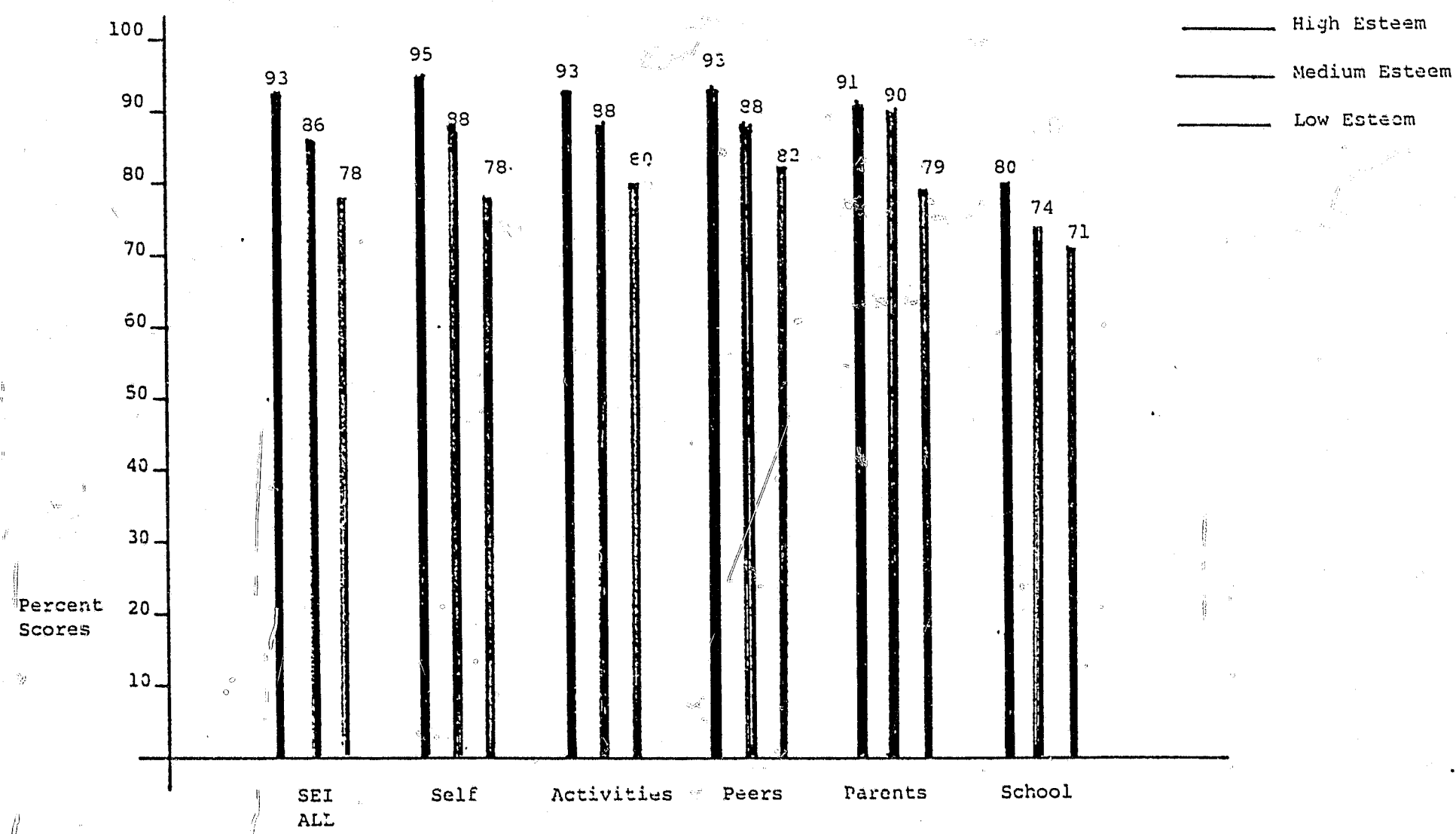
Grade 6	N = 4	$r^2 = +.98$ sig. $> .01$
Grade 8	N = 6	$r^2 = +.16$
Grade 10	N = 5	$r^2 = -.01$
Males	N = 7	$r^2 = .15$
Females	N = 8	$r^2 = .01$

Only the grade 6 grouping show a significant relationship between self-esteem level and behavior i.e. as the self-esteem level increases, so does the observed behavior pattern of the youth. The sample, however, was too small to be a truly valid indicator of esteem as related to behavior.

<sup>3</sup> Statistical correlations and tests for significance will be calculated on all initial findings with larger samples at completion of data collection. These findings are simple descriptions of apparent trends.



Rensselaer County School Sample  
Self-Esteem Levels by Support System



Rensselaer County Probation Sample  
Self-Esteem Levels by Support System

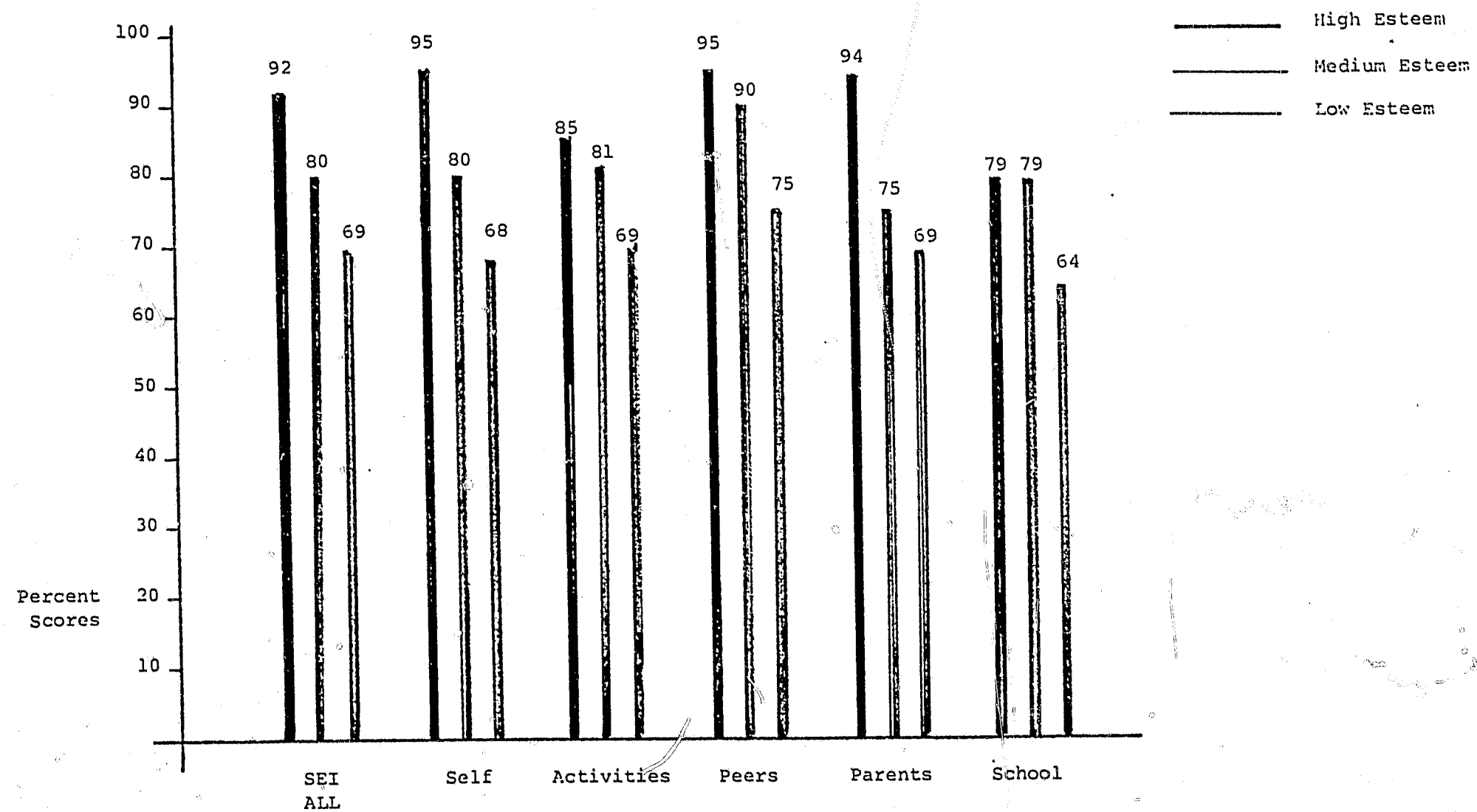
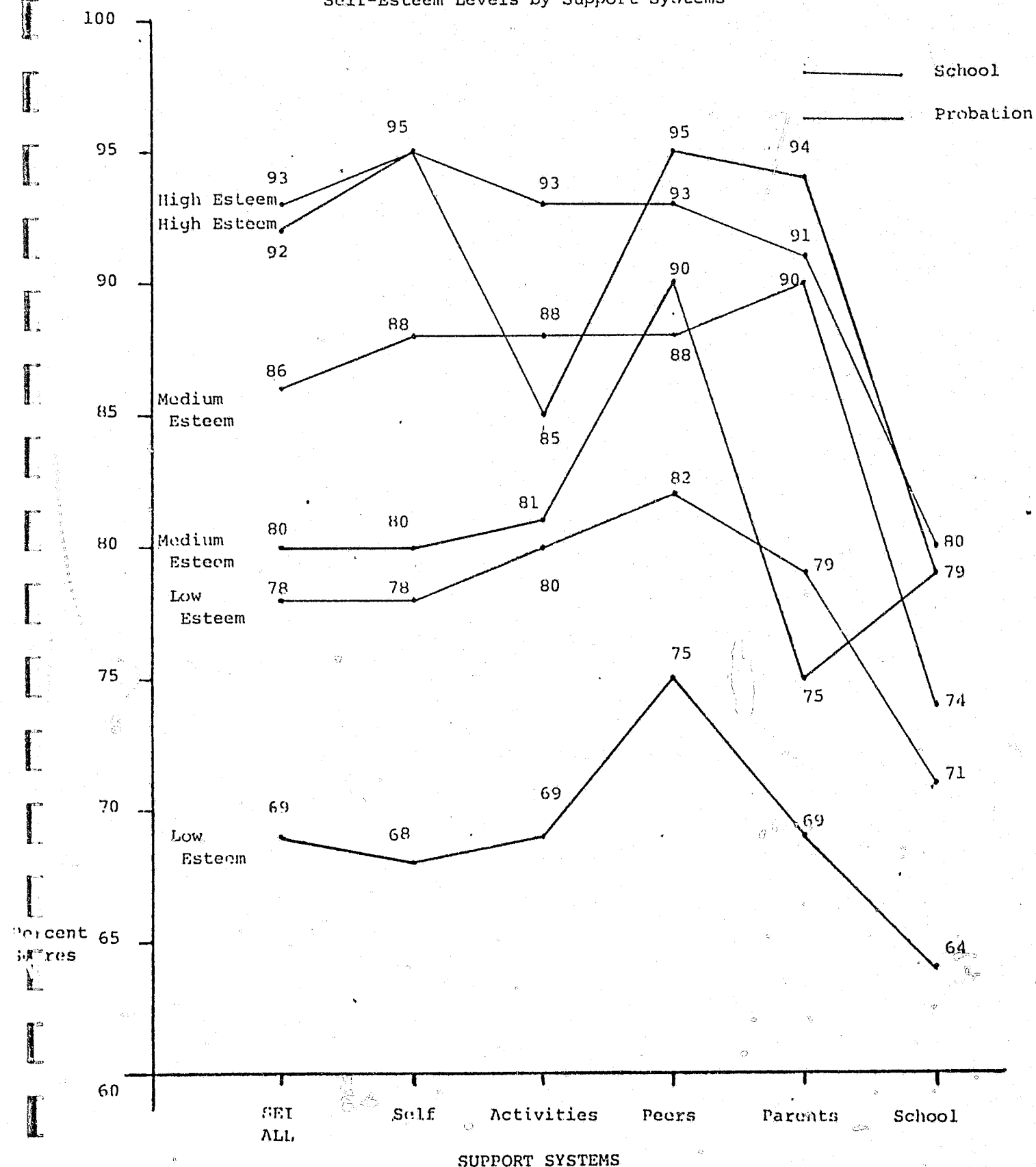


Figure 3

Comparison

of the Rensselaer County School Sample and Probation Sample  
Self-Esteem Levels by Support Systems



General Findings: The Normative Values Scale

The Normative Value Scale is intended to examine probation clients' attitude toward more conventional belief systems like hard work, the worth of formal education or deferred gratification. The scale itself includes goal statements that test adherence to three different value orientations: questions 1-15 -- universal goals, questions 16-21 -- lower class values and questions 22-30 -- middle class values. Student respondents from the Troy system were asked to complete this questionnaire in the pretest along with the Self-Esteem Inventory. The results were used:

- 1) to determine the internal reliability of the questionnaire (Was the test a precise measure?)
- 2) to determine the type of relationships that existed among response sets to universal, lower and middle class goal statements
- 3) to determine if there was any relationship between normative values and self-esteem levels.

To determine the internal reliability of the scales, the Spearman Brown Split Halves test was administered. These calculations showed a strong positive relationship between a 50% subset of questions and the remaining half ( $r_{11} = .75$ ). Due to this finding, the questionnaire has been shortened to half its length, to include a representation of universal, lower and middle class goal statements.

To determine the validity of the scale a series of correlations were run between:

- Universal Goals (Norm 1) and Lower Class Goals (Norm 2)
- Lower Class Goals (Norm 2) and Middle Class Goals (Norm 3)
- and Universal Goals (Norm 1) and Middle Class Goals (Norm 3)

The results obtained:

Norm 1                  Norm 2  
r = +.296 sig. .05  
r<sup>2</sup> = +.087

Norm 2                  Norm 3  
r = +.295 sig. .05  
r<sup>2</sup> = +.087

Norm 1                  Norm 3  
r = +.679 sig. .01  
r<sup>2</sup> = +.449

The data support a fairly strong and significant relationship between universal and middle class goal orientations. However, any other relationships were minimal.

To determine differences in goal orientation between the school sample and the probation sample a difference of means test was calculated. The results show no significant differences in universal goal orientations ( $z=.359$ , not significant), lower class goal orientation ( $z=.359$ , not significant).

The results related to normative values are generally inconclusive. In sum, our present data does not support that concept that lower class value orientations, in and of themselves, can effect delinquent behavior. However, contact with the probation system may effect a lowering of self esteem.

**END**