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DIVERSION AND ACCELERATED SOCIAL CONTROL*

THOMAS BLOMBERG**

Introduction

Since the recommendations of the 1967 President's Commission concerning juvenile justice and youth crime there has been a nation-wide proliferation of programs designed to divert youth away from the juvenile court. Stimulated by Law Enforcement Assistance Administration funds, diversion programs have emerged as the national strategy for delinquency prevention. The diversion concept has been promoted on the basis of multiple rationales, which include increasing equity in the handling of youth with problems, decreasing juvenile justice expenditures, limiting the number of less serious cases inserted into the juvenile court system, and avoiding the danger which is assumed to be associated with subjecting youth to delinquent stigmatization and damaging delinquent associations.¹

The available literature on diversion has been largely descriptive, theoretical, or exhortatory and is without an empirical focus.² Recently, several writers have discussed diversion's potential to produce negative effects, such as accelerated social control. Mahoney,³ for example, argues that it would be unfortunate to allow the liberal reformist belief that a person

(adult or juvenile) who comes in contact with the court gets a bad deal to blind us to some of the less desirable aspects of diversion programs. In a consideration of the negative aspects of diversion, Morris⁴ suggests that diversion will ultimately result in more pervasive but less severe control over a substantially larger number of citizens. He contends that if police are given the discretion to decide whether to arrest or to issue a notice to appear in court, there will be fewer arrests but more individuals will reach the courts.

Nonetheless, without an empirical basis, critical concern over the results of diversion remains speculative. Certainly much needs to be known about the operation and results of diversion programs before conclusions can be drawn. The present study attempts to provide such an empirical contribution to the diversion literature. The primary purposes are: (1) to identify the salient trends and outcomes associated with a diversion program and (2) to assess how these trends and outcomes came about. The data are drawn from a case study of a suburban California juvenile court jurisdiction's experience in developing and operating a diversion program.

Conceptual Framework

This study will involve a functional systems analysis of a juvenile court's implementation of a reform movement, namely the diversion movement. Studies by Cicourel,⁵ Emerson,⁶ Lemert,⁷ Schur,⁸ Vinter⁹ and Zald¹⁰ utilize the

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¹ For elaboration upon the multiple rationales for diversion, see Public Systems, Inc., California Correctional System Intake Study (1974).

² See, e.g., D. CREESEY & R. McDERMOTT, *DIVERSION FROM THE JUVENILE JUSTICE SYSTEM* (1974); E. LEMERT, *INSTEAD OF COURT: DIVERSION IN JUVENILE JUSTICE* (1971); Gemignani, *Youth Service Systems, DELINQUENCY PREVENTION REP.* (1972); Polk, *Delinquency Prevention and the Youth Service Bureau*, 7 *CRIM. L. BULL.*, 490 (1971); Rosenheim, *Youth Service Bureaus: A Concept in Search of Definition*, 20 *JUV. COURT JUDGES J.* 69 (1969).

³ Mahoney, *The Effect of Labeling Upon Youths in the Juvenile Justice System: A Review of the Evidence*, 8 *LAW & SOC'Y. REV.* 583, 609 (1974).

⁴ N. MORRIS, *THE FUTURE OF IMPRISONMENT* (1974).

⁵ A. CICOUREL, *THE SOCIAL ORGANIZATION OF JUVENILE JUSTICE* (1968).

⁶ R. EMERSON, *JUDGING DELINQUENTS* (1969).

⁷ Lemert, *The Juvenile Court—Quest and Realities in PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: JUVENILE DELINQUENCY AND YOUTH CRIME* 91 (1967).

⁸ E. SCHUR, *RADICAL NON-INTERVENTION* (1973).

⁹ Vinter, *The Juvenile Court as an Institution, PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: JUVENILE DELINQUENCY AND YOUTH CRIME* 85 (1967).

¹⁰ Zald, *The Correctional Institution for Juvenile Offenders: An Analysis of Organizational 'Character,'* 8 *SOC. PROB.* 57 (1960).

functional systems model in varying degrees to describe the court process and then to identify and examine the causes and conditions of the patterns of behavior of the various justice actors. As Feeley suggests, the focus of functional systems studies of the justice system is upon "the working conditions, the system of controls, incentives, and sanctions at the disposal of the various actors, and the larger environmental effects on the system."¹¹ Formal goals, rules and defined roles are viewed as only one set of factors that shape and control the court's organizational development and operations. Other factors considered important include the ambiguity and multiplicity of court goals; external relations with various government units, private groups and the general community; internal relations with interrelated justice agencies; conflict between the quality of client handling and production requirements; and operation within an environment characterized by resource scarcity and uncertainty.¹² The findings of these studies are varied but can be summarized as consistently pointing to a disparity between the everyday routinized processing of clients and the official juvenile court goal of individualized treatment within a non-adversary system. In their attempts to explain this disparity between the goal of the court and its operation, functional systems analysts have focused upon various combinations of the above-mentioned organizational characteristics of the juvenile court. This study will rely upon a functional systems framework in attempting to determine how a local juvenile court perceives and subsequently operationalizes an externally funded diversion program. Thus, the following organizational and environmental characteristics will be assumed: First, the juvenile court operates with conflicting treatment and punishment functions and within a supporting environment characterized by uncertainty and resource scarcity. This includes limited knowledge and operational technology in support of client treatment practices, shortages of person-

nel, limited budgetary allocations and uncertainty regarding the number and nature of client inputs. Second, operational uncertainty predisposes the court to varieties of adaptations, programmatic modifications and subsequent organizational drift. Innovative program developments, operation changes and internal decision-making steadily turn out to be consistent with the organization's self-interest in maintaining or enhancing its level of organization as well as operating in an expeditious manner. Third, the court's organizational needs are blurred with client needs. The maintenance requirements of the court organization and subsequent adaptation to meet those needs have potentially the greatest impact in the determination of how clients will be handled. Court personnel commonly assume that program and service expansions within the court organization will result in more effective client handling. This is based upon the notion that the court operates with ever-present budget and resource restrictions and constrained client services. Fourth, the determination of youth in need of a particular juvenile court service is, in part, a function of available service alternatives, which fluctuate over time and between jurisdictions in relation to the court's response to various environmental pressures and opportunities. Service alternatives available to the juvenile court can include formal home supervision, foster home care, various institutional placements and informal diversion supervision. It is these service alternatives that provide the structural determinants of decision-making within the juvenile court. They comprise the system of action in which juvenile court personnel must operate, thereby constraining the range of court action pertaining to problem youth.

To summarize, the juvenile court is viewed as a formal organization that operates with conflicting goals, limited technology and financial instability. This produces operational uncertainty and results in the juvenile court taking on an adaptable character that facilitates a readiness to incorporate varieties of treatment innovations which, in turn, shape the court's capacity to respond to different categories of youth or family problems. Consequently, the type of client handling provided by the court is significantly influenced by the organizational context of the juvenile court. The organizational context of constraining client-service al-

¹¹ Feeley, *Two Models of the Criminal Justice System: An Organizational Perspective*, 7 *LAW & SOC. REV.* 407, 414 (1973).

¹² For a general discussion of the contemporary dilemma involved in realizing egalitarian norms and ideals of individual justice connected with an increasingly bureaucratized justice system, see Skolnick, *The Sociology of Law in America: Overview and Trends*, *LAW & SOC'Y*, 7 (1965) (supplement to the summer issue of *SOC. PROB.*).

ternatives varies across jurisdictions and changes over time in relation to the juvenile court's response to various environmental opportunities, such as federally funded diversion programs.

Findings

The findings are focused upon the background development of the diversion program, the operation of the diversion program components, and the impact of diversion as measured by the probation and diversion services meted out to the jurisdiction's youth population. This focus identifies the court's perception of the federally funded diversion program, its operationalization of the program, and the overall impact of the court's diversion operations upon youth.

Development Background. Shortly after the 1967 President's Crime Commission Report and the congressional appropriation of funds through the Omnibus Crime Bill and the Safe Streets Act, diversion became the common practice for federal funding of local juvenile justice agencies. The Chief Probation Officer of the jurisdiction under study explained that it was both "a fashionable trend of the time in going after federal grants and only natural to go after funds that would assist us in the expansion of our probation services."¹³ The Probation Officer explained that "the juvenile court must be able to take advantage of those opportunities that help fulfill organizational needs."

Organizationally, diversion became an extension of informal probation. Prior to diversion, informal probation involved placing the names of youth whose behavior was not viewed as sufficiently serious to warrant formal court action on a ledger without court supervision or contact. If the youth was not brought back before the court within six months, the informal probation status was dropped. However,

¹³ The interview statements reported in this study were taken from interviews with the jurisdiction's Chief Probation Officer, his immediate administrative staff and various personnel within the diversion program components. This included the Case Work Supervisors for the Family Intervention Units and their case workers. The interviewing techniques were informal and aimed at gaining information from those personnel involved in the planning, development, and operation of the jurisdiction's diversion program.

the Probation Officer indicated that probation officers had always wanted to service informal probationers, but until diversion they were without the necessary resources. It was reasoned that diversion would provide a variety of services to youth and families who previously had not received service. Consequently, diversion emerged not as a substitute for insertion into the formal juvenile court system, but as a programmatic and service extension of informal probation.

Programmatically, diversion emphasized whole family treatment. The Probation Officer stated that the family emphasis reflected a common belief held by many juvenile court personnel that if delinquency is to be prevented and controlled, efforts must be focused upon the family as a whole. A case work supervisor of one of diversion's Family Intervention Units elaborated that "true delinquency prevention can only be achieved through earlier and earlier intervention into family/youth problems." Although diversion was advocated at the federal level as an alternative for formal juvenile court handling of youth, it was locally interpreted and developed as a means to extend the court's services to youth and families previously not handled by the court. Diversion was perceived as enabling the court to expand its organizational resources and alternatives within informal probation, thereby resulting in more effective delinquency prevention.

Diversion in Operation. The diversion program became operational in early 1972. The program included four components: (1) The Drug Abuse Unit, (2) the Outreach Center, (3) the Family Intervention Units, and (4) the neighborhood Youth House. The Drug Abuse Unit's primary function lies in the education of various community groups and organizations in the understanding of different drugs, rehabilitation techniques for drug users and the available community treatment programs for drug users.

The Outreach Center's services are separated on the basis of direct and indirect services. The indirect services are provided to the general community and primarily involve assisting other agencies in developing youth service programs. The Outreach Center's direct program contact with youth begins with a self-referral, or a referral by an agency or parent. Self-referrals usually are by youth seeking employ-

ment assistance, although many self-referrals originate with the police and include a follow-up phone call by the police to verify that the youth has made contact with the Center. The regular police referral is made through a citation procedure. Following the receipt of a police citation, the Outreach Center makes three attempts to contact the youth, first by telephone, then by letter, and finally by a visit to the youth's home. Once the Center has made contact, the youth is screened and a disposition is reached that can include individual counseling, involvement in the Center's activity programs, or referral to one of diversion's Family Intervention Units for family counseling. A youth's contact with the Center is not to exceed six months, although most cases were said to extend beyond this time period.

The Youth House component of diversion is used for selected youth as an alternative to the juvenile hall. The Youth House residents are referred by themselves, their parents, other diversion units, the probation department, or by the police. In most instances the House provides temporary residence for youth whose parents will not at the time allow them to return home or those who are likely to experience further problems if immediately returned home. Once a minimal level of reconciliation between the youth and the parents is achieved, the youth is returned home and the family normally takes part in family counseling offered by the Family Intervention Units of diversion. In those instances where reconciliation is not achieved, a petition is filed in the juvenile court and a suitable out-of-home placement is sought.

The Family Intervention Units offer family counseling services to youth and the parents and siblings in those instances where the youth's behavior problems are determined to be the result of a family-centered problem. The intervention process generally begins when a family crisis situation has reached the point where the youth is separated from the family or where the parents are considering having the youth removed from home and placed in juvenile hall. The general argument put forth by Family Intervention staff to the parents is that if the youth is admitted to juvenile hall, a petition will be filed. After several days stay at the hall the youth will likely be returned home and the parents will be billed

for the youth's stay at the hall. In addition, a case worker explained, "we include a lot of propaganda as to the negative behavioral effects a stay in juvenile hall can have on their child."

The family intervention process begins with a case worker's attempt to observe what is going on in the family unit and then to offer remedies for observed problems. Once the problem is "discovered," a permanent form of therapy is normally sought through various community or juvenile court referral sources. The referral sources can include mental health, social service, various family counseling services and marital counseling. The Case Work Supervisor of one of the Units elaborated that in all cases involving other agency referrals, the case worker is required to accompany individual members or the family as a group to the first several counseling sessions. Following this, the case worker maintains frequent contact with the referral source to monitor the progress by the family.

Consistent with the jurisdiction's developmental intent, the operation of diversion's program components illustrates an expanded organizational core and service function for the juvenile court. Further, diversion, with its four interrelated program components, extends services beyond problem youth. Instead of reducing the juvenile court's contact with youth, diversion enlarges the court's function to include whole families.

Diversion's Client Impact. Diversion's impact will be measured in relation to the changing numbers and proportions of local youth receiving some form of probation or diversion service. Patterns of probation service provided to local youth five years prior to 1972 (diversion's first year of operation) are established on the basis of mean totals of youth population, arrests and subsequent probation and court handling. In Table 1, arrest and court handling comparisons are made between the 1972 percentages and the mean percentages for 1967 to 1971. These comparisons appear consistent with the official goal of diversion as expressed by the President's Commission: to divert youth away from the formal juvenile court process. The 1972 arrests, probation referrals, cases placed under informal probation and cases receiving juvenile court petitions each indicate percentage declines from the 1967 to 1971 mean per-

TABLE I
 COUNTY YOUTH POPULATION, ARRESTS, PROBATION REFERRALS AND SUBSEQUENT DISPOSITION
 OF PROBATION REFERRALS¹⁴

	Mean	
	1967-71	1972
Youthful Population		
Age 10-17	85,934	88,316
Juvenile Arrests	14,399	12,447
Percent of Population	16.8	14.1
Probation Referrals	5,159	4,661
Percent of Population	6.0	5.3
Referrals Closed at Intake	2,846	2,844
Percent of Probation Referrals	55.2	61.0
Placed Under Informal Probation	422	357
Percent of Probation Referrals	8.2	7.7
Petitions Filed in Juvenile Court	1,891	1,460
Percent of Probation Referrals	36.6	31.3

centages. These declines, as well as the percentage increase in cases closed at intake, are likely related to diversion's operation. In 1972, the police were able to refer selected youth to diversion instead of arresting and referring to probation. Fewer arrests and probation referrals, together with more cases closed at intake, account for the decrease in the number of juvenile court petitions. The availability of diversion provides probation intake staff with an alternative to traditional informal probation or the filing of juvenile court petitions and results in a higher percentage of cases closed at intake. It should be pointed out that while the 1972 youth population figure is substantially larger than the 1967 to 1971 mean total, the 1972 figure reflects a leveling off in the jurisdiction's year-to-year youth population growth. For example, in 1969 the youth population totaled 85,649; in 1970 it increased to 86,885 and in 1971 to 88,197, only 119 less than the 1972 figure.

During 1972, the diversion units received a total of 1,691 referrals. The referrals originated from probation, police, parents, schools and individual self-referrals. Only nine of the total 1,691 referrals were closed at intake. This ten-

dency might well reflect the fear at the program's inception that not providing services would undermine the need for the diversion program. Of the 1,682 diversion clients, 1,179 received family intervention service, 54 resided at the Youth House, and 449 were handled by the Outreach Center. The disproportionate number of youth receiving family services is attributable to the presence of a large number of indirect sibling referrals. As the presence of all children in the family was required in the family intervention process, the indirect sibling referral total is based on an average of two siblings for each of the 393 youth directly referred as reported by the Family Intervention Units.

The yearly totals of youth under some form of probation and diversion control for 1967 to 1972 are presented in Table 2. Included are the proportions of youth population under control. Differentiation is made between direct and indirect sibling referrals. Between 1971 and 1972 there was an 823 numerical increase in the number of youth under some form of control and an increase of from .03 to .04 when compared to all youth in the jurisdiction. The portion of youth directly referred and under control remained the same in 1972 as in the previous years, but when the indirect sibling referrals are included, the proportion increased substantially.

Table 3 provides a percentage measurement of the change in the numbers of youth under control as a result of diversion's operation. Using a base expectancy rate, an expected

¹⁴ The data for Tables 1 through 3 are drawn from the juvenile court's Annual Probation Reports of the Chief Probation Officer (1967-72) and monthly intake and client flow information on file in the county's Probation Administration offices. Additional data are drawn from the yearly (1967-72) Delinquency and Probation in California Statistical Summaries for the California Youth Authority by the Bureau of Criminal Statistics: State of California.

TABLE II

SUMMARY TOTALS OF YOUTH UNDER CONTROL AS A RESULT OF DIRECT REFERRALS TO PROBATION AND DIVERSION, AND INDIRECT SIBLING REFERRALS TO FAMILY INTERVENTION¹⁵

	1967	1968	1969	1970	1971	1972
Directly Referred Youth Receiving Informal, Formal, or Diversion Control	1,670	2,180	2,755	2,285	2,676	2,713
Indirect Sibling Referrals to Diversion's Family Intervention Control						786
Total Youth Under Some Form of Probation or Diversion Control	1,670	2,180	2,755	2,285	2,676	3,499
Proportion of County Youth Population Under Control	.02	.02	.03	.03	.03	.04

TABLE III

COMPARISON OF THE EXPECTED NUMBER OF YOUTH UNDER CONTROL IN 1972 (COMPUTED USING A BASE EXPECTANCY RATE) WITH ACTUAL NUMBER OF YOUTH UNDER CONTROL INCLUDING ONE AND TWO SIBLING ESTIMATES¹⁶

	Expected Number of Youth to be Under Control	Difference	Percentage Increase
Actual Number of Youth Under Control: 2,713	2,649	+64	2.4
Actual Number of Youth Under Control Including the One Sibling Estimate for Diversion's Family Intervention: 3,106	2,649	+457	17.2
Including the Two Sibling Estimate: 3,499	2,649	+850	32.1

number of youth to be under control was computed for 1972. A comparison of the expected number with actual numbers, differentiated again on the basis of direct and indirect sibling referrals, resulted in percentage increases ranging from 2.4 percent to 32.1 percent. If it were available, a measure of time youth spend under control would have been useful, since the "amount of control" is a function of both the number of persons under control and the amount of time they spend under control. Additionally, it should be emphasized that diversion's family intervention service is not limited only to directly referred

¹⁵ The 1972 figure (2,713) for directly referred youth receiving informal, formal, or diversion control can be broken down as follows: Youth House, 54; Outreach Center, 449; Family Intervention, 393; Informal Probation, 357; Petitions Filed in Juvenile Court, 1,460. The 786 indirect sibling referrals includes the two sibling average of the 393 youth directly referred to Family Intervention.

¹⁶ Base expectancy rate is a mean of the proportion of county youth population under control (Table 2) for the years 1967 through 1971 or .03. The expected total of clients under control is computed by multiplying the base expectancy rate by the 1972 youth population.

youth and their siblings, but includes the parents as well. Thus, the extension of control presented here is an underestimate because the parents have not been included in the family intervention numerical totals.

Of the 1,179 youth receiving diversion's family intervention service, 88 ultimately received juvenile court petitions requesting suitable out-of-home placements. These 88 cases were referred to the juvenile court because their families were unable or unwilling to comply with the family intervention methods. It was reasoned by the Family Intervention staff that when families did not respond to the family-centered treatment, the children should be removed from the home. Failure to comply or to progress with family treatment was felt to be a demonstration of family disorganization. Essentially, those families found not amenable to family intervention were viewed as possessing limited potential in providing the appropriate child-socialization necessary to prevent future troublesome behavior.

A significant issue that emerges from the preceding findings concerns how the larger umbrella of social control resulting from diver-

sion relates to depressing, creating or accelerating delinquency. This reflects, in part, the concerns that have grown out of the labeling theory literature in the last two decades. Essentially, labeling theorists have argued that formal interaction with social control agencies is an important component involved in the intensification and perpetuation of delinquency.¹⁷ While the data for the present study are not intended to address this issue, several implications do emerge. Specifically, this study has shown diversion to produce expanded control as measured by larger numbers of youth receiving some form of juvenile court service, as well as accelerated control as determined by the out-of-home placement of youth whose families are unable or unwilling to respond to family intervention. In the latter instance, what often occurs is that a number of siblings with no prior behavior problem are accelerated into the formal court system for what is termed a suitable out-of-home placement. Suitable out-of-home placements can include placement with relatives, or in a foster home, group home or institution. The potential of this practice to accelerate youth behavior problems or actually to create delinquency warrants serious research consideration.¹⁸ The following case description illustrates this potential:

A fourteen year old boy with no prior record was referred to family intervention from proba-

tion intake on a runaway charge. His father and stepmother subsequently agreed to participate in the family intervention counseling program. During the counseling sessions the fourteen year old, his sixteen and ten year old brothers, the stepmother, and father were all required to be present. The case worker indicated that the father felt that by working and earning the living he was carrying out his family responsibility and that his wife should be able to handle the boys. The stepmother did not feel she could control the boys, especially the two older ones. The case worker felt there was a general sibling rivalry for the stepmother with sexual overtones in the case of the sixteen year old. Following the mandatory five counseling sessions, the case worker recommended continued family therapy which the father refused. The case worker made several follow-up visits to the home and subsequently recommended that all three boys be removed from the home because of continued difficulties between the boys and stepmother. Ultimately the two older boys were placed in the home of a relative. The ten year old was placed in a group home from which he ran away twice attempting to return home. Following the second runaway, he was referred back to the juvenile court and because of the runaway record and what was determined to be general behavior deterioration, he was found to be incorrigible and subsequently placed in a custodial institution.¹⁹

Summary and Discussion

The purpose of this study has been to identify the salient trends and outcomes of a diversion program and to assess how they came about. In considering the development, operation and impact of the program, the findings indicate that following its inception there was an expansion of the court organization and function. The expansion was intentional on the part of the local jurisdiction in its development of the program, and resulted in a modification of the court's dispensing of client service or control. The diversion program influ-

¹⁷ This is a simplified version of labeling theory's portrayal of the role of labeling by social control agencies in perpetuating subsequent deviance. For a more detailed discussion of labeling theory, see T. SCHEFF, *BEING MENTALLY ILL* (1966); E. SCHUR, *LABELING DEVIANT BEHAVIOR: ITS SOCIOLOGICAL IMPLICATIONS* (1971); Becker, *Labeling Theory Reconsidered*, in *DEVIANCE AND SOCIAL CONTROL* 41 (P. ROCK & M. McINTOSH eds. 1973); Downes & Rock, *Social Reaction to Deviance and Its Effects on Crime and Criminal Careers*, 22 *BRIT. J. SOC.* 351 (1971); Erickson, *Notes on the Sociology of Deviance*, 9 *SOC. PROB.* 307 (1962); Warren & Johnson, *A Critique of Labeling Theory from the Phenomenological Perspective*, in *THEORETICAL PERSPECTIVES ON DEVIANCE* 69 (R. SCOTT & J. DOUGLAS eds. 1972); Spitzer, *Labeling and Deviant Behavior: A Study of Imputation and Reaction in the Definition of Self* (1971) (unpublished Ph.D. dissertation, Indiana University).

¹⁸ To date, efforts to determine if contact with the juvenile justice system increases a youth's delinquent behavior have led to conflicting results at best. For a comprehensive review of empirical studies related to the effect of juvenile justice labeling, see A. Maho-

ney, *supra* note 3. For a more general review of empirical research related to labeling theory's various assumptions, see Wellford, *Labelling Theory and Criminology: An Assessment*, 22 *SOC. PROB.* 332 (1975).

¹⁹ The case description is drawn from interviews with the Family Intervention Case Work Supervisor, the case worker involved with the family during the counseling sessions, and the probation officer who arranged the out-of-home placements for the three boys.

enced the administering of control in two ways: First, the program initiated a displacement process whereby youth formerly viewed as suitable for a previous form of control are judged, within a less constrained framework of control alternatives, suitable for diversion. This displacement was evidenced by the marked decrease in 1972 youth arrests, probation referrals, cases placed on informal probation and juvenile court petitions, as well as the increase in cases closed at probation intake. This displacement provided clients for the diversion program. Second, new clients previously not considered for control are now judged suitable for diversion. This was demonstrated by the indirect referral of siblings, as well as parents, into diversion's family intervention programs. Together these findings indicate that diversion's official goal of limiting the scope 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.

An essential question that emerges from this study's findings concerns how an apparent liberating concept becomes intentionally operationalized into juvenile court policy as family intervention, which results in more youth receiving some form of control. This question concerns the organizational transformation of a reform movement and necessitates consideration of the character of the juvenile court organization. In this study's attempt to specify the character of the court organization, several characteristics were identified from previous functional systems studies of the juvenile court. These characteristics suggest that because the court operates under conditions of conflicting goals, ambiguous treatment technology, resource scarcity and operational uncertainty, it will respond to those programmatic opportunities perceived as compatible with the functional necessities, goals and practices of the court organization. Additionally, operational uncertainty predisposes the court to operationalize innovative programs to reinforce previous formal or informal court practices instead of significantly restructuring court operations. In this instance, the local court jurisdiction viewed diversion as a flexible concept amenable to cooptation into the court's traditional informal operational practices. Specifically, diversion's family intervention focus was the formalization

of a long-held juvenile court belief that the family should be the center of attention in delinquency prevention. Thus, given the character of the juvenile court organization, diversion's transformation from an apparent liberating concept to accelerated social control was a predictable outcome.

A significant implication of this study involves diversion's role in formalizing a correctional method that leads to the control of whole families and produces several unanticipated consequences. Family intervention was found to result not only in an extension of control, but also in accelerated penetration into the juvenile court process by the out-of-home placement of youth whose families are unable to comply with family intervention. The potential of accelerated penetration to contribute to subsequent delinquency or youth behavior problems is a serious concern, but research results concerning delinquency and the effect of family variables (*i.e.*, broken homes, family size, maternal deprivation, parental disciplines, etc.) are contradictory.²⁰ The common conclusion reached in the literature is that additional research is necessary before accepting or rejecting relationships between specific family variables and delinquency. Thus, given questionable results and an absence of empirical justification, continued operation of family intervention in diversion programs should be reappraised. Currently, however, a number of states are strengthening family control efforts by formally designating the family as the focal point in dealing with the problems of youth. Florida, for example, recently enacted legislation, effective October 1975, authorizing the juvenile court to "order the natural parents or legal guardian of a child adjudicated dependent or delinquent or of a child in need of supervision to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child."²¹ Sanctions for parental failure to comply range from informal threat of enforcement to formal contempt charges and more severe

²⁰ See, *e.g.*, THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, THE CHALLENGE OF CRIME IN A FREE SOCIETY 63-66 (1967); Wilkinson, *The Broken Family and Juvenile Delinquency*, 21 SOC. PROB. 726 (1974).

²¹ FLA. STAT. § 39.11(7) (1975).

out-of-home court dispositions for the children of parents failing to comply.

The growth of diversion and various community-based methods appears to be the trend for future youth corrections. This study's findings indicate the need for a critical re-assessment of diversion programs. The recently published results of a national survey of the impact of community-based corrections in juvenile justice by Vinter and others²² indicates the need for similar reassessment of community corrections. The authors specify:

A state can arrive at a high level of deinstitutionalization either by adding to the number of offenders in community settings, or by reducing its institutional population. Our findings suggest that deinstitutionalization is more often achieved through the first approach. The truth of this supposition is demonstrated by the experience of the ten most deinstitutionalized states. It was shown that although their average rate of insti-

tutionalization was somewhat less than the fifty-state average (13.3 compared to 17.8), their assignment of offenders to community-based programs was sufficiently high to result in a higher-than-average *combined* rate of assignment to both types of facilities (25.6 compared to 22.5). Thus the concerns of those who fear that development of community corrections can lead to expansion of the system appear to be justified on several grounds.²³

Perhaps these current correctional trends signal that in the future control will be exerted over a larger and less seriously involved sector of the youth population. The possibility of such a trend clearly indicates the need for systematic and comparative evaluation results which specify the operations of these various programs and the effects of these operations. Meanwhile, in the absence of convincing evidence demonstrating the need for tempering diversion and community-based programs, such programs are likely to continue their nation-wide explosion.

²² R. VINTER, G. DOWNS & J. HALL, *JUVENILE CORRECTIONS IN THE STATES: RESIDENTIAL PROGRAMS AND DEINSTITUTIONALIZATION* (1975).

²³ *Id.* at 77.