

UNDERSTANDING THE IMPLEMENTATION OF DIVERSIONARY JUVENILE JUSTICE PROGRAMS:

An Examination of Organizational and Political Processes

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Abstract

Understanding the Implementation of Diversionary Juvenile Justice Programs:
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Little research has been conducted to identify the structures of juvenile diversion programs. Research on juvenile diversion programs tends to focus on program evaluation or effectiveness more than on the structure of programs themselves. Using qualitative research methods, this master's thesis examines the organizational and political processes by which interagency partnerships structure juvenile diversion programs. Twenty juvenile diversion programs operated in geographically diverse jurisdictions across the United States were sampled and five agreed to participate in standardized interviews. These interviews were then transcribed and coded to produce qualitative data. These qualitative data consider funding, staffing, legality, structure, partnerships, agreements, services, and purposes of juvenile diversion programs as adopted by local jurisdictions. The history of juvenile diversion and theoretical perspectives from multiple disciplines provide background for this thesis. These data, contextualized by this background, frame findings concerning formal and informal operations of juvenile diversion programs. Implications of findings are discussed.

Introduction

In 1967, noncompliance with criminal procedure and indeterminant dispositions in juvenile court became unlawful (*In re Gault* 1967; *Kent v. United States* 1966). In 1968, officers of the court and social workers diverted 52% of all juvenile offenses from the restructured juvenile court as it began to adhere to criminal procedure (U.S. Department of Health and Welfare, 1968). Through these diversion efforts, juvenile justice professionals helped youth avoid formal criminal charges under the restructured juvenile justice system, but they were unable to departmentalize diversion or structure formal services (Pogrebin et al. 1984; Dunford et al., 1982; Shepherd & Rothenberger 1977; Klien & Teilmann 1976). Fifty years later, juvenile diversion programs remain undepartmentalized and diffusely structured in jurisdictions throughout the United States (Mears et al. 2016). In instances, these programs are legally questionable, unregulated, and harmful to youth offenders (Scully 2013; Schwalbe 2013; *State v. Martin* 2006; O'Brien 1977). The structure of juvenile diversion programs has not been adequately researched within the fields of criminal justice and child welfare (Mears et al. 2016; Hoge 2016).

This thesis has six sections that analyze the structure of juvenile diversion programs. The introduction provides an overview of content and a roadmap for this thesis. The literature review provides historical and analytical material relevant to this analysis of juvenile diversion programs, which results in the research question. The methodology provides the analytical strategy and conceptual framework by which qualitative interviews with directors of juvenile diversion programs were coded. The findings present results of interviews identified through coding, which are divided into thematic sections that introduce the content. The discussion considers the structure of juvenile diversion programs described in the findings, which are contextualized by the history and literature relevant to these programs. The conclusion provides limitations, policy implications, and future directions for research on juvenile diversion programs.

This thesis, in instances, uses the first person to identify the researcher. I use the terms “departmentalized” and “undepartmentalized” in addition to “formal” and “informal” as constructs of analysis for the operation of juvenile diversion programs. By “departmentalized,” I mean a department within government or a contracted agency that performs a function of state. By “undepartmentalized,” I mean an entity that may perform some community services without a department or contract within the

government. By “formal,” I indicate operations that are compliant with laws, regulations, and structural safeguards against liability. By “informal,” I indicate noncompliance with laws or regulations and structural liabilities.

This thesis considers the design of juvenile diversion programs in geographically diverse jurisdictions across the United States. Adopting qualitative research methods, this study examines the organizational and political processes by which different interagency partnerships in jurisdictions structure and implement juvenile diversion programs. This study has recently been called for by researchers concerned with problems in the implementation of juvenile diversion programs and the conditions under which they operate (Mears et al. 2016; Hoge 2016; Models for Change 2011).

Literature Review

The literature on juvenile diversion programs and the juvenile justice system, at first, may appear expansive. Upon further examination, the literature on the structural history of the juvenile justice system is sparse and the literature on the structure of juvenile diversion programs is sparser still (Mears et al. 2016; Platt 1977). This section provides a brief overview of the structural history of four innovations with the juvenile justice system, three of which (i.e. probation, the reformatory, and juvenile court) were departmentalized within a single generation of their discovery and one of which (i.e. diversion) remains undepartmentalized. This section then provides a review of analytic literature, which offers a framework to consider the organizational structures of undepartmentalized practices that have been diffused across jurisdictions.

Historical –

The first alternative disposition and suspended probation program of record began in Massachusetts in 1878 (Peters 2011, p. 356). Around thirty years before, a bootmaker in Boston formed a relationship with a judge and argued that boys and “inebriates” should be supervised under his care rather than prosecuted for petty offenses, which he called “probation” (Augustus 1852). In 1876, a prison warden designed what he considered to be a restorative alternative to incarceration for youth offenders, which he called a “prison-reformatory” (Brockway 1912). From 1867 until his death in 1879, and in a posthumous publication in 1880, a reverend preached the gospel of “child-saving institutions” to diffuse innovative alternatives to child jailing around the world (Wines 1880).

Following the diffusion of the innovations of probation, juvenile reformatories, and alternative treatment of juvenile offenders, these constructs were soon codified in law and departmentalized by courts (Platt 1977). A bootmaker promoted “probation” in 1852 and probation was a department by 1878 (Peters 2011; Augustus 1852). A warden began an alternative juvenile detention program in 1876 and his model was promulgated by the New York Board of Charities and Corrections by the 1890s (Pisciotta 1994; Brockway 1912). A preacher proselytized alternatives to prosecution for youth offenders in 1867 and, thereafter, “child saving” became a focus of annual assemblies of the National Conference on Charities and Corrections (Wines 1880).

These efforts culminated in the construction of the juvenile court. In 1898, Judge Julian Mack became acquainted with the Hull House settlement in Chicago (Barnard 1974). Over the objections of the American Bar Association, Judge Mack worked with the women in the Hull House settlement, who were developing a service profession that we now call social work, to divert youth offenders from adult criminal courts (Platt 1977; Barnard 1974). The juvenile court convened in a parlor room across the street from Hull House in 1899; the function of this court was to rule in favor of the child’s welfare and the court did not adhere to criminal procedure (Platt 1977; Barnard 1974). The juvenile court was the first formal function of state and enduring public entity that social workers formed (Platt 1977).

Over time, this court maintained these procedural features, but its methods and discretionary professionals changed. Social workers were driven out of juvenile court by probation officers resulting from conflicts over whom should supervise boys on probation (Peters 2011). The jurisprudence of the earlier juvenile judges was replaced by that of judges with interests in correcting juvenile offenders and preserving public safety, rather than promoting child welfare (Platt 1977). Juvenile judges began relying on indeterminate detention for youth offenders in locked treatment facilities; these judges had presumed discretion under the power of *parens patriae* to detain children for indefinite lengths of time without being convicted of a crime (*In re Gault* 1967; Abrams et al. 2014; Platt 1977). These treatment facilities adopted restrictive features of the prison-reformatory model from 1876 (Pisciotta 1994; Wooden 1976). Abuse of juvenile wards was common under this model and treatment facilities were not closely monitored by government regulators (Wooden 1976).

In 1967, a federal test case restructured the juvenile justice system (*In re Gault* 1967). The indefinite detention of juveniles at judicial discretion violated children's rights to due process (Abrams et al. 2014; Platt 1977). The abusive methods of correction found in surveys of juvenile correctional facilities soon after came to congressional attention in 1973 (Wooden 1976). The abuse to which children were subjected in state care came to national attention in appellate test cases, which later held precedent that juvenile wards could not be abused in treatment facilities (e.g. *Nelson v. Heyne* 1973).

Juvenile diversion programs proliferated following the *Gault* decision in 1967 (Pogrebin et al. 1984; Lemert 1971; Gibbons & Blake 1976; Klein & Teilmann 1976; Klein 1979). The manner in which the innovation of juvenile diversion spread across the United States breaks from the above diffusion of innovations observed in the cases of juvenile probation, the reformatory, or juvenile court.

The above history provides narratives of three innovations that were formalized in public institutions and became codified practices soon after their creation. Juvenile diversion programs were neither formally institutionalized under the control of an appointed agency nor codified in most state statutes until decades after their creation (Hoge 2016; *State v. Martin* 2006; Heward 2002; Zimring 2000; Pennell et al. 1990; Dunford et al., 1982; O'Brien 1977; Shepherd & Rothenberger 1977; Klien & Teilmann 1976). Juvenile diversion programs remain undepartmentalized today (Mears et al. 2016). Even after these programs came under the control of courts or prosecuting attorneys (depending on state statute), they were not departmentalized or provided clear instructions regarding their implementation and operation (Mears et al. 2016; Hoge 2016; *State v. Martin* 2006).

Analytical –

Some studies suggest that juvenile diversion programs operate effectively as “boundary organizations” with strong interagency partnerships and interprofessional collaborations (Dickerson et al. 2012; Peters 2011; Schneider 2007). However, this same body of research highlights the history of tensions, resistance, and uncollaborative partnerships of juvenile justice professionals who are often at odds with one another (Dickerson et al. 2012; Peters 2011; Schneider 2007). The benefit of forming strong interagency partnerships or “boundary organizations,” such as taskforces sharing responsibility

and discretion over juvenile diversion programs, is that interdependent organizations will meet less resistance from one another by sharing objectives (Schneider 2007). Without such shared objectives, interagency conflicts are common in the history of juvenile justice (Dickerson et al. 2012; Peters 2011).

Some organizational psychologists suggest that programs that are not already departmentalized must either adapt designs from other places or innovatively create new designs (Patel & Fiet 2009; Kirton 1976; Lewin 1974). As defined by the Kirton Adaptor-Innovator Theory, organizations either adapt structural designs for practices from other programs or create new models without reference to other programs (Kirton 1976). Under this analysis, the adaptation approach is thought to have stronger structural reliability and the innovative approach is thought to generate more experimental program structures (Chilton & Bloodgood 2010; Kirton 1976). Within the literature, juvenile justice researchers tend to reference adapted designs for diversion program structure rather than innovative program designs (Mears et al. 2016; Schwalbe et al. 2012; Models for Change 2011; Stickle et al. 2008; Godwin et al. 1998; Dunford et al., 1982; Shepherd & Rothenberger 1977; Klien & Teilmann 1976).

Some legal scholars focus on the normalization of practices beyond procedural and substantive legal norms (Cooter 1997; Ellickson 1998; 1991). These scholars are concerned with practices whereby communities may circumvent formal legal requirements and instead operate programs by informal (or constitutive) norms decided by stakeholders; or, alternatively, controller-setting norms decided by an individual agent (Ellickson 1991). This analysis of normalizing otherwise legal processes beyond the structure of court is relevant to legal and structural problems inherent to juvenile diversion programs (Mears et al. 2016; Scully 2013; Schwalbe et al. 2013; *State v. Martin* 2006; O'Brien 1977).

Some social workers and political scientists are concerned with how public sector innovations diffuse across agencies and localities (Dearing 2009; Rogers 2003). Some researchers have paid special attention to how judicial concepts and infrastructure diffuse across jurisdictions (Glick and Hays 1991; Glick 1981). The diffusion of juvenile diversion programs across jurisdictions remains at the heart of researchers questions concerning these programs (Mears et al. 2016; Hoge 2016;).

These perspectives from the fields of social work, organizational psychology, and legal scholarship inform the postulates of this study. Without being able to analyze the adaptation of different models, the diffusion of these models across jurisdictions, and the legal normalization of these models in jurisdictions, no researcher may ever understand the nature of juvenile diversion programs as they exist in localized practices (Mears et al. 2016; Hoge 2016; Schneider 2007; Zimring 2000; Pogrebin et al. 1984; Dunford et al., 1982; Shepherd & Rothenberger 1977; Klien & Teilmann 1976; Kirton 1976).

Quantitative research may yield generalizable conclusions about juvenile diversion programs in jurisdictional practices (Rubin & Babbie 2017; Mears et al. 2016; Hoge 2016). Some states have made recent efforts to acquire these data (Rubin & Babbie 2017; Smith & Weemhoff 2017; New Hampshire Juvenile Court Diversion Network 2014; Swayze & Buskovich 2012). Systematic review of these studies may best address researchers' concerns regarding the impact and outcomes of distinct diversion models (Rubin & Babbie 2017; Mears et al. 2016; Hoge 2016; Schwalbe et al. 2012).

To study the current structure of diversion programs, a qualitative approach to data collection is more appropriate (Rubin & Babbie 2017). This study analyzes a limited sample of diversion programs considering questions of their implementation, structure, legality, coordination, politics, and organization that are at the heart of the history of concerns regarding diversion and only answerable through in-depth qualitative analysis (Rubin & Babbie 2017; Zimring 2000; Shepherd and Rothenberger 1977; O'Brien 1977).

Relatively few states have published descriptive data on structures of their diversion programs and systematic review of limited data may not yet render statistically significant results under quantitative analysis (Rubin & Babbie 2017). As a result, qualitative methods will be used in this study. The following qualitative study contributes an attempt to expand our "limited understanding of the diversion process" in furtherance of a growing body of research meant to produce "quality control procedures [to be] implemented for all aspects of the diversion process" (Hoge 2016, p. 997).

Research Questions

Latent Question –

How are juvenile diversion programs structured and authorized in local jurisdictions?

Manifest Questions –

Research Question 1 (RQ 1): Who are the professional actors involved in structuring and implementing new diversion programs?

Research Question 2 (RQ 2): How are interagency partnerships structured to support juvenile diversion programs?

Research Question 3 (RQ 3): Is there dissent among involved stakeholders? Does dissent among involved stakeholders influence the structure of juvenile diversion programs?

Methods

Sample –

This study sampled twenty jurisdictions in the United States. These jurisdictions were included if they met three criteria: (1) Operation of at least three diversion programs in their jurisdiction, (2) distal rather than proximal geography to other sampled jurisdictions, and (3) new functionality of one recently implemented diversion program in each jurisdiction. These criteria were informed by selection criteria found in “Diffusion of Innovation” (DI) research literature in context to jurisdictions, which has been the focus of some (Glick and Hays 1991; Glick 1981). Directors of diversion programs, defined by responsibility for operations of diversion programs, were asked to participate in qualitative interviews using a standardized interview question (SIQ) guide (Rubin & Babbie 2017; Turner 2010; Appendix A). A standardized email was sent to one director of one juvenile diversion program in each selected jurisdiction. Two follow-up emails were sent (as needed) to each director selected to participate in each sampled jurisdiction. A total of eight directors from eight geographically diverse jurisdictions responded to these emails; informed consent disclosures were made to these directors and three chose not to participate in research. Five directors submitted signed Informed Consent Forms and agreed to participate in the study (Appendix B).

Interview Procedures –

Aligned with best qualitative research practices (Rubin & Babbie 2017), participants provided verbal consent prior to the start of each interview. The structured interviews were conducted between January 4th, 2018 and March 5th, 2018. Interviews were conducted via phone call and recorded using a standard audio recorder. For the duration of the study, audio files were stored on the recorder, the

researcher's personal laptop, and a secure server managed by the Center for Studies in Demography and Ecology (CSDE) at the University of Washington. Audio data were thereafter transcribed. These data will be deleted upon completion of this thesis, in accord with the IRB Protocol and Informed Consent Form. Audio data were transcribed after all interviews were completed and coding protocols were not implemented until all interviews were transcribed. All study procedures were considered exempt by the University of Washington Institutional Review Board.

Coding Strategy –

Transcribed interviews were coded using thematic analysis and content analysis strategies (Rubin & Babbie 2017; Crowe et al. 2015; Lingard et al. 2008). Interviews were coded by hand using four codes (Rubin & Babbie 2017). These deductive codes were informed by the literature review and conceptual coding strategy explained in this section; thematic analysis emerged from deductive coding. Inductive coding was informed by the content of transcribed interviews.

a. Analytic Strategy –

Codes were applied to all data using a color-coded system of highlighters and notation flags, without reference to audio interviews or other transcripts during coding. All transcripts will be deleted and destroyed upon completion of this thesis, in accord with the IRB Protocol, Informed Consent Form, and best practices in qualitative human subjects research (Rubin & Babbie 2017).

The four codes applied to transcribed interviews were (1) Logistics, Acts, and Numbers (LAN), (2) Philosophy and Functional Purpose (PFP), (3) Pushback and Conflict (PC), and (4) Procedural, Constitutive, and Controller-Setting Norms (PCCN). These codes were inductive, as they were informed by a literature review of juvenile diversion programs, theories and methods from the above academic disciplines; the content analyzed were thematic and manifest (Crowe et al. 2015; Vaismoradi et al. 2013; Braun & Clark 2006). LAN and PFP are relevant to the field of organizational behavioral management in the discipline of organizational psychology (Chilton & Bloodgood 2010; Patel & Fiet 2009; Kirton 1976; Lewin 1951). PFP and PC are relevant to the Diffusion of Innovations field within the disciplines of social work and political science (Dearing 2009; Rogers 2003; Minstrom 1997). PFP, PC, and PCCN are relevant to the fields of geographical and jurisdictional normative legal theory found in the discipline of law

(Delaney 2015; Ellickson 1998; 1991; Cooter 1997; Glick & Hays 1991; Glick 1981). In a thematic sense, LAN sought to answer RQ 1 and RQ 2. PFP, PC, and PCCN sought to answer RQ 3.

b. Conceptual Strategy –

These codes were designed for deductive content and thematic analysis, informed by three theories in the social sciences. Diffusion of Innovations (Rogers 2003), the Adaptor-Innovator Theory (Kirton 1974), and the theory of norms found in Order Without Law (Ellickson 1991). This inductive conceptual strategy sought to weave a rich thematic framework of findings from transcribed interviews. Each of these conceptual frameworks of analysis were informed through field research and grounded theory within the fields of social work, organizational psychology, and the law in the latter half of the twentieth century (Rogers 2003; Ellickson 1991; Kirton 1974; Glaser & Strauss 1967). The present study emulates the conceptual framework of these theoretical perspectives from the social sciences and legal fields to identify multiple aspects of the organizational and political processes involved in implementing juvenile diversion programs.

Findings

“Qualitative researchers study things in their natural setting, attempting to make sense of or interpret phenomena in terms of [their] meanings” and to posit “philosophical perspectives, assumptions, postulates, and approaches” in a manner “open to analysis, critique, replication, repetition, and/or adaptation” (Crowe et al. 2015; Vaismoradi et al. 2013). The following section attempts to ground themes and content found through interviews and transcribed qualitative data in theory and the practices of jurisdictions considered in this study.

In transcribing and coding qualitative data, I found that juvenile diversion programs have formal or informal organizational processes. By formal, I mean that diversion programs adapt diversion designs from other jurisdictions, comply with the law, institute procedural norms, build strong interagency partnerships, acquire renewable grant funding, employ trained staff, provide structured services, and safeguard the operational intent of their program. By informal, I mean that diversion programs have innovate *ad hoc* design features, fail to comply with the law, institute constitutive norms, experience interagency disputes, acquire limited grant funding, have few staff, provide unstructured services, and have indeterminant operational intent. The formality of juvenile diversion programs is not fixed and

presents itself on a continuum: Diversion programs may have both formal and informal features. The formality of a single feature, such as legal compliance, also exists on a continuum: Diversion programs may comply with a state licensing requirement, for example, but fail to comply with a state statute; alternatively, a program may violate a credentialing requirement, but comply with a state statute.

The following excerpts of transcript from qualitative interviews provide context for these findings. These excerpts have been ordered into sections addressing intent and formality to best describe distinct organizational and political processes in implementing juvenile diversion programs.

1. Purpose and Intent

1.1 Juvenile diversion programs are designed and implemented to address unmet restorative justice needs in local jurisdictions. These needs are sometimes felt by professionals in the community with proximity to courts, schools, and youth services. These professionals identify opportunities to create restorative justice programs. Juvenile diversion programs commonly result from their efforts:

“[This program] is something that I put together several years ago and it was one of those things where I saw a need within the juvenile justice system. That’s really how it started. [...] Joining a state restorative justice board] really opened my eyes to what was going on. [...] I really started to understand: Well, wait a minute, this is a child in school who may have done something to piss a teacher off and she didn’t like it, so the first thing that she does is hit a button and call the police. [...] I wanted to look at all of the petty offenses that myself and other partners wanted to handle at school rather than transporting kids to juvenile court.” [DP4]

“What could we do upfront to minimize the trauma that a child went through?” [DP5]

“There really weren’t any services that provided [a break from] home life that was creating the trauma. [...] I [looked] at the landscape of everything that we were doing in our juvenile court and I made an argument that we needed a [model] to focus our effort in restorative justice in front-end programming. [...] Because] the state model of juvenile justice in Washington puts money on the table post-adjudication. So the money for things like family counseling or Evidence-Based Practices [...] really isn’t unlocked until you’re convicted of a crime.” [DP3]

“Restorative practices focus on accountability and repair of harm. We shifted [the focus of juvenile justice] from being about breaking a law to questions about who was harmed, who was impacted, how they were impacted, and what we can do to repair that harm. [...] Now youth] may be diverted to [our] restorative justice conference instead of an informal hearing. [...] Our MOU currently has eight partners [...] and] we have a contract with the school system and a contract directly with the juvenile court for training and facilitating conferences.” [DP1]

1.2 At times, juvenile diversion programs are designed in direct response to disproportionate minority contact with the juvenile justice systems or racial disparities in the juvenile justice system:

“I had started seeing too many kids of color and I started looking at the offenses that these kids started being brought into the juvenile court system for and they were all petty to me. [...] These were offenses that should have been handled by the school. There were too many kids of color coming in here for fighting, being disrespectful to the

teacher, stealing a pencil. [...] It shouldn't just be kids of color who are being brought into the court system. It shouldn't just be majority whites running the courts, when there are no black supervisors or judges at the time who are passing judgement on our kids." [DP4]

"Disproportional minority contact – that's the local term for the number of youth of color involved in discipline and criminal investigation – is an issue that we're trying to address. [...] Our school system] is very odd, very wealthy, and serves a very diverse county. It has a lot of resources and also has a surprisingly high number of kids who are eligible for free and reduced lunch – who are very poor – and a very surprising number of kids and families who are homeless." [DP1]

"[Our program is] trying to reduce disproportionality within our detention facility. [...] Our program has] significant equity among our reported race and ethnic groups." [DP3]

"We're diverting a thousand arrests per year and 98% of them are African American. You clearly have an impact on [race equity]." [DP1]

2. Formal

2.1 Juvenile diversion programs may comply with legal requirements by statute, administrative law, and criminal procedure. A need for formal compliance with the law is often driven by a need to honor juvenile rights under criminal procedure, to avoid civil liability, or to structure programs in such a way that effectively circumvents criminal charges in the juvenile justice system:

"There is no model for how to do this. We just had to research it – have our lawyers looking at it. From a legal standpoint, what rules did we have to follow? [...] How do we get protocols in place with detention for how the kid would get moved out of detention? We [now] have that authority under General Order of the Court." [DP3]

"The state requires that the school join with the police department to create an MOU. Part of the requirement is that they will also supply us with all of their data. [...] I used my attorney at the police department to help structure [the agreement]." [DP5]

"There are strict guidelines at the state level. [...] It was determined that we had to change state law for [...] officers to participate. [...] Our bill] passed. [...] The primary reason we went down that road is so that officers could safely – legally, legitimately – participate in the process." [DP1]

"Police have just updated their juvenile procedures. If it's a first-time offense, [...] the officer should be referring it to [us]. If they don't refer it to [us], they have to put in their police report why they did not. Under the new police policies and procedures, [...] a police officer's supervisor must review reports if they see a youth looked like they were eligible and the police officer did not refer them to [us]. [DP1]

"I have procedures in place to keep juvenile summons from reaching the juvenile court. [...] Juvenile court has policies and procedures in place [...] to not enter that child into the system. They will send that juvenile summons back to me." [DP4]

2.2 Juvenile diversion programs that have been formally structured commonly acquire substantial grant funding, state funding, or county funding to structure operations. There tend to be smaller initial grants received that allow the diversion program to demonstrate appropriate use of grants, which result in larger future grant awards:

“Anybody who puts a program together has to think about funding. [...] I joined a statewide taskforce [...] that has] the funding and the authority to give it to us by the state legislature. [...] The first year I started, the funding was right around \$100,000 [...] for the first two years and increased to \$150,000 for the next three consecutive year. The first five years of this program, the school district never had to pay for it. [...] I started] with 21 schools. Those 21 schools were averaging about 1,000 kids per year sent to juvenile court for petty offenses. [...] As of last year, I cut it down to 48 [kids].” [DP4]

[A judge] got me a grant and he was a very strong supporter. [...] The diversion program was awarded] \$600,000. The majority of it went to research. The rest of it went to de-escalation training for all of the school officers and we had money for another group that wanted to do restorative work with kids around long-term issues.” [DP5]

“[We had] money from the county to cover staffing, [...] which] was about \$400,000. The city [...] committed \$254,000 to help us get started, [...] but] their proviso was that we had to have [our program] up and running [soon]. We got everything put together. [...] If you had given me this program again ten times, I’m not sure if I could do it again in ten tries. There were so many hoops to jump through and logistical deadlines to meet. [...] You have to follow every possible rule and pull permits with the city. [...] We were able to show that this program was a success after the first six months [and] we were able to access more stable funding through the [county]. [...] We have about \$1.2 million per year to operate in total.” [DP3]

“I’m waiting to hear back on the renewal of our grant and it’s an expanded one.” [DP1]

“This year, 2017-2018, I’ve increased that number from 21 to 40 schools. The reason I was able to do that [is] I got a \$5,000,000 grant from the National Institute of Justice.” [DP4]

“This program is part of the Office of Safety and Security [executive government] now. It is a legitimate program, with funding, under the Office of Safety and Security.” [DP4]

2.3 Juvenile diversion programs may employ staff or have a strong network of volunteers who have structured performance expectations within their role as service providers on the diversion team:

“We went through the process flow of what cases would look like when they got to us. I built a model-flow of staffing every single day. So [for] every kid that came to us, [...] the team sits down and they have everything they need to staff the case, discuss all the elements of it and decide whether it’s appropriate for the [diversion] model.” [DP3]

“The [social workers] have a couple of assessments and evaluations that they have to do and then [juvenile probation counselors] have a Washington State assessment that they have to do, so I want to say that there are at least three different evaluations or assessments being done. [Then] we have to complete a safety plan, or at least we put an onus on ourselves to, before the kid leaves. [...] The expectation around customer service is pretty high in this program.” [DP3]

“I have what I call a site-coordinator. They’re part time, typically working a couple hours per week for me after school running the program. [...] I have one at each school. [...] I have my own database that the site-coordinators input all [youth] information into. [...] I want to know what you’re doing as a site coordinator to make sure that a kid participates.” [DP4]

“Our area is actually saturated in mediators. We have a waitlist of people who want to mediate [restorative conferences].” [DP1]

“The school system now has 320 security offices in the schools. [...] The 84 sworn [city] police officers assigned to the program are the ones who get to divert and then they have to call into a second tier to get approval. [...] Those two officers are diversion liaison officers. [...] They have paperwork that has to be completed. They then forward it

to the diversion intake officers and they then forward it to DHS to start the home visits – they're the liaison between implementing the services." [DP5]

2.4 Juvenile diversion programs may be structured with strong interagency partnerships that exchange resources and serve as stakeholders in their use of collective discretion in service to programs:

"We brought together a workgroup of juvenile court staff, defense attorneys, prosecuting attorneys, and a judge that supported the initiative and we started brainstorming what a model could look like. [...] We worked through that and came up with agreements that protect the kids from [workgroup concerns]. [...] It's a verbal agreement between the departments and it has been adhered to for the entire existence of the program to date." [DP3]

"We [now] have eight partners involved, including: The juvenile courts, the police department, the county police department, the schools, the county Department of Neighborhood and Community Services, [our nonprofit], and three locality police departments." [DP1]

"We run the planning committee meetings. I'm the chair. I set the agendas and organize outreach events. But it really is a collaborative entity – it's a team run entity. It's a team run program." [DP1]

"I spoke with the probation offices. At first there was pushback. And then I brought them an outline of the program and we went through it. I told them what each of the components were, what we were doing, [...] and once they saw an outline of the program, they said: 'Okay, this makes sense.'" [DP2]

"I ended up putting together a taskforce that consists of the following: The police department, the schools, the DA, the public defender. [...] I created an MOU that allowed all of the partners, all of the community agencies, to sign off. [...] I renew the MOU every twelve months. Not one of them has dropped off." [DP4]

2.5 Juvenile diversion programs may look to structural models of existing diversion programs and adapt design aspects of those programs that may be tailored and implemented for their jurisdiction:

"The original concept came from the prosecuting attorney [...who] heard about a model from [a county in] Arizona. [...] There weren't really any services that were tied to it. [...] So, we looked at that and that started the conversation [...]: 'What can we layer on to make a model that might address these cases.'" [DP3]

I love hearing what other jurisdictions are doing, because that's how I learn and it's how I get ideas. A lot of times, hearing what other people are doing will spin an idea and lead you to somewhere that you want to go." [DP3]

"[In] 2000, I started to participate in a program hosted by the Office of Juvenile Justice and [Delinquency] Prevention, the [National] Association of Chiefs of Police, and [...] the McArthur Foundation. [...] I got involved with them around a couple of programs. [...] I got invited to the National Academy of Sciences, really started looking at trauma, and adolescent development. [...] My work was kind of an offshoot." [DP5]

"[We serve] every school. [...] We developed an upfront model where a lot of services are done by community organizations. [...] We use six programs across the city to divert our kids to those programs [...] where they live, by zip code. [Our officers] don't have to take the body out of school, [...] they don't have to take a kid in, search him, [...] take away from the kid's school." [DP5]

"Before we got this off the ground, I think that I had been to six to eight conferences. From California to New York, to Washington to New Jersey, to Atlanta to Houston. [...] Traveling the country, here's how [our program] came into focus. I went to Chicago. In

Chicago, there's actually a program that's still in existence [which we modeled our program after]. [...] I had the opportunity to meet with them and talk with them and really get a sense of how their program is put together. [DP4]

2.6 Juvenile diversion programs may safeguard the structural integrity of their model against program deviation and “drift” away from the intent which inspired the implementation of the program:

“I ran staffing for the first two months just to make sure that the philosophy was in place. One of the most important things to me is that you want to protect against drift, people getting scared. [...] Sometimes staff say:] ‘I’m going to ask prosecutors to file.’ That’s where we see the drift happen.” [DP3]

“You give me a school that has a very poor principal and a very poor framework, they will often fall back on what’s easy rather than what’s hard.” [DP4]

3. Informal

3.1 Juvenile diversion programs may operate under informal (or constitutive) norms reached by interpersonal or interagency agreements rather than complying with strict legal requirements under state statute, judicial policy, or administrative law:

“[In our diversion program] there’s no formal filing of charges, there’s no diversion contract signed – as the statute defines diversion. We don’t follow that exact [statute]. This is more of what I would call an ‘informal diversion.’” [DP3]

“There was a small caveat in the Safe School Act that mentions diversion, but they never really built it out. [...] The law] kind of made it something that the prosecutors had to set up. I didn’t worry about that.” [DP5]

“It [i.e. credentialing] is not as strong as I would like it to be. That is part of the way that the program is set up with the courts. The judges have been okay with it so far. It hasn’t been a problem so far.” [DP1]

“I don’t know whether the prosecutors are involved. [...] There was no paperwork signed.” [DP2]

“It’s a verbal agreement between departments and it has been adhered to for the entire existence of the program to date. [...] It’s not a formal policy.” [DP3]

“The only person I needed to sign off on that MOU was the Department of Human Services. [...] It could have been an MOU between us two. [...] Concerning prosecutors:] I had already asked the two people who I needed permission from.” [DP5]

“Everybody wanted to be a part of this. I got the DA, the Public Defender, Juvenile Court, the Sherriff Department – all of these people signed off on this [informal taskforce MOU].” [DP4]

“I created an MOU that allowed all of the parties [...] to sign off on saying ‘we need a school-based’ diversion program.’ [...] This was an MOU for the taskforce, not an MOU for the program. [...] Then] the DA wrote a letter that said: ‘You are violating state law by referring kids to an afterschool program without the involvement of law enforcement.’ [DP4]

3.2 Juvenile diversion programs may not acquire substantial grant funding or public funding to structure operations:

“I’ve been doing this [...] through trial and error. [...] This program] was first funded by a community member. [...] He] gave the original thousand dollar donation. [...] So that was kind of the catapult, right that – that was the thing that got this all going. [...] That’s when we got going – it was a thousand dollars.” [DP2]

“How are we going to keep funding this?” [DP2]

“We are not good grant writers. We are not equipped to write and try to manage a federal research grant.” [DP1]

“Right now, it’s a big task to keep [the diversion program] going as it is. It’s much more *ad hoc* than ideally it should be, because of resources.” [DP1]

3.3 Juvenile diversion programs may not have sufficient staff or volunteers in the community who have structured performance expectations:

“On the structure side of things, a real problem that we have now with the growth is that every partner is having a hard time keeping up with the growing volume. None of us actually have a full-time person working on this [diversion program]. So there’s no single person from the police or the schools or the courts or [our agency] that only works on this program. We’re all [doing] collateral duties. [...] We’ve now received over four hundred referrals.” [DP1]

“We have a great team of partners. People are very passionate, [...] but most of the work [on this diversion program] – most of the time that we spend on it – is largely unfunded.” [DP1]

“My organization actually [has] only four full-time [employees] – myself and three staff. We have two volunteers who are actually contractors, because they do earn a stipend [...], but it is nowhere near [their worth]. [...] They’re both working almost full time on this program and they’re paid a few thousand dollars. [...] They] both act like staff, but they aren’t technically employees. [...] We would be in trouble without them.” [DP1]

“[For our program] on week two, we went and talked to the guy who owns [the tire shop] and talked to him about how most guys working for him don’t have college degrees – [but] they have perseverance. They started out cleaning the mechanic’s building and they were just janitors and [...] now some of them make six figures. [...] In session two was that there was a really big lack of the life skills component – like the comradery and the perseverance part.” [DP2]

“Unfortunately, that doesn’t always work. We have one kid who changed, [said] he wanted to be a mechanic, but then got shot by a gang afterwards. It was devastating to all of us, because the community member [...] got him a job through an automotive place.” [DP2]

3.4 Juvenile diversion programs may have interagency conflicts rather than strong partnerships.

In instances, juvenile diversion programs are operated by directors’ discretion over stakeholder objections:

“I think defense attorneys fear [problems in our program]. I haven’t heard that or seen it articulated in a way that leads me to believe that a problem exists.” [DP3]

“Juvenile court still has that sour taste in their mouth. They don’t want to meet with me, because I’m the guy [who sued the court].” [DP4]

“I made policy and implemented policy.” [DP5]

“At the end of the day, there are certain key people who ultimately make the decision. Yes, you can bring in those other entities for support, but I don’t need them sitting in a room telling me that they think it’s great or they think it’s wrong.” [DP5]

“I brought the school districts to the table, but I did it differently. I informed the school district of what I was going to do. I didn’t ask for their permission. So, it’s not saying: ‘Can I do this?’ I told them [that] it was my position. [...] I didn’t come to the table asking for their permission.” [DP5]

“I don’t answer to them.” [DP5]

“I’ll be honest with you: I’m going to be unique in the fact that, if there were pushback, in never [mattered].” [DP5]

“I’m going to be honest with you: I didn’t get involved in their pushback. Not to be crass, but I didn’t – because if I followed their process, then nothing would have been done. I would probably be sitting here four years later. I’ve been doing this thirty years – I’ve been mired in this constant [talk]. Everybody keeps talking about the school-to-prison pipeline – when’s change going to happen? This wasn’t going to change by sitting down in a room and asking them. They had an opportunity to address the issue. They kept talking.” [DP5]

“I don’t need your permission. Because you’ve already demonstrated that you can’t. And some people don’t like that and believe that it was disrespectful. Can I say it was? Yeah, it was. [...] I couldn’t sit there anymore waiting for them to make a decision – I couldn’t do it.” [DP5]

“[I] cut out all of that noise they get caught up in.” [DP5]

3.5 Juvenile diversion programs may innovate novel models that have no structure to adapt or demonstrated history of success:

“You know...there’s no model for any of this! You don’t look around and say: “Well, there are all of these other places [that have diverted from detention].” [DP3]

“[Our jurisdiction] had the courage to let me take risks and I had to make some decisions to get this program up and running that you would never typically make working for the government or for a court.” [DP3]

“I could do that, but I am going to do my own curriculum. Because I’ve been doing this and this is what I have seen through trial and error.” [DP2]

“To a large extent, this has been a very organic process – we didn’t start out with the years of structure that we need. This has really been developed over time based on interest level and limited resource allocation.” [DP1]

3.6 Juvenile diversion programs may not safeguard against institutional drift from their initial intent upon implementation:

“We had one [person who] wanted to teach the kids to build interview skills and resumes, so we made time in one of our tours for him to meet us at the community college. [...] Quite honestly, [none] of us thought they were listening.” [DP2]

“Community members found that they wanted [...kids to do] the tour and the presentation combined. And it was sort of like: That’s great, let’s do that. But then we tried it with just doing to tour of an actual college campus [...and that] might have been kind of intimidating.” [DP2]

“It’s kind of a pilot program. [...] I’ve been trying to keep them as close as I can [...] to see] how we can improve the next one.” [DP2]

“[We] don’t touch the assaults: So, you can’t go hit a teacher and come ask me to divert. [We] don’t do those. You can’t come and rob another student – no. [We] just stayed in that area where it made sense, so it was hard for people to dispute. [...] But now] one of the things that we’re looking at now is assaults with injuries involved or robberies of students. [...] We’re going to look at this at the end of the school year to see if there are other areas where we could be expanding.” [DP5]

Discussion

Juvenile diversion programs have salient formal and informal organizational practices, structures, and shared histories of implementation. Juvenile diversion programs tend to be comprised of interagency partnerships. These interagency partnerships are often formed to address problems in local juvenile justice systems regarding inadequate restorative practice and race equity issues in jurisdictions. The director of an interagency partnership may investigate external diversion models, which are then adapted and implemented in the jurisdiction served by the interagency partnership. Alternatively, the director of the interagency partnership may innovatively design an entirely new diversion program without reference to external models in different jurisdictions. The juvenile diversion program model implemented by the director may comply with formal statute; but this model may instead comply with informal norms constituted by the interagency partnership. Juvenile diversion programs may acquire adequate funding, structure staff service expectations, and protect against organizational drift. These common organizational practices of operating juvenile diversion programs exist on a continuum; some practices of juvenile diversion programs may be formalized while other practices remain informal.

To professionals in the juvenile justice system, these findings may appear familiar and hardly implicative. As described in the introduction and literature review, the history of the juvenile justice system is one of practices that do not explicitly abide by the law, but to which the law has normalized (Cooter 1997; Platt 1977). Those who comprise interagency partnerships that operate juvenile diversion programs may feel, given this history, that their work is inherently lawful, as authorities – such as law enforcement, prosecutors, and judges – are either part of their partnership, support their diversion program, or turn a blind eye (Shepherd & Rothenberger 1977). The implication to this finding is that juvenile diversion programs often operate under constitutive norms (Ellickson 1991).

These constitutive norms may be conflated with substantive or procedural norms, despite being substantively and procedurally questionable (Ellickson 1991). As reflected in findings, directors of juvenile

diversion programs may be aware that they haven't signed paperwork, consulted with prosecutors, or complied with a statute that provides a mandate for practice in juvenile diversion. These directors often reflect that their informal agreements with interagency partnerships, which may include officers of the court, or their proximity to powerful individuals within the jurisdiction, satisfy legal authorization to operate a diversion program despite formal legal requirements. These constitutive norms of general agreement are a prominent aspect of juvenile diversion program directors' reflections in this study.

To professionals in the juvenile justice system, the undepartmentalized nature of juvenile diversion programs is also evident and not implicative (Mears et al. 2016; Shepherd & Rothenberger 1977). There has never been a juvenile diversion department in a juvenile court; as a result, interagency partnerships have been formed between departments and community organizations to structure and implement diversion programs (Dickerson et al. 2012; Schneider 2007). Despite the fact that these programs have existed since the *Gault* decision, few practitioners have been attentive to how these interagency partnerships and programs are structured (Pogrebin et al. 1984; Shepherd & Rothenberger 1977). The implication to this finding is that, unlike in the case of probation, juvenile diversion programs' funding, staffing, service provision, and functionality remain nebulous and adrift in jurisdictions, as this diffuse innovation of the juvenile justice system remains unanchored to structured local government.

Juvenile diversion programs are threatened by legal, financial, and structural liabilities in their undepartmentalized form (Godwin et al. 1998). Though there is a history of manualizing prescribed operations of juvenile diversion programs (Models for Change 2011; Godwin et al. 1998; Dunford et al., 1982; Shepherd & Rothenberger 1977), most directors of juvenile diversion programs instead rely on adapting some aspects of diversion programs from other jurisdictions and/or innovating new aspects of diversion to meet the needs of their jurisdictions (Mears et al. 2016; Kirton 1976). As reflected in the findings, navigating these processes proves difficult. Directors of juvenile diversion programs often face legal or administrative challenges that threaten the continued operation of their diversion programs. These challenges may include direct threats from authorities, such as prosecutors, or structural challenges, such as securing insufficient funding or having insufficient staff.

These challenges can create tensions between interagency partners (Dickerson et al. 2012; Schneider 2007). As observed in the findings, these tensions may be resolved amicably, through

negotiations, memoranda of understanding, or adopting new practices to the diversion model, which may depart from the intent of the diversion program upon implementation. Alternatively, another response to interagency conflicts is to ignore them and disrespect stakeholder concerns. As reflected in the findings, some directors of juvenile diversion programs who chair interagency partnerships will not elicit their partners' concerns or implement new practices based off of pushback from other agencies. The implication to this finding is that some directors of juvenile diversion programs assume controller-setting norms (Ellickson 1991) and operate juvenile diversion programs over objections of stakeholders.

These challenges inherent to the operation of juvenile diversion programs, set against the organizational and political canvas of jurisdictions in which diversion programs operate, may result in ineffective services to juvenile offenders or prove harmful to juvenile offenders (Schwalbe et al. 2013; *State v. Martin* 2006). As observed in the findings, at times, juvenile diversion programs attempt to provide services to youth with higher needs than programs provide (such as gang intervention) and these unmet needs may result in youth harm or loss of life. At times, directors of juvenile diversion programs may be directly responsible for this harm (*State v. Martin* 2006), but often this harm is caused by diversion programs not serving the child welfare functions that are core to the duty of the juvenile justice system (Scully 2013).

In other instances, some juvenile diversion programs included in this study have remarkable strengths and such structural significance within local jurisdictions as to acquire enduring grant funding, adequate staff to provide services, and, in instances, have even become departmentalized within state or local government. Notably, these juvenile diversion programs adapt aspects of other programs, acquire small grant awards that increase over time, have structured staff expectations in service of youth, very structured services for youth, and strong interagency partnerships including stakeholders across government agencies.

Some juvenile diversion programs included in this study had multiple millions of dollars in annual budgets. Some of these programs grew out of community practices and boundary organizations operated by interagency partnerships (Schneider 2007). Though these initial boundary organizations may not have had a significant amount of funding and may have only had lateral staff from interagency partnerships, their pursuit of grants, through organizational and political engagement of state and local resources,

resulted in increasing grant awards. As observed in the findings, these initial grant awards were at times as little as \$100,000 and restricted by local government conditions surrounding program implementation; whereas, as few as five years later, annual grant awards for diversion programs that have proven enduring in jurisdictions are as high as \$1.2 million and these programs have become competitive for federal grants that are even more substantial.

Some juvenile diversion programs included in this study have structured service expectations. These expectations are divided between staff of different professional designations, such as social workers, juvenile probation counselors, diversion liaisons, coordinators, and school resource officers. As observed in the findings, some diversion programs have flow charts around service profession, mental health assessments of youth that must be completed by different staff, core services to which liaisons and coordinators direct youth, and organizational safeguards against staff bias around youth meeting eligibility criteria for diversion. These programs both provide highly structured services for youth and protect against organizational drift away from the intent of the program upon implementation.

Some of the juvenile diversion programs included in this study had, over time, become absorbed by state and local government. One of these diversion programs had began outside of local government in an adversarial relationship with the juvenile court, but the enduring strength of the diversion design and interagency partnership with public schools over a decade, as well as its funding and the director's proximity to state authorities, resulted in program adoption by an administrative branch of the state executive. This juvenile diversion program has become a departmentalized feature of state government, having survived informal and constitutive norms that resulted in local prosecutors threatening the program in its early stages. Another program created a "restorative" department within a juvenile court, which was one of the first attempts in the history of juvenile court to departmentalize diversion. Another juvenile diversion program included in this study had to change state law in order to engage in restorative practice under their design. These innovations were creative and not adapted from models from other jurisdictions, yet their impact on local juvenile justice practices and those of jurisdictions that may adapt their implementation strategies in the future may change the organizational practice of juvenile diversion (Mears et al., 2016).

These findings provide satisfying responses to the research questions. In response to the latent question (i.e. “how are juvenile diversion programs structured and authorized in local jurisdictions?”), findings show that juvenile diversion programs are structured and authorized in both formal and informal manners (Mears et al. 2016). Sometimes, juvenile diversion programs do not comply with state statutes, but instead comply with informal agreements between stakeholders. These informal agreements comprise constitutive norms under which diversion programs are authorized rather than procedural or substantive norms (Ellickson 1991). Alternatively, diversion programs may comply with some or all statutory and procedural requirements necessary to operate a diversion program, but requirements are extensive and full compliance is unlikely (O’Brien 1977). Other times, directors neither seek authorization of stakeholders nor statute and operate diversion programs on the basis of controller-setting norms (Ellickson 1991). These directors may either adapt designs of diversion programs from other jurisdictions or innovate designs in their jurisdictions (Kirton 1976). These directors may either acquire substantial grant funding and a sufficient number of staff with structured service expectations or may have insufficient funding and insufficient staff without structured service expectations. Findings reveal that the organizational and political process of implementing juvenile diversion programs in local jurisdictions may involve reaching decisions addressing the formality of program authorization and structure with stakeholders comprised of interagency partnerships (or boundary organizations) rather than a central authoritative department of juvenile court.

These findings also provide satisfying answers to the manifest research questions:

RQ 1: Who are the professional actors involved in structuring and implementing new diversion programs? Police, prosecutors, judges, defense attorneys, social workers, probation officers, public school administrators, and behavioral health counselors in the community. The director of this interagency partnership may be a professional from juvenile court, public schools, probation, police departments, or a contracted community agency; however, breaking from historic typologies defining diversion by the host agency, findings suggest that the structure of administration of diversion programs – formal or informal, procedural or constitutive, adapted or innovated – may impact service provision more than the agency that hosts the diversion program.

RQ 2: How are interagency partnerships structured to support juvenile diversion programs?

Police departments, school districts, juvenile courts, district attorneys' offices, public defenders' offices, social service agencies and community mental health nonprofits form interagency partnerships (or boundary organizations) to provide juvenile diversion services to youth offenders in the community (Schneider 2007). These agencies form taskforces to workgroups that negotiate the operation of diversion and provide services to youth without departmentalized discretion over diversion operations or provision of all diversion services by the juvenile court. The agency that hosts the juvenile diversion program tends to lead this interagency partnership rather than the juvenile court or agency authorized to operate diversion programs under statute, such as the prosecutor's office.

RQ 3: Is there dissent among involved stakeholders? Does dissent among involved stakeholders influence the structure of juvenile diversion programs? The findings reveal that interagency partnerships are comprised of professionals from different practice areas with different practice needs, which causes dissent between stakeholders (Dickerson et al. 2012). At times, this dissent is constructive and informs new practices within diversion. At other times, this dissent can result in a breakdown of stakeholder relations and the institution of adversarial relations.

Implications –

Juvenile diversion programs have a history of normalizing legally questionable practices in local jurisdictions that honor constitutive norms and provide services to youth, but which may have significant liabilities (*State v. Martin* 2006; O'Brien 1977). Robert Ellickson's thesis that constitutive norms may matter more than the law itself is apparent in the operation of juvenile diversion programs (Ellickson 1991), but the juvenile justice system provides a history of the failings of an informal jurisprudence of order without law (Abrams et al. 2014). This history is found in a century of efforts by social workers to serve youth outside of the formal criminal justice system through the diffusion of juvenile courts, which did not honor due process (Platt 1977). These practices were unregulated and often abusive (Wooden 1976). Juvenile justice practitioners now find themselves practicing, fifty years after the *Gault* decision, in a similarly unregulated and, at times, abusive environment (Mears et al. 2016; *State v. Martin* 2006).

Juvenile diversion programs may be well-structured at the same time that they have these structural liabilities. Juvenile diversion programs are comprised of effective interagency partnerships (or

boundary organizations) that adapt diversion designs from other jurisdictions, have adequate funding and staff with structured service expectations. Despite their best efforts to structure these services outside of a departmentalized function of juvenile court, directors of juvenile diversion programs are still confronted with conflicts between interagency partnerships, legal liabilities, unfixed funding, unsecured staffing, and program designs that may change against their will over time.

For these reasons, a central implication of findings is that juvenile diversion programs are best departmentalized within the juvenile court of local jurisdictions. One of the legal theorists cited earlier in this thesis, Robert Cooter, a contemporary of Robert Ellickson, finds that normative failure of informal agreements creates codified and formalized norms (Cooter 1997). This perspective from normative legal theory is reflected in the *Gault* decision, through which informal practices began by social workers failed after decades of institutional drift from the initial intention of juvenile court and resulted in the formalization of juvenile procedure (Platt 1977; *In re Gault* 1976). Similarly, after a half century of informal juvenile diversion programs, it may be time to recognize that the unstructured and undepartmentalized nature of juvenile diversion programs has become unsustainable (Mears et al. 2016; Hoge 2016).

This is reflected in the findings. The three juvenile diversion programs with the most stable funding, staffing, legality, and rigorously designed services for youth have gradually become departmentalized features of a police department, a school district, and a juvenile court. Of these, the juvenile diversion program that has been departmentalized within the juvenile court has the highest enduring annual funding, clinical and court staffing, and access to state funding for evidence-based family counseling. This model built a restorative department within a juvenile court and brought social workers back into the juvenile court, returning to the intent of the juvenile court upon implementation (Peters 2011; Platt 1977).

From a strengths-based perspective, after fifty years of operating informal juvenile diversion programs, based off of handshakes between interagency partnerships that may be unable to provide structured services, researchers and directors of juvenile diversion programs have already recognized these structural deficits and began to address this problem (Mears et al. 2016; Hoge 2016). There may not have to be a test case comparable to *Gault* to restructure practices of juvenile diversion programs and what little litigation has taken place against juvenile diversion programs has reflected the liabilities

presented in this study in a manner that calls for the departmentalization of juvenile diversion without federal precedent (*State v. Martin* 2006). As reflected in the findings, directors of juvenile diversion programs are already working to form departments within juvenile courts or become full programs within government administrations; this work may resolve legal and structural problems when navigating the organizational and political processes of implementing juvenile diversion programs (Mears et al. 2016)

Limitations –

This master's thesis samples five jurisdictions using qualitative methods that are considered unreliable in producing generalizable results (Rubin & Babbie 2017; Crowe et al. 2015; Vaismoradi et al. 2013). Research methods used in this thesis were intended to render in-depth, contextualized results, but these results are interpretive and may not be repeatable with other subjects or in other localities (Rubin & Babbie 2017). Five standardized interviews comprise a relatively low sample within qualitative studies and thematic analysis is one of the most rudimentary forms of qualitative analysis taught to graduate students learning research methods (Rubin & Babbie 2017). This master's thesis should not be perceived as generalizable or repeatable study, such as a quantitative or systematic analysis of structures of juvenile diversion program (Rubin & Babbie 2017).

Suggestions for Policy –

Findings in this master's thesis suggest that juvenile diversion programs should comply with substantive state law to avoid liabilities, should acquire adequate funding to ensure future operations, should employ adequate staff to serve youth, should have structured service expectations for those staff, and should adapt diversion models from other jurisdictions rather than innovating new models without reference to other jurisdictions. Juvenile diversion programs should protect themselves against allegations of violating the civil rights and due process of youth offenders. For these reasons, diversion should become a department within juvenile court in the same sense that probation is a department in juvenile court. This departmentalization may assist juvenile courts in standardizing and regulating juvenile diversion programs and protecting against liabilities.

Suggestions for Future Research –

Future research should consider both legal and structural aspects of juvenile diversion programs. Legal researchers should review all state statutes concerning diversion to clarify substantive and

procedural best practices in implementing diversion programs to comply with state law. Qualitative researchers should broaden the number of jurisdictions sampled and refine the research methods used in this study; by considering a wider number of jurisdictions, perhaps including twenty jurisdictions rather than five, researchers may produce richer thematic material contextualizing the structure and implementation of juvenile diversion programs. Quantitative researchers should acquire state data, as it becomes available, concerning the real number of juvenile diversion programs operated in jurisdictions and the structures of those programs; by considering these data and cross-referencing outcome data from juvenile diversion programs, researchers may conduct multivariate data analyses of the structure and efficacy of juvenile diversion programs. Research on juvenile diversion programs will ultimately require systematic review to produce generalizable conclusions and substantive policy recommendations.

Conclusion

Juvenile diversion programs provide services to youth offenders in order to keep them out of juvenile court, but they may do so on the basis of informal agreements with inherent structural problems and liabilities. Though these agreements are often honored by interagency partnerships in local jurisdictions, conflicts between agencies may threaten the operations of juvenile diversion programs or cause their practices to drift away from the intent of the program upon implementation. Alternatively, without stakeholder discretion between interagency partnerships, an individual director of a diversion program may cause conflict by implementing diversion practices despite partners' dissent. The agreements reached by interagency partnership may be mistaken as legal constitutive norms and may violate procedural or substantive legal norms. These interagency partnerships are forced to adapt juvenile diversion program designs from other jurisdictions or innovate new diversion designs without adequate direction or regulation. After fifty years of juvenile diversion programs operating in the United States without adequate research or regulation pertaining to the structure of these programs, this study recommends the departmentalization of juvenile diversion programs within juvenile courts.

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Appendix AUnderstanding the Implementation of Diversionary Juvenile Justice Programs:
An Examination of Organizational and Political Processes

Interview Questions

1. How did this juvenile diversion program come to be?
2. Who created this juvenile diversion program? (What is your profession?)
3. What stakeholders contributed to the development of this juvenile diversion program?
4. What statute(s) (state laws) authorize this juvenile diversion program?
5. What local court policies authorize this juvenile diversion program? (Judges' local court policies?)
6. What contracts or memoranda of understanding (MOUs) structure this juvenile diversion program?
7. What agency is primarily responsible for this program? (Probation, police, a nonprofit, the court, etc.)?
8. What is the responsible agency's philosophy on the rehabilitation vs. public safety (deterrence) debate in juvenile justice policy? (Clarification may be needed: e.g. restorative justice vs. tough love, etc.)
9. What are other agencies' (including stakeholders') philosophies on the rehabilitation vs. public safety (deterrence) debate in juvenile justice policy? (Same clarification as above).
10. How is this juvenile diversion program structured and operated between agencies? (Police, prosecutors, probation, juvenile court, drug treatment facility, drivers' training nonprofit, public school, etc.)?
11. What are the funding sources for this juvenile diversion program?
12. How is this program staffed? (Employees, volunteers, FTE, PTE)?
13. Are there conflicts between agencies or jurisdictions regarding this juvenile diversion program?
14. Are there community controversies regarding this juvenile diversion program or broader juvenile justice concerns in the community?
15. To the best of your knowledge, what are the number of youth served by this program in a given year? (As a real number, percentage, and/or percentage of the overall offense profile of the jurisdiction).
16. What is the best-known recidivism rate of youth who complete your diversion program?
17. What are other known outcomes of youth who complete your diversion program? (Higher high school graduation rate, college attendance, or job placement rates than other youth offenders in the jurisdiction)?
18. How is your program evaluated? (How do you conduct program evaluations for your funder, the courts, or other purposes)?

Appendix B**UNIVERSITY OF WASHINGTON
INFORMED CONSENT FORM****Understanding the Implementation of Diversionary Juvenile Justice Programs:
An Examination of Organizational and Political Processes**

Researcher: Benjamin Beach
Graduate Student, UW Social Work
(206) 612-4200 | benjamb@uw.edu

Faculty Chair: William Vesneski, PhD, JD, MSW, UW Social Work
Thesis Committee: Charles H. Lea III, PhD, MSW, UW Social Work
Lily Anderson, MSW, King County Superior Court, Youth Services
Asia Bishop, Doctoral Student, MSW, UW Social Work

Researcher's Statement

I am asking you to participate in a research study for my thesis at the University of Washington School of Social Work in Seattle, WA. The purpose of this informed consent form is to provide the information that you will need to decide whether to participate in this study. You may ask me any questions that you have about this study. When all of your questions have been answered, you may elect or decline to participate in this study. Electing to participate in this study after having your questions answered means that you have entered into this study with "informed consent." This informed consent form includes an area for your signature, if you choose to participate in this study.

Purpose of this Study

I am asking you to participate in a study that investigates how juvenile diversion programs are organized and structured. Little research has been conducted to identify the structures of juvenile diversion programs. Research on juvenile diversion programs tends to focus on program evaluation or effectiveness more than on the structure of programs themselves. This research may help future directors of juvenile diversion programs structure and implement programs in their jurisdictions.

Study Procedures

Interviews will take place by telephone. The researcher will schedule a time to interview you between December 15, 2017 and March 16, 2018. Interviews will take between forty-five minutes to an hour, depending on the structure of your diversion program.

The researcher must receive this signed informed consent form before conducting the interview. This form must be signed in blue ink and scanned, faxed, or mailed to the principal researcher. Scanned forms may be emailed to benjamb@uw.edu. Forms may be faxed to (206) 205-7349 or mailed to:

Youth Services Center
Attn. Ben Beach, MSW Intern
M.S. 3-B
1211 East Alder Street,
Seattle, WA 98122-5533

At the time that the interview is scheduled, you may ask any questions that they may have regarding this study. Consenting to participate in this study after having had your questions answered and submitting this form will satisfy informed consent to participate in this study.

Risks, Stress, and Discomfort

This is a low-risk study. It is unlikely that any harm will come to you by participating in this study. If you feel uncomfortable at any point during the interview, you may skip the question, end the interview, or withdraw from the study.

Benefits of Participation

There are no monetary benefits or incentives for participating in this study. The field of juvenile diversion and future program directors may benefit from your knowledge of program structure.

Source of Funding

This study is funded by an award from UW Social Work to the researcher, which covers the costs of academic credits applied for writing a thesis at the University of Washington.

Confidentiality and Anonymity

This study is confidential. This study is not technically anonymous, because the researcher will know your name and the name of your juvenile diversion program. The researcher will not share your name or the name of your diversion program with anyone other than his Thesis Committee. All identifying information will be changed to protect your confidentiality, the confidentiality of your diversion program, and the confidentiality of your jurisdiction.

This interview will be recorded and stored on a secure server at the University of Washington. This recording will be used to transcribe your interview. This transcription will use pseudonyms for your name, the name of your diversion program, and the name of your jurisdiction. The name of your state and region of operation will be the only remaining information that may identify your diversion program. It is highly unlikely that your diversion program will be identified using this limited information. This recording will be destroyed upon completion of this project. You will receive a copy of your transcript before this thesis is written. Your transcript will be destroyed, both physically and electronically, upon completion of this project. You will receive a copy of this completed thesis before its publication on ProQuest, a dissertation and thesis publication database.

Alternatives to Participation

You may choose not to participate in this study. The researcher will not be offended if you decline to participate in this study or choose to withdraw from the study at any time.

Research-Related Injury

If you feel harmed as a result of participating in this study, please contact the researcher, Ben Beach by email at benjamb@uw.edu or by phone at (206) 612-4200.

Participant's Statement

This study has been explained to me. I volunteer to take part in this study. I have had a chance to ask questions. If I have questions later about the research, or if I have been harmed by participating in this study, I can contact the researcher listed on the first page of this consent form. If I have questions about my rights as a participant in this study, I can call the Human Subjects Division at the University of Washington: (206) 543-0098 or collect at (206) 221-5940. I will receive a copy of this consent form for my records.

Printed name	Signature	Date
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Copies to: Researcher
 Participant