

THE IMPACT OF DIVERSION ON RECIDIVISM RATES IN A RURAL MICHIGAN COUNTY – A LOCAL PERSPECTIVE

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This article investigates the merits of a county prosecutor's drug and alcohol diversion program in a rural county in northern Michigan. This program has been in existence since 1996 as an alternative to formal intervention by the juvenile courts in Michigan. This program's objective is to provide an alternative to formal state intervention, which is cost efficient and still an effective means of dealing with the delinquent youth of that county. The actual program is a four-month long series which focuses on education, decision making, team building, and prevention as opposed to punishment and immersion in the system with hardened delinquents. This study explores the recidivism rates of the population that have been involved in the program. The result of this study indicates that the diversion process that is being utilized is successful.

Keywords: recidivism, juveniles, delinquency, juvenile courts, substance use

The concept of juvenile delinquency is relative to many factors including the society in which one lives and the era in which one is born. Other eras wrestled with the dilemma of how to deal with the juvenile delinquency issue. For example, the 1950s also incurred difficulties with juvenile delinquents. Findings from the 84th Congress, first session of the Senate, Report No. 62 led to an inquiry into possible relationships between juvenile delinquency and the media in the United States. The subcommittee was particularly concerned with the impact of comic books as a primary cause of juvenile delinquency. It was argued in the 1950s, those comic books offered short courses in "murder, mayhem, robbery, rape, cannibalism, carnage, necrophilia, sex, sadism, masochism, and virtually every other form of crime, degeneracy, bestiality, and whore" (Library of Congress, 1955-56).

Where are we today? This question has been and continues to be addressed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which is located in the Office of Justice Programs and is part of the U.S. Department of Justice. According to the Federal Bureau of Investigation's (F.B.I.) Uniform Crime Report (U.C.R.), there were 2.8 million arrests for individuals under the age of 18 in 1997. These 2.8 million arrests accounted for 19% of all criminal arrests, and 17% of the violent crime arrests (Office of Juvenile Justice and Delinquency Prevention, 2014).

In response to the perception by the American public that juvenile delinquency or deviant behavior has increased, plenty of emotion exists, especially when children die. In

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1999, Columbine High School in Littleton, Colorado was the location where the world witnessed the unfolding of a tragic event. Numerous students were shot, 13 were killed and 23 were wounded (Doherty, 1999). The carnage of Columbine High School is a graphic illustration of why the public's response is gravitating toward an attitude of responding to juvenile crime in a hard, revengeful, retaliating and retributive manner. As the events unfolded the world watched from the living room, which resulted in a dramatic emotional response from society. The vision of the SWAT team pulling a wounded child from a window created a desire to aggressively identify a cause. An angry, vindictive emotional response is only human nature to a scene like this. This emotional reaction often results in a knee jerk reaction when, in fact, an analytical evaluation is required.

Delinquency Defined

“Juvenile delinquency is the term used by the government for the participation in illegal behavior by a minor who falls under statutory age limit” (Seigel & Welch, 2014, p. 454, G4). What is limited to violations of the law by adults is expanded by the mere age of juveniles who are sometimes subject to intervention by the state as status offenders. A status offender is defined as, “a juvenile who has been adjudicated by a judge of a juvenile court as having committed a status offense (running away, truancy, or incorrigible)” (Seigel & Senna, 1999). Violations also include tobacco law violations, alcohol violations, and any act that is legal for an adult, but is a violation of the law when a minor commits the act or behavior. For the purpose of this paper, juvenile delinquency is defined as any offense committed by a person under the age of 17 and as defined by the Michigan juvenile code. In America, most states have the same age limit as the State of Michigan. The Office of Juvenile Justice and Delinquency and Prevention notes that 40 states have an upper age limit of 17 years old for juveniles (OJJDP, 2014).

Although the concept of juvenile delinquency or juvenile deviant behavior is important, the issue at hand is the response that society has towards tolerating, punishing, or remedying delinquent behavior. One response has been diversion. Diversion has been broadly defined as “the formal channeling of youth away from further penetration to the juvenile justice system to an alternative, non-judicial means of handling the juvenile” (Gensheimer, Mayer, Gottschalk, & Davidson, 1987, p. 41).

The age-old question of intervention is concerned with doing the right thing for the child. For years, alternatives to institutionalization have been sought. One of the methods that have shown success in the past is diversion. But does it work?

Recidivism is an accepted indicator in measuring the efficacy of an intervention. Rehabilitation or an intervention attempts to impact an individual sufficiently in order to deter any further deviant behavior. For the purpose of this study, an individual will be considered as having recidivated if they are re-arrested for any violation of the law, including misdemeanor traffic and status offenses. The time frames used will be during the program and any time after graduation. For the purpose of analysis, the time frames will be segmented to include re-arrests from graduation to 30 days, 30 days to 60 days, 60 days to 90 days, and more than 90 days.

PURPOSE OF STUDY

This study attempted to explore the use of the diversion process as it relates to reducing deviant behavior of juveniles in a rural county in northern Michigan. The population used in this study is derived from the local county prosecutor's Office of Police School Liaison, Drug and Alcohol Diversion Program. This paper explored the questions: (1) What effect does participation in the county's diversion program have on youths? (2) Does the intervention of diversion have an impact on recidivism rates? (3) What would the outcome of delinquency versus non-delinquency be in the absence of the diversion process?

Diversion: A Local History and Perspective

This paper discusses the local environment, the scope of the juvenile justice problem, and the official response to the situation by a local county prosecutor's office in rural northern Michigan. The prosecutor's office found that it needed to respond to three serious juvenile problems in the county: (1) An increase in juvenile deviant behavior in the form of gang-related activity; (2) An increase in total population, including the juvenile population, and (3) An increase in petitions from the prosecutor's office or probate court.

Several studies were conducted and private consultants were contracted to answer the question "How should the county best address the juvenile delinquent phenomena?" During a meeting of community leaders, decisions on how to effectively handle juvenile crime were made. These decisions were based on anecdotal data. The committee consisted of law enforcement, probate court representatives, and county commissioners. The first question posed was "Should we build, construct, and staff a detention facility for our youth in the county?" Community leaders hurriedly answered in the affirmative. As the committee polled those in attendance, the chair of the commission at the time was then posing the question, "How many beds should this facility include?" It was quite obvious that the committee was no longer in a brainstorming process, but had developed into a decision-making board. The committee's leap to a detention facility was "driven more by political attitudes towards juvenile crime, resources to provide acceptable alternatives, and court practices, than by crime rates" (Baro & Vander Kooi, 1996, p. 35).

"Politicians, juvenile court judges, and juvenile probation workers justify this practice by claiming that committing youth to detention centers is a preferred alternative to committing them to training schools (or family). It is also justified as a 'credible response' on the part of the juvenile justice system and a means for holding youth 'accountable' for their behavior" (Schwartz, 1989, p. 8). An objection was made to the decision-making process. At the end of the meeting, a decision was made to contact an individual from academia to analyze the present and future concerns of juvenile delinquency within the county. More specifically, the purpose of the study was to obtain a factual picture of the scope of the problem based on factual data. The author was brought in as part of the research team to conduct primary research. At the conclusion of the study, a juvenile justice master plan for the county was developed and submitted.

As part of the plan, the consultants determined that the county needed a multi-tiered approach that involved prevention as opposed to detention. As noted by Baro & Vander Kooi (1996)

More preventative strategies at the law-enforcement level also appear to be needed. Because most local policing consists of routine patrol duties, responses to juveniles are largely reactive rather than proactive. With the exception of one school police liaison officer, no officers are assigned to handle juveniles, and training in prevention/intervention techniques simply does not exist. If police officers did not “get it” in the pre-service academy, they are left to their own motivation and good will to interact effectively with juveniles. This is unfortunate because the people in the community who are often the best at identifying youths most likely to become delinquent are the local police. If they are better trained and/or had time to follow up on contacts they make, especially curfew violations and to talk more with the parents, it is possible that they could be instrumental in preventing delinquency (p. 32).

This follows the same philosophy as other findings such as in Pratt (1986) and in Glanz (1994). “The focus should be on diversion. The cooperation of the police should be obtained so that a system of cautioning can be formalized. Police officer training should include all aspects of juvenile offending” (Glanz, 1994, p. 119).

At the same time as the findings from the Baro & Vander Kooi study were presented, the number of juveniles petitioned into probate court was rising dramatically. This was brought on by a large-scale apprehension of students in a local high school for possession or use of illegal drugs. As a result 44 students in the county were either caught with drugs or implicated in the use of those drugs. The county also was experiencing more young people participating in gangs and gang-related activity.

The need for alternatives to formal petitions also developed from a logistical perspective. How do you handle a significant increase in workload with the same resources? As a result of the drug arrests at the high school and gang activities, the petitions at the prosecutor’s office for juveniles rose 86%. The workload had more than doubled, and it was obvious that the local legal system could not adequately handle the influx of new cases.

In lieu of bringing those students involved with drug arrests into court, it was determined by the prosecutor that the school police liaison office would formulate and implement a comprehensive diversion program; students and parents were required to sign a contract. The mandate by the prosecutor in formulating a diversion program would be that the juvenile and the parent(s) voluntarily participate and that the consequences are swift, immediate, and substantial (severe). This concept is in line with what makes deterrence work (Albanese, 1999). Furthermore, upon completion of the diversion program, the juveniles would not have juvenile records. The requirements of the violators were that if this were the first offense, a signed contract between the violators and parents would be made. Finally, all the requirements of the program would have to be met.

The program consisted of three components. The first part was an indoctrination where youths and parents met with the diversion team in order to inform and educate them about the purpose of the program. Parents and youth were provided training in working collaboratively in order to successfully fulfill their contracts. Secondly, in cooperation with a local camp program, the youths participated in a series of adventure educational activities that included trust and commitment reinforcing activities. The third component involved follow-up meetings, which reviewed the goals of the program, the parent/youth contracts, and an exploration of the parent/youth relationships. This program was spread over a 90-day cycle that included a weekly meeting.

The contract consisted of:

1. An informational meeting for parents/caregivers.
2. An educational meeting for parents/caregivers/students. It is at this meeting that parents/caregivers and students sign the contract. Communication skills are discussed, along with issues surrounding rebuilding trust. Participants also are educated about the signs and risks of drug and alcohol abuse.
3. Challenge education. This is an all-day event that consists of scheduled time on a rope course and problem-solving initiatives.
4. Community service. Students were required to perform eight hours of community service.
5. Students had to participate in random drug testing for the duration of the program.
6. Attendance at a court sentencing. The prosecutor sets this time and date. Students learn how the judicial system works and have an opportunity to talk to the judge.
7. An exit meeting in which issues of communication and trust are once again discussed. Ways to continue not using drugs are also addressed (Scott, 1997)

FINDINGS

The purpose of this study is to determine the recidivism rate of youth that have completed the diversion program. The results of this study will help aid practitioners of the county in making decisions regarding the appropriate course of action in dealing with juvenile delinquents or juveniles who need assistance.

The impact assessment design used in this study is dictated by the availability of data, the inability to gain access to a valid control group, the time variable, and cost factors. Rossi and Freeman (1993) state that there is no set standard when determining an experimental design. Instead, they advocate the good enough design. "Stated simply, the good enough rule is that the evaluator should choose the best possible design from a methodo-

logical standpoint, having taken into account the potential importance of the program, the practicality and feasibility of each design...”(p. 220-221). In other words, will the selected design work and produce useful and credible results for the issue presented?

The experimental design that this study used was a one-group ex post facto design. This design does have inherent problems. However, this design is a good enough design to provide policymakers and decision makers with the necessary information to make informed, logical decisions based on the empirical evidence. Data was compiled on the participants of the diversion program at different stages in the program. The data as presented was gathered at the onset of the program, during the four months of the program, at graduation, 30 days after graduation, 90 days after graduation and one year after graduation.

The diversion program takes approximately four months to complete. A total of 160 juveniles were placed in the diversion program. During the four months of the program, 10 (6.3%) participants were arrested. Of these 10 individuals, only 3 (33% of the 10) did not graduate from the program (see Table 1).

Table 1
Juvenile Placement in the Program (N=160)

	Frequency	Percentage
Not arrested during the program	150	93.8%
Arrested during the program but did not complete	3	1.9
Arrested during the program but still graduated	7	4.3%

A total of 106 juveniles successfully completed the program after four months. Of the 106 graduates of the diversion program, 89 youths had no record of re-arrest after one year. In other words, only 17 youths (16.0%) were re-arrested after they successfully graduated from the program (see Table 2).

Table 2
Arrests of Graduates (N=106)

	Frequency	Percentage
Not arrested after graduation	89	84%
Arrested after graduation	17	16%

The last population that has to be taken into consideration is the youths who graduated and had no prior arrests before entering into the diversion program and were not arrested during the diversion program. From the original 160 youths, only 85 (53%) met the aforementioned criterion. Of the 85 youths who had no prior arrests or arrests during the program, not a single one recidivated 30 days after completion of the program (see Table 3).

Again, it appears the diversion program has a positive impact on the participants. Graduates of the program are more likely to have never been arrested after the program as compared to youths that failed to complete the program. Specifically 89 (84%) of the 106 youths who successfully completed the program were never re-arrested. Of the 54 youths that did not complete the program, only 29 (53%) were never re-arrested. Again, it appears that the successful completion of the diversion program reduces a youth's chances of future arrests.

Table 3

Arrests of Graduates Compared to Arrests of Non-Graduates (N=160)

	Non-Graduated	Graduate
Never arrested	29 individuals 53.7%	91 individuals 85.8%
Arrested	25 individuals 46.3%	15 individuals 14.2%
Totals	54 total 100%	106 total 100%

DISCUSSION

The findings from this study can be used as a base for decision makers and policymakers to formulate clear and rational decisions based on local need. The decision makers and policymakers also must keep in mind that these comparison study samples conceptualize key terms differently. Every effort has been made to point out differences in definitions and differences in populations. It would be a mistake for anyone to make generalizations from this study. This study's original intent was to provide policymakers in the county a foundation of empirical data to aid in their decision-making process. It is the researchers hope that this study will facilitate proper record keeping methodology for future studies in order to help alleviate anecdotal responses.

Of the original 160 individuals, 54 (34%) failed to meet the obligations necessary to graduate from the county prosecutor's diversion program. The reasons for the failure varied and included the following: an inability to meet the contractual obligation, failure to complete the required community service, failure to submit to mandatory drug tests, a positive result from the drug test, or simply a failure to participate in the program. Of the 160 individuals, 47 (29%) were identified as having at least one arrest prior to the start of the program and should never have been admitted into the program. Seventeen of the participants (11%) were re-arrested during the program, prior to completion, and should have never been allowed to graduate from the diversion program. Of those 17 youths that were re-arrested during the program, 10 (59%) still graduated.

Twenty-nine percent of the original 160 youths that began the program were arrested sometime after the graduation date. From the original population, 66 percent (106) graduated from this group. Of those who graduated, 16% were arrested following the completion of the program compared to 48% of the non-graduates.

The original population was 160 youths. From the original population 46 (29%) youths should never have been admitted into the program because of prior arrests. The last sub-populations that this study will consider are the youths who graduated and had no prior arrests. Those who did not graduate and had prior arrests were excluded. The sub-population fitting this category is 85 (80%). Of the 85 individuals, 11 (13%) people were arrested and 74 (87%) did not recidivate. This equates to a recidivism rate of 13%. Of the 21 graduates, who should not have been admitted into the program, 5 (24%) recidivated. The following bar graph (FIGURE 1) shows the recidivism percentages for the juveniles that graduated and did not graduate from the program.

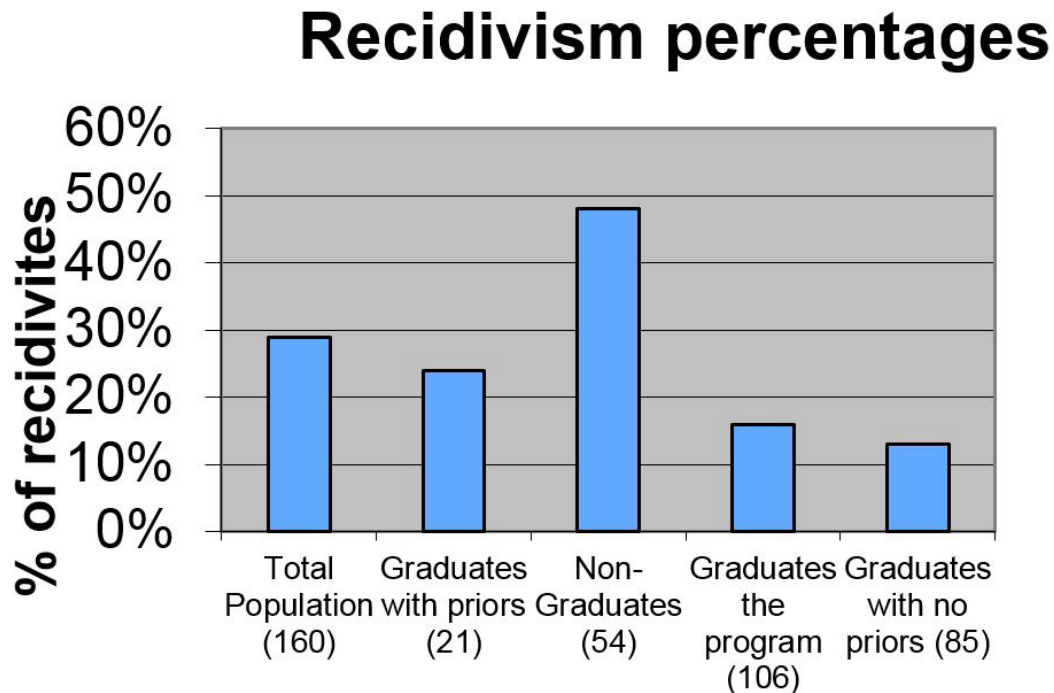


Figure 1 Bar graph showing recidivism percentages of graduates and non-graduates from the program.

Several essential questions create the foundation of this analysis: (1) Which variables, if any, effects recidivism rates? This study has clearly demonstrated that the best predictor of who will and who will not recidivate are graduates from the county prosecutor's diversion program. When eliminating youths who should not have been in the program the recidivism rate of that population is at 13%. As compared to other programs, the 13% recidivism rate is at the low end of previous research findings. The offense for which the individual was arrested for (alcohol or drugs) also appears to have a moderate impact on who recidivates. Considering the variable of arrest for drugs or alcohol, those who were arrested for a drug offense recidivated at a rate of 30%, while arrests for alcohol recidivated at a rate of 15% (This is from the entire study's population).

1. What effect does participation in the county prosecutor's diversion program have on youths? It is difficult absent a comparison group to answer the net effect of participating in the diversion program. However, if Lemert's (1981) labeling theory has any merit, of the 160 original study populace, 106 had the opportunity to avoid a secondary deviant situation.
2. Does the intervention of diversion have an impact on recidivism rates? It is quite obvious that the diversion process has the ability to funnel out or determine who will recidivate or not. If you compare the original 106 graduates of the diversion program they recidivated at a rate of 16% as compared to the non-graduates who recidivated at a rate of 48%. Successful graduation is, in fact, a good predictor of who will recidivate.
3. What would the outcome of delinquency versus non-delinquency be in the absence of the diversion process? Here again, minus a comparison group, it is virtually impossible to answer this question empirically. Questions 1 and 3 must be left to the connoisseur or expert opinion of the decision makers and policymakers of the county. This study should provide some valid considerations when making decisions pertaining to diversion and formal court interventions.
4. Is this program cost effective? The cost per youth, going through the process of diversion, is \$82.08. It is the contention of this study that the process of adjudication of a youth would far exceed the cost of diversion, let alone the cost of other interventions up to and including detention.

The result of this study indicates that the diversion program in Newaygo County does have merit. If the original goals and objectives are stringently maintained, it is not debatable whether or not a diversion process works. The benefits of diversion are noted in *Diverting children from a life of crime: Measuring cost and benefits* (Greenwood, Model, Hydell & Chiesa, 1998). More importantly, the diversion program is an excellent method for screening individuals who have a propensity to become delinquent or to continue committing deviant acts. The diversion process aids in distinguishing between those who will recidivate and those who are merely experimenting, testing their parameters and exploring unique paradigms. The diversion process allows for learning and development without labeling the juvenile. Diversion also ensures that the juvenile will not learn and develop habits from more hardened delinquents in a detention facility.

In summation, future data should be collected, both from participants and non-participants in the diversion program. This data should be collected in a fashion that allows researchers to test the utility of the program for validity and reliability. This can be accomplished by maintenance of a single database and identifying a similar community that does not participate in a diversion program. Going against the "get tough, petition all the juveniles, and waive juvenile offenders into adult court" policy is not the politically correct stance in today's society. It is, nonetheless, an inappropriate stance. There is no convincing data that the "get tough" policy reduces recidivism and the cost of that policy becomes

exorbitant. Distribution of finite resources should be based on knowledge and a logical decision-making process, not emotional political rhetoric.

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