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PROGRAM EVALUATION OF THE  
KITCHENER-WATERLOO DIVERSION PROGRAMME

By

EDWARD DANIEL DUBAS

B.A. Wilfrid Laurier University, 1977

THESIS

Submitted in partial fulfilment of the requirements  
for the Master of Arts degree  
Wilfrid Laurier University

1981

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"Diversion is like religion, if you believe it, you don't need an explanation; if you don't believe it, no justification can be given".

(T.L. Doherty, 1979)

## Abstract

The research describes the operation of the Kitchener-Waterloo Diversion Program and by using the Gibbon, Lebowitz and Blake (1976) evaluation model the program was evaluated relative to its six objectives. Diversion is defined as any pre-trial, post-charge intervention model which deals with juvenile charges outside the traditional juvenile justice system (Solicitor General of Canada, 1978).

Data were collected from systematic observations of the diversion meetings, interviews with participants, victims and lawyers regarding their perceptions of diversion, and the examination of police, court and diversion records.

Results indicate that the eligibility criteria were being met and that the intended target population was being served. Diversion is recognized and accepted by the court, police and community as an alternative to juvenile court. The diversion meetings were informal and they were focussed on the act for which the charge was laid. The program adopted an intervention approach and "treatment" was often ordered as a term of diversion. Intervention to promote reconciliation, settlement or compromise has been going on for all cases and by allowing the youths to be actively involved in the negotiation of the diversion agreements, offenders view the terms as just and equitable. The provision of diversion has reduced the number of juveniles appearing in court. The community,

especially the victims, have played a minimal role and appear to have little knowledge of the diversion program. Two unanticipated consequences were also investigated. Lawyers viewed diversion as more attractive than juvenile court in that there was more flexibility and available time with their clients. The introduction of diversion has not increased the number of charges laid by the police.

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## Introduction

Adolescence, in North American society, is a time in life when young persons are leaving the child's world and its special dispensations and are moving into the adult world. Though not yet allowed the privileges of adulthood which permit them to make crucial life decisions, adolescents are concerned about who they are and what they are going to be. This process of finding their place in society represents an exciting but potentially frustrating and confusing period. Those who find it most difficult may find themselves in conflict with society and consequently sometimes become involved with the correctional system. Often society's answer has been to resort to the "power of the court".

Juvenile courts are expected to preserve the institution of law, to enhance the legitimate interest of the children that come before it and at the same time serve the welfare of the community while protecting public order. However, over the years it has come under the scrutiny of many critics both from within and without. Sociologists (Lemert, 1971; Skoler, 1974) suggest that juvenile court may contribute to delinquency by imposing the stigma of labeling, wardship, unnecessary detention and institutionalization if incarcerated. Consequently new approaches such as diversion have been introduced to replace the

traditional adversary process. Diversion is defined as any pre-trial, post-charge intervention model designed to deal with juvenile offenders outside the juvenile justice system (Solicitor General of Canada, 1978).

### Emergence of Diversion

It is increasingly recognized (Calhoun, 1975) that crime has social roots and sentencing policies must take into account not only the offender but the community and the victim as well. There is presently an attitude of restraint in the use of the criminal law; in that an onus is placed on officials to show why the next more severe step should be taken. There is also a growing indication that there is much value in providing mechanisms whereby society and its offenders are given the opportunity to find their own solutions rather than having the state impose a judgement in every case.

In 1967, the United States' President's Commission on Law Enforcement and Administration of Justice recommended establishment of alternatives to the system of juvenile justice.

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

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

The range of conduct for which court intervention is authorized should be narrowed, with greater emphasis upon consensual and informal means of meeting the problems of difficult children (U.S. Task Force Report, 1967).

Following these recommendations, diversion emerged as a national reform strategy for delinquency prevention and control in the United States. Diversion meant terminating youth contacts with formal juvenile justice agencies through referral to non-system agencies (U.S. Task Force Report, 1967). As envisioned by the President's Commission, the operation of diversion was to result in a narrowing of juvenile court jurisdiction to only those cases of "manifest danger" with the bulk of troubled youth being diverted into neighbourhood youth servicing agencies. The primary function of diversion was to provide individually tailored services for youth at the earliest stage of behaviour problems while minimizing penetration into the formal juvenile court process.

To better understand the underlying foundation of diversion, it is beneficial to reflect on three theories. The first is the effect of "labeling", as supported by Ward (1971) and Wellford (1975). The basic contention of labeling theory is that individuals stigmatized as delinquent become what they are said to be. They are forced out of interaction with the value system of non-delinquents and shunted into association with juveniles similarly labeled.



It should be noted, however, that Ward and Wellford do not contend that the effects of labeling immediately produce an incorrigible criminal or a completely negative self image. Rather, the behaviour pattern and self image of the habitual criminal are seen as developing "in orderly sequence", i.e. progressing with each successive criminal act toward the behaviour pattern of a habitual criminal.

The second theoretical justification for diversion stems from the differential association theory, as developed by Sutherland (1970). This theory holds that individuals engage in delinquent behaviour because they experience an overabundance of interactions, associations, and reinforcements with behaviour patterns favourable to delinquency. Underlying diversion practices is the notion that "naive" or "potential" delinquents should not be cast into interaction with more experienced ones.

The concept of reintegration is the third theoretical framework. Lemert (1951) viewed the criminal as analogous to the mentally ill patient; the one suffers from a disease of the social conscience and the other suffers from a disease of the mind. Rehabilitation implied that prisons became hospitals, crimes became diseases and criminals ceased to be the authors of their own acts. On the other hand, the reintegration model (Birns, 1976) involves less concern with the specific cause of the individual criminal

act. Rather, emphasis is placed on assisting the individual to meet his most basic needs and thereby increase his ability to function in society. This approach places more responsibility on the offender. It sees him as an active rather than as a passive participant in the correction process. It rejects the assumption that the criminal is somehow "sick" and a "treatment plan" must be developed for him.

Diversion avoids labeling by the absence of an official record, minimizes association between pre-delinquents and "hard core" delinquents and increases the youth's self worth by allowing him to participate in the problem solving process.

Two additional theories often cited to justify diversion are learning theory, and conflict resolution. Taking many of the principles implied in learning theory, Gent (1979) suggests that a young offender will learn more from the judicial experience if: 1. the sanction is administered as soon as possible after the commission of an offence; 2. it is related to the offence in a logical and fair manner; 3. the process allows the offender to identify with the victim in a meaningful fashion; and 4. the young offender actively participates in the negotiation of the sanction. Diversion, because it is quickly initiated and requires the offender to participate in the negotiation of the diversion agreement, is more likely to meet these criteria than a drawnout court process which often occurs after

a lengthy delay. Conflict resolution (Singer, 1971; Grant, 1979) assumes that methods of resolving conflicts in a community are as important to a society as the abstract notion of justice represented by the courts. The promotion of a process of conciliation/negotiation within diversion is considered to be more effective in dealing with problematic behaviour and less hostility-provoking than the traditional adversarial approaches used in the courts.

### Canadian Diversion

Although most of the experimentation concerning diversion was undertaken in the United States, its potential was appreciated by the Canadian government two years before the U.S. President's Commission of 1967.

In 1965 the Juvenile Justice Committee in Canada issued a report on juvenile delinquency which recognized the need for changes in legislation and court practices, recommending the following: 1. Change in the name of the Juvenile Delinquents Act to Children's and Young Persons Act; 2. Abandonment of the term "juvenile delinquent" in favour of "violinator" or "child offender"; 3. Legal provision for informal dispositions subject to precise legal control; 4. New alternative methods of disposition available to the court.

Following the above report, the Young Offenders Act (Bill C-192) was introduced in the House of Commons on November 16th, 1970 but was not enacted. In 1973 the Honour-

able Warren Allmand, the Solicitor General of Canada, established a committee to undertake a review of the developments that had taken place in the field since Bill C-192. The findings of this review led to the presentation of a report on proposals for new legislation to replace the Juvenile Delinquents Act. Based on the recommendations of this report, there was an effort to develop a series of models for diverting youths away from juvenile court and thus the concept of diversion was endorsed. In June of 1974, the Canadian Federal-Provincial Committee of Deputy Ministers responsible for Corrections decided to further explore diversion and to examine operational implications for Canada as a whole. Subsequently, the responsibility for stimulating further experimentation was delegated to the Consultation Centre of the Solicitor General's Department. One of the tasks of the Consultation Centre was to clarify the definitional problems of diversion. The term diversion has been applied to a wide variety of programs and approaches ranging from delinquency prevention to disposition alternatives. It has been so loosely defined that diversion has come to refer to almost any unofficial response to the problematic behaviour of young people. Consequently, it was proposed by the Solicitor General's Office, that diversion should only refer to pre-trial intervention for the following reasons: 1. the laying of a charge and appearance in court are both discrete

events, making this stage of intervention easy to identify and monitor; 2. the requirement that a person be charged ensures that there is sufficient evidence for official processing to occur, thereby reducing the potential for abuse; 3. the laying of a charge provides a clear baseline against which changes in police screening practices can be measured. (Solicitor General of Canada, 1978).

The first pre-trial diversion project in Ontario was the Kingston-Frontenac Program which has been co-funded by the Ontario government and the Solicitor General of Canada since 1975. The Frontenac Program adopted a non-intervention approach focusing on the nature of the offence rather than the "needs" of the offender in determining the diversion agreements.

The operational implications of diversion were explored at the First National Conference on Diversion in Canada, held at Quebec City in October, 1977. Although the conference provided participants the opportunity to share their experiences, it failed to result in agreement on a definition of diversion. The only operational definition proposed was the following:

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

A Canadian Concept and Practice, 1977, Solicitor General's Department).

The Second National Conference on Diversion was held at Montebello, Quebec on November 7-10, 1978. The primary purpose of this workshop was to study mediation skills.

Presently, there is no legislation on diversion that has been approved by parliament. The entire area of diversion in Canada may be viewed as still being in the process of experimentation and proposals. The close co-operation between the Consultation Centre of the Solicitor General's Department and the Criminal Law Reform Committee of the Department of Justice has resulted in a more consistent approach and is, as well, accelerating the development of new proposals. This process should be further assisted by the appointment of a National Consultant on Diversion in 1979 within the Consultation Centre of the Solicitor General. The role of this office is to facilitate the exchange of current information amongst individuals and groups interested in both the conceptual and practical issues of diversion.

#### Waterloo Region Diversion Program

The original request for diversion in the Waterloo Region was made to Mr. S. Mounsey, then Regional Director of Probation and Aftercare Services, by his Honour Judge R.H. Fair. In July of 1976, Mr. Brad Archer, Probation/Aftercare Officer, was assigned the task of developing a diver-

sion program to meet the needs of the region.

From July, 1976 to February, 1977 various models were examined and the judiciary, police, and various concerned segments of the community were consulted. The now functioning pre-trial model commenced in February, 1977 (Appendix A).

The program operates with two diversion committees which are responsible for the drawing up of the terms of diversion, implementation, and followup. Each committee functions with two community volunteers, a legal aid lawyer, and a probation/aftercare officer who acts as chairman for both committees. One committee covers the Kitchener-Waterloo area (Waterloo Region "north of Highway 401") and one covers Cambridge (Waterloo Region "south of Highway 401").

The diversion program aims to promote a sense of responsibility in the young offenders, their families, and the community for dealing with delinquent acts without reliance on the criminal justice system. The agreements reached are designed to help the young offenders understand the consequences of their actions and the importance attached to resolving the problem. Thus the youths should gain a sense of satisfaction in making good for the harm, inconvenience and/or damages resulting from their actions. The families and community will also benefit by having a better understanding of the justice system and by gaining satisfaction from resolving the problem.

The defined target group, as outlined by the diversion committee, are youths, both male and female, under age sixteen, who are charged with a criminal offence but have not been found delinquent within the last two years. Additional prerequisites are that the youth has not participated unsuccessfully in the diversion program within that period and the offence has not involved serious injury or a charge of truancy.

One of the major criticisms of diversion (Harlow, 1970) is that the protections which are present in the judicial system to ensure the rights of the individual, may not exist once the offender has been "diverted" from the system. Since diversion is offered as an alternative to the court process, it should afford a young offender protections similar to those available from the courts. The Law Reform Commission of Canada (1979) has observed that "it is not the offering of choices to the accused that arouses concerns, but the offering of choices under oppressive or unconscionable circumstances". Rather than being an argument against diversion, this observation stresses the need to develop safeguarding mechanisms to protect the rights of the young offender. Below are listed the essential elements of such a safeguarding mechanism, which are utilized in the Waterloo Region Diversion Program:

1. The decision to voluntarily enter the diversion program is the young offender's and prior to making a decision he/she is fully informed of (a) the right to legal counsel;



(b) the nature of the diversion program; (c) the possible consequences in the event of failure to complete; (d) the fact that charges will not be proceeded with during the term of the agreement; (e) the recommendation that charges be dropped after successful completion; and (f) the policy regarding the release of records.

2. A written diversion agreement is given to each juvenile informing him/her of the terms, including duration, possible consequences upon default, and completion criteria.

3. The criteria for eligibility for diversion is offence related, pre-determined, written and publicly available.

4. Legal counsel is provided to the youth to explain the legal and practical implications of diversion and to decide whether or not juvenile court might be an appropriate avenue.

5. Should a young offender be remanded to the court process (for reasons of voluntary withdrawal, failure to complete the terms of diversion, or conviction of subsequent offence), information about previous participation in the diversion program is not made known to the judge until the disposition stage so as not to prejudice the case.

On the meeting day, the juvenile and family meet with a legal aid lawyer who advises them on the legal and practical implications of the diversion program. The voluntary component is emphasized and if the youth decides to proceed, a statement of responsibility is signed by the juvenile and is witnessed by the parent(s) acknowledging responsibility

for the delinquent act. Then the juvenile, the parent(s), and the lawyer meet with the committee and discuss the offence and its mitigating circumstances. The committee has a limited number of diversion terms which may be suggested, ranging from a warning to voluntary probation. If an agreement can be reached, the terms are outlined on a Statement of Agreement form, signed by the youth and the chairman. The maximum duration of a diversion agreement is six months. When the agreement has been completed, the committee will recommend to the police (acting as agents of the Crown Attorney) that the charge be withdrawn. If agreement on a plan cannot be reached or if the terms of diversion are breached, the committee will refer the case to juvenile court for adjudication.

The objectives of the program are: 1. to reduce the number of young people appearing in juvenile court by providing pre-trial diversion; 2. to offer a formalized process as an alternative to further penetration of the criminal justice system and the resultant record; 3. to provide informal dealings, focusing on the act for which the charge is laid; 4. to maximize problem solving and conciliation between the offender and the victim and/or community in a way that is just and equitable for all; 5. to promote a sense of responsibility in the community and in the offender for dealing with the problem of delinquency through direct in-

volvement; 6. to offer treatment for personal, family or other problems on a voluntary basis; and 7. to reduce the recidivism rate among young people. (Appendix A).

### Evaluation of Diversion Programs

The importance of researching and evaluating diversion programs is obvious if it is to be said with any assurance that the program is progressing and not just having motion mistaken for progress. As Paul Nejelski (1976) has noted: "Unless diversion is adequately tested and verified, it may be merely a placebo that helps the system struggle through another decade".

Since 1975, the California Youth Authority in the United States has been conducting an evaluation of fifteen local California diversion projects (Caplan, 1977). The evaluation has focused upon the following three questions: 1. To what extent do the programs divert clients from the traditional justice system? 2. What are the cost savings resulting from the programs? 3. Are the programs more effective than the justice system in reducing the delinquency of youth?

The evaluation also distinguishes "diversion clients" from "prevention clients". Diversion clients are defined as those who would have been processed further into the justice system if the diversion programs had not been avail-

able. Prevention clients are defined as those who would not have been subject to imminent justice processing, but were provided diversion services to prevent their future delinquency.

This study yielded the following findings: 1. On an average, less than fifty percent of the total diversion program clients were diversion clients, the remaining were prevention clients; 2. The average diversion client cost was \$195.00. The average cost that would have been incurred for the diversion client in the justice system was \$269.00. However, because of the large proportion of prevention clients in the diversion programs, the overall costs significantly exceed the justice system costs that would have been incurred by the diversion clients; 3. Diversion does not appear to have a more effective impact upon subsequent youth behaviour than justice processing.

A study undertaken by Fishman (1977) on the recidivism rate of participants in diversion programs concluded that forty-one percent of diversion participants were re-arrested during the twelve months after diversion entry.

Research by Rutherford and McDermott (1976) has also borne out the claim that diversion programs do not reduce recidivism rates among juvenile offenders. Findings indicate that where there is a reduction in recidivism rates, it is due less to the nature of the diversion program than

to the fact that the young offenders who were diverted were the "best risk" cases.

A paper prepared by Kirby (1978) presents an overview of major research in diversion published since 1974, including evaluation studies. The paper concluded that, for the following reasons, meaningful conclusions are still impossible; the lack of empirically verified results, the ambiguity and diversity of diversion programs, a frequent lack of clearly specified goals, small sample numbers, and the lack of adequate or appropriate control groups.

Even though the findings have not always been clear-cut, several important trends have been identified. There is evidence (Bullington, Sprouls, Katkin, & Phillips, 1978; Gibbon & Blake, 1976; Zimring, 1974) to suggest that, contrary to their stated policies, diversion projects in the United States have tended to deal with young offenders whose behaviour is not serious enough to warrant official processing. In an attempt to appear "successful" and to please funders and get satisfactory evaluations, many diversion programs have focused on the best risk cases, that is, those young offenders who would normally have been warned by the police and sent home. This practice has resulted in a "widening of the net" because it increases the contact between the juvenile justice system and juveniles who would ordinarily have been informally screened.

In Canada, operationalization of diversion and experi-

mentation with the concept is taking place within existing judicial legislation. Caution is being used in developing more legislation until the need is clearly demonstrated. As evaluation data begins to become available, it should provide material for a firmer resolution of the specific guidelines and help highlight new legislation and administrative procedures.

Although there is a great deal of descriptive and theoretical material on diversion, there have been only two evaluative research studies of Canadian diversion programs. A study of the Windsor Diversion Project (Lajeunesse, 1976) focused on the perceptions and attitudes of 50 young offenders who had participated in the diversion program. Most of the respondents indicated that they had chosen diversion because of their fear of the court process and the possibility of a record. A significant majority also stated that the diversion program had provided them with a means for solving their problems. Diversion was perceived by a number of the respondents to be less traumatic and punitive than appearance in court. The researchers point out, however, that few of the young offenders had had any experience with the court process, which might account for this response.

A two year study of the Kingston-Frontenac Diversion Program has recently been completed (West & Morton, 1980). The researchers observed that diversion may be just as

stigmatizing and threatening as the court process for the young offender. They argued that formal adjudication of delinquency, from the perspective of the juvenile, is likely not significantly different from the equally trying experience with a diversion committee. Furthermore, they pointed out that a number of the young offenders who had been interviewed had remarked on how court-like the committee was.

In general, the research that has been done on diversion has been methodologically weak. Moyer et al. (1975) note that most evaluations of diversion have failed to deal adequately with various stages or steps of evaluation research: 1. determining program objectives; 2. describing operations of the program; 3. measurement of effects; 4. detecting unanticipated consequences.

Some of the basic issues in program evaluation have been discussed by Gibbon, Lebowitz, & Blake (1976). The first requirement in attempting to evaluate established intervention programs is to define the goals. Program managers often do not have a clear idea of precisely what is being attempted by the program they administer. In these cases, the definitional problem centers on uncovering: 1. the image of the offender around which the program is built; 2. the intervention tactic(s) being employed with the clients; 3. the expected outcome of the program. Once these matters have been explicated, evaluation research attempts answers to three basic questions designated as

effectiveness, efficiency, and impact evaluation.

Effectiveness evaluation is concerned with several related factors: whether the program was directed at the target population for which it was intended; the ease with which the program obtained access to target clients; and, obstacles to inauguration of the program with appropriate clients. "Did the intended target population look like what you thought they would?" (Gibbon et al., 1976).

Efficiency evaluation studies the frequency and quality of service delivery and deals with the extent to which the processes, activities, and strategems of intervention were actually implemented. "In terms of the procedure, are you doing what you say you are?" (Gibbon et al., 1976).

Impact evaluation focuses on the achievement of the intended ends or consequences of intervention. "What is the outcome of the program?" (Gibbon et al., 1976).

#### Purpose of Present Study

The purpose of the present study was to examine the operation of the Kitchener-Waterloo Diversion Program relative to its seven stated objectives. The objective concerning reducing the recidivism rate among young offenders was not examined due to time constraints and the inability of the committee members to operationalize the term recidivism. Therefore, one of the possible outcomes of the program was not investigated.

According to diversion committee members, the immediate short-term goal of diversion was to effectively provide a



formalized program recognized by the court, police, and community as an alternative to the traditional judicial process.

For the purpose of the study, the conceptual definition of diversion was based on the definition as given by the Solicitor General (1979).

Diversion is an alternative to court processing. It is a formal procedure, visible and publicly accountable of referring offenders who are usually dealt with in juvenile court to an alternative community-based program where a voluntary settlement of the offence is developed between the offender and community.

Operationally, diversion was the Waterloo Region Pre-trial Model, as outlined by Mr. Brad Archer (1976).

Although the original proposal, as put forth by Mr. Brad Archer, included the entire Region of Waterloo, the researcher focused the evaluation research on Kitchener-Waterloo only. If both areas of Kitchener and Cambridge had been considered, the results would have indicated a "summative finding" which would not have reflected the capabilities of either. Program administrators met regularly with the judges, police, and other significant authorities to identify problems and improve procedures. Thus the program was, in effect, evaluated continually. There was not, however, an evaluation to assess whether the program achieved its objectives and operated within the framework set down in the original proposal.

There were three steps to complete in operationalizing

the Gibbon et al. (1976) evaluation model. The first step was to assign the six objectives of the diversion program to one of three categories; effectiveness, efficiency, and impact evaluation. In the second step, the three diversion committee members and chairman were interviewed, both separately and as a group, by the researcher, to obtain their operational definitions of the six objectives. The last step consisted of the interpretation of the data. In addition to the categories in the Gibbon model, two unanticipated consequences were considered under a fourth category.

The conceptual definition of delinquency followed in the study was that of our society, and reads as follows from the Juvenile Delinquency Act (Section 3a):

...juvenile delinquent means any child who violates any provision of the Criminal Code or of any federal or provincial statute or of any by-law or ordinance of any municipality, or who is guilty of vice, or who is liable by reason of any other act to be committed to an industrial school or juvenile reformatory under any federal or provincial statute.

Operationally, delinquency was defined by the committee members as the actions of any youth which has led him/her to be charged with a criminal act and adjudged to be delinquent before a judge of the Family Division, Provincial Court.

## Method

### Participants

Diversion program participants consisted of 253 youths; 222 males and 31 females, between the ages of 9 and 16 years, who participated in the Kitchener-Waterloo Diversion Program between February, 1977 and August, 1979. The youths were from both intact and disrupted families, various socioeconomic backgrounds and had varying number of police contacts.

The records of 188 juveniles, consisting of 156 males and 32 females, between the ages of 11 and 15 years, who appeared in juvenile court between March and August, 1979, were examined. The above number of cases were derived by deleting the remands, adjournments, withdrawals, and terminations from the total number of court cases during that time period.

A total of 50 systematic observations of the diversion meetings were completed. These consisted of 25 randomly selected meetings during a six month period from March to August, 1979 and 25 consecutive meetings held during January and February, 1980. During the latter meetings, both juvenile and parent(s) were interviewed regarding their perceptions of the meeting.

A total of 25 victims, consisting of 11 private citizens (8 adults, 3 juveniles) and 14 representatives from the business sector, were randomly selected from a population of

53 victims whose offenders participated in the diversion program between March and August, 1979. All were interviewed to gather information on their perceptions regarding diversion.

Three local lawyers, who had participated in the diversion program, were interviewed to obtain their perceptions of the program.

### Apparatus

There were three types of data collection instruments: (1) Police, court and diversion records provided demographic data. Police files provided annual statistics on charges laid against juveniles for a six year period from 1974 to 1979. Juvenile court files provided information on the number of juveniles and their offences appearing in court between March and August, 1979. Diversion files provided information on program processing, eligibility, treatment offered, conditions used including tangible benefits to the community, and recipients of community service.

(2) The Observation Form (Appendix D) was used to record the operation of the diversion meetings. This form was designed by taking the administrative procedure outline for the meetings, as set down by Archer (1976), and breaking it down into four stages: (i) introduction; (ii) discussion between legal counsel and family; (iii) discussion between family and diversion committee; and (iv) disposition.

(3) Questionnaires (Appendix F) developed by the researcher obtained data on the perceptions of diversion from: (i) juvenile/family; (ii) victims; and (iii) lawyers. Questionnaires utilized open-end questions with responses being content analyzed and then ranked on a 5 point Likert Scale (scale value 1 = least desirable while 5 = most desirable).

### Procedure

In implementing the Gibbon et al. (1976) evaluation model, which is further described in Appendix G, the first step was to assign the six objectives of the diversion program to one of three categories.

#### Category I - Effectiveness Evaluation

(1) Is the intended population being served?

#### Category II - Efficiency Evaluation

(1) To offer a formalized process as an alternative to further penetration of the criminal justice system and the resultant record.

(2) To provide informal dealings focusing on the act for which the charge is laid.

(3) To offer treatment for personal, family, or other problems on a voluntary basis.

#### Category III - Impact Evaluation

(1) To maximize problem solving and conciliation between the offender and victim and/or community in a way that is just and equitable for all.

(2) To reduce the number of young people appearing in ju-

venile court by providing pre-trial diversion.

(3) To promote a sense of responsibility in the community and in the offender for dealing with the problems of delinquency through direct involvement.

In the second step, the three diversion committee members and chairman were interviewed, both separately and as a group, by the researcher, to obtain their operational definitions of the six objectives (Appendix B). This identified the areas of importance and led to the development of the measuring instruments.

In addition to the categories in the Gibbon Model, two unanticipated consequences were considered under a fourth category.

#### Category IV

(1) Has the role and impact of the legal aid lawyer changed in dealing with diversion in comparison to juvenile court.

(2) Has there been any increase in the number of charges laid by the Youth Bureau since the introduction of diversion.

The researcher collected data from the police, court, and diversion records at the appropriate agencies between December, 1979 and February, 1980.

During all 50 systematic observations, the diversion chairman introduced the researcher at the beginning of each meeting. The chairman explained that the researcher was a Probation/Aftercare Officer currently undertaking a program evaluation of the diversion program and asked their approval

for him to observe the meeting. All meetings were held at the local Probation and Aftercare Office on Wednesday mornings between the hours of 9 a.m. and 1 p.m. in the board room which measured 12 x 15 feet. During the meeting the lawyer would sit at one end of the board table with the chairman and researcher at the other. The side of the table nearest the door was reserved for the family and youth for easy access in and out of the room, while the other side was for the two committee members. The table was small enough to allow interaction and the surrounding furniture created a very informal setting. Smoking was permitted and there was access to a blackboard if the need arose for any illustrations to clarify a point.

Questionnaire I, a measurement of the juveniles' and parents' perceptions of diversion, was administered in conjunction with the second set of 25 systematic observations. Since the meetings were consecutive, the time factor necessitated an independent interviewer. Consequently, a first year female Master of Social Work student, with experience in interviewing, was selected and trained by the researcher concerning the nature and purpose of the questionnaire. At the completion of each meeting, the diversion chairman introduced the independent interviewer who then interviewed each parent and juvenile separately in a private office.

Questionnaire II, a measurement of the victims' perceptions regarding diversion, was administered by the re-

searcher. All 25 victims were contacted by telephone in February, 1980. Eleven victims, all representatives of the business sector, consented to a personal interview. The remaining 14 victims (11 private citizens and 3 representatives of the business sector), because of personal reasons, wished only to be interviewed over the telephone.

Questionnaire III, a measurement of the lawyers' perceptions of diversion, was administered by the researcher to all three lawyers. Two of the meetings were set up at their convenience in their offices and one was held after the regular diversion meeting was completed.



## Results

### Category I - Is the intended population being served?

Eligibility criteria consist of: (1) any male or female, sixteen or under, who is charged with a criminal offence and who, within the past two years, has neither been found delinquent nor had previous participation in the program; (2) any offence which does not involve truancy or any serious injury. Data on the above eligibility criteria concerning the Kitchener-Waterloo Diversion Program over a period of 2½ years (February, 1977 to August, 1979) is recorded in Table 1. Inspection of the table indicates that both males and females participated in the program and none were over the age of sixteen. There were also no youths with previous delinquencies or participation in the program. There were a variety of offences and although no truancy charges were dealt with, there were two cases involving serious injury (assault causing bodily harm) handled which constitutes an infraction of the eligibility criteria.

A chi square revealed that neither sex nor age were equally distributed in the population from which our sample was drawn (sex:  $\chi^2 = 144.18$ ,  $df = 1$ ,  $p < .05$  and age:  $\chi^2 = 315.71$ ,  $df = 7$ ,  $p < .05$ ). Chi squares and frequencies are presented in Table 2. There were a majority of males (88%) participating in the program and the modal age (43%) of the participants was fifteen years. There were relatively few partici-

Table 1

Participants in the Kitchener-Waterloo  
Diversion Program over a 2½ Year Period  
(February, 1977 to August, 1979).

Sex: Male      222 (88%)  
Female      31 (12%)

<u>Age:</u> 9 years:	1	1 (1%)	13 years:	49	(19%)
10 years:	2		14 years:	57	(23%)
11 years:	9	(4%)	15 years:	108	(43%)
12 years:	24	(9%)	16 years:	3	(1%)

Charges:

Theft under \$200	88	35%
Break, enter & theft	37	15%
Auto vehicle theft	21	8%
Break & enter	18	7%
Liquor control act	18	7%
Theft over \$200	16	6%
Narcotics	14	5%
Highway traffic act	10	4%
Wilful damage	8	3%
Common assault	7	3%
Possession stolen goods	6	2%
Forgery	3	1%
Mischief	3	1%
Unlawful use of firearm	2	1%
Discharge firearm within city	2	1%
Assault causing bodily harm	2	1%
Total Charges:	<u>255</u>	

Previous delinquencies.      None

Previous participation in the diversion program.      None

Table 2

Sex and Age of Participants in  
 Diversion over a 2½ Year Period  
 (February, 1977 to August, 1979).

## Sex

	Male	Female	Total
Frequency	222	31	253

(  $\chi^2 = 144.18$ ,  $df = 1$ ,  $p < .05$ )

## Age in Years

	9	10	11	12	13	14	15	16	Total
Frequency	1	2	9	24	49	57	108	3	253

(  $\chi^2 = 315.71$ ,  $df = 7$ ,  $p < .05$ )

pants below the age of 12 (5%).

In evaluating whether the intended target population was being served, the eligibility criteria of the participants from the diversion program, between March to August, 1979, was compared to the characteristics of youths from juvenile court during the same time period. This data is presented in Table 3. Chi squares were calculated to determine whether youths who have participated in the diversion program or juvenile court differ with respect to diversion eligibility, or demographic variables such as age and sex. The results are presented in Tables 4 and 5 respectively. The age categories of 9 to 11 years have been combined since there would have been expected frequencies less than five.

Results indicate that there is a greater proportion of juveniles meeting diversion eligibility who are in diversion than those meeting the criteria who are in juvenile court ( $\chi^2 = 75.62$ ,  $df = 1$ ,  $p < .05$ ). The 63 individuals in juvenile court who met the diversion eligibility all had access to diversion but for various reasons were unable or unwilling to participate. The two individuals in diversion who did not meet the eligibility criteria had offences of "assault causing bodily harm".

Regarding the age of the participants within diversion and juvenile court, chi square indicates a significant difference between the two groups ( $\chi^2 = 16.93$ ,  $df = 4$ ,  $p < .05$ ).

Table 3

Participants from Juvenile Court and  
Diversion between March and August, 1979.

	Diversion N = 63	Juvenile Court N = 188
<u>Sex:</u> Male	58 (92%)	156 (83%)
Female	5 ( 8%)	32 (17%)
<u>Age:</u> 9 years	1 ( 1%)	0 --
10 years	1 ( 1%)	0 --
11 years	3 ( 5%)	4 ( 2%)
12 years	10 (16%)	9 ( 5%)
13 years	12 (19%)	35 (19%)
14 years	13 (21%)	74 (39%)
15 years	23 (37%)	66 (35%)
16 years	0 --	0 --
<u>Charges:</u> (Least Serious)		
Education Act	0 --	11 ( 5%)
Liquor Control Act	5 ( 8%)	11 ( 5%)
Highway Traffic Act	1 ( 1%)	6 ( 3%)
Causing Disturbance	0 --	2 ( 2%)
Trespass	0 --	2 ( 2%)
Narcotics	4 ( 6%)	5 ( 2%)
Dangerous Driving	0 --	2 ( 1%)
Forgery	0 --	4 ( 2%)
Possession Stolen Goods	1 ( 2%)	15 ( 7%)
Common Assault	1 ( 2%)	13 ( 6%)
Unlawful Use of Firearm	2 ( 3%)	2 ( 1%)
Discharge Firearm	0 --	0 --
Theft Under \$200	23 (37%)	54 (26%)
Auto Vehicle Theft	5 ( 8%)	4 ( 2%)
Theft Over \$200	3 ( 5%)	15 ( 7%)
Wilful Damage	2 ( 3%)	0 --
Mischief	2 ( 3%)	12 ( 6%)
Obstruct Police	0 --	0 --
Break & Enter	0 --	31 (15%)
Break, Enter & Theft	12 (19%)	7 ( 3%)
Indecent Assault	0 --	6 ( 3%)
Assault, Bodily Harm	2 ( 3%)	5 ( 2%)
Robbery	0 --	0 --
(Most Serious)		
Total	63 100%	207 100%

Table 4

Eligibility for Diversion of Participants from Juvenile Court and Diversion between March and August, 1979.

## Disposition of Case

	Diversion	Juvenile Court	Total	
Eligible for Diversion	Yes	61	63	124
	No	2	125	127
	Total	63	188	251

( $\chi^2 = 75.62$ ,  $df = 1$ ,  $p < .05$ )

Table 5

Age and Sex of Participants from  
Juvenile Court and Diversion between  
March and August, 1979.

Disposition of Case				
	Diversion	Juvenile Court	Total	
Age	9 to 11	5	4	9
	12	10	9	19
	13	12	35	47
	14	13	74	87
	15	23	66	89
	16	0	0	0
Total		63	188	251

(  $\chi^2 = 16.93$ ,  $df = 4$ ,  $p < .05$ )

Disposition of Case				
	Diversion	Juvenile Court	Total	
Sex	Male	58	156	214
	Female	5	32	37
	Total	63	188	251

(  $\chi^2 = 2.42$ ,  $df = 1$ ,  $p > .05$ )

There was a greater proportion of younger juveniles, age twelve and under, who appeared in diversion (23%) in comparison to juvenile court (7%).

When assessing the distribution of sexes for the two groups, chi square results were non-significant ( $\chi^2 = 2.42$ ,  $df = 1$ ,  $p > .05$ ). There was no evidence of any difference between the proportion of male participants in diversion (92%) and juvenile court (83%) as compared to female participants.

#### Category II

(1) To offer a formalized process as an alternative to further penetration of the criminal justice system and the resultant record.

The administrative procedure of the diversion program is broken into three stages; making appointments, the meeting and termination. The results of the administrative procedure check of the above stages is in Table 6. All introduction letters to eligible juveniles were sent out and the 84 who never responded were subsequently phoned by the secretary, resulting in 51 new appointments. The 19 candidates who missed the meetings were phoned by the secretary who learned that 9 had new charges pending and the remaining 10 preferred juvenile court. Reasons for non-participation in the program were varied and are listed in Table 7. The most common was parents' preference for court (48%), with others being new charges (35%), police preference for court (7%), juveniles



Table 6

## Administrative Procedure Check

<u>I - Making appointments</u>	N = 322	<u>Frequency</u>
1. Introduction letters to eligible juveniles		322
2. Responses to letters		238
(a) Accepted program, made appointment		221
(b) Refused program		17
3. Never responded to letter		84
4. Phone calls made by secretaries to above		84
(a) Accepted program, made appointment		51
(b) Refused program		33
5. Total number of appointments made		272
(a) Number kept		253
(b) Number missed		19
6. Total number of refusals		69
<u>II - The meeting</u>	N = 253	
1. Statement of responsibilities signed		243
2. Statement of responsibilities refused		10
3. Statement of agreements signed		243
4. Statement of agreements refused		0
<u>III - Termination</u>	N = 243	
1. Successful terminations		188
2. Letters sent confirming withdrawal of charge		188
3. Broken agreements forwarded to court		55
4. Letters sent informing of default		55

Table 7

## Reasons for Non-Participation in Diversion Program

Reasons for Non-Participation	f	%
1. Parents preferred court	33	(48%)
2. New charges	24	(35%)
3. Police preferred court	5	( 7%)
4. Juveniles "on the run"	3	( 4%)
5. Children's Aid preferred court	2	( 3%)
6. Juvenile in hospital	2	( 3%)
Total	69	

"on the run" (4%), Children's Aid preference for court (3%), and juvenile in hospital (3%). Except for the 10 cases who pleaded not guilty, the required statements of responsibility and agreement were signed. All participants were informed by way of letter of their successful termination or default. The 55 broken agreements consisted of 37 (67%) new charges laid, and 18 (33%) violations of the diversion agreement.

Data from the fifty systematic observations, which examined whether the meetings operated in the way they were planned, are in Appendix H. The average duration of the meetings was 43.5 minutes with an SD of 6.8 and a range of 20 to 55 minutes.

The introduction of committee members by the chairman was always completed, but a thorough explanation of the purpose of the meetings was not given in 22 cases. In all of these instances, legal counsel elaborated on this during his discussion with the clients.

The check on the diversion eligibility requirement was always carried out by the lawyer, along with ensuring that the youth and family were aware of the legal implications of participating in the program. In cases where it was evident through discussion that the youth was already aware of the penalties and implications of his criminal behaviour, legal counsel did not pursue the matter. In four cases legal counsel did not insure that the youth/family understood that plans

presented may be rejected. However, the chairman ensured that this was done before Statements of Agreement were signed.

During the meeting all charges were read out by the chairman and the juvenile was asked to relate the offence in his/her own words. Ninety percent of the family members were comfortable enough to direct questions to their son/daughter or committee members. During the discussion of the offence with the youth, the committee asked only those questions which they felt were relevant to the offence.

During the disposition all family members were asked to leave and wait in the waiting room. Before having the parents and youth sign the agreement, all were asked whether they understood the legal implications and whether there were any questions. Although the maximum length of an agreement is six months, ninety-two percent were three months.

(2) To provide informal dealings focussing on the act for which the charge is laid.

A total of twenty-five youths and their parent were interviewed using Questionnaire I - Part A (Appendix F) to obtain their perceptions of the diversion program. The subjects' responses are in Appendix I.

The responses were then ranked on a 5 point Likert scale with a scale value of 1 = least desirable while 5 = most desirable. In five cases, both parents were present and their responses were averaged to obtain the mean rating.

The ratings for all subjects are recorded in Appendix J. The means, standard deviations, t tests and correlations are presented in Table 8. Included in this table is a composite question (combination of questions 1, 2 and 4) which examines the juveniles' and parents' overall perceptions of the diversion meetings. The range on this composite question is from three to fifteen. In analyzing the differences between the means, t tests resulted in significance for questions 1 ( $t = 2.83$ ,  $df = 24$ ,  $p < .05$ ), 2 ( $t = 3.29$ ,  $df = 24$ ,  $p < .05$ ), 4 ( $t = 3.02$ ,  $df = 24$ ,  $p < .05$ ), and 5 ( $t = 3.56$ ,  $df = 24$ ,  $p < .05$ ), with non-significance for question 3 ( $t = 1.28$ ,  $df = 24$ ,  $p > .05$ ). Correlations (including the composite question) to determine whether there is any relationship between the responses of juvenile and parent resulted in significance for only question 4 ( $r = .59$ ,  $df = 23$ ,  $p < .05$ ). There was non-significance for questions 1 ( $r = .03$ ,  $df = 23$ ,  $p > .05$ ), 2 ( $r = -.04$ ,  $df = 23$ ,  $p > .05$ ), 3 ( $r = .22$ ,  $df = 23$ ,  $p > .05$ ), and 5 ( $r = .27$ ,  $df = 23$ ,  $p > .05$ ).

Question 1 indicated a thorough understanding of the meetings by both the parents and juveniles. Question 2 had a majority of positive responses by both juveniles and parents on whether the meetings were informal. Typical statements were: "very good", "friendly", "very informal", "relaxed", and "comfortable". There were two responses of "uncertain" from the parents and three negative responses from the ju-

Table 8

Means, Standard Deviations, t tests, and Correlations  
of the Juveniles' and Families' Perceptions of Diversion.

		Youths	Parents	t	r	
1	How well did you understand what was happening during the meeting?	$\bar{X}$ SD	4.24 .51	4.64 .48	2.83*	.03
2	In general, how did you find the atmosphere of the meeting?	$\bar{X}$ SD	4.08 .70	4.68 .56	3.29*	-.04
3	During the meeting with the lawyer and diversion committee, to what extent was information related to the offence discussed?	$\bar{X}$ SD	4.48 .50	4.64 .48	1.28	.22
4	How did you feel talking about the offence and its surrounding circumstances to the committee members?	$\bar{X}$ SD	3.60 .98	4.36 .79	3.02*	.59*
5	Composite Question (Questions #1, #2, #4)	$\bar{X}$ SD	11.92 1.50	13.68 1.20	3.56*	.27

\*  
p < .05  
N = 25  
df = 24 (t test)  
df = 23 (correlation)

Note: The range on the composite question is from 3 to 15.

juveniles who stated "tense", "stinks", and "uneasy". Both juveniles and parents responded positively to question 3 on whether information related to the offence was thoroughly discussed. Some examples of juveniles' responses were: "talked about everything", "very detailed", and "everything covered". Typical parents' responses were: "felt all information was discussed", "it was on the kid's level with no pressure", and "relieved to finally hear the entire story". Question 4 indicated that, except for one parent, all adults felt comfortable about discussing the offence and its surrounding circumstances. The one negative response was that it was no one's business and they did not want to discuss the matter. All but four juveniles also felt comfortable about discussing the offence and its specifics. The four negative responses were: "felt uptight", "felt stupid", "tense, they asked too many questions", and "not too happy".

(3) To offer treatment for personal, family or other problems on a voluntary basis.

Frequency of treatment agencies used and whether treatment plans were completed over a 2½ year period between February, 1977 and August, 1979 is presented in Table 9.

To test whether certain social agencies have a greater likelihood of completing treatment with their clients, a chi square 2 x 3 design was used. Low frequencies among some of the agencies necessitated combining them into three categories.

Table 9

Frequency of Treatment Agencies Used and Whether Treatment Plans were Completed Over a 2½ Year Period (February, 1977 to August, 1979)

Agency	f	Completed	Not Completed
Drug/Alcohol Program	20	17	3
K-W Counselling	19	10	9
Alcoholics Anonymous	11	6	5
Behaviour Consultants	8	2	6
Interfaith Counselling	5	5	0
Children's Aid	5	4	1
Court Counselling	4	3	1
Outpatient Clinic	4	4	0
Al-Anon	2	0	2
Big Brother	1	1	0
<b>Total</b>	<b>79</b>	<b>52</b>	<b>27</b>



Agencies such as K-W Counselling, Interfaith, Court Clinic, Outpatient Clinic and the Childrens' Aid Society were all categorized under "Counselling". Agencies associated with drug rehabilitation such as Alcoholics Anonymous, Al-Anon, and K-W Drug/Alcohol Program were placed under the "Drug" category. The remaining two agencies, Big Brother and Behaviour Consultants, were categorized under "Other". Frequencies of completions and non-completions are presented in Table 10 and a chi square analysis produced non-significant results ( $\chi^2 = 4.67$ ,  $df = 2$ ,  $p > .05$ ).

In testing whether youths who had treatment plans included as a term of diversion and youths who had treatment plans offered on a voluntary basis differed with respect to: (1) keeping the initial appointments, and (2) completing these treatment plans, chi square resulted in significance on both dimensions. The frequencies upon which they were computed are presented in Table 11. Treatment included as a term of diversion has a greater likelihood of having the initial meeting kept ( $\chi^2 = 19.69$ ,  $df = 1$ ,  $p < .05$ ) and the treatment plan completed ( $\chi^2 = 19.74$ ,  $df = 1$ ,  $p < .05$ ) than when it is offered as a voluntary plan.

### Category III

(1) To maximize problem solving and conciliation between the offender and the victim and/or community in a way that is just and equitable for all.

Table 10

Frequency of Social Agencies Completing Treatment Programs with Clients.

		Agencies			Total
		Counselling	Drug	Other	
Completed	Yes	26	23	3	52
	No	11	10	6	27
	Total	37	33	9	79

( $\chi^2 = 4.67$ ,  $df = 2$ ,  $p > .05$ )

Counselling - K-W Counselling, Interfaith, Court Clinic, Outpatient Clinic and Children's Aid Society.

Drug - Alcoholics Anonymous, Al-Anon, and K-W Drug/Alcohol Program.

Other - Big Brother and Behaviour Consultants.

Table 11

Frequency of Utilization of Voluntary or Compulsory Treatment Plans with Respect to Keeping the Initial Appointment and Completing the Plan.

		Treatment Plan		
		Compulsory	Voluntary	Total
Kept Initial Appointment	Yes	52	6	58
	No	8	13	21
	Total	60	19	79

(  $\chi^2 = 19.69$ ,  $df = 1$ ,  $p < .05$ )

		Treatment Plan		
		Compulsory	Voluntary	Total
Treatment Completed	Yes	48	4	52
	No	12	15	27
	Total	60	19	79

(  $\chi^2 = 19.74$ ,  $df = 1$ ,  $p < .05$ )

Frequencies of conditions used in diversion agreements over a 2½ year period are presented in Table 12. The most common condition was "no further breach of the law", used ninety-eight percent of the time, with the least common being "vehicle use restriction", used only one percent of the time. More than one condition can be assigned as a term in the diversion agreement.

Participant's offences and subsequent diversion conditions for all fifty systematic observations were each ranked from least serious to most serious. Seriousness of offences has a possible range from 1 (least serious) to 23 (most serious), while conditions of diversion agreements have a range from 1 (least serious) to 19 (most serious). Seriousness of offences were based on maximum penalties allowed under the Criminal Code of Canada and seriousness of conditions were based on the committee members' perceptions of their severity. Committee members were interviewed separately and then together until they reached a consensus on the seriousness of conditions. Ranking of seriousness of charges and conditions can be found in Appendix E, Forms A and C respectively, while the rankings for each subject are in Appendix K. Table 13 provides the means, standard deviations, and correlation. A correlation to examine whether there was any relationship between the seriousness of the offence and subsequent conditions of the diversion agreement resulted in non-

Table 12

## Frequency of Conditions Used in the 243 Diversion Agreements.

<u>Conditions</u> *	<u>Frequency</u>	<u>Percentage</u>
No further breach of law	238	98%
Apology	151	62%
Community service order	65	27%
Write essay	56	23%
Counselling	40	16%
Work restitution for victims	40	16%
Non association with undesirables	37	15%
Curfew	34	14%
Monetary restitution	34	14%
Voluntary probation	31	13%
Alcohol and drug use restriction	26	11%
Attend school	22	9%
Alcohol and drug education program	20	8%
Obey parents' rules	19	8%
Restriction on undesirable places	16	7%
Vehicle use restriction	3	1%

\* More than one condition can be assigned as a term in the diversion agreement.

Table 13

Means, Standard Deviations, and Correlations Between  
Seriousness of the Offence and the Subsequent Conditions.

	<u>Seriousness of Offence</u>	<u>Conditions Agreement</u>	<u><math>r_{xy}</math></u>
$\bar{X}$	13.96	13.42	-.11
SD	5.13	4.79	

$p > .05$   
df = 48  
N = 50

Note: The possible range for seriousness of offences is from 1 (least serious) to 23 (most serious) while the range for conditions of diversion agreements is from 1 (least serious) to 19 (most serious). Seriousness of offences were based on maximum penalties allowed under the Criminal Code of Canada and seriousness of conditions were based on the committee members' perceptions of their severity.

significance ( $r = -.11$ ,  $df = 48$ ,  $p > .05$ ).

The amount of restitution and community service given over a 2½ year period (February, 1977 to August, 1979) is presented in Table 14. There was \$964 paid as restitution to the victims, 391 hours of work restitution to the victims, and 686 hours of community service undertaken. A total of \$283 owing to the victims, plus 84 hours towards work restitution, and 158 hours of community service were defaulted on by the offenders.

Table 15 provides the means and standard deviations of the ratings of the twenty-five juveniles' perceptions of their dispositions. Responses were ranked on a five point Likert scale with a value of 1 = least desirable while 5 = most desirable. The ratings of the responses for all five questions indicate that the participants viewed the dispositions positively. In relation to their offence, the juveniles felt the terms of diversion were just and equitable (Question 1). Representative responses were "very reasonable", "realistic and fair", "no problem", and "no complaints". Regarding question 2, only eight participants had counselling referrals and all were perceived favourably. Responses to question 3 indicate that all the juveniles felt that diversion would help them stop breaking the law. Typical responses were: "will definitely make me stop", "very helpful", "learned my lesson", and "no more, it's not worth it". All participants

Table 14

Amount of Restitution and Community Service During a 2½ Year Period (February, 1977 to August, 1979).

	Agreed Upon		Completed	
	f	Amount/hrs.	f	Amount/hrs.
Monetary Restitution	34	\$1,247	28	\$964
Work Restitution	40	475 hrs.	35	391 hrs.
Community Service	65	844 hrs.	51	686 hrs.



Table 15

Means and Standard Deviations of the Ratings of the Twenty-five Juveniles' Perceptions of Their Dispositions.

Question	$\bar{X}$	SD
1. In relation to your offence, how did you find the terms of diversion?	4.1	.52
2. *How did you feel towards any referrals for counselling?	4.7	.43
3. To what extent will it help you to stop breaking the law?	4.6	.49
4. How well do you feel that all of the problems have been dealt with?	4.5	.49
5. To what extent do you feel that the terms will help you make up for doing wrong?	4.4	.49

Note: Responses were ranked on a five point Likert scale with a value of 1 = least desirable while 5 = most desirable.

\*There were only eight referrals made for counselling.

felt that problems were adequately dealt with during the diversion meeting (Question 4). Typical responses were: "all problems were solved", "all dealt with", "very good", and "all were covered". Representative responses as to whether the terms of diversion would help the juvenile make up for doing wrong (Question 5) were: "I realize it's totally my responsibility", "it will be a sort of 50/50, you know, them and me working together", and "it helped me feel better". The juveniles' responses are found in Appendix L and the subsequent ratings are in Appendix M.

Table 16 provides the means and standard deviations of the twenty-five victims' perceptions of diversion. Responses once again were ranked on a 5 point Likert scale identical to the one already described. The ratings of the responses for all three questions indicate that participants were undecided as to whether they felt the diversion program was just and equitable, as they were not directly involved in the conciliation process. The victims' responses are in Appendix N and subsequent ratings are in Appendix O.

Further data on the victims' perceptions of diversion are recorded in Table 17. Examination indicates that 17 (68%) of the victims were aware of the diversion program. None were invited to participate in the meeting, however only 9 (36%) replied that they would have if given the opportunity. A total of 20 (80%) remembered being contacted by the di-

Table 16

Means and Standard Deviations of the Ratings of the Twenty-five Victims' Perceptions of Diversion.

Question	$\bar{X}$	SD
1. Was the agreement a just and equitable one to compensate your losses/injury?	2.9	.70
2. Do you feel comfortable in interacting with the offender after the diversion contract was completed?	3.2	.72
3. Would you be willing to appear before or make use of the diversion committee?	2.9	.57

Note: Responses were ranked on a five point Likert scale with a value of 1 = least desirable while 5 = most desirable.

Table 17  
Victims' Perceptions of Diversion

Question	Yes		No	
	f	%	f	%
Previous knowledge of program?	17	(68%)	8	(32%)
Invited to participate in meeting?	0	--	25	(100%)
If invited, would have participated?	9	(36%)	16	(64%)
Aware of restitution agreement?	20	(80%)	5	(20%)

version committee informing them of possible restitution agreements. All twenty-five victims were asked what they felt the advantages and disadvantages of the diversion committee were. Responses are recorded in Appendix P. Three representative advantages were: "the youth stays out of court and will not get a record", "it helps the youth realize the harm he has caused others", and "increases sense of responsibility in the community towards solving juvenile delinquency". Similarly, three representative disadvantages were: "would have been better if he was face to face with a judge", "do not really think the youth cared or understood the seriousness of his actions", and "the kid should have been sent to jail for what he did".

(2) To reduce the number of young people appearing in juvenile court by providing pre-trial diversion.

The number of juvenile charges for three years before diversion and three years after diversion is recorded in Appendix Q and presented graphically in Figure 1. Examination indicates that the introduction of diversion did not increase the number of charges laid by the police. In 1976 there were 329 charges laid compared to 270 charges in 1977, the year diversion was introduced, which was a drop of 18%. Although there has been a yearly increase in the number of charges laid since the introduction of diversion, the largest total is still for the year 1975, which is before the introduction

Figure 1

Frequency of Juvenile Charges in Specific Time Periods,  
Three Years Before Diversion and Three Years After Diversion.



Note: Diversion commenced February, 1977.

of diversion. Information from the Kitchener Chamber of Commerce indicates that between the years 1974 and 1979 there has been a consistent annual growth rate of 3% in the population.

Based on maximum penalties under the Criminal Code of Canada, the charges (from Appendix Q) were divided into three levels of seriousness: least serious charges being liquor control act, highway traffic act, shoplifting and forgery; moderately serious charges were possession, assault, theft and auto theft; and most serious charges were mischief, break and enter, indecent assault and robbery. The category "other offences", which included a range of charges from least to most serious, was recorded separately by the police for their own administrative reasons. The frequencies for these categories of charges are presented in Table 18 and shown graphically in Figure 2.

(3) To promote a sense of responsibility in the community and in the offender for dealing with the problems of delinquency through direct involvement.

Data on the amount of community involvement with the Kitchener-Waterloo Diversion Program are presented in Table 19. A total of 112 individuals have worked with the program in different roles or capacities. In regards to the administration of the program or "direct involvement", there has been a total of eleven participants; one secretary,

Table 18

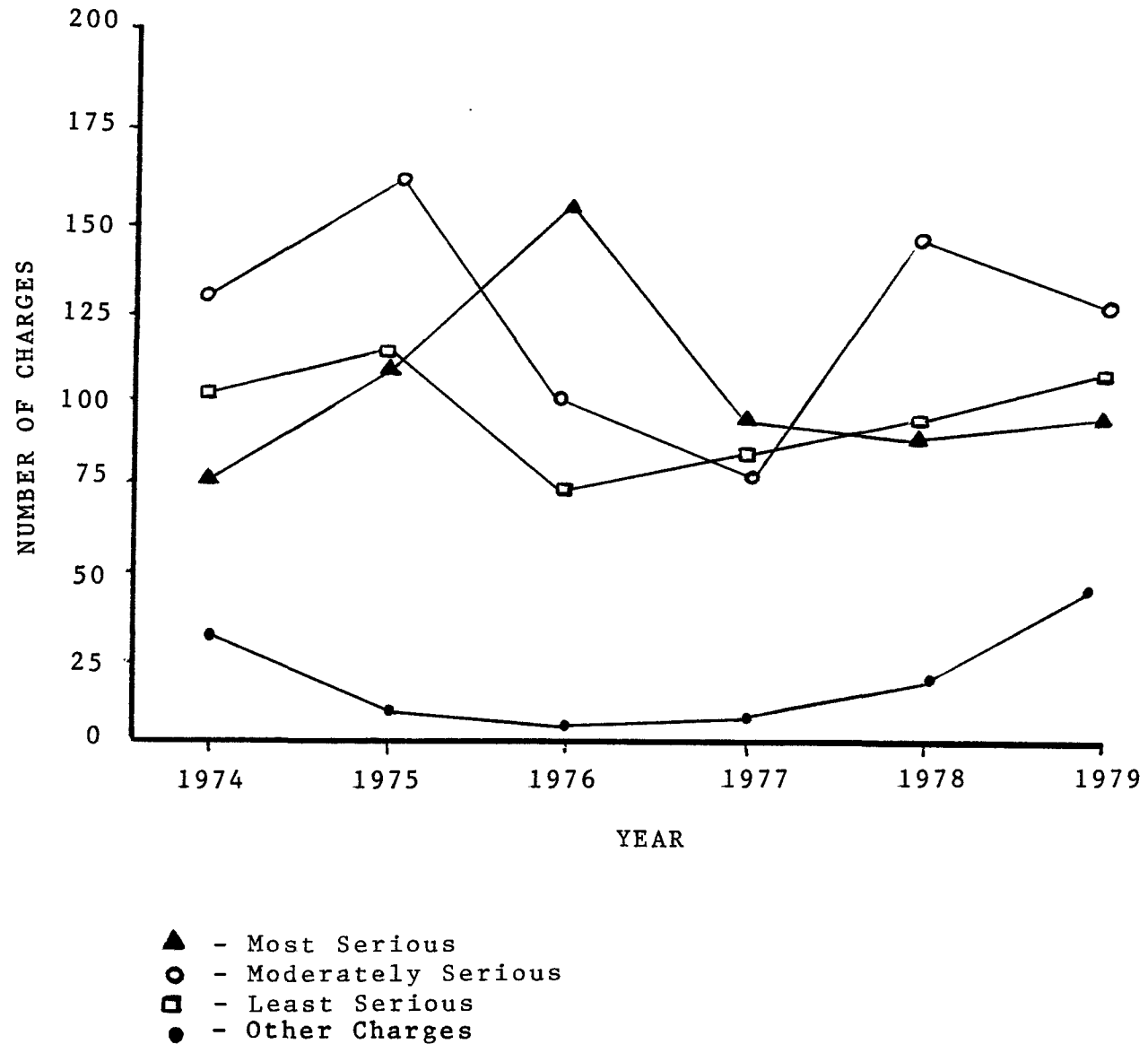
Frequency of Charges Classified According to Seriousness, for Three Years Before Diversion and Three Years After Diversion.

Charges	Before Diversion			After Diversion		
	1974	1975	1976	1977	1978	1979
Least Serious	100	109	71	88	94	105
Moderately Serious	127	157	97	80	145	125
Most Serious	75	105	156	92	89	92
Other Offences	33	11	5	10	20	46
Total	335	382	329	270	348	368



Figure 2

Frequency of Charges Classified According to Seriousness for Three Years Before Diversion and Three Years After Diversion.



Note: Diversion commenced February, 1977

Table 19

Type of Community Involvement in the Diversion Program during the 2½ Years (February, 1977 to August, 1979).

Type of Involvement	f
Direct involvement: Secretary	1
Lawyers	3
Chairmen	2
Committee Members	5
Victims involved in negotiation of contract	0
Supervising community orders	19
Arranged restitution and community service orders	8
Victims who allowed restitution, apologies, etc.	74
Total	112

three lawyers, two chairmen, and five committee members.

There have not been any victims of an offence involved in the negotiation of a diversion agreement. Nineteen individuals have worked in the capacity of supervising community work orders. Individuals who have worked in various voluntary capacities to assist the project in carrying out its procedures total 82. The latter figure consisted of eight volunteers from the community who helped arrange restitution and community service orders and 74 victims who allowed youths to either apologize, pay back money, or do work for them.

The recipients of community service orders, including number completed and number not completed, along with number of hours completed and number of hours not completed, are presented in Table 20. Although number of community service orders and hours completed were discussed earlier under restitution and community service (Table 14), it did not indicate the twelve recipients of the community service orders and how many hours were completed at each one. Examination shows that 65 community service orders, totalling 844 hours, were arranged to be completed at twelve local social agencies. There were 51 orders successfully completed totalling 686 hours. Although 14 community service orders (worth 158 hours) were not completed, work was commenced on all orders.

Table 20

## Recipients of Community Service Orders

Agency	Community Orders	Total Hours	Orders Com- pleted	Orders Not Com- pleted	Hours Com- pleted	Hours Not Com- pleted
A.R. Goudie Eventide Home	3	41	3	0	41	0
Parkwood Manor Senior Citizens Home	6	76	3	3	43	33
Kitchener Day Care Centre	2	46	1	1	32	14
Rotary Children's Centre	8	64	6	2	46	18
Y.M.C.A.	10	104	8	2	89	15
Y.W.C.A.	8	79	7	1	69	10
Adult Recreation Centre	6	92	5	1	71	21
Waterloo Adult Recreation Centre	5	68	4	1	56	12
Kitchener-Waterloo Hospital	4	85	4	0	85	0
House of Friendship	2	43	2	0	43	0
Kitchener Agricultural Society	5	85	4	1	76	9
Board of Education	6	61	4	2	35	26
<b>Total</b>	<b>65</b>	<b>844</b>	<b>51</b>	<b>14</b>	<b>686</b>	<b>158</b>

Frequencies of community service orders completed and not completed among community agencies are presented in Table 21. Commonality of functions enabled the twelve community agencies to be listed under five groups: Senior Citizens, Children, Recreation, Treatment and Other. The agencies involved in each category are recorded in Table 21. A chi square to determine whether certain community agencies have a greater likelihood of completing work orders with their clients resulted in non-significance at the .05 level ( $\chi^2 = 3.31$ ,  $df = 4$ ).

#### Category IV

(1) Has the role and impact of the legal aid lawyer changed in dealing with diversion in comparison to juvenile court?

The responses of the lawyers regarding their perceptions of diversion in comparison to juvenile court are presented in Appendix R. All three lawyers stated that within the diversion program there is more time available to adequately prepare for the youth's legal representation in comparison to juvenile court. According to all three lawyers, discussion with the young person and family regarding the penalties for the youth's present charge in adult court is elaborated to a greater extent in diversion than juvenile court. All felt that whether in diversion or juvenile court, there is the "opportunity" to insure that the young person and family understand the judicial procedure, but this oppor-

Table 21

Frequency of Community Service Orders Completed and Not Completed Among Community Agencies.

Community Agencies

	Senior Citizens	Children	Recreation	Treatment	Other	Total
Work Orders Completed	6	7	24	6	8	51
Work Orders Not Completed	3	3	5	0	3	14
Total	9	10	29	6	11	65

( $\chi^2 = 3.31$ ,  $df = 4$ ,  $p > .05$ )

- Senior Citizens - A.R. Goudie Eventide Home, Parkwood Manor Senior Citizens Home
- Children - Kitchener Day Care Centre, Rotary Children's Centre
- Recreation - Y.M.C.A., Y.W.C.A., Adult Recreation Centre, Waterloo Adult Recreation Centre
- Treatment - Kitchener-Waterloo Hospital, House of Friendship
- Other - Kitchener Agricultural Society, Board of Education

tunity is not utilized as often in juvenile court because of time constraints. In regards to the availability of time to insure that all information relevant to the offence is brought out, all three lawyers felt the diversion meeting was more conducive to this end than juvenile court. Advantages of the program were numerous, a few representative examples being: "more relaxed and less intimidating atmosphere for client", "less chance of client having juvenile record", and "diversion looks at the cause as much as at the offence". Some disadvantages recorded were: "none, except when the offender has a bad attitude, but a bad attitude would be the same in court in any event", and "police report not made available to duty counsel".

(2) Has there been any increase in the number of charges laid by the Youth Bureau since the introduction of diversion?

As previously discussed (Category III, objective 2), there is no indication of a marked increase in charges laid subsequent to the introduction of diversion.

## Discussion

The discussion section will follow the format of dealing with the six objectives and the two unanticipated consequences under the four categories. Within each category the data based comments will be followed by the researcher's interpretations.

### Category I - Was the intended population served?

Participants in the Kitchener-Waterloo Diversion Program do meet the stated eligibility criteria and the intended target population is being served. The two youths charged with assault causing bodily harm, technically not eligible for diversion, were dealt with at the request of the police as their offences were not serious. The greater number of males than females involved in the program reflects the historic trend of more male involvement with the law, which is also evident in juvenile court. A greater percentage of younger youths (twelve and under) participated in diversion as compared to juvenile court. This is not surprising as juvenile court is viewed as the "last" alternative and naturally would deal with older juveniles. Consequently, although diversion also deals with older juveniles, there is a greater opportunity for helping the younger juvenile in his/her first experience with the law.

It is important to note that a youth is seldom charged on the first police contact unless the offence is quite seri-



ous or the officer feels it would be in the best interest of the juvenile and community. Rather a police occurrence sheet is developed to monitor the youth's behaviour and every available option is utilized in dealing with the young offender.

### Category II

1. To offer a formalized process as an alternative to further penetration of the criminal justice system and the resultant record.

The results of the administrative procedure check and the participant observations show that the operation of the Kitchener-Waterloo Diversion Program differs little from what has been described in the administrative procedure, as outlined by Archer, 1976 (Appendix A). It should be noted that the only participant observer was the researcher so there is the potential for a positive bias.

The participant observation indicated that the terms of the diversion agreement were always clearly defined, set out in writing, and read to the participants before signing the agreement; this included specifying which of the conditions were enforceable and which, if any, were of a voluntary nature. All conditions were read out to guard against any misunderstanding as to what was required of the participant to successfully complete the program.

In all cases where failure to complete the terms of

the agreement occurred, a written notice was sent to the participant with a copy to the police. This ensured that the participant was aware of the breach, and that there would be an appearance in juvenile court.

2. To provide informal dealings focusing on the act for which the charge is laid.

Perceptions of the diversion meetings, as reported by both parents and youths were positive, although the parents' were more so. Except for one question dealing with how comfortable participants were in discussing the offence, there was no correlation between the parents' and youths' perceptions of the diversion meeting. The lack of correlation may be due to a narrow range of variability. It is noted that the questionnaires and content analysis were developed by the researcher: therefore, there is no established validity or reliability.

Responses from both the juveniles and parents indicate that they understood what was happening during the meetings, felt comfortable, thought the information related to the offence was discussed thoroughly, and were not hesitant in asking any questions. In all cases, the juveniles were requested to relate the offence in their own words.

The meetings were structured to reduce tension and formality and to encourage the young person to participate. This was done by letting the youths know that what they said

was being given important consideration and if there were any questions, clarification would be given before continuing with the discussion. The interactions, although presented within an organized procedural guideline, were informal and relaxed in nature, which enhanced the voluntary participation of the offender in discussing the motives for committing the crime. As recorded during the participant observations, both the lawyer and chairman clearly separated the role and functions of the committee from the court. It was the writer's impression that every attempt was made to involve the youths in the negotiation of the diversion agreements by emphasizing that it was in their best interest to participate. Throughout the meetings there was conveyed a sense of the committee's respect for, and acceptance of, the young offender.

3. To offer treatment for personal, family, or other problems on a voluntary basis.

When treatment was included as a term of diversion, there was a greater likelihood of having the initial meeting kept and its treatment completed than when it was offered voluntarily.

Formal diversion (Solicitor General, 1975) states that referral to treatment should not be an enforceable condition of a diversion agreement. The rationale for this is that assistance in matters not directly related to the offence,

including treatment, should be voluntarily accepted. The offence should not be used as a lever to persuade the youth to accept treatment which the committee members feel might benefit the youth and/or family.

Although the objective and guidelines of the Kitchener-Waterloo Diversion Program incorporate the approach that treatment programs and referrals should be made voluntarily, the committee has never followed this non-intervention approach. The specifics of the offence, as well as information not directly related to the offence, are used as a "guide" to assess the needs of the child. For this reason "treatment" is often ordered as a term of diversion if there is an indication that it will not be accepted voluntarily.

Morton and West (1980) in evaluating the Frontenac Diversion Program stated that committee members followed the non-intervention model and referrals to treatment were voluntary. Only 68% of participants completed diversion and the researchers indicated that the program may have inadvertently presented a "court-like" atmosphere. The researcher speculates that the intervention approach of the Kitchener-Waterloo Diversion Program, by taking an interest in all of the youths' needs, may have resulted in a more caring and relaxed atmosphere. This may result in parents and offenders participating more fully in the whole process of diversion.

### Category III

1. To maximize problem solving and conciliation between the

offender and the victim and/or community in a way that is just and equitable for all.

Intervention to promote reconciliation, settlement, or compromise, has been going on for all cases that have entered the Kitchener-Waterloo Diversion Program. This is demonstrated by the fact that the youths have accepted the conditions of diversion as a solution for their offence. Except for the ten who pleaded not guilty, everyone signed the statement of agreement. A wide variety of conditions were utilized in the agreements and were related to the youths' needs and not to their offences. Results indicate that the juveniles viewed the dispositions as "just and equitable" and felt that at the completion of their agreements, they would have fulfilled their obligations. These findings are also similar to those of the Windsor Diversion Program (Lajeunesse, 1976), which found that a significant majority of offenders viewed the diversion program as providing them with a means for solving their problems.

Conciliation, in terms of community work service, work for the victim, and restitution, is used quite often in diversion agreements. Community work service occurs when a youth agrees to carry out a specific task or amount of work without pay in the community. This type of agreement is appropriate for victimless offences or if the victim prefers no involvement with the offender. For work restitution,

the offender agrees to do a specified amount of work for the victim. Monetary restitution, which is compensation to the victim, takes place when the offender agrees to pay the victim. This amount depends on how much the victim lost, and how much the juvenile can earn, since money paid to the victim must come from the juvenile and not his parents.

The majority of restitutions (77%), community work orders (81%), and hours worked for the victims (82%) were completed. It is the researcher's impression that if there had been better followup to ensure that the conditions were being fulfilled, more could have been completed.

At the present time, no victims are involved in the negotiation of the diversion settlement, but they are encouraged to accept any restitution or settlement agreed upon. However, the data showed that only 36% would have participated in the meeting if given the opportunity. The dilemma is that for diversion to maximize problem solving and conciliation between the offender and the victim/community in a just and equitable manner, victims must play a greater role. There is, however, the risk of changing the role of diversion into a victim-offender reconciliation program. The primary purpose of the Kitchener-Waterloo Diversion Program is not to enforce the private right of the victim against the juvenile, but rather to minimize the penetration of the juveniles into the justice system and to assist their acceptance of res-

possibility for their delinquent acts. Providing the victim with a meaningful and direct remedy for his loss is clearly secondary.

2. To reduce the number of young people appearing in juvenile court by providing pre-trial diversion.

The introduction of diversion has not increased the number of charges laid by the police and it is apparent that charges are not laid for the sole purpose of allowing entrance into the diversion program. Over the 2½ year period under study, there were a total of 188 successful cases that normally would have appeared in juvenile court. Therefore, the Kitchener-Waterloo Diversion Program has successfully reduced courtload by providing an alternate disposition for offences normally dealt with in juvenile court. A secondary impact was that it also reduced police man hours by eliminating some court time.

3. To promote a sense of responsibility in the community and in the offender for dealing with the problems of delinquency through direct involvement.

There was a consensus among committee members that as you have increased direct involvement in dealing with the problems of delinquency, in this case participating in the diversion program, there would be an increased sense of responsibility in the community and offender. Therefore, if one wants to increase the sense of responsibility in the

community for dealing with the problems of delinquency, there should be an increased number of lay people actively participating in the program.

This study indicated that the larger community has played a minimal role in the functioning of the program. To date, there have been eleven people directly involved: if one shortened the length of membership by means of rotation, there would be more committee members participating in the program. Committee members could be retained in other functions, such as arranging community work orders, restitution, apologies, public education, or training new members.

Evaluation of the Frontenac Diversion Program (Morton & West, 1980) also indicated that except for a very few citizens who served on the committee, few persons developed any wider knowledge or appreciation of the program's purpose of encouraging use of an alternative to formal juvenile justice processing. The Frontenac Program did utilize victims in the negotiation of diversion agreements but reported that it was difficult to have them agree to participate.

Co-operation from agencies in the cities of Kitchener-Waterloo has been excellent in providing placements for volunteer work that benefits the community. Information received from recipients of volunteer work, as recorded in diversion files, has generally indicated that they were very pleased with the work done by the volunteers. Although



in some cases late arrival for work or a poor work attitude jeopardized a placement, the problems were resolved through communication with the project staff. When the reaction from a potential recipient of community service work was firmly negative, generally the reason given was a fear of having someone work with them who had committed an offence. In these cases, the fear was usually allayed by a discussion of the philosophy of the diversion program, the experiences of previous placements, and the importance of having placements in the community which support such a program.

This research was unable to deal directly with the issue of whether offenders increased their "sense of responsibility" through participation in diversion as there were no known measuring instruments for this dimension. However, indirectly, the committee members assumed that as an offender signed the statement of diversion agreement and then successfully completed the program, an indication of responsibility/accountability was being made. According to committee members, the 77% success rate was acceptable and one of the reasons that agreements were being completed, was that the youth had an opportunity to negotiate the terms.

#### Category IV

1. Has the role and impact of the legal aid lawyer changed when dealing with diversion in comparison to juvenile court.

Essentially, the role of the lawyer in both juvenile court and diversion is similar in that they are present to provide legal representation and protect the rights of the youth. The latter is very important in diversion as the lawyers are viewed as the "watchdogs", ensuring that the charge is valid, the jurisdiction criteria of the committee have been met, and to explain that there is no requirement to appear before the committee and that any committee plan may be rejected.

However, the impact which the lawyers have in juvenile court and diversion are different. Within juvenile court, the lawyer must work within the pre-established traditional guidelines, while in diversion they have more flexibility and opportunity to make recommendations. According to the lawyers' responses, the attractive feature of diversion is its informality, relaxed atmosphere, and the significantly greater amount of time available to deal with the clients. This allows the lawyer to serve his clients better and also to gain a better understanding of his clients' needs.

From its inception, the Kitchener-Waterloo Diversion Program has ensured that duty counsel, provided through the Ontario Legal Aid Plan, is available to youths who meet with the committee. The youth/family also have the option of bringing their own lawyer.

2. Has there been any increase in the number of charges laid by the police since the introduction of diversion.

As evidenced by the large proportion of "prevention clients" being processed in the California diversion programs (Caplan, 1979), young persons are sometimes charged in order to be channeled to needed services. There is always the concern that if the police come to see diversion as an attractive alternative to court, it may result in a greater number of young people being charged for more trivial offences. Researcher (Morton & West, 1980) of the Frontenac Program speculated that the police were laying more charges since the introduction of diversion. Consequently, their major policy conclusion was that "reconsideration of extended police discretion might well be a more effective, more easily administered and much cheaper approach to reducing the number of juveniles in the justice system".

The introduction of diversion in Kitchener-Waterloo did not increase the number of charges laid. The "widening of the net" referred to by some researchers (Bullington et al., 1976) is not occurring. The researcher speculates that the police screening guidelines complement rather than compete with the concept of diversion. The police authorities assisted in the development of the diversion program and therefore were more sensitive to its objective of reducing juveniles appearing in court and not "widening the justice net". This was also one of the major reasons for having a pre-trial model, which is limited to the stage between the laying of a charge and trial.

### Implications for Diversion Policy

Presently there is considerable discussion within parliament concerning the replacement of the seventy-four year old Juvenile Delinquent Act with the Young Offenders Act. The juvenile justice system may be viewed as a continuum with the Juvenile Delinquent Act and Young Offenders Act at opposite extremes. The Juvenile Delinquent Act states that, when possible, every juvenile shall be treated not as a criminal, but as a misdirected and misguided child requiring help and assistance. Often judges are convinced that it is in the child's best interests to appear in court since they feel that the young offender and his/her family are more likely to receive the social services they need.

In contrast, the Young Offenders Act is based on the premise that much of the illegal behaviour of children is part of the normal process of growing up and does not necessarily view them as "misdirected or misguided". It also holds that young offenders be held accountable for their actions, and that dispositions be offence-related based on a non-intervention approach.

The researcher views formalized diversion as being somewhere in between these two extremes. Diversion holds that the youth is accountable, as does the Young Offenders Act, while maintaining the direct intervention approach of the Juvenile Delinquent Act. The diversion model proposes that

many types of criminal behaviour can be handled within the family and community, requiring no outside intervention or official action. Employment of the full weight and authority of the juvenile justice system is justified only when less intrusive and restrictive alternatives have been deemed inappropriate or ineffective in responding to criminal behaviour. Diversion also acknowledges that the commission of an offence by a young person does not necessarily indicate a need for treatment or other social services. However, as witnessed by the Kitchener-Waterloo Diversion Program, if "needs" requiring treatment or other social services are identified, then treatment will be ordered as a term of the diversion agreement.

The Kitchener-Waterloo Diversion Program has provided an acceptable alternative to juvenile court demonstrating that juveniles are capable of accepting accountability for their actions and are able to understand the legal process when an effort is made to explain it to them.

Although this evaluation does not attempt to further our understanding of "social control", there are some interesting points that should be made. The process of formalizing hitherto informal procedures is not new in legal history (Hardy, 1976). The major weakness of informal processes within the juvenile justice system is the relative "invisibility" of decisions (Harding, 1976). In principle, legal decisions affecting the

rights of persons are formal and public, therefore subject to scrutiny, criticism and control. When such decisions become part of administrative routines such as police giving warnings instead of laying charges, or when the Crown decides to withdraw a charge rather than prosecute, the criteria on which these decisions are based become obscured. Invisible decision-making offers opportunity for bias and corruption.

Yet administrative justice on an informal level is inevitable, for no system of social control can operate without the exercise of judgement and discretion at all levels. The apparent answer is not to eliminate discretion but to make it more visible and more responsible - hence formal diversion.

Viewed from the "system" perspective, the intent of law is to uphold authority and order rather than to enhance rights and achieve full public participation (Harlow, 1970). Diversion may be an "attempt" to make legal decisions visible and allow the participants some control. The presence of legal counsel at all stages can help increase both legal rights and responsibility. In addition, such processes as allowing the offenders opportunities to negotiate their diversion agreements may increase accountability.

Recommendations:

1. It is recommended that the Kitchener-Waterloo Diversion Program be continued. There is a high level of commitment from the committee members and strong support from the court and police.
2. Follow up should be maintained on all the conditions of diversion so that the chairman can mediate any difficulties immediately.
3. Since the youth is doing "work orders" voluntarily and is not employed by the particular agency, inquiries should be made to clear up matters related to liability insurance and workmen's compensation.
4. In the case of financial compensation to the victim, all money should be forwarded by the diversion chairman. Registered cheques made payable to the victim could then be sent, with a xerox copy for the youth, and a copy for the file.
5. The victim, because of his importance to the resolution of an offence, should be invited to meet personally with the offender and to participate in the negotiation of a voluntary settlement.
6. A more detailed outline of the program describing the rights and responsibilities of the youth should be mailed to the participants before the meeting so that they will have a better understanding of what to expect.
7. A standardized consequence upon failure to complete the

agreement should be set out in the written agreement. This will ensure that the participant understands what will happen if the conditions are not met.

8. Meetings should be held with committee members and other volunteers to discuss any problems and give recognition to individuals for work well done. There should be some official recognition of the tremendous input by volunteers, whether it is by banquet or presentation of awards.

9. The concept of diversion should be publicized in the community to increase public awareness and understanding by means of distribution of pamphlets, newspaper articles, television programs, and/or open line radio interviews.



Suggestions For Further Research:

1. Should the terms of diversion be offence-related (non-intervention) or related to the needs of the youth (direct intervention)?
2. The effect of knowledge of previous diversion involvement on a judge when he is determining a disposition is difficult to ascertain. When an offender has successfully completed a diversion program and then commits an offence for which he/she must go to court, is there a greater or lesser likelihood of a more severe disposition than if he/she had appeared in court previously?
3. The current program model suggests that a person would be returned to court if a complete diversion agreement is not respected. It may be appropriate to review the implications of such an action.
4. A longitudinal study should be undertaken to establish the recidivism rate of youths who have participated in diversion as compared to youths who have participated in juvenile court.
5. A study should be undertaken to assess the reactions of community agencies and victims who have had involvement with the processing of diversion conditions.

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APPENDIX A

The Waterloo Region Diversion Programme:  
A proposal to establish pre-trial diversion.

THE WATERLOO REGION DIVERSION PROGRAMME:  
A PROPOSAL TO ESTABLISH PRE-TRIAL DIVERSION

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## I INTRODUCTION:

Since the term "diversion" came into vogue, it has been indiscriminantly applied to programmes ranging in purpose from those preventing people not currently in the criminal justice system from entering it to those programmes treating people already well processed by the system.

For the purpose of this proposal, the following definition will be adopted.

- Prevention: Attempts made "...to improve the capacity of the individual, the family, the school, or community to handle its own troubles..."<sup>1</sup>
- Community Corrections: Programmes aimed at providing "treatment" for offenders within the Community, while still in the system.
- Diversion: Activities which "...minimize the involvement of the traditional adversary process and maximize conciliation and problem settlement."<sup>2</sup>

Although diversion programmes may offer "treatment" and hopefully increase the capacity of individuals and institutions to handle their own problems by providing a learning experience, these would be secondary to the major purposes of minimizing penetration of the system and conciliation of victim and offender.

The Law Reform Commission identified four types<sub>3</sub> of diversion.

- 1) Community Absorption: Problems which arise and are dealt with by the community and therefore do not come to the attention of the police.
- 2) Police Screening: Problems which come to police attention and are dealt with so that a decision to lay a charge is not made.
- 3) Pre-trial: Offences are dealt with after the decision to lay a charge is made, but prior to a court hearing, whether or not a charge is actually laid.
- 4) Alternatives to Imprisonment: Dispositions which keep the offender from proceeding from court to a correctional institution.

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1. Law Reform Commission of Canada. Working Paper 7. Diversion. Ottawa: Information Canada, 1974. p.4

2. Ibid., p.1

## II BACKGROUND: WATERLOO REGION COMMUNITY:

The following is a very brief summary of the major institutions and projects most likely to be affected by a diversion project and the role each plays in the existing process.

### Police:

The Juvenile Branch of the Waterloo Regional Police has a stated commitment to screening juvenile occurrences and to finding alternatives to the laying of charges. Research<sup>4</sup> completed in May 1976 supports this statement with its finding that ninety<sup>4</sup> percent of the juvenile occurrences are handled without a charge being laid.

Two other findings of this research, which are worthy of note are the following:

- i) 26.6%<sup>5</sup> of the cases charged had only one contact with the Juvenile Division.
- ii) 72%<sup>6</sup> of the charges laid involved a theft of some nature.

These findings indicate that the police are currently doing a great deal of screening of juveniles. Nothing that is in the proposal should diminish their efforts. The figures also indicate that many of those juveniles charged by the police do not have a serious history of delinquency.

These findings, plus the high percentage of theft offences, seem to indicate that there is scope for a pre-trial diversion programme.

### Court:

In the same research, the judicial use of the various dispositions by the Juvenile Court was tabulated.

The research shows that for 25.5% of the charges before the court during the research period a "non<sup>7</sup>disposition" (i.e. suspended sentence and Sine Die adjournment) was used. This finding seems to indicate that approximately one quarter of the cases before the Juvenile Court are not seen by the Judge to require incarceration, supervision or punishment although the charge has been justifiably laid. It would appear then that these cases, and possibly others, could be dealt with prior to Court.

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4. Schmidt, Bernie D. and Renee Kohn, Juvenile Division Research Report. Wilfred Laurier University, May 1976 (unpublished) p.12.

5. Ibid., p.9.

6. Ibid., p.10.

7. Ibid., p.11.

### Victim/Offender Reconciliation Project (VORP):

Statistical data<sup>8</sup> prepared by VORP shows that for the six month period ending in June 1976 a total of sixteen juveniles were involved in the programme. All but one of these juveniles were referred by either the Juvenile Court or the Probation Office. The reconciliation was handled by community volunteers.

The work done by VORP seems to indicate restitution and reconciliation are methods that can be used in handling juvenile cases. In keeping with the other findings enumerated above, this type of intervention could likely be utilized earlier in the criminal justice process and could be used with greater frequency.

### Court Committees:

There are two court committees operating in the Waterloo Region, each operating independently and from somewhat different sets of guidelines.

Each committee is made up of members of various local community agencies and deals with young people and families referred to it prior to the time the police decide to lay a charge. The main aim of each committee is to co-ordinate a treatment approach to dealing with the families referred.

The efforts of these bodies, which have a community agency base, should be encouraged as it is this community base that the Law Reform Commission<sup>9</sup> says "diversion" should rest.

### Conclusion:

After surveying the programmes presently in operation in the Waterloo Region it becomes apparent that the most neglected area of diversion is at the pre-trial point. It is this need for pre-trial diversion to which this proposal speaks.

The pre-trial diversion programme should capitalize on the efforts and strengths currently existing in the community while increasing the diversion options and while increasing the number of juveniles dealt with outside of the court. Nothing in this proposal should interfere with or diminish the efforts of others in the community to deal with the young people.

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8. Edmonds, Dorothy, Preliminary Data for Phase II of the Victim/Offender Reconciliation Project (VORP), June 1976 (unpublished).

9. Op.cit., p.24.

Because of the historical and geographic differences within the Waterloo Region the pre-trial diversion programme will have to operate with a separate structure for the North and South ends of the region despite the common court. Each end of the region has separate services and distinct identities.

### III PHILOSOPHY:

The following principles form the philosophic base from which the pre-trial diversion programme will be developed. All actions and decisions made under the aegis of the programme should be consonant with these principles.

- 1) "All children engage in deviance. . . (but) they become deviant through contingencies, complaints and decisions of human beings with some authority. <sup>10</sup>
- 2) Crime has its roots in society, <sup>11</sup> so it should be dealt with as a social problem and not as a strictly legal one. The community should, therefore, play a greater role in dealing with crime.
- 3) Young people should be held responsible for their actions. Court is often seen as removing this responsibility.
- 4) Consequences of one's actions should be as natural and logical as possible and should be related to the offence and not the offender.
- 5) The "principle of restraint" <sup>12</sup> requiring justification for taking the next most severe step in dealing with a young person, should be operating at all times.
- 6) Non-intervention may be the most appropriate stance to take with young people as there is evidence <sup>13</sup> to support the idea that treatment may be detrimental.

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10. Lemert, Edwin M. Instead of Court: Diversion in Juvenile Justice. National Clearing House for Mental Health Information, 1971. p.91.
  11. Canada. Ministry of the Solicitor General. Young Persons in Conflict With The Law, Ottawa, 1975. pp 1-3.
  12. Law Reform Commission, op.cit.p 3.
  13. Mahoney, Anne Rankin. "The Effects of Labelling Upon Youths in the Juvenile Justice System: A Review of Evidence"., Law and Society Review, Summer 1974. p 594.

- 7) There is some evidence<sup>14</sup> that the most potent deterrent to delinquency lies in bonds of attachment to conventional society, therefore conciliation is an important element in the handling of juvenile offences.
- 8) Diversion programmes must be formalized, though written philosophy and guidelines, if justice and equality are to exist.<sup>15</sup>
- 9) All involvement in diversion programmes must be voluntary and contain reasonable conditions. <sup>16</sup>
- 10) Diversion programmes should be aimed only at those people currently penetrating the system to the diversion point.<sup>17</sup>
- 11) Young persons have a right to be informed of their rights and freedoms and to participate at any stage in the process when decisions are made, which affect their welfare.<sup>18</sup>
- 12) The community and specific victims should have input into the handling of disputes.
- 13) Conflict resolution should be a learning process. There is evidence<sup>19</sup> that court appearances merely confuse a young person.
- 14) Treatment programmes and referrals should be voluntary, as if accepted as such they are more likely to succeed.

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14. Schur, Edwin M. Radical Non-Intervention-Rethinking the Delinquency Problem. Englewood Cliffs, N.J.: Prentice Hall, 1973, p 167.
  15. Law Reform Commission, op.cit.p 9.
  16. Young Persons in Conflict with the Law, op.cit. p. 29.
  17. This is the philosophy underlying the Law Reform Commission, Young Persons in Conflict. . . and Schur op.cit.
  18. Young Persons in Conflict with the Law, op.cit. pp. 33-4.
  19. Schur.op.cit. p 162.

#### IV OBJECTIVES:

The goals of the pre-trial diversion programme are the following:

- 1) To reduce the number of young people appearing in Juvenile court by providing pre-trial diversion.
- 2) To offer a formalized process as an alternative to further penetration of the criminal justice system and the resultant "record".
- 3) To provide informal dealing, focusing on the act for which the charge is laid;
- 4) To maximize problem solving and conciliation between the offender and the victim and/or community in a way that is just and equitable for all;
- 5) To promote a sense of responsibility in the community and in the offender for dealing with the problem of delinquency through direct involvement;
- 6) To offer "treatment" for personal, family or other problems on a voluntary basis; and
- 7) To reduce the recidivism rate among young people.

#### V SCREENING AGENCY:

The Screening Agency will be the centre of the pre-trial process. It will be a three person board who meet on a regular basis as the intake warrants. It is hoped that by using three people the bias and discretion will be decreased and the "agreement" effectiveness will increase. The Special Projects Officer will be the chairman of the screening agency, at least initially, and community volunteers will occupy the other two positions. It is hoped that the two non-professionals can present the community's interests in coming to an "agreement". (See Diagram 1 for an outline of the pre-trial diversion process).

The Screening Agency will see all young people and their families who are eligible (see "Eligibility" section) for diversion and help them decide whether an "agreement" can be reached. This agency will help work out the terms of an agreement with a young person and his family.

## Screening Agency (continued).

The agency, after meeting with the young person and his family, can recommend to the Police, as the Attorney General's representative, that either the young person be further proceeded against through court adjudication, or that proceedings against him cease.

In situations where recommendations against court adjudication are made to the Attorney General's representative, and are accepted, the agency will have the following options to consider in taking action or in coming to an "agreement".

- a) no action
- b) warning
- c) letter of apology
- d) regular school attendance
- e) curfew
- f) non-association
- g) talk with Probation Officer, Drug Counsellor, etc.
- h) volunteer
- i) restitution
- k) (re)conciliation
- l) community service
- m) any other appropriate condition

Once an agreement has been reached, the agency will inform the police of the results of the meeting. In accordance with the Report of the Solicitor General's Committee" any agreement entered into between the screening agency and the young person (must) be voluntary and contain reasonable conditions".<sup>21</sup>

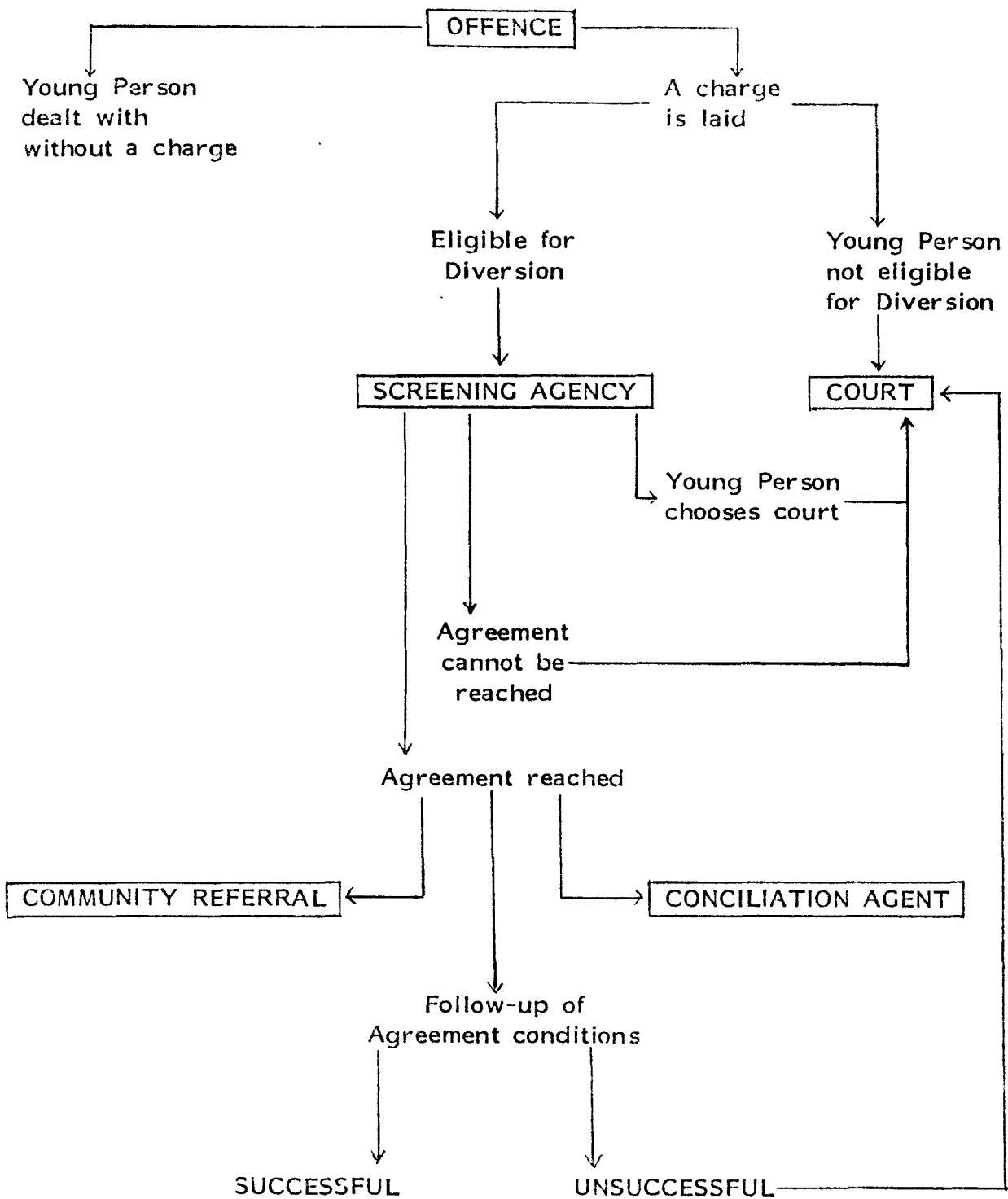
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21. Ibid, p.29.



DIAGRAM 1:

The Waterloo Region Diversion Programme



VI ELIGIBILITY:

A young person and his family will meet with the screening agency when the following conditions are met.

- i) The police have sufficient evidence to lay an information and have tried other options open to them for dealing with the young person.
- ii) The alleged offence did not result in serious physical harm or death and was not committed while using a firearm or threat of serious physical violence.
- iii) The young person has not been found delinquent within the last two years, nor has he participated "unsuccessfully" in the diversion programme within that period.
- iv) The charge is not truancy.
- v) The police do not insist on Court adjudication.
- vi) The young person agrees to meet with the screening agency.

The young person may enter into an agreement with the agency only after the following has occurred.

- i) The young person has discussed the programme and the offence with the agency and with a lawyer.
- ii) The young person admits responsibility for the act (i.e. alleged offence).
- iii) The young person voluntarily accepts the conditions of the agreement.

The importance of researching and evaluating new programmes is paramount if it is to be said with any assurance that the programme is progress and not just motion mistaken for progress. "Unless diversion is adequately tested and verified it may be merely a placebo that helps the system struggle through another decade".<sup>22</sup>

It is hoped that the Waterloo Region Diversion Programme can be professionally assessed early in the existence. To this end, the University of Waterloo has been approached and has shown interest in having their graduate students in clinical psychology devise an evaluative instrument, collect data and provide an analysis of the findings.

The research will be aimed at assessing whether the programme has achieved its objectives and has operated within the framework set down in the proposal.

Three types<sup>23</sup> of evaluation will be requested: one, effectiveness evaluation measuring whether the programme is in fact directed at the target population for which it was intended as well as ease of access to the clients; two, efficiency evaluation, measuring the frequency and quality of service delivery; and three, impact evaluation assessing the achievement the intended aims and objectives, attitude change and behaviour change.

Ongoing evaluation of the programme will take place through regular meetings between the Screening Agency, the Judges, the Police and significant others to discuss methods of improving communications as well as making more meaning agreements.

VIII ACCOUNTABILITY:

In order to ensure that the Screening Agency is accountable for the decisions it makes and the agreements it reaches with offenders, a structure must be set up whereby their actions are monitored.

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22. Nejeleski, Paul. "Diversion: Promise and Danger". p.406, in Crime and Delinquency October 1976, Vol. 22, No.4

23. Gibbons, Don C, and Gerald F. Blake, "Evaluating The Impact of Juvenile Diversion Programs", p.412 Crime and Delinquency. op.cit.

### Accountability (continued) .

Weekly meetings in the initial stages, which decrease in frequency as the programme becomes established, between the Screening Agency and the Juvenile Court Judges to discuss the decisions, problems and agreement results, would ensure that the agency is neither seen to be, nor becomes, an arbitrary body acting without legal sanction.

In keeping with the philosophy of the programme, specific cases will not be discussed by name with the Judge in order to adhere to the confidential nature of the programme.

Accurate accounts of each agreement and its completion will be kept for the information of the Screening Agency, for research purposes, and for accountability purposes, but will otherwise be confidential.

In the event of any further offence or any inquiry into the reason for not dealing with a juvenile offender in court, it would become clear that the diversion programme and the resultant agreements were officially sanctioned by the Ministry of the Attorney General.

### IX RIGHTS OF THE YOUNG PERSON:

In addition to protecting the rights of the young people involved in the programme by the previously noted accountability structure, legal advice will be provided in each case to help the young person to decide whether to enter the programme or not.

Legal Aid will provide for Duty Counsel to be present during the time when families meet with the Screening Agency. The role of counsel will be to advise the offender and his parents of their legal position if they opt for the diversion programme instead of proceeding to court. If counsel feels that the charge is not a provable one he must so advise the offender. (see Appendix "A" for an outline of the lawyers role).

If for any reason the young person proceeds to court he will not be scheduled for a day when the Diversion lawyer is court duty counsel.

Meetings with the Screening Agency are to be confidential and no one other than the principals involved will be entitled to attend without the consent of the young person.<sup>25</sup>

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25. Young Persons in Conflict. . .op.cit., p.32

X SETTLEMENTS:

A settlement can be reached between the young person and the Screening Agency either with an Agreement or in certain circumstances without reaching an Agreement.

Settlement without an Agreement can occur in the following situations: <sup>26</sup>

- 1) The offence is relatively minor, or it is the person's first involvement with the law.
- 2) The young person and his parents and/or victim resolve the problem through discussion with the Screening Agency.
- 3) Where a simple referral to another community agency appears sufficient.
- 4) Where it appears best not to have an Agreement, but to trust the parents and the young person.

Settlement by an Agreement occurs as a result of mutual acceptance of the conditions by the young person, his parents and the Screening Agency (see Appendix "B" for a copy of the "Statement of Agreement").

The conditions of an Agreement should conform to the following rules:

- 1) The conditions must be reasonable and make sense to the young person.
- 2) They must relate to the alleged act, not the actor.
- 3) The monetary equivalent of any restitution, community service or compensation should be in proportion to the harm and inconvenience caused.
- 4) The time commitment on the conditions should not exceed six months.
- 5) They must be specific, showing time, dates and amounts.
- 6) Time commitments should be calculated at not less than the minimum wage.

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26. Young Persons in Conflict. . .op.cit, p.29.

Settlement (continued)

When the young person signs the Statement of Agreement he promises to undertake the activities therein listed. The Screening Agency agrees to request that proceedings against the young person be interrupted pending completion of the Agreement and to recommend withdrawal of the charges upon completion of the conditions by the young person.

In cases of Settlement without an Agreement the Screening Agency recommends to the Attorney General that the charges be withdrawn immediately.

All recommendations must be supported by reasons, but the Attorney General retains the right not to accept the recommendation and to proceed with the charges.

If no Settlement can be reached the Screening Agency will recommend that the proceedings against the young person resume. This recommendation must be supported by one of the following reasons.

- 1) The young person chooses court adjudication.
- 2) The facts of the alleged act are in dispute.
- 3) No agreement can be reached and Settlement without Agreement is not warranted.

XI SANCTIONS:

The Solicitor General's Committee Recommended that ". . . . the Screening Agency should be a forum for the development of voluntary agreements rather than becoming a pre-court tribunal that is characterized by elements of compulsion and duress."<sup>27</sup>

The Diversion Programme will function in ways that maximize the possibility of voluntary involvement and minimize the feelings of compulsion, but the charge will be pending until the conditions are successfully completed.

If the young person defaults prior to the withdrawal of the charge the Police and the Court are notified and court proceedings will resume.

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27. Ibid, p.31

XII ADMINISTRATIVE PROCEDURES:

a) Determining Eligibility:

- to be done on Tuesday and Friday mornings.
- all new informations will be checked for eligibility against the Court's active and dead files as well as against the Diversion files.
- photocopies will be made of the informations against all eligible young persons.
- the original informations will be marked "Diversion Programme Eligible" and will not be assigned a court date pending the outcome of the meeting between the Screening Agency and the family.

b) Making Appointments:

- a letter of introduction and an outline of the programme (see Appendix "B") will be mailed to the parents of eligible young people on Tuesday and Friday afternoons.
- telephone calls will be placed on Wednesday (for Friday's letters) and Friday (for Tuesday's letters) afternoons to families who have not responded to the letters.
- an appointment will be made for each willing family to meet with the Screening Agency for one of the two sessions following contact.
- a letter confirming the time and place of the appointment will be sent.

c) Preparation for Meetings:

- the Police Juvenile Branch will be approached for all the facts they feel the Screening Agency should have regarding alleged offence.
- the victim will be asked to attend or to participate in establishing a work value for the damage etc.

d) Meetings:

- the Screening Agency will meet with families each Wednesday morning.



- the Diversion Programme will be explained to the young person and his parents.
- the family will discuss with legal counsel the ramifications of the decision (see Appendix "A").
- the information will be read and the young person asked to accept responsibility for the alleged act.
- when responsibility has been accepted the circumstances of the act will be discussed (see Appendix "A").
- alternative methods of settlement will be discussed.
- the family and the Screening Agency will each have an opportunity to discuss their reactions and feelings privately.
- the Screening Agency presents its expectations to the young person and his parents.
- if the conditions are accepted the "Statement of Responsibility" and the "Statement of Agreement" are signed.
- methods of referral to the Conciliation Agent or other agency are arranged if necessary.
- a follow-up meeting between the family and the Screening Agency is arranged if the young person agrees to conditions yet seems reluctant or resentful.
- if the family indicates a need or desire for treatment this is discussed and offered as a voluntary step unrelated to the Settlement.

c) Follow-up Activities:

- the results of the meeting are diarized for periodic checks on progress.
- the recommendation for suspension of court proceedings goes to the Attorney General.
- if the Attorney General concurs with the recommendation the original information is marked "Diversion Programme-

Agreement Reached," if it does not a court date is assigned and the information is processed normally.

- when the conditions of the Agreement are completed the Attorney General is notified.
- when a recommendation for withdrawal of the charges is accepted the original information is marked "Withdrawn at the Request of the Crown."
- a letter is sent to the family confirming the withdrawal of the charge.
- If the young person defaults on the conditions of the Agreement a letter is sent to the family informing them that their obligation to the Screening Agency has ended and that the matter will proceed to court (see Appendix "B").

APPENDIX "A"

(Waterloo Region Diversion Program Proposal)

- 1) Role of the Lawyer
- 2) Information Relevant in Reaching "Agreement"

DIVERSION PROGRAMME

ROLE OF THE LAWYER

- 1) Insure that diversion eligibility requirements are met.
  - i) The information is complete.
  - ii) The alleged offence did not result in serious physical harm or death, and was not committed while using firearms or threat of serious physical violence.
  - iii) The young person has not been found delinquent within the last two years.
  - iv) The young person voluntarily agrees to meet with the Screening Agency.
- 2) Insure that the young person and the family understand that they have the right to Court adjudication, that plans presented may be rejected and that the Screening Agency may recommend proceeding to Court.
- 3) Discuss the offence and the circumstances surrounding it to ascertain the following:
  - i) Provability of the offence. If the offence is not provable, the young person and the family must be so advised.
  - ii) The young person accepts responsibility for the act. If responsibility is not accepted, the Screening Agency must be advised.
  - iii) Any possible defence. If there is a defence, the possibility of Court adjudication must be discussed with the family.
- 4) During the meeting with the Screening Agency, insure that all information relevant to the offence is brought out.
- 5) Present possible plans to the Screening Agency.
- 6) Insure that the young person and family are voluntarily accepting the conditions of the Agreement and understand that non-fulfilment of the conditions means Court proceedings will take place.
- 7) Inform the young person of the degree of seriousness attached to the offence by the community by outlining the penalties an adult is liable to for committing the same offence and the implications of a criminal record.

DIVERSION PROGRAMME

Information Relevant in Reaching "Agreement"

OFFENCE:

- 1) General:
  - a) legal category
  - b) legal sanction (i.e. community's view of seriousness)
  
- 2) Specific:
  - a) time of day/night (i.e. skipping school, lacking supervision)
  - b) location of offence
  - c) others involved
    - i) numbers
    - ii) ages
    - iii) relationship to offender (i.e. leaders or followers)
    - iv) prior criminal relationship
    - v) contact since offence
  - d) circumstances
    - i) how opportunity arose
    - ii) degree of difficulty in committing offence
    - iii) amount of planning
    - iv) pressure from peers
    - v) drug/alcohol involvement
  - e) extent of loss, harm or damage
  - f) police details

OFFENDER:

- 1) Age
  
- 2) Court appearances in last two years
  
- 3) Attitudes
  - a) appreciation of seriousness
  - b) realization of harm caused or possible harm
  - c) feeling regarding the sanctions imposed thus far (i.e. by parents, laying of charge)
  - d) willingness to make amends
  
- 4) Explanation for committing crime

PARENTS OR GUARDIAN:

- 1) Actions taken as a result of the offence.
- 2) Supervision provided at the time of the offence (i.e. curfew)
- 3) Willingness to become actively involved.

VICTIM:

- 1) An individual or the community.
- 2) Loss - money, time, etc.
- 3) Inconvenience.
- 4) Pre-existing relationship with the victim.
- 5) Victim involvement/precipitation.

PLANS:

As proposed by:

- i) the offender
- ii) the parents or guardian
- iii) the lawyer
- iv) others

COMMENT:

All information sought should be regarding this specific act and not about the general behaviour or character of the young person or his family.

The reason for getting all the information is to assist in coming to an "Agreement", not to diagnose the young person. The conditions are to relate to the offence, therefore a curfew or school attendance clause would be suitable only if the offence were committed at times when they should have been in force anyway.

APPENDIX "B"

(Waterloo Region Diversion Program Proposal)

Sample Forms:   Introductory letter  
                  Programme Outline  
                  Statement of Responsibility  
                  Statement of Agreement  
                  Release of Information  
                  Letter of Default

Screening Agency  
1190 King Street East  
KITCHENER, ONTARIO  
N2G 2N4

Dear

As you are aware, the police have decided to charge your  
, with an offence under the Juvenile  
Delinquents Act. If you and are willing, the screening  
agency can help you settle this matter without going to Court.

If you would like to make an appointment, or would like more  
information, please call the screening agency at 744-6571 within two  
working days of receiving this letter.

An outline of the programme is attached for your information.

We believe this to be in the best interest of you and your family.

Yours truly,

Bradley G. Archer  
Chairman

encl.



WATERLOO REGION DIVERSION PROGRAMME

The Diversion Programme is meant to help young people in conflict with the law and their families make a plan to end the problem. It is also meant to keep families out of Court and to keep the young person from getting a record as a juvenile delinquent.

When a law has been broken, it means that another person or his belongings have been harmed in some way. The victim is much more aware of the harm than the person who caused the harm. The Diversion Programme tries to help the young person see the harm clearly and to help him or her make up for the harm. It also tries to help the family help the young person.

By agreeing to meet with the Screening Agency, you will be meeting with three members of the community who care about your problem and want to help you solve it.

A lawyer will also be present to give you advice and to see that you agree to do only what you want to do. If you wish you may bring your own lawyer.

After talking with the Screening Agency, if you would rather go to Court and have a Judge hear your side of the story that is still possible.

If you wish to meet with the Screening Agency, please make an appointment by calling 744-6571.

SCREENING AGENCY  
1190 KING STREET EAST  
KITCHENER. ONTARIO.

STATEMENT OF RESPONSIBILITY

RE: Young Person:  
Address:  
Offence:

DATE:

I, \_\_\_\_\_, having discussed the above-noted offence with legal counsel, do admit the fact as true and do accept responsibility for my actions in this offence.

\_\_\_\_\_  
Young Person

As legal guardian(s) of this young person, I (we) witness the above as true to the best of my knowledge.

\_\_\_\_\_  
Parent/Guardian

Witness: \_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian

SCREENING AGENCY

1190 KING STREET EAST

KITCHENER, ONTARIO

STATEMENT OF AGREEMENT

Re: Young Person:  
Address:  
Offence:

DATE:

Having met with the Screening Agency, we voluntarily agree to undertake the actions listed below as a result of involvement in the above-noted offence.

<u>Action to be taken</u>	<u>Amount</u>	<u>Completion Date</u>
---------------------------	---------------	------------------------

\_\_\_\_\_  
Young Person

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Parent

As their part in the Agreement, the Screening Agency agrees to recommend to the Police that the charge be withdrawn once the above actions have been completed.

\_\_\_\_\_  
Chairman, Screening Agency

cc: Juvenile Branch, Waterloo Regional Police.

## WATERLOO REGION DIVERSION PROGRAMME

## SCREENING AGENCY

RELEASE OF INFORMATION

We hereby consent to have the Screening Agency and the Juvenile  
Branch of the Waterloo Regional Police release to \_\_\_\_\_  
any information they may have regarding our family.

\_\_\_\_\_  
Young Person

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Parent

Date: \_\_\_\_\_

## WATERLOO REGION DIVERSION PROGRAMME

SCREENING AGENCY

1190 KING STREET EAST,

KITCHENER, ONTARIO.

N2G 2N4

Dear ,

When you and your \_\_\_\_\_ met with the Screening Agency, certain conditions were agreed upon in an effort to deal with your legal difficulties without going to Court. We are aware that the following conditions have not been kept:

As was explained when we met with you, failure to fulfill the terms of the agreement meant that the original problem would automatically be dealt with in Court. As this has happened, your responsibility to the Screening Agency has ended. You will be notified shortly of the date of the Court appearance to deal with the initial problem.

We regret that this programme was unable to assist you and your family.

Yours truly,

Bradley G. Archer,  
Chairman.

## APPENDIX B

Operationalization of evaluation model.

### Operationalization of Evaluation Model

There are three steps to complete in operationalizing an evaluation model. Step A consists of obtaining statements of the program's specific objectives. Step B involves identifying and collecting the relevant data and Step C consists of the interpretation of the data. These steps will be applied to each category of questions contained in the Gibbon et al. (1976) model (i.e. effectiveness, efficiency and impact evaluation), and two questions about "unanticipated consequences" of the diversion program.

#### Category I

Effectiveness Evaluation: Is the intended population being served?

- (A) The program description states that the defined target group are all males and females under age sixteen who are charged with a criminal offence but have not been found delinquent within the last two years. Other prerequisites are: (1) that the youth has not participated unsuccessfully in the diversion program within that period, (2) the offence has not involved serious injury, and (3) the charge is not truancy.
- (B) A complete sample of youths who have participated in the Kitchener-Waterloo Diversion Program during a 2½ year period between February, 1977 and August, 1979

will be obtained. The following characteristics will be examined: age, sex, criminal offences, and whether there has been previous delinquency or diversion involvement within a two year period (Appendix E - Form A).

A smaller sample will also be examined during a six month period with the above characteristics being recorded plus information on youths who have undergone juvenile court to assess any similarities in eligibility criteria (Appendix C - Form 1).

- (C) If the eligibility criteria is being met then data from Form A should demonstrate that the youths selected for the diversion program do indeed meet the above named requirements. However this does not answer whether the intended target population is being served. Therefore, if under the category of "Youths that have undergone juvenile court" (Form 1), there is a large percentage of cases meeting eligibility criteria for diversion, then it would be questionable as to whether the program is in fact serving the intended target population.

### Category II

Efficiency Evaluation: Are the intended procedures being implemented?

Three objectives of the Waterloo Region Diversion Programme belong in this category.



1. "To offer a formalized process as an alternative to further penetration of the criminal justice system and the resultant record". (Archer, 1977, p.6).

- (A) According to the diversion committee, the key issue is that diversion must not be viewed as an arbitrary body acting without legal sanction. It should maintain as much public respect for its documentation procedures as does the present criminal justice system. It is assumed that citizens perceive formal criminal justice procedures as having the capacity to effect a fair and equal administration of justice.
- (B) In discussions with committee members, it became apparent that the formal documentation of diversion is broken down into four distinct stages: eligibility, making appointments, committee meeting, and termination. To record the data relating to the stages over a 2½ year period, individual forms (Appendix C) have been devised and along with an Observation Form they will be utilized to determine whether the program actually operates in the way described by the committee members. A total of fifty systematic observations of diversion meetings will be completed by this researcher. These will consist of twenty-five randomly selected meetings during a six month period of March to August, 1979 and twenty-five consecutive meetings held during January

and February, 1980.

- (C) The above information will then be compared to the Administrative Procedure Outline as set down by Mr. Brad Archer (1976) to examine any possible discrepancies. Theoretically, if the procedure is carried out as initially planned, the "formalized process" means that alleged offenders go through a series of documented stages including decision making with regard to accepting and being accepted by the diversion project, mediation leading to a diversion agreement, completion of the diversion agreement, and termination of the formal justice process.

2. "To provide informal dealings focussing on the act for which the charge is laid". (Archer, 1977, p.6).

- (A) According to the diversion committee, the meeting is structured to reduce tension and formality and to encourage the young person to participate. The interactions, although presented within an organized procedural guideline, are informal or relaxed in nature to enhance the voluntary participation of the offender in discussing the motives for committing the crime. The factual nature of the offence allows a recognition of the breadth of legal categories and a realistic assessment of the seriousness of the conduct. According to committee members, it is recognized that a detailed examination of the circumstances of the offence may,

and probably will, reveal something about the character of the offender but it must be kept in mind that the purpose of learning about the circumstances and such character information is to determine intention, responsibility, and likelihood of repetition and not to develop typologies of offenders.

- (B) Interviews will be conducted immediately after the diversion meeting with twenty-five youths/and a parent to gain insight into their impressions of the discussions with the committee members (Appendix F - Questionnaire I, Part A). Emphasis will also be placed on whether the offence and its mitigating circumstances were discussed in detail.
- (C) As mentioned above, if the meetings are indeed informal or comfortable in nature, examination of responses from Questionnaire I - Part A should have the juveniles and parents answering positively about their understanding of the meeting and whether they found it comfortable. In regards to whether the offence was discussed thoroughly and competently, responses from both juveniles and parents should be positive in this area with the juvenile requested to relate the offence in his/her own words.

3. "To offer treatment for personal, family or other problems on a voluntary basis". (Archer, 1977, p.6).

- (A) The provision of these services is not within the direct service mandate of diversion. The meeting strategy is to deal with the charge, make a clear statement that any discussion of other problems will not affect the charge, and then ask people if they wish to discuss other problems. If the family indicates a need or desire for treatment, this is discussed and offered as a "voluntary" step unrelated to settlement or to the particular offence. This procedure is voluntary due to the belief that if accepted as such, they are more likely to succeed. The committee views themselves as a catalyst in the development and provision of these support services. However, if the committee members view counselling as directly related to the possibility of the offence reoccurring it will then be made a term of diversion.
- (B) Examination of cases over a 2½ year period will be conducted to gain a better perspective of "treatment plans" being offered and whether they were utilized and completed (Appendix E - Form B).
- (C) Data from Form B should indicate a wide assortment of treatment plans offered based on the individual's or family's needs. If treatment plans offered on a voluntary basis are more conducive to successful completion as suggested in the diversion proposal, then data from

Form B should clearly demonstrate a greater number of plans actually kept and fulfilled when offered voluntarily instead of as a term of diversion.

### Category III

Impact Evaluation: What is the outcome of the program?

Four objectives of the Waterloo Region Diversion Program belong in this category.

1. "To maximize problem solving and conciliation between the offender and the victim and/or community in a way that is just and equitable for all". (Archer, 1977, p.6).

(A) The statement involves emphasis on three concepts:

problem solving, conciliation, just and equitable.

According to the committee members the following are their definitions for these concepts.

"Problem Solving" - Another word commonly used is mediation, which is an intervention to promote reconciliation, settlement, or compromise.

"Conciliation" - There are two major types of diversion agreements or conciliation commonly used. The first type of agreement, community work service, occurs when a divertee agrees to carry out a specific task or amount of work without pay in the community. This type of agreement is appropriate in victimless offences or when the victim of an offence prefers that the divertee not work for the victim. The second type of agreement,

compensation to the victim (restitution), takes place when the divertee agrees to compensate the victim through paying a sum of money to, or in doing a specific amount of work for, the victim. Payments must come from the juvenile, not the parents. The amount mainly depends on how much the victim lost and how much the juvenile can earn or work off.

"Just and Equitable" - In determining "work hours" compensation, the committee members utilize the following formula to produce the appropriate figure up to a reasonable maximum (Minimum Student Wage x # of Hours = Designated Monetary Figure). At present, victims are not involved in the negotiation process of the diversion settlement. They are persuaded or encouraged to accept any restitution offered but of course have the right to refuse if they do not deem it as just and equitable. Therefore the above phrase only applies to the agreement arrived at between the offender and the committee members. Maximum duration of a diversion agreement is six months.

(B) Questionnaire I - Part B, Questionnaire II (Appendix F) have been designed to examine whether the problem solving strategy and conciliation process is viewed as fair and helpful. The former consists of 25 interviews with parents and offenders while the latter consists of a random sample of 25 victims during a six month period.

(March, 1979 to August, 1979). Form C (Appendix E) is a complete record of the type of conditions being offered and completed over a 2½ year period.

- (C) If problem solving is successfully occurring then data from Questionnaire I - Part B and Questionnaire II should indicate satisfaction from both the victims and offenders. Specifically with regard to the victim and community, this means at the stage of termination, having the same readiness to interact with the offender as existed before the offence occurred. With regards to the alleged offender, this means that the completion of the diversion agreement leads to the perception that there is no further obligation to compensate for the offence either to the victim or the community.

If agreements are viewed as "just and equitable" then there is a greater likelihood of them being completed since the offender will not feel as if he is being forced or coerced. Also data from Questionnaire I - Part B, and Questionnaire II, should indicate that both victims and offenders would be willing to make use of the diversion committee again, if so required.

In conciliation, one must recognize that the agreements imply that the divertee is actively involved in negotiating a plan to compensate the victim and community

for the costs relating to the offence. Data from Form C will indicate the types and frequency of "conditions" being offered and completed, along with the amount of monetary restitution collected.

2. "To reduce the number of young people appearing in juvenile court by providing pre-trial diversion". (Archer, 1977, p.6).

(A) Committee members view diversion as providing an adequate alternative way of dealing with some types of offences, thereby freeing up court, legal, and law enforcement resources to deal with types of crimes that require more attention and examination (indecent assaults, possession of dangerous weapons, assault charges, etc.). The police function is also important in relation to this objective. If the diversion committee were presented to the police as a means for helping young persons, the ratio of charges to total contacts might increase dramatically as police did less screening (and hence more charging) in order to help young persons. Throughout the existence of the Waterloo Region Diversion Program however, discussions with the Youth Bureau have emphasized the importance of their screening role, and the wish to involve the committee in only those cases which they feel are sufficiently serious to warrant a charge. According to the committee, the require-



ment that a charge be laid prior to a meeting with the committee has probably been a factor in maintaining police screening levels.

- (B) The police files will provide annual and monthly statistics on charges laid against juveniles. An examination will be carried out of the number of charges of detected youth crimes in specific time periods; three years before diversion was initiated (1974, 1975, 1976) and three years after diversion was initiated (1977, 1978, 1979) - (Appendix E - Form D).
- (C) The information from Form D will provide the number of charges laid against juveniles before diversion commenced and the number of charges laid against juveniles after diversion commenced. It will also give the number of youths who have successfully participated in the program, and an indication of the effect the introduction of diversion had on the frequency of charges laid against juveniles. The number of youths who have successfully undergone diversion is an indication in itself that providing pre-trial diversion reduces the number of young people appearing in juvenile court. It is essential to recognize that the reduction of young people appearing in court is only during the duration of the diversion agreement. There is no guarantee that completion of diversion will result in no further criminal

activity just as successful completion of probation is not a definite guarantee of law-abiding behaviour.

3. "To promote a sense of responsibility in the community and in the offender for dealing with the problems of delinquency through direct involvement". (Archer, 1977, p.6).

(A) There was a consensus among committee members that as you have increased direct involvement in dealing with the problems of delinquency, in this case participation in the diversion program, there would be an increased sense of responsibility in the offender and community. Therefore, if one wants to increase the sense of responsibility in the community for dealing with the problems of delinquency there should be an increased number of lay people actively participating in the program. This is based on the premise that as a person becomes more involved with an issue he develops a better perspective and personal commitment - a type of norm of social responsibility, which refers to one's accountability or obligation to help. In the same manner increased involvement in the diversion program by the young persons enables them to take charge of what is happening to them; to accept responsibility for their actions; to decide what is reasonable to do to repay and undo the wrong; and to make that response.

(B) It is difficult to measure "responsibility" or devise some precise criteria for its recognition. A longer term follow up would be useful but as this study has a time constraint, it would not be practical. Therefore, the concept of direct involvement will be looked into and the assumption made that it has an effect on sense of responsibility. This researcher assumes that as a youth signs the "Statement of Responsibility and Agreement" and successfully complete diversion, it is an indication of his accountability or responsibility. To measure the concept of direct involvement and subsequent sense of responsibility in the community, one can record the number of citizens who participated on the diversion committee or in its operation in different capacities (Appendix E - Form E). Their participation may be: (1) as the victim of an offence who is involved in the negotiation of a diversion agreement (2) supervising the community service work of a diverted person or giving the diverted person a job knowing that the money earned will be used to compensate the victim of an offence (3) working in any voluntary capacity assisting the project to carry out its procedures. Also considered as lay people are persons who work in the criminal justice system and who participate in a diversion project as private citizens, in roles not specified

as part of their job requirements.

- (C) Data from Form E should show a substantial number of lay people participating in the diversion program, if the community is in fact being represented. A small number would indicate that only a "select few" are having the opportunity to develop a sense of responsibility in dealing with the problems of delinquency. Form E will also indicate the number of juveniles that have successfully completed diversion.

#### Category IV

The fourth category may be referred to as the "unanticipated consequences" of the diversion program which along with the predicted or "intended consequences" may have an impact on the juvenile justice system.

1. Has the role and impact of the legal aid lawyer changed in dealing with diversion in comparison to juvenile court?

- (A) This researcher speculates that there has been a change in the role of the legal aid in dealing with diversion. A primary effect could be a greater understanding of the juvenile justice system and its young offenders. A possible explanation could be the increased amount of time spent with clients in consultation discussing the youth's offences and the mitigating circumstances surrounding them.

(B) Information from Questionnaire III (Appendix F) will indicate the differences in procedure, amount of time spent with youths and amount of consultation given to the clients.

(C) Data should demonstrate more time available for youths participating in diversion, discussing the youths' offences, the mitigating circumstances and answering any questions, in comparison to the time spent in juvenile court.

2. Has there been any increase in the number of charges laid by the Juvenile Police Department since the introduction of diversion?

(A) An attempt will be made to determine whether the Juvenile Police are more apt to lay a charge on a youth knowing that he/she will go through diversion whereas previously the youth would only have received a warning or police counselling.

(B) This question is closely related to Objective 2, Category III, wherein Form D will provide information on the number of charges on detected youth crimes in specific time periods; three years before and three years after diversion was initiated.

(C) The information from Form D will provide an indication of the effect the introduction of diversion had on the

frequency of charges laid against juveniles. For example, if there is a sharp increase in the number of charges laid after diversion was initiated, it could be speculated that the police are viewing diversion in an improper manner.

## APPENDIX C

## Administrative procedure check:

Form 1 - Eligibility criteria (6 month period)

Form 2 - Making appointments

Form 3 - Meetings

Form 4 - Termination.

## FORM 1

ELIGIBILITY CRITERIA - IS THE INTENDED POPULATION BEING SERVED?

Youths who have participated in the Kitchener-Waterloo Diversion Program or Juvenile Court for a six month period between March, 1979 and August, 1979.

Youths that have participated in the diversion program	Youths that have undergone juvenile court
N =	N =
Sex: Male _____ Female _____	Sex: Male _____ Female _____

Age

-	9 years	-
-	10 years	-
-	11 years	-
-	12 years	-
-	13 years	-
-	14 years	-
-	15 years	-
-	16 years	-

Charges

Education Act  
 Liquor Control Act  
 Highway Traffic Act  
 Causing Disturbance  
 Trespass  
 Narcotics  
 Dangerous Driving  
 Forgery  
 Possession Stolen Goods  
 Common Assault  
 Unlawful Use of Firearm  
 Discharge Firearm within City  
 Theft Under \$200  
 Auto Vehicle Theft  
 Theft Over \$200  
 Wilful Damage  
 Mischief  
 Obstruct Police Officer  
 Break & Enter  
 Break, Enter & Theft  
 Indecent Assault  
 Assault Causing Bodily Harm  
 Robbery



-	Previous delinquencies within the last two years	-
-	Previous participation in the diversion program within the last two years.	-
-	Number of cases meeting eligibility criteria for diversion.	-

Total Charges: \_\_\_\_\_

Total Charges: \_\_\_\_\_

N =

N =

FORM 2

ADMINISTRATIVE PROCEDURE CHECK: Youths who have participated  
(MAKING APPOINTMENTS) in the Kitchener-Waterloo  
Diversion Program over a  
period of  $2\frac{1}{2}$  years from  
February, 1977 to August,  
1979.

N = (Number of Eligible Juveniles) =

- (a) Number of introduction letters including an outline of  
the programme mailed to the parents of eligible juveniles  
for the diversion program: \_\_\_\_\_
- (b) Number who responded to the letters and phoned for an  
appointment: \_\_\_\_\_
- (c) Number who responded to the letters but rejected the  
programme: \_\_\_\_\_
- (d) Number who never responded: \_\_\_\_\_
- (e) Number of phone calls made by secretaries to families  
who have not responded to the letters: \_\_\_\_\_
- (f) Number of appointments actually kept: \_\_\_\_\_

FORM 3

ADMINISTRATIVE PROCEDURE CHECK: Youths who have participated  
(MEETINGS) in the Kitchener-Waterloo  
Diversion Program over a  
period of 2½ years from  
February, 1977 to August,  
1979.

N = (Number of Eligible Juveniles) =

(a) Number of Statement of Responsibilities signed: \_\_\_\_\_

(b) Number of Statement of Responsibilities refused: \_\_\_\_\_

Reasons Why: Decided to proceed in Juvenile Court \_\_\_\_\_

Did not understand Diversion Program \_\_\_\_\_

Other \_\_\_\_\_

(c) Number of Statement of Agreements signed: \_\_\_\_\_

(d) Number of Statement of Agreements refused: \_\_\_\_\_

Reasons Why: Did not believe the agreement was fair \_\_\_\_\_

Did not understand agreement \_\_\_\_\_

Other \_\_\_\_\_

FORM 4

ADMINISTRATIVE PROCEDURE: Youths who have participated in  
(TERMINATION) the Kitchener-Waterloo Diversion  
Program over a period of  $2\frac{1}{2}$  years  
from February, 1977 to August,  
1979.

N = (Number of Eligible Juveniles) =

- (1) Number of successful terminations: \_\_\_\_\_
- (2) Number of letters sent to the family confirming the  
withdrawal of the charge: \_\_\_\_\_
- (3) Number of broken Agreements which have been forwarded  
to juvenile court: \_\_\_\_\_
- (4) Number of letters sent to the family informing them  
that their son/daughter has defaulted on one of the  
conditions of the Agreement: \_\_\_\_\_

APPENDIX D  
Observation Form.

KITCHENER - WATERLOO DIVERSION COMMITTEEOBSERVATION FORM

Name: \_\_\_\_\_

Date: \_\_\_\_\_ Sex: \_\_\_\_\_

Code: \_\_\_\_\_ Age: \_\_\_\_\_

Time Commenced: \_\_\_\_\_ Charge: \_\_\_\_\_

Time Completed: \_\_\_\_\_

Duration: \_\_\_\_\_

Present at Meeting: Juvenile \_\_\_\_\_

Family members (1) \_\_\_\_\_

(2) \_\_\_\_\_

Lawyer/Duty Counsel \_\_\_\_\_

Chairman \_\_\_\_\_

Committee members (1) \_\_\_\_\_

(2) \_\_\_\_\_

Others \_\_\_\_\_

Part A: Introduction Phase

1. Introduction of diversion committee members by chairman:  
Yes \_\_\_\_\_ No \_\_\_\_\_
2. Explanation of the function of the diversion meeting by  
chairman: Yes \_\_\_\_\_ No \_\_\_\_\_

Part B: Discussion Between Legal Counsel and Family

The lawyer has specific roles as put forward in the Diversion Proposal (Archer, 1977). Check the following to determine whether they have been met.

1. Insures that diversion eligibility requirements are met.  
Yes No
- \_\_\_\_\_ The information is complete.
- \_\_\_\_\_ The alleged offence did not result in serious  
physical harm or death, and was not committed  
while using firearms or threat of serious  
physical violence.
- \_\_\_\_\_ The young person has not been found delin-  
quent or participated in diversion within  
the last two years.

Yes    No

\_\_\_ \_\_\_ The young person voluntarily agrees to meet  
with the committee members.

2. During the meeting with the committee members, insures that all information relevant to the offence is brought out.

Yes    No

\_\_\_ \_\_\_ (a) Time of day/night  
\_\_\_ \_\_\_ (b) Location of offence  
\_\_\_ \_\_\_ (c) Others involved  
    1. numbers  
    2. ages  
    3. relationship to offender  
    4. prior criminal records  
    5. contact with offender since offence  
\_\_\_ \_\_\_ (d) Mitigating circumstances  
    1. how opportunity arose  
    2. degree of difficulty to commit offence  
    3. amount of planning involved  
    4. who first had idea or who acted first  
    5. peer pressure  
    6. drug/alcohol involvement  
    7. other reasons  
\_\_\_ \_\_\_ (e) Extent of loss, harm or damage

3. Insures that the young person and the family understand that they have the right to court adjudication. Yes \_\_\_  
No \_\_\_

Insures that if there is a defence, the possibility of court adjudication is discussed with the family. Yes \_\_\_  
No \_\_\_

Informs the young person of the penalties an adult is liable to for committing the same offence and the implications of a criminal record. Yes \_\_\_  
No \_\_\_

Insures that the young person and parents fully understand the Statement of Responsibility Form before signing. Yes \_\_\_  
No \_\_\_

Insures that the young person and family are aware of the implications of signing the Statement of Agreement Form to be presented. Yes \_\_\_  
No \_\_\_

Insures that the young person and family understand that plans presented may be rejected. Yes \_\_\_  
No \_\_\_

Insures that the young person and family understand that non-fulfillment of the conditions means court proceedings will take place. Yes \_\_\_  
No \_\_\_

Part C: Discussion between Family and Diversion Committee

1. Checking on Admission of Responsibility

Are the charges read out. Yes \_\_\_ No \_\_\_  
Is juvenile asked if he/she has questions or understands proceedings. Yes \_\_\_ No \_\_\_  
Legal counsel states that case is within the committee's jurisdiction. Yes \_\_\_ No \_\_\_

2. Is juvenile requested to relate the offence occurred in his/her own words. Yes \_\_\_ No \_\_\_

3. Were family members comfortable enough to direct questions towards their son/daughter or committee members. Yes \_\_\_ No \_\_\_

4. Offence: Specifics -

Yes No

___	___	(a) Time of day/night
___	___	(b) Location of offence
___	___	(c) Others involved
___	___	1. numbers
___	___	2. ages
___	___	3. relationship to offender
___	___	4. prior criminal records
___	___	5. contact with offender since offence
___	___	(d) Mitigating circumstances
___	___	1. how opportunity arose
___	___	2. degree of difficulty to commit offence
___	___	3. amount of planning involved
___	___	4. who <u>first</u> had idea or who acted <u>first</u>
___	___	5. peer pressure
___	___	6. drug/alcohol involvement
___	___	7. other reasons
___	___	(e) Extent of loss, harm or damage



Part D: Disposition

1. Were juvenile/parents asked to leave for this phase?  
Yes \_\_\_ No \_\_\_
2. Length of time it took the diversion committee to draw up a plan.
- |       |            |
|-------|------------|
| _____ | 5 minutes  |
| _____ | 10 minutes |
| _____ | 15 minutes |
| _____ | 20 minutes |
3. Did the lawyer share his impressions and any relevant information with committee members. Yes \_\_\_ No \_\_\_
4. Terms of diversion:
- |       |   |
|-------|---|
| _____ | no action                                       |
| _____ | warning   |
| _____ | non association with persons deemed undesirable |
| _____ | apology   |
| _____ | monetary restitution                            |
| _____ | work restitution                                |
| _____ | community service                               |
| _____ | attend school                                   |
| _____ | curfew  |
| _____ | essay   |
| _____ | family counselling                              |
| _____ | voluntary probation                             |
| _____ | alcohol drug education programme                |
| _____ | alcohol & drug use restriction                  |
| _____ | obey parents rules                              |
| _____ | attend a recreation programme                   |
| _____ | vehicle use restriction                         |
| _____ | no further breach of the law                    |
| _____ | other   |
5. Were the juvenile/family asked if they understood the Statement of Agreement? Yes \_\_\_ No \_\_\_
6. Was the Statement of Agreement signed? Yes \_\_\_ No \_\_\_
7. Length of Diversion Agreement:
- |       |          |
|-------|----------|
| _____ | 1 month  |
| _____ | 2 months |
| _____ | 3 months |
| _____ | 4 months |
| _____ | 5 months |
| _____ | 6 months |

)

## APPENDIX E

- Form A - Eligibility criteria (2½ year period)
- Form B - Treatment
- Form C - Frequency of conditions used in diversion
- Form D - Number of juvenile charges in specific  
time periods
- Form E - Direct involvement in diversion and  
recipients of community service.

## FORM A

## ELIGIBILITY CRITERIA

Youths who have participated in the Kitchener-Waterloo Diversion Program over a period of 2½ years from February, 1977 to August, 1979.

N =

Sex: Male \_\_\_\_\_  
Female \_\_\_\_\_

Age:       9 years \_\_\_\_\_                   13 years \_\_\_\_\_  
          10 years \_\_\_\_\_                   14 years \_\_\_\_\_  
          11 years \_\_\_\_\_                   15 years \_\_\_\_\_  
          12 years \_\_\_\_\_                   16 years \_\_\_\_\_

Charges: (Least serious)

1	Education Act	_____
2	Liquor Control Act	_____
3	Highway Traffic Act	_____
4	Causing Disturbance	_____
5	Trespass	_____
6	Narcotics	_____
7	Dangerous Driving	_____
8	Forgery	_____
9	Possession Stolen Goods	_____
10	Common Assault	_____
11	Unlawful Use of Firearm	_____
12	Discharge Firearm within City	_____
13	Theft Under \$200	_____
14	Auto Vehicle Theft	_____
15	Theft Over \$200	_____
16	Wilful Damage	_____
17	Mischief	_____
18	Obstruct Police Officer	_____
19	Break & Enter	_____
20	Break, enter & Theft	_____
21	Indecent Assault	_____
22	Assault Causing Bodily Harm	_____
23	Robbery	_____

(Most serious) Total Charges: \_\_\_\_\_

Number of youths with previous delinquencies within last two years. \_\_\_\_\_

Number of youths who have had previous participation in the diversion program within the last two years. \_\_\_\_\_

## FORM B

## TREATMENT

Youths who have participated in the Kitchener-Waterloo Diversion Program over a period of 2½ years from February, 1977 to August, 1979.

N =

1. Number of treatment plans actually included as a term of diversion: \_\_\_\_\_  
 - Number actually kept and fulfilled: \_\_\_\_\_
2. Number of treatment plans offered on a voluntary basis and not as a term of diversion: \_\_\_\_\_  
 - Number actually kept and fulfilled: \_\_\_\_\_
3. Types of treatments offered:

	<u># Com- pleted</u>	<u># Not Com- pleted</u>
_____ Kitchener-Waterloo Counselling	_____	_____
_____ Interfaith Pastoral Counselling	_____	_____
_____ Outpatient Clinic K-W Hospital	_____	_____
_____ Alcoholics Anonymous	_____	_____
_____ Al-Anon	_____	_____
_____ Al-A-Teen	_____	_____
_____ Childrens Aid	_____	_____
_____ Behaviour Consultants	_____	_____
_____ Big Brother	_____	_____
_____ Big Sister	_____	_____
_____ Court Counselling	_____	_____
_____ Drug/Alcohol Program	_____	_____

FORM C

## Frequency of Conditions Used in Diversion Agreements

Youths who have participated in the Kitchener-Waterloo Diversion Program over a period of  $2\frac{1}{2}$  years from February, 1977 to August, 1979.

N =

Least Severe

1	No Action	_____
2	Warning	_____
3	Apology	_____
4	No Further Breach of Law	_____
5	Attend School	_____
6	Curfew	_____
7	Obey Parents Rules	_____
8	Family Counselling	_____
9	Alcohol & Drug Education Programme	_____
10	Attend a Recreation Programme	_____
11	Write Essay	_____
12	Monetary Restitution	_____
13	Work Restitution	_____
14	Community Service	_____
15	Non Association with Persons Deemed Undesirable	_____
16	Not to Frequent Any Places Deemed Undesirable	_____
17	Vehicle Use Restriction	_____
18	Alcohol & Drug Use Restriction	_____
19	Voluntary Probation	_____
	Most Severe	

Tangible Benefits of the Community (Completed)

<u>Condition</u>	<u>Frequency</u>	<u>Amount/Hours</u>
1. Monetary Restitution		
2. Work Restitution		
3. Community Service		

## FORM D

Number of Charges on Detected Youth Crimes in Specific Time Periods - Three Years Before Diversion and Three Years After.

Charges	1974	1975	1976	1977	1978	1979
1. Liquor Control Act						
2. Highway Traffic Act						
3. Shoplift						
4. Forgery						
5. Possession Stolen Goods						
6. Assault						
7. Theft						
8. Theft of Car/Motorcycle						
9. Mischief						
10. Break & Enter						
11. Indecent Assault						
12. Robbery						
13. Other Offences						
Total:						

Number of Youths that Participated  
in Diversion During:

1977 \_\_\_\_\_  
1978 \_\_\_\_\_  
1979 \_\_\_\_\_

Successful  
Completions

1977 \_\_\_\_\_  
1978 \_\_\_\_\_  
1979 \_\_\_\_\_

FORM EDirect Involvement in Diversion

Youths who have participated in the Kitchener-Waterloo Diversion Program over a period of 2½ years from February, 1977 to August, 1979.

COMMUNITY

Number of committee members that have participated in the program since its conception. \_\_\_\_\_

Number of victims of an offence who have been involved in the negotiation of a diversion agreement. \_\_\_\_\_

Number of individuals who have worked in the capacity of supervising community work orders. \_\_\_\_\_

Number of individuals who have worked in various voluntary capacities to assist the project in carrying out its procedures. \_\_\_\_\_

YOUNG OFFENDER

Statement of Responsibilities signed. \_\_\_\_\_

Statement of Agreements signed. \_\_\_\_\_

Diversion Contracts completed. \_\_\_\_\_

Diversion Contracts failed. \_\_\_\_\_

Charges withdrawn. \_\_\_\_\_

Recipients of Community Service

<u>Name</u>	<u>F</u>	<u>Hours Completed</u>	<u>Hours Not Completed</u>
1 A.R. Goudie Eventide Home	_____	_____	_____
2 Waterloo A.R.C.	_____	_____	_____
3 Care Ring	_____	_____	_____
4 Centreville Chicopee Comm. Assoc.	_____	_____	_____
5 Kitchener Day Care Centre	_____	_____	_____
6 House of Friendship	_____	_____	_____
7 Kitchener Agricultural Society	_____	_____	_____
8 Parkwood Manor Seniors Home	_____	_____	_____
9 St. Monica House	_____	_____	_____
10 Sunnyside Home	_____	_____	_____
11 Rotary Children's Centre	_____	_____	_____
12 Y...C.A.	_____	_____	_____
13 Y.W.C.A.	_____	_____	_____
14 Board of Education	_____	_____	_____
15 K-W Hospital	_____	_____	_____
16 Developmental Centre	_____	_____	_____
17 Sunbeam Home	_____	_____	_____
18 Adult Recreation Centre	_____	_____	_____

## APPENDIX F

## Interview Schedules:

- Questionnaire I - Juveniles' and parents' perceptions of diversion
- Questionnaire II - Victims' perceptions of diversion
- Questionnaire III - Lawyers' perceptions of diversion in comparison to the traditional judicial process.



Questionnaire I

Questionnaire to Measure the Juveniles' and Parents' Perceptions of Diversion.

N =

PART A: The Meeting (Questions directed towards both juvenile and parents)

1. How well did you understand what was happening during the meeting?

Juvenile:

Parents:

2. In general, how did you find the atmosphere of the meeting?

Juvenile:

Parents:

3. During the meeting with the lawyer and the diversion committee, to what extent was information related to the offence discussed?

Juvenile:

Parents:

4. How did you feel talking about the offence and its surrounding circumstances to the committee members?

Juvenile:

Parents:

PART B: Plan or Disposition (Questions directed towards juvenile)

1. In relation to your offence, how did you find the terms of diversion?
2. How did you feel towards any referrals for counselling?
3. Looking back on the meeting, to what extent will it help you to stop breaking the law?
4. Looking back on the meeting, how well do you feel that all of the problems have been dealt with?
5. Now that the terms of diversion are set, to what extent do you feel that they will help you make up for doing wrong?

Questionnaire I

(Likert Scale Included)

Questionnaire to Measure the Juveniles' and Parents' Perceptions of Diversion.

N =

PART A: The Meeting (Questions directed towards both juvenile and parents)

1. How well did you understand what was happening during the meeting?  
 Juvenile: Clear  
 / Strong/ Moderate/ Uncertain/ Moderate/ Strong/  
 Parents: Confusing
2. In general, how did you find the atmosphere of the meeting?  
 Juvenile: Comfortable  
 /Strong/ Moderate/ Undertain/ Moderate/ Strong/  
 Parents: Uncomfortable
3. During the meeting with the lawyer and the diversion committee, to what extent was information related to the offence discussed?  
 Juvenile: Detailed  
 / Strong/ Moderate/ Undertain/ Moderate/ Strong/  
 Parents: Scarce
4. How did you feel talking about the offence and its surrounding circumstances to the committee members?  
 Juvenile: Comfortable  
 / Strong/ Moderate/ Uncertain/ Moderate/ Strong/  
 Parents: Uncomfortable

PART B: Plan or Disposition (Questions directed to juvenile)

1. In relation to your offence, how did you find the terms of diversion?  
 Fair Unfair  
 / Strong/ Moderate/ Uncertain/ Moderate/ Strong/
2. How did you feel towards any referrals for counselling?  
 Comfortable Uncomfortable  
 / Strong/ Moderate/ Uncertain/ Moderate/ Strong/
3. Looking back on the meeting, to what extent will it help you to stop breaking the law?  
 Helpful Unhelpful  
 / Strong/ Moderate/ Uncertain/ Moderate/ Strong/

4. Looking back on the meeting, how well do you feel that all of the problems have been dealt with?  
Adequate Inadequate  
/ Strong/ Moderate/ Uncertain/ Moderate/ Strong/
5. Now that the terms of diversion are set, to what extent do you feel that they will help you make up for doing wrong?  
Adequate Inadequate  
/ Strong/ Moderate/ Uncertain/ Moderate/ Strong/

Questionnaire II

Questionnaire to Measure the Victims' Perceptions of Diversion.

N =

- (1) Have you ever heard of the Waterloo Region Diversion Program?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- (2) Being the victim of a crime, were you invited to participate in the diversion meeting?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- (3) If not, would you have participated if given the opportunity?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- (4) Did anyone from the diversion committee contact you to inform you of a possible restitution agreement involving yourself?  
Yes \_\_\_\_\_ No \_\_\_\_\_
- (5) What do you see as the advantages, if any, of dealing with juveniles through the diversion committee? The disadvantages?
- (6) To what extent was the agreement reached by the committee a just and equitable one to compensate your losses/injury?
- (7) To what extent, subsequent to the completion of the diversion agreement, do you feel comfortable in interacting with the offender?
- (8) If a similar occasion arose, would you be willing to appear before or make use of the diversion committee again?

Questionnaire III

Questionnaire to measure the Lawyers' Perceptions of diversion in comparison to the traditional court process

N = All lawyers who have participated in diversion and juvenile court.

1. Do you feel that the amount of time "available" in juvenile court is sufficient to adequately prepare for the youth's legal representation?

In Diversion?

2. In discussion with the young person and family in juvenile court do you have the "opportunity" to discuss the ramifications of the youth's present charge in adult court?

In Diversion?

3. In discussion with the young person and family in juvenile court do you have the "opportunity to insure that the young person and family understand what the procedure is in the juvenile justice system?

In Diversion?

4. During the meeting with the youth/family in juvenile court, do you have the "opportunity" to insure that all information relevant to the offence is brought out?

In Diversion?

5. What do you see as the advantages, if any, of dealing with juveniles through the diversion committee instead of court?

The disadvantages?

## APPENDIX G

Gibbon, Lebowitz, Blake (1976)  
Program Evaluation Model.

Gibbons, Lebowitz, and Blake "Program Evaluation Model",  
Crime and Delinquency, July, 1976.

Evaluation research attempts to provide answers to three basic questions: (1) Did the client look like what you thought they would? (2) Did you do what you said you were going to do in the way of program efforts? (3) Did what you did with the offenders have any effect upon them? In the technical literature on program evaluations, the three questions above are often designated as effectiveness evaluation, efficiency evaluation, and impact evaluation.

Category I:

Effectiveness evaluation is concerned with several related factors: whether the program was directed, in fact, at the target population for which it was intended; the ease with which the program obtained access to target clients; and, obstacles to inauguration of the program with appropriate clients. "Did the intended target population look like what you thought they would?"

Category II:

Efficiency evaluation studies the frequency and quality of service delivery and deals with the extent to which the processes, activities, and strategems of intervention were

actually implemented. "In terms of the procedure are you doing what you say you are?"

Category III:

Impact evaluation focuses on the achievement of the intended ends or consequences of intervention. Some form of recidivism measurement is often utilized to gauge impact, but other indicators of impact - i.e. subjects' attitudinal changes, alterations in social relations, improved school behaviour, might also be employed. "What is the outcome of the program?"



## APPENDIX H

Summary of data from the fifty systematic observations as recorded on the observation form.

Summary of data from the fifty systematic observations as recorded on the observation form.

N = 50

Male - 45 (90%)

Female - 5 (10%)

Duration:

20 - 25 minutes	- 2	Mean	- 43.5 minutes
26 - 30 minutes	- 1	S.D.	- 6.8
31 - 35 minutes	- 1		
36 - 40 minutes	- 18		
41 - 45 minutes	- 15		
46 - 50 minutes	- 9		
51 - 55 minutes	- 4		

<u>Age:</u>	9 years	- 1	<u>Charge:</u>	Theft Under	20
	10 years	- 0		Wilful Damage	4
	11 years	- 1		Drinking	5
	12 years	- 11		Possession Stolen Goods	2
	13 years	- 10		Break & Enter	2
	14 years	- 8		Break, Enter & Theft	10
	15 years	- 18		Auto Theft	3
	16 years	- 1		Motorcycle Theft	2
		<u>50</u>		Assault	1
				Possession Firearm	1
					<u>50</u>

Present at Meeting:

Juvenile	- 50
Mother	- 19
Father	- 12
Both Parents	- 19
Lawyer	- 50
Committee Member #1	- 46
#2	- 50

Part A: Introduction Phase

- (1) Introduction of diversion committee members by chairman:  
Yes 50 No 0
- (2) Explanation of the function of the diversion meeting by chairman: Yes 28 No 22

Part B: Discussion between legal counsel and family

(1) Insures that diversion eligibility requirements are met.

Yes No

- a. 50 0 The information is complete.  
 b. 50 0 The alleged offence did not result in serious physical harm or death, and was not committed while using firearms or threat of serious physical violence.  
 c. 50 0 The young person has not been found delinquent or participated in diversion within the last two years.  
 d. 50 0 The young person voluntarily agrees to meet with the committee members.

(2) During the meeting with the committee members, insures that all information relevant to the offence is brought out.

Yes No

- a. 50 0 (a) Time of day / night  
 b. 50 0 (b) Location of offence  
 (c) Others involved  
 c. 50 0 (1) numbers  
 d. 29 21 (2) ages  
 e. 42 8 (3) relationship to offender  
 f. 36 14 (4) prior criminal records  
 g. 38 12 (5) contact with offender since offence  
 (d) Mitigating circumstances  
 h. 48 2 (1) how opportunity arose  
 i. 49 1 (2) degree of difficulty in committing offence  
 j. 41 9 (3) amount of planning involved  
 k. 45 5 (4) who had the idea first or who acted first  
 l. 32 18 (5) peer pressure  
 m. 44 6 (6) drug/alcohol involvement  
 n. 50 0 (7) other reasons  
 o. 50 0 (e) Extent of loss, harm or damage

(3)

- a. Insures that the young person and the family understand that they have the right to court adjudication. Yes 50  
 No 0.  
 b. Insures that if there is a defence, the possibility of court adjudication is discussed with the family. Yes 2  
 No 48.

- c. Informs the young person of the penalties an adult is liable to for committing the same offence and the implications of a criminal record. Yes 41 No 9.
- d. Insures that the young person and parents fully understand the Statement of Responsibility Form before signing. Yes 50 No 0.
- e. Insures that the young person and family are aware of the implications of signing the Statement of Agreement Form to be presented. Yes 50 No 0.
- f. Insures that the young person and family understand that plans presented may be rejected. Yes 46 No 4.
- g. Insures that the young person and family understand that non-fulfillment of the conditions means court proceedings will take place. Yes 50 No 0.

Part C: Discussion between family and diversion committee

(N = 48 Two decided to plead not guilty.)

(1) Checking on Admission of Responsibility

- a. Are the charges read out. Yes 48 No 0.
- b. Is juvenile asked if he/she has questions or understands proceedings. Yes 40 No 8.
- c. Legal counsel states that case is within the committee's jurisdiction. Yes 48 No 0.

(2) Is juvenile requested to relate the offence occurred in his/her own words. Yes 48 No 0.

(3) Were family members comfortable enough to direct questions towards their son/daughter or Committee Members. Yes 43 No 5.

(4) Offence: Specifics -

	Yes	No	
a.	<u>47</u>	<u>1</u>	(a) Time of day / night
b.	<u>48</u>	<u>0</u>	(b) Location of offence
			(c) Others involved
c.	<u>48</u>	<u>0</u>	(1) numbers
d.	<u>38</u>	<u>10</u>	(2) ages
e.	<u>42</u>	<u>6</u>	(3) relationship to offender

## (4) Offence: Specifics (Cont'd)

f.	<u>40</u>	<u>8</u>	(4) prior criminal records
g.	<u>48</u>	<u>0</u>	(5) contact with offender since offence
			(d) Mitigating circumstances
h.	<u>42</u>	<u>6</u>	(1) how opportunity arose
i.	<u>48</u>	<u>0</u>	(2) degree of difficulty in committing offence
j.	<u>46</u>	<u>2</u>	(3) amount of planning involved
k.	<u>36</u>	<u>12</u>	(4) who had the idea <u>first</u> or who acted <u>first</u>
l.	<u>39</u>	<u>9</u>	(5) peer pressure
m.	<u>36</u>	<u>12</u>	(6) drug/alcohol involvement
n.	<u>48</u>	<u>0</u>	(7) other reasons
o.	<u>48</u>	<u>0</u>	(e) Extent of loss, harm or damage

Part D: Disposition

N = 48

- (1) Were juveniles/parents asked to leave for this phase?  
Yes 48 No 0
- (2) Length of time it took the diversion committee to draw up a plan.
- |    |           |            |
|----|-----------|------------|
| a. | <u>5</u>  | 5 minutes  |
| b. | <u>37</u> | 10 minutes |
| c. | <u>6</u>  | 15 minutes |
| d. | <u>0</u>  | 20 minutes |
- (3) Did the lawyer share his impressions and any relevant information with the committee members. Yes 48 No 0.
- (4) Terms of Diversion:
- |    |           |   |
|----|-----------|---|
| a. | <u>0</u>  | no action                                       |
| b. | <u>0</u>  | warning   |
| c. | <u>18</u> | non association with persons deemed undesirable |
| d. | <u>23</u> | apology   |
| e. | <u>6</u>  | monetary restitution                            |
| f. | <u>3</u>  | work restitution                                |
| g. | <u>6</u>  | community service                               |
| h. | <u>15</u> | attend school                                   |
| i. | <u>7</u>  | curfew  |
| j. | <u>11</u> | essay   |
| k. | <u>5</u>  | family counselling                              |
| l. | <u>10</u> | voluntary probation                             |
| m. | <u>3</u>  | alcohol & drug education programme              |
| n. | <u>6</u>  | alcohol & drug use restriction                  |
| o. | <u>16</u> | obey parents rules                              |

## (4) Terms of Diversion: (cont'd)

- p. 1 attend a recreation program  
q. 0 vehicle ~~use~~ restriction  
r. 48 no further breach of the law  
s. 0 other

(5) Were the juvenile/family asked if they understood the Statement of Agreement? Yes 48 No 0.

(6) Was the Statement of Agreement signed? Yes 48 No 0.

## (7) Length of Diversion Agreement:

- a. 0 1 month  
b. 0 2 months  
c. 44 3 months  
d. 3 4 months  
e. 1 5 months  
f. 0 6 months

APPENDIX I

Juveniles' and parents' perceptions of the  
diversion meeting (Questionnaire I - Part A).

Juveniles' and parents' perceptions of the diversion meeting.

(Questionnaire I - Part A)

Question #1 - How well did you understand what was happening during the meeting?

<u>Ss</u>	<u>Juvenile</u>	<u>Parent</u>
1	Understood it pretty good.	Mother - Very well.
2	Very well.	Mother - Good.
3	Pretty good.	Mother - Okay.
4	Very well.	Father - Very well.
5	Excellent.	Mother - Very good.
6	Okay.	Mother - Very well.
7	Excellent.	Mother - Very well.
8	Okay.	Father - Good.
9	Pretty good.	Mother - Very well.
10	Okay.	Father - Excellent.
11	Pretty good.	Mother - Okay. Father - No problem.
12	Understood it.	Mother - Very well.
13	Okay.	Mother - Very well.
14	Pretty good.	Mother - Excellent. Father - Very well.
15	Good	Mother - Very clear.
16	Pretty good.	Mother - No problem.
17	Pretty good.	Mother - Okay.
18	Very well.	Mother - Very well.
19	No problem.	Mother - Pretty good. Father - No problem.
20	Good.	Father - Excellent.
21	Very well.	Mother - Okay. Father - Very well.
22	Pretty good.	Mother - Okay.
23	Good.	Mother - Very clear.
24	Very clear.	Mother - Good. Father - No problem.
25	Pretty good.	Father - Pretty good.



Juveniles' and parents' perceptions of the diversion meeting.

(Questionnaire I - Part A)

Question #2 - In general, how did you find the atmosphere of the meeting?

<u>Ss</u>	<u>Juvenile</u>	<u>Parent</u>
1	Pretty good.	Mother - Very comfortable.
2	Very relaxed.	Mother - Comfortable.
3	No problem.	Mother - Comfortable.
4	Comfortable.	Father - Excellent.
5	Very relaxed.	Mother - Very comfortable.
6	Pretty cool.	Mother - Comfortable.
7	It was okay.	Mother - Very comfortable.
8	I wasn't tense.	Father - Excellent.
9	Helpful.	Mother - Very good.
10	Relaxed.	Father - Very casual.
11	Friendly.	Mother - Excellent.
		Father - Very comfortable.
12	Tense.	Mother - Very peaceful.
13	No problem.	Mother - Very comfortable.
14	Very good.	Mother - Very good.
		Father - Uncertain.
15	Uneasy.	Mother - Very comfortable.
16	Okay.	Mother - Relaxed.
17	Good.	Mother - Very informal.
18	Exciting.	Mother - Very comfortable.
19	Well explained.	Mother - Friendly.
		Father - Informal.
20	Very good.	Father - Very comfortable.
21	Very friendly.	Mother - Very informal.
		Father - Helpful.
22	Stinks.	Mother - Very comfortable.
23	Very comfortable.	Mother - Very comfortable.
24	Friendly.	Mother - Helpful.
		Father - Uncertain.
25	Pretty good.	Father - Very comfortable.

Juveniles' and parents' perceptions of the diversion meeting.

(Questionnaire I - Part A)

Question #3 - During the meeting with the lawyer and the diversion committee, to what extent was information related to the offence discussed?

<u>Ss</u>	<u>Juvenile</u>	<u>Parent</u>
1	Was covered.	Mother - Fully discussed.
2	Very detailed.	Mother - Completely.
3	Completely.	Mother - Everything covered.
4	Everything discussed.	Father - Relieved to hear entire story.
5	Explained completely.	Mother - All discussed.
6	Pretty much.	Mother - Very satisfied.
7	Discussed thoroughly.	Mother - Very detailed.
8	Pretty good.	Father - Everything covered.
9	It was okay.	Mother - Fully discussed.
10	Very well.	Father - Completely.
11	Talked about everything.	Mother - No problems. Father - All information covered.
12	It was covered.	Mother - Extremely well.
13	Everything covered.	Mother - Fully discussed.
14	Pretty good.	Mother - I got my say. Father - Thoroughly discussed.
15	Quite good.	Mother - Extremely well.
16	About average.	Mother - Quite good.
17	Great job.	Mother - Very revealing.
18	Extremely well.	Mother - Very detailed.
19	Explained it well.	Mother - Excellent. Father - Felt all information discussed.
20	Very detailed.	Father - Very detailed.
21	Pretty good.	Mother - About average. Father - Very well.
22	It was okay.	Mother - Absolutely no complaints.
23	Included everything.	Mother - Covered all implications.
24	Very detailed.	Mother - Pretty good. Father - On kid's level, no pressure.
25	Very good.	Father - Excellent.

Juveniles' and parents' perceptions of the diversion meeting.

(Questionnaire I - Part A)

Question #4 - How did you feel talking about the offence and its surrounding circumstances to the committee members?

<u>Ss</u>	<u>Juvenile</u>	<u>Parent</u>
1	Don't know.	Mother - Comfortable.
2	Very comfortable.	Mother - Very good.
3	Not bad.	Mother - Felt at ease.
4	Felt normal.	Father - Very comfortable.
5	Felt relieved.	Mother - Very easy.
6	Uptight.	Mother - Relaxed.
7	Okay.	Mother - Felt worthwhile.
8	Don't know.	Father - No effect.
9	No problem.	Mother - Very comfortable.
10	Relaxed.	Father - Very relieved.
11	Tense, asked too many questions.	Mother - Comfortable. Father - Wasn't our fault.
12	Comfortable.	Mother - Comfortable.
13	Okay.	Mother - Excellent, no problems.
14	Relaxed.	Mother - I guess it was comfortable. Father - Alright.
15	Felt stupid.	Mother - No intimidation, relaxed.
16	Felt okay.	Mother - Very comfortable.
17	Nottoo happy.	Mother - Relaxed, informal.
18	Pretty good.	Mother - Very comfortable.
19	Comfortable.	Mother - Relaxed. Father - Informative.
20	Felt okay.	Father - Free and easy.
21	Don't know.	Mother - Comfortable. Father - Comfortable.
22	No bother.	Mother - Very rewarding.
23	Very comfortable.	Mother - Very comfortable.
24	Very interesting.	Mother - Very exhilarating. Father - Very comfortable.
25	No problems.	Father - Relaxed.

## APPENDIX J

Ratings of juveniles' and parents' perceptions  
of the diversion meeting (Questionnaire I - Part A).

Ratings of juveniles' and parents' perceptions of the diversion meeting.

(Questionnaire I - Part A)

1. How well did you understand what was happening during the meeting?
2. In general, how did you find the atmosphere of the meeting?
3. During the meeting with the lawyer and the diversion committee, to what extent was information related to the offence discussed?
4. How did you feel talking about the offence and its surrounding circumstances to the committee members?

Ss	Question #1			Question #2			Question #3			Question #4		
	<u>J</u>	<u>M</u>	<u>F</u>	<u>J</u>	<u>M</u>	<u>F</u>	<u>J</u>	<u>M</u>	<u>F</u>	<u>J</u>	<u>M</u>	<u>F</u>
1	4	5	-	4	5	-	4	5	-	3	4	-
2	5	4	-	5	4	-	5	4	-	5	5	-
3	4	4	-	4	4	-	5	5	-	4	5	-
4	5	-	5	4	-	5	5	-	5	4	-	5
5	5	5	-	5	5	-	5	5	-	4	5	-
6	4	5	-	4	5	-	4	4	-	2	4	-
7	5	5	-	4	5	-	5	5	-	4	4	-
8	4	-	4	4	-	5	4	-	5	3	-	3
9	4	5	-	4	5	-	4	4	-	4	5	-
10	4	-	5	4	-	5	5	-	5	4	-	5
11	4	4	4	4	5	5	4	4	5	2	4	2
12	4	5	-	2	5	-	4	5	-	4	4	-
13	4	5	-	4	5	-	4	5	-	4	5	-
14	4	5	5	4	4	3	4	4	5	4	4	4
15	4	5	-	3	5	-	4	5	-	2	5	-
16	4	5	-	4	4	-	4	4	-	4	5	-
17	4	4	-	4	5	-	5	5	-	2	4	-
18	5	5	-	5	5	-	5	5	-	4	5	-
19	4	4	4	4	4	4	4	5	4	4	4	4
20	4	-	5	5	-	5	5	-	5	4	-	4
21	5	4	5	5	5	4	4	4	5	3	4	4
22	4	4	-	2	5	-	4	5	-	4	5	-
23	4	5	-	5	5	-	5	5	-	5	5	-
24	5	3	4	4	4	3	5	4	4	5	5	5
25	4	-	4	4	-	5	5	-	5	4	-	4

Note: Responses are ranked on a 5 point Likert Scale. (Scale value 1 = least desirable while 5 = most desirable).

## APPENDIX K

Ranking of participant's offences and subsequent conditions of diversion agreement in regards to seriousness.

Ranking of participant's offences and subsequent conditions of diversion agreement in regards to seriousness.

<u>Ss</u>	<u>Offence</u>	<u>Ranking</u>	<u>Condition</u>	<u>Ranking</u>
1	Wilful Damage	16	Voluntary Probation	19
2	Theft Under	13	Attend School	5
3	Wilful Damage	16	Non association	15
4	Auto Theft	14	Alcohol/Drug Restriction	18
5	Auto Theft	14	Monetary Restitution	12
6	Theft Under	13	Non association	15
7	Theft Under	13	Write Essay	11
8	Possession	9	Non association	15
9	Theft Under	13	Voluntary Probation	19
10	Theft Under	13	Voluntary Probation	19
11	Unlawful Use of Firearm	2	Apology	3
12	Break, Enter & Theft	20	Work Restitution	13
13	Break & Enter	19	Non Association	15
14	Break, Enter & Theft	20	Obey Parents Rules	7
15	Theft Under	13	Non Association	15
16	Theft Under	13	Obey Parents Rules	7
17	Brea & Enter	19	Attend School	5
18	Liquor Control Act	2	Voluntary Probation	19
19	Theft Under	13	Obey Parents Rules	7
20	Possession	9	Non Association	15
21	Theft Under	13	Voluntary Probation	19
22	Theft Under	13	Work Restitution	13
23	Theft Under	13	Obey Parents Rules	7
24	Wilful Damage	16	Non Association	15
25	Theft Under	13	Obey Parents Rules	7
26	Theft Under	13	No Further Breach	4
27	Liquor Control Act	2	Alcohol/Drug Restriction	18
28	Liquor Control Act	2	Alcohol/Drug Restriction	18
29	Auto Theft	14	Non Association	15
30	Auto Theft	14	Non Association	15
31	Mischief	17	Voluntary Probation	19
32	Break, Enter & Theft	20	Obey Parents Rules	7
33	Theft Under	13	Voluntary Probation	19
34	Break, Enter & Theft	20	Voluntary Probation	19
35	Theft Under	13	Monetary Restitution	12
36	Assault, Bodily Harm	22	Voluntary Probation	19
37	Break, Enter & Theft	20	Write Essay	11
38	Break, Enter & Theft	20	Write Essay	11
39	Theft Under	13	Non Association	15
40	Liquor Control Act	2	Voluntary Probation	19
41	Break, Enter & Theft	20	Monetary Restitution	12
42	Theft Under	13	No Further Breach	4
43	Wilful Damage	16	Community Service	14
44	Theft Under	13	Community Service	14

<u>Ss</u>	<u>Offences</u>	<u>Ranking</u>	<u>Conditions</u>	<u>Ranking</u>
45	Theft Under	13	Alcohol/Drug Restriction	18
46	Break, Enter & Theft	20	Community Service	14
47	Break, Enter & Theft	20	Community Service	14
48	Theft Under	13	Non Association	15
49	Break, Enter & Theft	20	Non Association	15
50	Theft Under	13	Non Association	15

Note: Seriousness of offences have a possible range of: 1 (least serious) to 23 (most serious) while conditions of diversion agreement have a possible range of: 1 (least severe) to 19 (most severe). Seriousness of offences were based on maximum penalties allowed under the Criminal Code of Canada and seriousness of conditions were based on the committee members' perceptions of their severity.



## APPENDIX L

Juveniles' perceptions of their disposition  
(Questionnaire I - Part B).

## Juveniles' perceptions of their disposition.

(Questionnaire I - Part B)

Question #1 - In relation to your offence, how did you find the terms of diversion?

<u>Subject</u>	<u>Juvenile's response</u>
1	I thought they were equal terms, very justifiable.
2	They were okay.
3	They were fair.
4	Reasonable.
5	Fair.
6	I don't know.
7	Fair.
8	Not bad.
9	They were fair.
10	Okay. They were fair.
11	Very reasonable.
12	I thought they were fair.
13	Thought all the terms were realistic.
14	It's too hard to tell right now.
15	They were fair.
16	They were okay.
17	No problem.
18	Thought they were very good. No complaints.
19	They were fair.
20	Fair.
21	Thought they were related to the offence.
22	Realistic and fair.
23	Very good.
24	Thought they were very fair.
25	No complaints.

## Juvenciles' perceptions of their disposition.

(Questionnaire I - Part B)

Question #2 - How did you feel towards any referrals for counselling?

<u>Subject</u>	<u>Juvenile's response</u>
1	Not applicable.
2	Not applicable.
3	Very helpful for my parents.
4	Not applicable.
5	Not applicable.
6	Not applicable.
7	Not applicable.
8	Not applicable.
9	Very helpful.
10	Not applicable.
11	Very comfortable.
12	Not applicable.
13	Okay.
14	Will give it my best shot.
15	Not applicable.
16	Not applicable.
17	Not applicable.
18	Absolutely no problems. Will try.
19	Very comfortable.
20	Hopefully very good.
21	Not applicable.
22	Not applicable.
23	Not applicable.
24	Not applicable.
25	Not applicable.

## Juveniles' perceptions of their disposition.

## (Questionnaire I - Part B)

Question #3 - Looking back on the meeting, to what extent will it help you stop breaking the law?

SubjectJuvenile's responses.

- 1 Will definitely make me stop.
- 2 Well, I certainly won't do it again.
- 3 It's not worth committing the offence.
- 4 No more, it's not worth it.
- 5 It will stop me, alright.
- 6 It will help.
- 7 It will definitely make me think twice.
- 8 Sure don't want to go to court.
- 9 Very helpful.
- 10 Absolutely.
- 11 I'll never do it again.
- 12 Helpful.
- 13 Okay, no problems.
- 14 It will help me.
- 15 I have to accept more responsibility.
- 16 Very helpful.
- 17 Will make me think twice.
- 18 Never will do it again.
- 19 Pretty good.
- 20 I certainly don't want to go through that again.
- 21 Very good.
- 22 Learned my lesson.
- 23 I won't break the law again.
- 24 I've already stopped.
- 25 Very helpful.

## Juveniles' perceptions of their disposition.

(Questionnaire I - Part B)

Question #4 - Looking back on the meeting, how well do you feel that all of the problems have been dealt with?

SubjectJuvenile's responses.

- 1 Very good. No big fuss about it.
- 2 Very good.
- 3 Okay.
- 4 Taken care of.
- 5 All problems were solved.
- 6 They talked about everything.
- 7 Okay.
- 8 They've all been dealt with very fairly.
- 9 Very well.
- 10 All about the same.
- 11 Okay.
- 12 Everything was covered.
- 13 Absolutely no complaints.
- 14 All dealt with.
- 15 Very well.
- 16 Taken care of.
- 17 No problems.
- 18 All of them were completely covered.
- 19 Fully.
- 20 Very well.
- 21 Very well.
- 22 Will help a lot.
- 23 Okay.
- 24 All were covered.
- 25 Okay.

## Juveniles' perceptions of their disposition.

(Questionnaire I - Part B)

Question #5 - Now that the terms of diversion are set, to what extent do you feel that they will help you make up for doing wrong?

SubjectJuvenile's responses.

- 1 Absolutely no way I want to go to training school.
- 2 Definitely must stay out of trouble.
- 3 It's helped me feel better.
- 4 Sort of 50-50. Them and me working together.
- 5 Don't like writing an essay but it will help.
- 6 Pretty good.
- 7 It's helped a lot.
- 8 Will go to court if I fail.
- 9 Yes, it will help me a lot.
- 10 Will help me make up for the wrong.
- 11 Certainly will make me think twice.
- 12 It wasn't worth committing the offence.
- 13 Regained trust in my parents.
- 14 Got me back into school.
- 15 I realize it's totally my responsibility.
- 16 Very helpful.
- 17 Straightened me out.
- 18 It will help.
- 19 Realized the hurt I brought to my parents.
- 20 Paying all that money will hurt.
- 21 They have helped.
- 22 It will make me think more.
- 23 It will make me think twice.
- 24 Didn't realize all the harm that I did.
- 25 Don't want to go to court.

## APPENDIX M

Ratings of juveniles' perceptions of their disposition  
(Questionnaire I - Part B).

Ratings of juveniles' perceptions of their disposition.

(Questionnaire I - Part B)

1. In relation to your offence, how did you find the terms of diversion?
2. How did you feel towards any referrals for counselling?
3. Looking back on the meeting, to what extent will it help you to stop breaking the law?
4. Looking back on the meeting, how well do you feel that all of the problems have been dealt with?
5. Now that the terms of diversion are set, to what extent do you feel that they will help you make up for doing wrong?

<u>Subjects</u>	<u>Question #1</u>	<u>Question #2</u>	<u>Question #3</u>	<u>Question #4</u>	<u>Question #5</u>
1	5	N/A	5	5	5
2	4	N/A	5	5	5
3	4	5	5	4	4
4	4	N/A	5	4	4
5	4	N/A	5	5	4
6	3	N/A	4	4	4
7	4	N/A	5	4	5
8	4	N/A	5	5	4
9	4	5	5	5	5
10	4	N/A	5	4	5
11	5	5	5	4	5
12	4	N/A	4	5	5
13	4	4	4	5	4
14	3	4	4	4	4
15	4	N/A	4	5	5
16	4	N/A	5	4	5
17	4	N/A	4	4	4
18	5	5	5	5	4
19	4	5	4	5	5
20	4	5	5	5	5
21	4	N/A	5	5	4
22	4	N/A	4	4	4
23	5	N/A	4	4	4
24	5	N/A	4	5	4
25	4	N/A	5	4	4

Note: Responses are ranked on a 5 point Likert Scale. (Scale value 1 = least desirable while 5 = most desirable).



APPENDIX N

Victims' perceptions of diversion  
(Questionnaire II).

Victims' perceptions of diversion.  
(Questionnaire II)

N = 25

- Question #1 - Have you every heard of the Kitchener-Waterloo Diversion Program?  
Yes: 17 (68%) No: 8 (32%)
- Question #2 - Being the victim of a crime, were you invited to participate in the diversion meeting?  
Yes: 0 No: 25 (100%)
- Question #3 - If not, would you have participated if given the opportunity?  
Yes: 9 (36%) No: 16 (64%)
- Question #4 - Did anyone from the diversion committee contact you to inform you of a possible restitution agreement involving yourself?  
Yes: 20 (80%) No: 5 (20%)
- Question #5 - What do you see as the advantages, if any, of dealing with juveniles through the diversion committee? The disadvantages?  
(Please refer to Appendix P).

## Victims' perceptions of diversion.

(Questionnaire II)

Question #6 - To what extent was the agreement reached by the committee a just and equitable one to compensate your losses/injury?

SubjectVictims' responses

1	I don't really know.
2	Felt quite comfortable with the restitution.
3	I have my doubts.
4	I don't know.
5	It was fair.
6	Seemed reasonable.
7	Turned out to be adequate.
8	Not very happy with the outcome.
9	Too early to tell.
10	Not pleased.
11	I don't know.
12	Uncertain.
13	Inadequate.
14	Undecided.
15	Undecided.
16	I'll believe it when I see it.
17	I did not think it was fair.
18	It wasn't enough.
19	Undecided.
20	Not happy with the outcome.
21	Angry I wasn't notified earlier.
22	Uncertain.
23	Not pleased with the outcome.
24	Undecided.
25	Undecided.

}

Victims' perceptions of diversion.

(Questionnaire II)

Question #7 - To what extent subsequent to the completion of the diversion agreement do you feel comfortable interacting with the offender?

<u>Subject</u>	<u>Victims' responses</u>
1	I doubt whether I'll ever see the kid again.
2	Hard to indicate at this time.
3	Probably would feel comfortable.
4	I don't think so.
5	Uncertain.
6	As long as he does no harm I'd feel comfortable.
7	No way do I want to have any contact.
8	Too early to tell.
9	No.
10	Probably, depending on the circumstances.
11	Uncertain
12	Would feel comfortable.
13	Too early to tell.
14	Yes, but it depends on the interaction.
15	Don't honestly know.
16	Uncertain.
17	Yes, but very limited interaction.
18	Yes, if he doesn't bother me.
19	Uncertain.
20	I doubt it.
21	Hard to tell at this time.
22	Maybe when I cool off.
23	I doubt it.
24	Yes, would feel comfortable.
25	I think so.

## Victims' perceptions of diversion.

(Questionnaire II)

Question #8 - If a similar occasion arose, would you be willing to appear before or make use of the diversion committee again.

<u>Subject</u>	<u>Victims' responses.</u>
1	Uncertain.
2	Don't really know too much about diversion.
3	Maybe, depends on the offence.
4	No.
5	Maybe, depends on what the kid did.
6	Hard to tell at this time.
7	Depends on how much say I have.
8	Honestly don't know.
9	Don't really know too much about program.
10	Uncertain.
11	Yes, I think so.
12	Undecided.
13	Undecided, depends on the offence.
14	No.
15	No. Kid should go to court.
16	I doubt it.
17	Really depends on what the youth did.
18	I would like to think so.
19	Undecided.
20	Perhaps, but I doubt it.
21	Really depends on what the kid did to me.
22	Yes, I would try it.
23	Uncertain.
24	Uncertain.
25	No because I wasn't satisfied this time.

APPENDIX O

Ratings of victims' perceptions of diversion  
(Questionnaire II).

## Ratings of victims' perceptions of diversion.

## (Questionnaire II)

6. To what extent was the agreement reached by the committee a just and equitable one to compensate your losses/injury?
7. To what extent, subsequent to the completion of the diversion agreement do you feel comfortable in interacting with the offender?
8. If a similar occasion arose, would you be willing to appear before or make use of the diversion committee again?

<u>Subjects</u>	<u>Question #6</u>	<u>Question #7</u>	<u>Question #8</u>
1	3	3	3
2	4	3	3
3	3	4	3
4	3	2	2
5	4	3	3
6	4	4	3
7	4	2	3
8	2	3	3
9	3	2	3
10	2	4	3
11	3	3	4
12	3	4	3
13	2	3	3
14	3	4	2
15	3	3	2
16	3	3	2
17	2	4	3
18	2	4	4
19	3	3	3
20	2	2	2
21	2	3	3
22	3	3	4
23	2	2	3
24	3	4	3
25	3	4	2

Note: Responses are ranked on a 5 point Likert Scale. (Scale value 1 = least desirable while 5 = most desirable).

## APPENDIX P

Victims' responses regarding the advantages  
and disadvantages of diversion.



Victims' responses regarding the advantages and disadvantages of diversion.

<u>Advantages</u>	<u>Frequency</u>
a. It helps the youth realize the harm he has caused others.	3
b. It might make him think twice next time.	2
c. Does not tie up court time.	1
d. Pays back damages to community or individual victims.	2
e. Has a chance to apologize to victim.	2
f. Help can be provided.	1
g. Youth stays out of court and will not get a record.	5
h. Involves the parents, which I think are the root of the problem.	2
i. Increases sense of responsibility in the community towards solving juvenile delinquency.	3
j. Makes the youth accountable for his actions	2
k. More individual attention can be diverted towards helping the juvenile and family.	2
<u>Disadvantages</u>	
a. Would have been better if he was face to face with a judge.	3
b. Court would have scared the "shit" out of him.	3
c. Do not really think the youth cared or understood the seriousness of his actions.	3
d. I was not invited to the meeting.	2
e. Do not think the restitution was fair for me - I still lost out in terms of money.	3
f. Everyone talks about kids' rights, so I feel they should also receive full consequences for their criminal actions.	2
g. Kid should have been sent to jail for what they did.	3
h. I don't know.	4
i. Length on diversion is too short.	2

## APPENDIX Q

Juvenile charges in specific time periods - three years before diversion and three years after diversion.

Juvenile charges in specific time periods, three years before diversion and three years after diversion.

Charges	Before Diversion			After Diversion		
	1974	1975	1976	1977	1978	1979
Liquor control act	32	24	13	36	29	27
Highway traffic act	3	12	7	6	8	10
Shoplifting	61	68	46	36	46	65
Forgery	4	5	5	10	11	3
Possession	0	0	1	7	2	3
Assault	6	10	6	4	15	19
Theft	70	79	49	52	64	69
Auto theft	51	68	41	17	64	34
Mischief	9	9	9	7	12	18
Break & enter	57	93	135	80	71	62
Indecent assault	1	1	0	3	5	5
Robbery	8	2	12	2	1	7
Other offences*	33	11	5	10	20	46
<b>Total</b>	<b>335</b>	<b>382</b>	<b>329</b>	<b>270</b>	<b>348</b>	<b>368</b>
	+14%	-14%	-18%	+29%	+6%	

\*Includes causing disturbance, trespass, narcotics, dangerous driving, unlawful use of firearm, discharge firearm within city, and obstruct police officer.

## APPENDIX R

Lawyers' perceptions of diversion in comparison to the traditional judicial process.

Lawyers' perceptions of diversion in comparison to juvenile court. (Questionnaire III).

N = 3

(1) Do you feel that the amount of time "available" in juvenile court is sufficient to adequately prepare for the youth's legal representation?

- Lawyer # 1 - Yes, but if you are duty counsel, sometimes there is not enough time.  
 Lawyer # 2 - No, not enough time to assess charge, see juvenile and/or parents or to adequately prepare.  
 Lawyer # 3 - Yes, time is adequate if you arrive early for duty counsel.

In diversion?

- Lawyer # 1 - Yes, approximately one-half hour devoted to interviewing each juvenile.  
 Lawyer # 2 - Yes, there are no time restraints.  
 Lawyer # 3 - Yes, amount of time spent is contingent on youth's needs.

(2) In discussion with the young person and family in juvenile court, do you have the "opportunity" to discuss the ramifications of the youth's present charge in adult court?

- Lawyer # 1 - Usually yes. I'm not sure how many lawyers do it though.  
 Lawyer # 2 - Could be more time for this but I always explained this to the youth prior to speaking in court.  
 Lawyer # 3 - Yes.

In diversion?

- Lawyer # 1 - Yes, in each case I took the time to review the charge and the penalty with the juvenile and in most cases I felt that the juvenile was surprised at the seriousness of the charge.  
 Lawyer # 2 - Always.  
 Lawyer # 3 - Yes.

- (3) In discussion with the young person and family in juvenile court, do you have the "opportunity" to insure that the young person and family understand what the procedure is in the juvenile justice system?

Lawyer # 1 - More time needed.  
 Lawyer # 2 - Usually yes.  
 Lawyer # 3 - No, there is not enough time.

In diversion?

Lawyer # 1 - Yes, the "opportunity" is there but it is usually not discussed.  
 Lawyer # 2 - Usually yes.  
 Lawyer # 3 - Yes.

- (4) During the meeting with the youth/family in juvenile court, do you have the "opportunity" to insure that all information relevant to the offence is brought out?

Lawyer # 1 - Usually yes.  
 Lawyer # 2 - More time needed.  
 Lawyer # 3 - Yes.

In diversion?

Lawyer # 1 - Yes. I feel that the lawyer serves a dual role and if possible I took the opportunity to deal with the case as a prosecutor would in order to expose to the child the weakness of his case.  
 Lawyer # 2 - Yes.  
 Lawyer # 3 - Always.

- (5) What do you see as the advantages, if any, of dealing with juveniles through the diversion committee instead of court?

Lawyer # 1 - I think that overall it is better for the offender and can reinforce the community's concern that the offender straighten out.  
 - More relaxed and less intimidating atmosphere for client.  
 - Greater opportunity to discuss charge, consequences, options available, effect on society, retribution, etc.  
 - Will get more out of it.  
 - A greater impression is made on the client.  
 - Less likely to get involved in further offences.

- Lawyer # 2 - More opportunity for social workers to become involved and to assist.  
- Less chance of client having juvenile record.  
- More interaction between committee and client as opposed to having appearance in front of judge.  
- More opportunity to speak to parents or guardian and ascertain all factors which may be contributing to delinquency.
- Lawyer # 3 - Diversion looks at the cause as much as at the offence.  
- The juveniles are given the opportunity to speak to a lawyer on a one to one basis and ask any questions which may occur to them relevant to the charges. The parents likewise. In a majority of cases I felt that the juvenile was relieved to have admitted her/his guilt and then receive fair and compassionate treatment from the committee.

The disadvantages?

- Lawyer # 1 - None.
- Lawyer # 2 - None, except when the offender has a bad attitude, but a bad attitude would be the same in court in any event.
- Lawyer # 3 - Police report not made available to duty counsel. If the police report were provided, the duty counsel would be better able to question the juvenile on special circumstances involved in each case.

THE END: