

Exploring Pre-charge Diversion under the *Youth Criminal Justice Act*
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Abstract

Over the last forty years, diversion of young offenders from the criminal justice system has been a part of youth justice policy in Canada. Over this period of time numerous research studies have examined the effectiveness of diversion programs. Many have had similar conclusions: diversion programs do not draw the majority of their participants from court bound populations. Yet, despite the evidence diversion policy and programs continue to garner broad based support. The purpose of the paper is, in light of previous research findings, to provide an understanding of how diversion programs are being used and draw attention to issues that individuals working in the area of diversion might consider in diversion program development, implementation and evaluation.

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For over thirty years numerous research studies have examined diversion policies and programs. Research during this time has generally asked the following types of questions: Who gets diverted and why? Do diversion programs divert youth from court? Is diversion effective? These questions are important and the answers to them are crucial to an understanding of how diversion programs have operated over time and how they might better operate in the future. In addition to these frequently asked questions, the literature has also examined, albeit far less frequently, issues around the potential harm diversion programs pose to participants; the potential rights violations that might result in their application; as well as the possibility of disparity in the treatment of diversion cases. The purpose of this paper is to examine prior research findings in an effort to better understand the types of difficulties faced in the operation and evaluation of diversion programs and how some of these difficulties might be addressed.

Who gets diverted?

Over the last thirty years, the question of who gets referred to diversion and for what reasons has remained popular in diversion research. The reason for this is quite simple. In order to understand if diversion is doing what it was intended to -diverting youth from court- we need to have some sense of who police officers are referring to these programs and how they compare to traditionally court bound youth. In general, the research in this area has found that youth referred to diversion were those accused of very minor offences. Kowalski (1999) in a study of alternative measures (or diversion programs) for youth in Canada found that the most frequently referred cases were for property related crimes, such as shoplifting. The referral of property related offences to diversion is common across jurisdictions and these cases have been found to represent the majority of diversion cases for over thirty years (see Lo *et al.* 2006; Carrington and Schulenberg 2005; Krasnovsky and Lane 1998; Fischer and Jeune 1987; Mott 1983; Moyer 1980).

The type of youth who gets diverted is, for the most part, solely the result of decisions by frontline police officers. The discretion afforded to police allows them to decide whether or not to charge a youth for an offence or deal with them through more informal means, such as diversion or a warning. In an extensive study of police discretion, Carrington (1998) found that of the youths who come into contact with the police for a variety of offences, 41% of them were dealt with through non-judicial means while 59% of youths were formally charged. Non-judicial processing or processing by *other means* encapsulated a number of alternatives to formal charges. Other means of processing ranged “..from an informal warning with no further action to a pre-charge alternative measures program” (Carrington, 1998, p.8). The study involved statistical analysis of factors affecting *pre-charge* diversion of young offenders and was based on data from the Revised Uniform Crime Reporting Survey. One concern must be noted is that at the time of the study only certain provinces had implemented pre-charge diversion programs and others had no comparable referral program. For example, at that time Ontario alternative measures only operated at the post-charge stage. Consequently, the rates of youths charged in Ontario may have been somewhat overestimated, as youths referred to alternative measures would have been recorded as having been charged rather than diverted.

Research has examined the exercise of police discretion in diversion cases and identified a number of factors that influence police decisions to divert. Clearly, then, the

police play an important role in the types of cases that end up in the traditional court system. As Conly (1978) states, "It has long been recognized that the police play a singularly crucial role in determining the numbers and types of juveniles appearing in Canadian juvenile courts" (p.25). Conly (1978) examined police decision-making in major metropolitan areas across Canada during a one-month period in 1976. The study found that police discretion in the decision to charge young offenders was related to the location in which the youth lived. According to Conly (1978) it was the practices of individual police departments in specific metropolitan areas that resulted in larger proportions of youths going to court. Charge rates differed considerably across the regions under study. For example, Calgary was shown to have a charge rate of 96% while Hamilton was shown to have a charge rate of 17%. The study suggested that the policies and practices of individual police departments may influence the rate at which young offenders are diverted from the courts. Conly (1978) also examined whether variables such as offence seriousness, age, and prior contact with police further influenced an officer's decision to charge a young person. Police were found to consider a number of factors in their decision-making. The seriousness of the offence, age of the youth at the time of the offence, as well as, prior contact with police all contributed to an officers' decision to lay charges (Conly, 1978; see also Barton 1976). Barton (1976) in a study examining police discretionary decision making found that a range of factors influenced the decisions officers made when dealing with youth. The following factors impacted police dispositions at the time of arrest; the nature of the current offence; a youth's prior record; the race of the youth; the socioeconomic status of the youth; a youth's gender and age. Similar to Conly's (1978) findings, the more serious the offence a youth was accused of the more likely they were to be charged for that offence. Youth with a known criminal history were also more likely to be charged. The older a youth was at the time of arrest the higher the likelihood of charges being laid. Barton (1976) also found that harsher police dispositions were significantly related to the socioeconomic status of female youth; black youth received much harsher dispositions than white youth; and finally, youth with a demeanor interpreted as being disrespectful also received harsher dispositions.

While research in the 1970's had broadly identified the factors impacting on police decisions in young offender cases, subsequent research more clearly identified the relationships between these factors and how they interacted and contributed to police decisions to divert young people. Doob and Chan (1982) in a study of police decisions to send young offenders to court examined the factors that most influenced police officer's decisions. Similar to Conly (1978) and Barton (1976), Doob and Chan (1982) found that the decision to formally charge a young person was related to the type of offence the youth was alleged to have committed as well as the particular characteristics of the young offender. As Doob and Chan (1982) state, "...in making a decision whether to take a juvenile to court, the police appear to make use of certain legal criteria (e.g., seriousness of offence, previous record), together with some situational (e.g., attitude of the juvenile) and some historical (e.g., past involvement with social agency, family problems) contexts within which the juvenile is assessed"(p.32). The analyses broke down these factors into positive and negative attributes, for example, youths either had previous contact (negative) or they did not (positive). The presence of one negative factor did not necessarily guarantee a youth would be charged, however, the combination of two or

more negative factors, such as a criminal history and serious offence, were found to significantly increase the likelihood of a youth going to court (Doob and Chan, 1982). The presence of two or more positive attributes were found to significantly reduce the likelihood of a youth being charged (Doob and Chan, 1982).

Mott (1983) in a study of police decision making in young offender cases examined three decision outcomes (no further action, caution or diversion, and prosecution) and the reasons (nature of the offence, denial of responsibility, victim's wishes) for handling their cases in these ways. Mott further explored the relationship between police decisions and case outcomes by gender and by whether or not a youth was a previous or first time offender. Mott (1983) found that for both males and females the most important factor in police decisions to divert or charge was criminal history. That is, first time offenders were most likely to be cautioned while recidivists were more likely to be charged. For first time offenders, the most common justification for charging a youth was the nature of the offence. That is, the more serious the offence the more likely police would formally charge the youth. "The decision to caution was usually made on the advice of social departments because some other action was being taken or the juvenile was already subject to a care order or because the offence was trivial"(p.257).

More recently, Carrington's (1998) study examined a wide range of factors that affected police officers' decisions to charge. Carrington (1998) broke down the characteristics affecting the decision to charge into high, moderate and low impact. Consistent with previous research findings the seriousness of the offence and age of the young person were key factors in the decision to charge. Older youth involved in serious offences were most likely to be charged. The presence of a weapon was also found to increase the likelihood of a youth being charged. In terms of other offence characteristics, Carrington (1998) found that the value involved in the offence had a moderate impact. "Young persons implicated in incidents involving property valued at \$25 or less were less likely to be charged; whereas property valued at \$1000 increased the likelihood of charges"(Carrington, 1998, p.viii). Interestingly, youths involved in shoplifting offences had on average a somewhat greater chance of being charged. This finding would appear to be consistent with court statistics which indicate that many of the cases sent to court are theft under cases (Thomas 2005; Thomas 2008). As past research has indicated, police officers utilize a wide array of offence and offender characteristics in making their decisions. And based on this research it seems that, more often than not, these decisions result in the diversion of youth deemed by police officers to be the least risky.

McAra and McVie (2007) in a study of the impact of criminal justice system contact and desistance from offending examined factors in front-line police officer decisions to charge on a number of dimensions. Again consistent with early research, the study showed a range of variables on which the youths who were charged differed from those who were not. The factors found to affect police decisions to charge included gender, social deprivation "...as measured by family socioeconomic status, neighborhood deprivation, and free school meal entitlement" family structure, offending behaviour (seriousness of offences, self reported offending, drug/alcohol use), visibility (whether or not youth had adult supervision, skipping school, hanging around public spaces), and police contact (charges, diversion, delinquent friends). The study found that above and beyond the many factors analyzed, seriousness of the offence was the strongest predictor of police decisions to charge. As one would also expect, the greater the number of

contacts with police and the greater presence of police the higher the likelihood that the youth would be charged. This is somewhat intuitive in the sense that if young people are skipping school and hanging around without parental supervision they are more likely to experience police contact. Aside from these findings, McAra and McVie (2007) also found that the gender and social disadvantage were also significant predictors of the decision to charge. That is, males and youth from disadvantaged backgrounds were more likely to be charged by police than females and those from less disadvantaged backgrounds.

It is clear that based on the research that has been conducted on diversion programs and on police decisions to charge that diverted youth are typically the least risky. While by their very structure, most diversion programs are designed for first-time minor offenders their primary goals still remain the diversion of youth from the traditional court process. The crucial issue then is are the youth that are referred to these programs, in light of their relative risk, youth who would have otherwise been sent through the traditional court process.

Do Diversion Programs Divert?

Probably the most important question which has been repeatedly asked in diversion research over the last thirty years is whether or not diversion programs are actually dealing with the types of youth that would have otherwise been sent through the traditional court process. This is obviously a very important question because diversion policies since the 1960's have been defined and justified as an alternative to the traditional court process. The empirical evidence suggesting that diversion contributed to the net-widening effect first described by Stanley Cohen in 1979 developed rapidly during the 1970's. Many researchers have examined this question and most have come to similar conclusions. Diversion programs tend to draw upon large numbers of youth who would have been, in the absence of formal diversion programming, dealt with less formally by police (see Vorenberg & Vorenberg 1973; Elliot 1974; Klein 1975; Klein and Teilman, 1976; Blomberg 1977; Austin *et al.*, 1978; Sarri 1979; Farrington and Bennett, 1981; Parker *et al.*, 1981; Polk 1981; Decker, 1985; Pratt, 1986; Sanders, 1988; Ezell, 1989; Macallair and Males, 2004). More specifically, the majority of young people referred to diversion programs are youth who would not have been formally charged and sent through the traditional court process.

Klein and Teilman (1976) examined two police diversion programs in California and found that youth referred to both of the programs when compared to court bound youth tended to be younger, involved in less serious delinquency as well as those with no prior criminal history. In 1976, the California Youth Authority examined a number of local diversion programs and the types of youth referred into the programs and also found that the majority of youth referred were those who would not have otherwise been processed in the traditional court (as referenced in Blomberg 1983). This finding is not surprising given that diverted youth are typically seen as the least risky.

Blomberg (1977) examined a large scale diversion project that involved services and entry points for youth. The program began operation in 1972 and included a drug abuse unit, outreach centre, family intervention unit, and a neighborhood youth outreach house. The program received referred youth from the police, courts, as well as youth not involved in the criminal justice process but who were deemed to be in need of services. The study found that rather than reduce the control of the courts, the diversion program

served to expand the control of youths by bringing into a formal diversion process the youth and the youth's family. Blomberg (1977) argued that the decreases in youth arrests, probation referrals, cases at probation intake were linked to the displacement of these youth into diversion programming that placed them on informal probation and this was also linked to an increase in cases closed at the initial intake. The diversion program represented a means by which the courts could deal with youth and their families. In addition, youth previously not dealt with by the courts were now finding themselves in the diversion program whether by referral by police or some other means. As Blomberg (1977) states "Diversion's official goal of limiting the scope of and jurisdiction of the juvenile court has not been achieved. Instead, diversion has enlarged the scope of the juvenile court and the proportion of population under its control"(p. 281).

Sprott, Doob and Greene (2004) in an evaluation of a pre-charge diversion program in Toronto, Ontario, found that the vast majority of cases referred were not drawn from court bound populations. The study explored the effects of the introduction of the Toronto Police Service Youth Referral Program in the six police divisions where the program had been implemented and found that once they had controlled for what was happening in all of the other non-program divisions, within-division trends over time, and the introduction of the *Youth Criminal Justice Act* (YCJA), there was a significant relationship between the program and a decrease in the number of youths charged with theft under in two of the six program divisions. Sprott et al. (2004) estimated that overall somewhere between 9 to 12 cases or about 11% of the total number of referrals might have been diverted from court each month for theft under by the diversion program.

While much of the evidence suggests that diversion has in large part simply served to bring greater number of youths into the justice system, there is some evidence to suggest that efforts to broadly divert youth from the criminal justice system *is possible*. There is some more recent research that has shown that diversion can work when integrated properly into youth justice legislation (see Chan, Bagen, Luke, Clancey, 2004; Carrington and Schulenberg 2005; Bala et al., 2009). Chan et al. (2004) in research examining the impact of the new youth justice legislation found that three years after the implementation of the *New South Wales Young Offenders Act*, the number of minor cases going to court significantly decreased. The findings of this study suggest that explicit instructions in the legislation on how youth should be processed resulted in dramatic differences in how the police dealt with young offenders, because fewer minor cases were sent through the traditional court process under the new law. The New South Wales experience is important because the legislation guiding Australia's youth justice system advocates diversion from the court and achieves this through the explicit control and limiting of police discretion in young offender cases. The youth court, under this legislation, is seen and appears to be effectively used as a last resort in young offender cases. Indeed, Carrington and Schulenberg (2005) also found that legislative changes brought about under the YCJA (such as/including explicit guidance on the use of diversion) resulted in changes in police discretionary practices. This research found that following implantation of the YCJA, there was a significant decrease in charges laid by police.

While there are a large number of studies that have demonstrated that diversion programs simply have not done what they were intended to do- divert youth from court - , over the last thirty years, there have been some research studies which have suggested

that diversion programs have had some positive impact. Many of the positive results focus on issues such as reduced recidivism and cost effectiveness. Similar to the question of who gets diverted, the question of how effective diversion programs are has also been asked repeatedly over time. The measure by which this has been assessed (recidivism) has been plagued by problems and rendered many of the findings in this area inconclusive. Much of the evaluation research looking at diversion programs have been plagued by problems of inadequate control groups in assessing the impact of diversion on program participants (Andriessen, 1980; Decker, 1985; Hillsman, 1982). A number of studies have shown that diversion programs reduce recidivism among diverted youth when compared to court bound youth (Quay and Love, 1977; Palmer and Lewis, 1980; LeGalbo and Callahan, 2001; Forgays, 2008). Far fewer have demonstrated no effect (see King et al., 2001) or increased recidivism (Lincoln 1976). The recidivism measures results have tended to be the most contentious area in the literature on diversion programs and they have proven to be quite problematic for evaluators because the comparisons between groups may in fact be meaningless. That is, youth diverted are likely to be the least risky and to be involved in the least serious crimes and are typically youth who would have been dealt with informally by police. On the other hand, court bound youth tend to be older and involved in more serious crimes. Drawing inferences that the results of a comparison of these two types of youth has anything to do with the relative impact of 'diversion' and the 'court' is necessarily artefactual because in the absence of diversion programming, diverted youth would have been less likely to reoffend anyway. Another problem in this area which tends to inflate the likelihood of positive results is the tendency to exclude - for good reasons at times - youth who have failed to complete diversion.

Once it is understood that the majority of diversion programs have not diverted youth from court and instead have brought arguably the least troublesome youth into the system more formally, questions about recidivism and cost effectiveness become more complicated. That is, if we assume that diversion works – youth are diverted from the court process – these questions are simple and make sense. If diversion works as it was intended, comparisons between 'court' youths and 'diverted' youth would be important because one could see whether they differed in the likelihood of reoffending. Even if there were no difference, one might, on a policy basis prefer 'diversion' if it could be shown to be a less expensive means of dealing with young people in comparison to the traditional court process. But these questions are more complicated and not as easily answered when we recognize that the majority of the cases referred to diversion would *not* have otherwise been sent to court. Many of the studies which indicate positive results fail to adequately consider possible net-widening effects and have been heavily criticized for their research designs and the meaningfulness of their comparisons of recidivism (see Polk 1981; Gibbons & Blake 1976; Andriessen, 1980; Beck et al., 2006).

Over the last thirty years, the assessment of recidivism among diverted youth has been used as a source of support for both positive and negative conclusions concerning the effectiveness of diversion programs. On the one hand, the consistent demonstration in the literature that diverted youth are less likely to reoffend has been touted as a major success among diversion proponents (See Quay and Love, 1977; Palmer and Lewis, 1980; Binder and Geis, 1984; LeGalbo and Callahan, 2001; Forgays, 2008). On the other hand, the finding that diverted youth are less likely to recidivate compared to court bound

youth has been heavily criticized because of the methodological flaws inherent in comparing recidivism rates of very different types of youth. In this context, then, diversion is seen not as effective in reducing recidivism, but as an extension of social control. (Polk 1981; Gibbons & Blake 1976; Andriessen, 1980; Beck et al., 2006). Despite these differences in conclusions people have drawn concerning diversion, it is worth noting that most authors – whether proponents of diversion or not – acknowledge the difficulty in evaluating these programs precisely because of these issues. Many still argue that diversion can work (Beck et al., 2006). Calls have been made on both sides for an expanded understanding of the effectiveness of diversion programs beyond the traditional measures of recidivism and cost savings. Unfortunately, up until now, few evaluation studies have embarked on research beyond these measures

Drawing conclusions about Diversion and its future under the YCJA

Over time there has been relative consistency in the answers to many of the questions being asked about diversion. Research on diversion has generally concluded that youth diversion programs bring many youths into a system who, in the absence of these programs, would likely have been dealt with informally. And research has not conclusively found advantages to formal ‘diversion’ programs in terms of recidivism or cost-savings. The research has shown that many of these programs typically widen the net-of social control by bringing youth into the justice system who would have otherwise been handled informally by police. It is this finding that has contributed to the mixed assessments of diversion policy and programming. Yet, despite these mixed assessments on the success or failure of particular diversion programs, many academics as well as those responsible for youth justice policy hold on to the possibility of success in justifying the continuation of both diversion policy and programming (see Pratt, 1986; Sanders, 1988). There is something about diversion that seems to appeal to everyone from academics to politicians to members of the general public and to those having responsibilities within the criminal justice system (e.g., law enforcement).

Despite the many concerns about diversion, research has provided us with a number of tools for understanding the operation of pre-charge diversion programs and most importantly, has provided a starting point for those wishing to improve how diversion works in youth justice. As evidenced by the experiences following the implementation of the New South Wales *Young Offender Act* and to a lesser degree following implementation of the *Youth Criminal Justice Act*, it appears we can implement and successfully divert youth from more formal processes. These studies demonstrate that when policies are instituted that provide explicit guidance in police use of discretion diversion can be achieved. While further amendments to the YCJA may not happen at least in the short term, program developers and police departments might consider implementing diversion programs baring in mind the positive effect explicit guidance on their application might have in achieving program goals.

The primary goal of most, if not all, diversion programs is to reduce the use of youth court. When we ask if diversion programs are working –diverting youth from court-we need to think carefully about what the answers will be and understand that it may be next to impossible to ensure that all youth referred to these programs were indeed court bound. This allows for a more meaningful understanding of the ‘diversion question’. The fact that formal pre-charge diversion creates a third option necessarily means that those referred will be drawn from one of the two previous groups (those who

would have been charged and those who would have received informal warnings). The question then is what proportion of these two groups will fill this third option in formal pre-charge diversion. It is not reasonable to expect that all youths in a diversion program will come from the otherwise court- destined group and that none would be drawn from the informal processing stream. However, the goal in setting up and paying for such a program is clearly that of the youths would be predominantly coming from the stream that otherwise would have been sent to court. Establishing what this proportion should look like will be useful for researchers and evaluators looking at the operation of these programs in the future.

In addition to achieving diversion's primary goal, it might also be useful for program developers to consider what other goals these programs hope to achieve and explicitly state them. If programs are set up in such a way that these additional goals (whatever they may be) can be independently evaluated, we may be able to achieve a far greater understanding of the effectiveness of diversion (or lack thereof). The reason this is important is that until diversion programs can successfully achieve the goal of drawing the majority of their cases from court bound populations, measures such as cost savings and recidivism are suspect. Even if we accept these as measures of effectiveness, we cannot hope to achieve either until the primary goal of diverting youth from the traditional court process is achieved. The reason for this is simple. Any comparisons made between diverted youth (if the majority are youth who would have been dealt with less formally) to court bound cases would be somewhat meaningless. For example, in order for diversion programs to contribute to a reduction in criminal justice expenditures the vast majority of the participants must be drawn from those youths who would have otherwise been processed in the courts. Indeed, if they are not drawn from this group and we are instead referring youths who would have been dealt with less formally by police we may in fact be increasing criminal justice costs.

Diversion is a policy that is here to stay, at least for the foreseeable future. The question that must be addressed now is how we can work toward developing programs and policies that will accomplish what they intend – diversion of youth from the youth court. The research is clear: 'true' diversion can be effectively achieved with policies that more explicitly address the use of diversion through limitations placed on police discretionary practices with young offenders. However, in order to move forward in diversion it is critical that we understand that the diversion of youth from the traditional court process is not an all or nothing phenomenon, it is simply unrealistic and impractical to think about pre-charge diversion in this way. It is likely that the net-widening effects associated with these programs are here to stay and the real question is what can be done to minimize this in practice. In the end we want to know if these programs are effective, a first step in being able to answer determine this is by establishing the proportion of youth in diversion that we would expect to be drawn from court bound populations and understanding that some percentage of cases will inevitably contribute to a net-widening effect. Once these issues are understood and dealt with in policy and program guidelines measures of program effectiveness, such as cost savings, will be far more meaningful.

References

- Andriessen, M. (1980). A Foreigner's View of American Diversion. *Crime and Delinquency*, January.
- Austin, J. and Krisberg, B. (1981). Wider, stronger, and different nets: the dialectics of criminal justice reform. *Journal of Research in Crime and Delinquency*, 18, 165- 196.
- Austin, J., Krisberg, K., and Lawrence, W. (1987). *Open Space, Community Detention, Pittsburgh-Antioch Diversion and Diverting the Status Offender*. National Council on Crime and Delinquency: San Francisco.
- Bala, N., Carrington, P.J., and Roberts, J. V. (2009). Evaluating the Youth Criminal Justice Act after Five Years: A Qualified Success. *Canadian Journal of Criminology and Criminal Justice*, April, p. 131-167.
- Barton, W.H. (1976). Discretionary Decision Making. *Journal of Research in Crime and Delinquency*, 22, 470-480.
- Beck, V.S., Ramsay, R.J., Lipps, T.R., and Travis, L.F. (2006). Juvenile Diversion: An outcome study of the Hamilton County, Ohio Unofficial Juvenile Community Courts. *Juvenile and Family Court Journal*, Spring.
- Becker, H.S. (1963). *Outsiders: Studies in the Sociology of Deviance*. Free Press: New York.
- Binder, A., and Geis, G. (1984). Ad Populum Argumentation in Criminology: Juvenile Diversion as Rhetoric. *Crime and Delinquency*, 30 (4).
- Blomberg, T. (1977). Diversion and Accelerated Social Control. *Journal of Criminal Law and Criminology*, 68 (2).
- Blomberg, T. (1980). Widening the Net: A Anomaly in the Evaluation of Diversion Programs. In *Handbook of Criminal Justice Evaluation*, Eds. M. Klein and K. Teilmann, Beverly Hills: Sage. PP. 571-593.
- Blomberg, T.G. (1983). Diversion's disparate results and unresolved questions: An integrative evaluation perspective. *Journal of Research in Crime and Delinquency*, 20, 165-196.
- Bohnstedt, M. (1978). Answers to three questions about Juvenile Diversion. *Journal of Research in Crime in Delinquency*, 15 (1): 109-123.
- Campbell, J.S and Retzlaff, P.D. (2000). Juvenile Diversion Interventions: Participant Description and Outcomes. *Journal of Offender Rehabilitation*, 32 (1/2).
- Carrington, P.J., and Schulenberg, J.L. (2005). *The Impact of the Youth Criminal Justice*

Acton Police Charging Practices with Young Persons: A Preliminary Statistical Assessment. Ottawa: Queen's Printer.

Doob, A.N., & Chan, J.B.L. (1982). Factors Affecting Police Decisions to take Juveniles to Court. *Canadian Journal of Criminology*, 24 (1), 25-37.

Chan, J., Barga, J., Luke, G. and Clancey, G. (2004). Regulating police discretion: An assessment of the impact of the NSW Young Offenders Act 1997. *Criminal Law Journal*, 28 (2).

Cohen, S. (1979). The Punitive City: Notes on the Dispersion of Social Control. *Contemporary Crises* 3 (1979) 339-363.

Conly, D. (1978). *Patterns of Delinquency and Police Action in the Major Metropolitan Areas of Canada During the Month of December, 1976.* Ottawa: Solicitor General.

Davis, G., Boucherat, J., Watson, D. (1989). Pre-Court Decision Making in Juvenile Justice. *British Journal of Criminology*, 29 (3).

DeAngelo, A.J. (1988). Diversion Programs in the Juvenile Justice System: An Alternative Method of Treatment for Juvenile Offenders. *Juvenile and Family Court Journal*, 39.

Decker, S. (1985). A Systemic Analysis of Diversion: Net Widening and Beyond. *Journal of Criminal Justice*, 13, 207-216.

Doob, A. N and Chan, J. (1982). Factors Affecting Police Decisions to Take Juveniles to Court. *Canadian Journal of Criminology*, 24(1).

Elliot, D.S. (1974). *Evaluation of Youth Service Systems: FY 1973.* Behavioral Research Institute: Boulder, Colorado.

Erickson, P.G. (1984). Diversion – A Panacea for Delinquency? Lessons from the Scottish Experience. *Youth & Society*, 16 (1).

Ezell, M. (1989). Juvenile Arbitration: Net widening and other consequences. *Journal of Research in Crime and Delinquency*, 26(4).

Farrington, D. and Bennett, T. (1981). Police Cautioning of Juveniles in London. *British Journal of Criminology*, 21(2).

Feld, B. (1993). Juvenile (In)Justice and the Criminal Court Alternative. *Crime and Delinquency*, October (39).

Feld, B C. (2000). *Cases and Materials on Juvenile Justice Administration, Second Edition.* Thomson West: St Paul, MN.

- Fischer, D.G., Jeune, R. (1994). Juvenile Diversion: A Process Analysis. *Canadian Psychology*, 28 (1).
- Fishman, R. (1977). *Criminal Recidivism in New York City: An Evaluation of the Impact of Rehabilitation and Diversion Services*. Praeger: New York.
- Forgays, D. K. (2008). Three Years of Teen Court Offender Outcomes. *Adolescence*, 43(171).
- Fox, R. G. (1977). Young Persons in Conflict with the Law in *Canada*. *International and Comparative Law Quarterly*, 26 (2).
- Gibbons, D.C. and Blake, G.F. (1976). Evaluating the Impact of Juvenile Diversion Programs. *Crime and Delinquency*, 22 (4).
- Hartford, K., Carey, R., and Mendonca, J. (2006). Pre-arrest of People with Mental Illness: Literature Review and International Survey. *Behavioral Science and the Law*, 24, 845-856.
- Hillsman, S.T. (1982). Pretrial Diversion of Youthful Adults: A Decade of Reform and Research. *The Justice System Journal*, 7(3).
- Jaffe, P.G., Kroeker, B.J., Hyatt, C., Mischevik, M., Telford, A., Chandler, R., Shannahan, C., Sokoloff, B. (1985). Diversion in the Canadian Juvenile Justice System: A Tale of Two Cities. *Juvenile and Family Court Journal*, winter.
- King, W. R., Holmes, S.T., Henderson, M. I., and Latessa, E.J. (2001). The Community Corrections Partnership: Examining the Long-term Effects of Youth Participation in an Afrocentric Diversion Program. *Crime and Delinquency*, 47(4).
- Klein, M.W. (1975). *Alternative Dispositions for Juvenile Offenders*. University of Southern California: Los Angeles.
- Klein, M.W. (1979). Deinstitutionalization and Diversion of Juvenile Offenders: A litany of Impediments. In *Crime and Justice*, Eds. N. Morris and M. Tonry. Chicago: University of Chicago Press. PP. 145-201.
- Klein, M.W. and Teilman, K.S. (1976). *Pivotal Ingredients of Police Diversion Programs*. National Institute for Juvenile Justice and Delinquency Prevention: Washington D.C.
- Kowalski, M. (1999). Alternative Measures for Youth in Canada. *Juristat*, 19(8). [Catalogue No. 85-002-XPE]. Ottawa: Canadian Centre for Justice Statistics, Statistics Canada.
- Krasnosky, T. and Lane R.C. (1998). Shoplifting: A Review of the Literature. *Agression*

and Violent Behaviour, 3 (3). LeGalbo, A.P., and Callahan, C.M. (2001). An Evaluation of a Teen Court as a Juvenile Crime Diversion Program. *Juvenile and Family Court Journal*, Spring.

Lemert, E. M. (1971). *Instead of Court: Diversion in Juvenile Justice*. National Institute of Mental Health: Chevy Chase, Maryland.

Lemert, E. M. (1981). Diversion in Juvenile Justice: What hath been wrought. *Journal of Research in Crime and Delinquency*, 18, 34-36.

Lincoln, S.B. (1976). *Juvenile Referral and Recidivism*, in R.M. Carter and M.W. Klein (eds.) *Back on the Street: Diversion of Juvenile Offenders*. Prentice-Hall: Inglewood,, California.

Lipsey, M.W., Cordray, D.S., and Berger, D. E. (1981). Evaluation of Juvenile Diversion Programs; Using multiple lines of evidence. *Evaluation Review*, 5, 283-306.

Lo, T.W., Maxwell, G.M., Wong, D.S.W. (2006). Diversion from Youth Courts in Five Asia Pacific Jurisdictions. *International Journal of Offender Therapy and Comparative Criminology*, 50 (1).

Macallair, D., and Males, M. (2004). A Failure of Good Intentions: An Analysis of Juvenile Justice Reform in San Francisco during the 1990's. *Review of Policy Research*, 21(1).

Maclure, R., Campbell, K., Dufresne, M. (2003). Young Offender Diversion in Canada: Tensions and Contradictions of Social Policy Appropriation. *Policy Studies*, 24 (2/3).

McAra, L., McVie, S. (2007). Youth Justice? The Impact of System Contact on Patterns of Desistence from Offending. *European Journal of Criminology*, 4 (3), 315-345

McMurtry, R. and Curling, A. (2008). *The Review of the Roots of Youth Violence*. Queen`s Printer: Ontario.

Morita, A. (2002). Juvenile Justice in Japan: A Historical and Cross-Cultural Perspective. In *A Century of Juvenile Justice*. Eds. M.K. Rosenheim, F.E. Zimring, D.S. Tannenhaus and Dohrn, B. Chicago: University of Chicago Press. PP. 360-380.

Mott, J. (1983). Police Decisions for Dealing with Juvenile Offenders. *British Journal of Criminology*, 23 (3).

Moyer, S. (1980). *Diversion from the Juvenile Justice System and its Impact on Children: A Review of the Literature*. Solicitor General Canada: Ottawa.

Nejelski, P. (1976). Diversion: The Promise and the Danger. *Crime and Delinquency*, 22(4).

- Osgoode, W.D. (1983). Offense History and Juvenile Diversion. *Evaluation Review*, 7, 793-806.
- Osgoode, W.D. and Weichselbaum, H. F. (1984). Juvenile Diversion: When Practice Matches Theory. *Journal of Research in Crime and Delinquency*, 21, 33-56.
- Palmer, T., and Lewis, R. (1980). A Differentiated Approach to Juvenile Diversion. *Journal of Research in Crime and Delinquency*, 17, 209-227.
- Parker, H., Casburn, M., and Turnbull, D. (1981). *Receiving Juvenile Justice*. Blackwell: Oxford.
- Polk, K. (1981). *Youth Service Bureaus: The Record and Prospects*. University of Oregon: Eugene.
- Pratt, J. (1986). Diversion from the Juvenile Court: A History of Inflation and a Critique of Progress. *British Journal of Criminology*, 26(3).
- Quay, H.C., and Love, C.T. (1977). The effect of a juvenile diversion program on rearrests. *Criminal Justice and Behavior*, 4, 377-396.
- Quinney, R. (1970). *The Social Reality of Crime*. Little and Brown: Boston.
- Reese, W. A., Curtis, R.L., and Whitworth, J. (1988). Dispositional Discretion or Disparity: The Juvenile Probation Officer's Role in Delinquency Processing. *Journal of Applied Behavioural Science*, 24 (1).
- Rojek, D.G. (1986). Juvenile Diversion and the Potential of Inappropriate Treatment for Offenders. *New England Journal of Crime and Civil Confinement*, 329-347.
- Sanders, A. (1988). The Limits to Diversion from Prosecution. *British Journal of Criminology*, 28(4).
- Sarri, R. (1979). Juvenile Aid Panels: An Alternative to Juvenile Court Processing. In *Courts and Diversion: Policy and Operation Studies*, P. Brantingham and T. Blomberg (Eds.). Sage: Beverly Hills, California.
- Schulenberg, J. L. (2003). The Social Context of Police Discretion with Young offenders: An Ecological Analysis. *Canadian Journal of Criminology and Criminal Justice*, 45 (2).
- Schur, E. M. (1971). *Labeling Deviant Behavior: Its Sociological Implications*. Harper and Row: New York.
- Selke, W. L. (1982). Diversion and Crime Prevention: A Time Series Analysis. *Criminology*, 20, 395-406.

Severy, L. J., Houlden, P., and Wilmouth, G. (1981). Community Acceptance of Innovative Programs. *Applied Social Psychology*, 2, 71-95.

Severy, L.J., And Whitaker, M. (1982). Juvenile Diversion: An Evaluation of Effectiveness. *Evaluation Review*, 6, 753-774.

Thomas, J. (2005). Youth Court Statistics 2003/04. *Juristat*, 25(4), 1-19.

Thomas, J. (2008). Youth Court Statistics 2006/07. *Juristat*, 28(4). [Catalogue no. 85-002-XIE,]. 28(4) Ottawa: Canadian Centre for Justice Statistics, Statistics Canada.

Vorenberg, N.W. and Vorenberg, J. (1973). Early Diversion from the Criminal Justice System: Practice in Search of Theory. In *Prisoners in America*, L.E Ohlin (Ed). Prentice-Hall: Inglewood California.

Vorenberg, N.W., Vorenberg, J. (1973). Early Diversion from the Criminal Justice System: Practice in Search of Theory. In *Prisoners in America*, L. E. Ohlin, Ed. Englewood Cliffs: Prentice Hall. P. 151-183.