REFOCUS, REHABILITATE, RESTORE: A CASE FOR DIVERSION IN SACRAMENTO CITY SCHOOLS

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REFOCUS, REHABILITATE, RESTORE: A CASE FOR DIVERSION IN SACRAMENTO CITY SCHOOLS

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Division of Criminal Justice
Abstract

of

REFOCUS, REHABILITATE, RESTORE: A CASE FOR DIVERSION IN SACRAMENTO CITY SCHOOLS

by

Matthew Sture Mehlhaff

A wave of juvenile diversion programs have been implemented in California cities in recent decades. Adapting a model from the Vacaville Police Department, which was originally developed in San Diego County, the project presents a model of juvenile diversion that could be implemented by the Sacramento Police Department School Resource Unit. The program is presented in the form of a field manual which could be directly adapted by the Sacramento Police Department. The theoretical basis for the program is explained in terms of Deterrence, Social Learning, Social Strain, and Restorative Justice. Data was obtained from the Sacramento Police Department and Sacramento County Probation Department as well as existing research in the area of restorative justice. Similar programs have demonstrated a decrease in recidivism. However, this program’s success would be determined by victim perception and overall cost savings of the program.

________________________, Committee Chair
Bruce Bikle, Ph. D.

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>List of Figures</td>
<td>vi</td>
</tr>
<tr>
<td>Chapter</td>
<td></td>
</tr>
<tr>
<td>1. THE NEED TO CHANGE</td>
<td>1</td>
</tr>
<tr>
<td>Definitions</td>
<td>7</td>
</tr>
<tr>
<td>2. DIVERSION IN THEORY</td>
<td>9</td>
</tr>
<tr>
<td>Deterrence Theory</td>
<td>9</td>
</tr>
<tr>
<td>Diversion as it Relates to Deterrence</td>
<td>17</td>
</tr>
<tr>
<td>Social Learning, Strain Theory and Labeling</td>
<td>20</td>
</tr>
<tr>
<td>Restorative Justice</td>
<td>28</td>
</tr>
<tr>
<td>Does Restorative Justice Work?</td>
<td>32</td>
</tr>
<tr>
<td>3. OPERATIONS MANUAL</td>
<td>40</td>
</tr>
<tr>
<td>4. IMPLEMENTATION</td>
<td>75</td>
</tr>
<tr>
<td>5. PROGRAM EVALUATION</td>
<td>79</td>
</tr>
<tr>
<td>6. DISCUSSION</td>
<td>86</td>
</tr>
<tr>
<td>References</td>
<td>89</td>
</tr>
</tbody>
</table>
# LIST OF FIGURES

<table>
<thead>
<tr>
<th></th>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Figure 1-1</td>
<td>Percentage of Crimes Rejected</td>
<td>3</td>
</tr>
<tr>
<td>2.</td>
<td>Figure 1-2</td>
<td>Reasons for Rejection</td>
<td>4</td>
</tr>
</tbody>
</table>
Chapter 1

THE NEED TO CHANGE

School resource officers (SROs) must wear many hats. When officers were first being placed in schools, they were introduced as community police officers; their community was the school they served (Girouard, 2001). The school SRO is entrenched among the students, staff, and administrators of a school in order to get a better understanding of the school’s underlying problems. Mentoring, counseling, coaching, and teaching are various skills (s)he utilizes with the hope that (s)he may reduce criminal behavior among our youth or even inspire some to become police officers themselves. This is the softer side of the position. In a heartbeat, an SRO must transition to being the defender of last resort of our most precious commodity, our children. (S)He must possess tactical training surpassed only by S.W.A.T. officers, rifles in the back of every car, and the mental preparedness to engage one or more hostile intruders in battle… alone if necessary. Add to this eclectic job description the role of disciplinarian. School administrators use the SRO as a modern day paddle, the ultimate spanking a student can face in school. Whereas the school may only suspend or expel a student the SRO can truly expel the problem child and make him go away, in handcuffs if necessary. Transitioning from mentor to martial, from coach to captor, an SRO must be prepared to get a little dizzy.

The Sacramento Police Department has utilized its SRO program in all the above capacities. Unfortunately, the effectiveness of the program has been somewhat
diminished of late due to one primary reason. The SROs in Sacramento have lost their ability to be the enforcer on campus. There is an overabundance of cases being forced through the bottleneck of the Sacramento County Probation Department. Due to the budget crisis faced by all of the involved agencies of the Juvenile Justice System (indeed by all government agencies in general), several cases are being dismissed at intake with a rubber stamp which reads, “In the interest of justice,” or “School remedies sufficient,” or better yet, “Parental remedies sufficient.”

District Attorneys have the discretionary power to decide whether or not to pursue a criminal case, hence the rubber stamp. According to their department records, the Juvenile District Attorney’s office rejected 785 cases in 2007. Additionally, they sent 607 cases to Probation Department diversion programs (Sacramento County District Attorneys Office, 2008). Klein (1998) pointed out that the potential for abuse at this point in the juvenile justice process is present due to the overwhelming discretion of the prosecutor and the inability for anybody to appeal their decision to dismiss or file. In times of economic hardship it is feasible that the Juvenile DA will dismiss more cases in order accommodate the lack of funding, resources and time. The Sacramento PD SRO Unit received at least 142 rejection notices from the Juvenile DA’s office for the 2007-2008 school year. Compared to the latest data from the DA’s office, the Sacramento PD SRO Unit alone accounted for nearly 18 percent of the rejections. The percentage is understated because a minority of SROs did not participate in the study. Of those rejections 68% were for battery or assault related crimes and 11% were drug related (see
Figure 1-1). The most common reason given for dismissal was “school remedies sufficient” which was cited 68% of the time (see Figure 1-2).
Sacramento PD SROs do not usually arrest a student the first time he or she gets in a fight because it is a policy to refer these students to a conflict resolution course (Project S.A.V.E). Therefore, the amount of batteries reported to Sacramento school administrators (on the campuses with an SRO assigned to them) is at least two times the recorded amount (97) and may be even higher (Sacramento Police Department, 2008). Several of these fights are motivated by gang activity and the tide of violence washes back and forth from our streets to our schools. During the first half of the 2008-2009 school year, Sacramento PD SROs seized five firearms including two modified shotguns from enrolled students affiliated with gangs (Sacramento Police Department, 2008).
Probation is faced with a dilemma; their limited resources are saved primarily for the most grievous offenders. In the mean time, students are being violent at school without any consequences and are ignored until they become the grievous offenders who are taxing the system. This condition only stands to get worse as apocalyptic budgetary concern seems to be spreading akin to an infamous California wildfire and the monetary drought feeding this inferno remains the daily forecast.

In order to adapt to this new climate, we must incorporate a system which breaks the downward spiral we are currently sliding down. The Sacramento County Probation Department does not have the means to handle several of the minor offenses Sacramento PD SROs bring through Juvenile Hall each year. Diverting minor offenses away from the Probation Department would lift a costly burden off of the Probation Department and District Attorney’s Office. Progressives during the Child Savers Movement of the late 19th Century sought to shift our Juvenile Justice model from a punitive focus to a rehabilitative one (Platt, 1977). During the 1960’s and ‘70’s our country experienced a reverse paradigm shift from rehabilitation back to a punitive model because of due process concerns expressed in *Kent v. United States* and *In re Gault* (Klein, 1998).

Currently, the Juvenile Justice System is on the cusp of another pendulum swing toward rehabilitation. For SROs, it is time to get back to those roots and ride that wave, if not with the intent to reform wayward youth, then with the intent to ensure that burgeoning criminals are receiving consequences for their behavior. Perhaps they can hope for both without overburdening the Probation Department or the Police Department budgets.
Diversion programs have become a popular option in several California cities as a means to address the need to rehabilitate youth and to provide a restorative justice model in our schools. “High risk” youth have been estimated to cost society between 4.2 and 7.2 million dollars per year, in terms of the cost of their crimes and the loss of their productivity as working citizens due to dropping out of high school (Cohen & Piquero, 2009). Therefore an effective diversion program may seem expensive to initiate but it could ultimately pay for itself. San Diego has boasted that 82% of the juveniles in their diversion program were not re-arrested compared to a national average of 59% (San Diego County Grand Jury, 2004). Vacaville implemented a similar program. The purpose of these diversion programs is to demonstrate to the offender that criminal behavior will not be tolerated, encourage positive behavior, help parents cope with their children, demonstrate to victims that the offender’s behavior is being corrected and to prevent youth from re-offending (San Diego County Grand Jury, 2004).

Sacramento County and the Sacramento PD SRO Unit have a need for an alternative means to punish and rehabilitate youths. There is a sense among the SROs and the schools they serve that the system as it stands is failing. All of the government agencies involved have a need to diminish the costs associated with fruitless criminal reporting, which has a limited chance of prosecution. A diversion program needs to be established, rooted in a Restorative Justice model and implemented at the school level. For that reason, this project will outline and provide a field manual outlining the policies and procedures to establish such a diversion program. Goals and criteria for evaluation
of the program will be established with the hopes that such a program will be initiated soon in the City of Sacramento.

Although the concept of diversion is derived predominantly from Restorative Justice, it can be applied to several other theories as well. The following key terms and theories are addressed throughout the paper and are defined below:

Definitions

**Differential Association:** A process where familiarity with criminal peers increases the likelihood one will engage in criminal behavior (Sutherland, 1947).

**Diversion Programs:** Formal social responses to criminal behavior that seek to redirect an offender out of the criminal justice system into an alternative system for judgment and punishment.

**General Deterrence:** Criminal behavior is discouraged or encouraged by observing the results of “punishment” or “punishment avoidance” among others in one’s social group (Stafford & Warr, 1993).

**Labeling Theory:** An area of criminal justice ideology that connects deviant behavior with an individual being categorized or labeled by official social authorities.
**Restorative Justice:** A process where the relationship between offender, victim, and community is addressed, giving priority to victim reparation and building a safer community (Bazemore & Umbreit, 1995).

**Retributive Justice:** A process where guilt is determined and an appropriate punishment is established through an adversarial model (Bazemore & Umbreit, 1995).

**Social Learning:** An area of criminal justice theory that attributes some criminal behavior as being developed from the influence of peers and parents.

**Specific Deterrence:** Criminal behavior is discouraged or encouraged by observing the results of “punishment” or “punishment avoidance” first hand (Stafford & Warr, 1993).

**Strain Theory:** An area of criminal justice theory that attributes some criminal behavior as resulting from strain experienced by the individual when he or she perceives a wrong has been committed against him or her. The strain produces an emotional response of anger which leads to aggression and criminal activity.
Deterrence Theory

Take them to the Hall. Generally, that was a governing philosophy of several Sacramento PD School Resource Officers prior to 2008. The SROs believed, and some probably still do, that the answer to reducing crime on school campuses was to arrest the offenders early for minor offenses. Absent any evidence, SROs operated with the belief that the arrest itself would at least result in a minimal consequence of the booking procedure at Juvenile Hall. For a day, the juvenile was inconvenienced by being arrested, transported, processed, booked, and held until a parent would have to pick the student up. The feeling was even if the case was dismissed by the Sacramento County Juvenile District Attorneys Office, which frequently happened as demonstrated in Figures 1-1 and 1-2, this consequence was better than issuing a citation, which SROs perceived as a meaningless gesture considering the case would likely be dismissed and the student may not even have to go to court. It is important to note that this action was a function of officer discretion during a lawful arrest. Furthermore, the act of arresting the student on campus was believed to have a deterrent effect on the entire school population. This attitude was a prime example of Deterrence Theory as presented by Stafford and Warr (1993). Deterrence Theory seemed to be a prevalent belief among line level law enforcement personnel in general in the Sacramento Police Department. Not only does Deterrence Theory seem to be the dominant philosophy among Sacramento police
officers, the idea has broad appeal among the general public and is the basis of modern criminal justice (Pratt, Cullen, Blevins, Daigle, & Madensen, 2006).

Deterrence Theory is based on a notion, first established by Cesare Beccaria and Jeremy Bentham, that punishment exists to dissuade the perpetrator from re-offending and to keep other people from committing the same crime (Beccaria, translated, 1986; Bentham, 1948). Beccaria and Bentham first described what is now commonly referred to as specific deterrence and general deterrence (Zimring & Hawkins, 1973; Stafford & Warr, 1993). Specific deterrence is the effect a direct punishment has on an individual while general deterrence is the effect an observed punishment has on the individual (Stafford & Warr, 1993). When applied to how SROs generally operate, the punishment of transporting a subject to Juvenile Hall is believed to be a specific deterrent to that student while the effect of observing an arrest is believed to have a general deterrent effect.

According to the theories of Beccaria and Bentham, a punishment must have the following characteristics to be effective. The criminal must perceive a high level of certainty that he will be apprehended. The punishment should be proportional to the crime committed and the consequence needs to be just severe enough to counteract the benefit of committing the crime. Finally, the punishment should be swiftly delivered; the longer it takes for the judicial process to deliver the punishment the farther the perpetrator is removed from the crime itself and the less likely the punishment will be appropriately attributed to the crime (Beccaria, translated, 1986).
Stafford and Warr (1993) emphasized the importance of punishment avoidance as part of the equation of deterrence. Any experience with punishment, be it direct or observed, will result in an increased perception of the certainty and severity of punishment, resulting in decreasing the tendency for an individual to commit additional crimes. However, the opposite result will be achieved if the individual has direct or observed experiences with punishment avoidances because (s)he will have a reduced perception of the certainty of punishment (Stafford & Warr, 1993). Using the Sacramento PD SRO Unit to illustrate, an SRO who issues a citation generally feared it would result in an increase in punishment avoidance due to the high likelihood the case will be dismissed. Every time an offender was observed being arrested or cited, if that offender was allowed back into the student population without a perceived consequence then generally the fear of being arrested or cited was reduced and the presumption is an increase in the likelihood of further criminal activity on campus.

There are several issues with applying deterrence theory to the school arena. For one it implies that a criminal conducts a rational calculus to determine if (s)he will commit a crime (Becker, 1968). A developing juvenile mind may be irrational and emotional at times which could result in impulsive behavior. Even adults do not think rationally when acting in the heat of the moment; for example the ultimate deterrent (death) does not deter homicide (Bailey & Peterson, 1994). Again, the majority of the rejections from the Sacramento Juvenile District Attorney’s Office were assaults. Although harsh sanctions have been proven to deter some crimes, such as drunk driving (Piquero & Paternoster, 1998), they typically do not deter criminal activity by impulsive
individuals (Nagin & Pogarsky, 2001). Battery and drug use represent the majority of crime SROs handle at middle school and high school. Fights are certainly conducted in the heat of the moment and an offender may not have the time or inclination to apply a rational choice to offend based on perceived consequences. Drug experimentation is a common occurrence among youth in every high school or middle school across America. Due to adolescent immaturity and impulsivity, these crimes are not likely to be deterred by social sanctions. Additionally, a delinquent youth needs to have experience with the justice system to discover the likelihood and severity of punishment. Many students, especially in Sacramento middle schools, are first time offenders and do not have that initial experience with the Juvenile Justice System.

Several studies have tested elements of deterrence theory (Nagin & Pogarsky, 2001; Piquero & Paternoster, 1998; Paternoster & Piquero, 1995; Sitren & Applegate, 2007; Matthews & Agnew, 2008) but little empirical evidence has been generated to fully support it and studies have demonstrated conflicting data (Paternoster & Piquero, 1995; Sitren & Applegate, 2007). For example, testing of Stafford and Warr’s (1993) model has demonstrated a contradiction of Deterrence Theory. In support of Deterrence, offender’s perceptions of severity of punishment have been shown to have a deterrent effect and offenders perception of avoiding punishment based on their own previous experiences has been shown to increase the likelihood one will commit further crimes (Paternoster & Piquero, 1995; Sitren & Applegate, 2007). However, personal past experience with punishment has been shown to increase the likelihood of further criminal behavior, not decrease it (Paternoster & Piquero, 1995; Sitren & Applegate, 2007) as has
association with delinquent peers (Matthews & Agnew, 2008). In addition, perceived certainty of punishment seems to have little or no effect on recidivism (Pratt et al., 2006). Applying deterrence theory to juvenile behavior seems especially difficult.

Juveniles and young adults have had a history of committing the majority of criminal offenses compared to adults (Hirschi & Gottfredson, 1983; Stahlkopf, Males, & Macallair, 2010). Per Division of Juvenile Justice statistics, the juvenile felony arrest rates were consistently higher than the adult felony arrest rates in California from 1980 to 1998 but they have dropped below the adult arrest rates since. The most recent data was 1,407 juvenile felony arrests and 1,962 adult felony arrests per 100,000 in 2005 (Stahlkopf et al., 2010). Higher incarceration rates among older age groups in California seemed to produce higher crime rates and a decrease in juvenile incarceration has resulted in the lowest juvenile delinquency rates of recent history (Stahlkopf et al., 2010). Given this data it seems the Sacramento PD School Resource Unit is in need of a revision of policy that should be disposed to a diversion based model as opposed to an incarceration / deterrence based model, especially if it has the added benefit of saving money for the various departments involved.

In fact several studies have shown that increased incarceration results in an increased propensity to commit crime (Matthews & Agnew, 2008; Paternoster & Piquero, 1995; Piquero & Paternoster, 1998; Piquero & Pogarsky, 2002; Pogarsky & Piquero, 2003; Stahlkopf et al., 2010). Pogarsky and Piquero (2003) demonstrate that individuals who are punished for a crime often perceive their chances of getting caught again as being lower compared to those who have not been caught. They offer two reasons for the
paradox termed *selection* and *resetting*. Individuals who are committed to being criminal have a greater chance of being caught and are *selected* to be punished more frequently. As a result they may be more callous to punishment and dismiss it as a cost of doing business so to speak. *Resetting* implies that a punished individual has a perception that (s)he was unlucky to get caught. Pogarsky and Piquero (2003) explain the mentality as being a “gambler’s fallacy” - the notion that the odds of getting caught are minimal so the odds of getting caught twice are even lower. They found some evidence to indicate that the gambler’s fallacy has a stronger influence among less experienced and/or impulsive criminals (Pogarsky & Piquero, 2003). This finding may broadly apply to juvenile crime considering they are often less experienced and considered more impulsive than adults.

An additional explanation of why increased incarceration may increase criminal activity may be rooted in more of a Social Learning Model. Many of the juveniles who have had repeated exposure to the Juvenile Justice System do not perceive social consequences as being severe or even a punishment. In fact, the opposite is often the case; some students actually *gain status* among their peers (Rebellon, 2006). Upon returning from Juvenile Hall, students sometimes display Sacramento County Probation wristbands to their fellow students and brag about being incarcerated. Many students roll up the pant leg above their Probation ankle-monitors to show them as a badge of honor. A common belief among line level law enforcement is that juveniles are exposed to and learn from the experiences of the criminal element in Juvenile Hall, which does not deter them from further crime but prepares them to be more effective criminals.
Deterrence theory implies that perpetrators of crime are influenced by society’s codified system of law and punishment. In order for legal punishment to deter a criminal, (s)he must have a greater concern or fear of that system than of the social sanctions and values of the micro-society to which the offender belongs. Many juveniles are more concerned with peer perceptions among their immediate social groups at school or in their neighborhoods. There is substantial evidence to suggest that peer influence is a major factor that influences criminal behavior (Agnew, 2005; Warr, 2002). That focus may outweigh a perception of the risk of societal sanction for criminal behavior. The peer sanctions involved in violating social norms in peer groups are also more likely to be enforced compared to the law because of the parents, teachers, and police are drastically outnumbered by the students at any given school. In a school setting where the students’ values mirror society’s laws to a higher degree, perception of formal punishment should have a greater effect. If the students’ values and the law are in conflict, then it will be more likely the student will be punished for violating their own social norms by their peers than it will that they will be punished by society. Furthermore, they can avoid legal punishment if they cooperate with their peers by not cooperating with the formal investigation of a crime.

A common example of this is a gang fight. Regardless of the motives of a fight, whether it was planned or a heated escalation, the perpetrator(s) / victim(s) are faced with a choice, handle it among their peers or report the incident to authorities. If they report the incident to the school officials or police, they are faced with a near certainty of retribution by the opposing gang and by their own gang members for being a “snitch”.
That retribution could take the form of anything on a spectrum from battery to homicide and it is almost certain to happen because they have to live among the same peers in their neighborhoods and at school. If a student sees the individual talking to authorities it is nearly certain that word will leak out among the peer group. When a fight is handled legally, the offender will likely not serve any time for the offense as stated above. The perpetrator will simply be released back into the student population and now the risk of retribution is tremendous. Peer retaliation also occurs at a much faster pace; it could happen the same day or week. A legal consequence will take months. The severity, certainty and celerity of legal punishment are inadequate in every way compared to that of the peer group. This is why authority figures often do not know about the gang issues occurring in a school until they get so large that they cannot be missed.

A study of the influence of delinquent peers on the perception of the certainty of legal punishment conducted by Shelley Matthews and Robert Agnew (2008) supports the logic behind the hypothetical situation. Matthews and Agnew (2008) studied the effect of association with delinquent peers on perceptions of certainty of punishment and how that affected deterrence from further criminal activity. They developed their measure of “perceived certainty” by asking subjects how likely it was they would get caught. The subjects’ responses ranged from “very likely” to “very unlikely”. Matthews and Agnew (2008) determined “peer delinquency” by asking how many friends engaged in the four crimes shoplifting, vandalism, drinking, and marijuana use. The results of the study indicate one’s perception of certainty of punishment has minimal deterrent effect on drinking and marijuana use and does not have an effect on vandalism and shoplifting.
However, when a person has few or no delinquent friends, the perception of certainty of punishment has a greater deterrent effect for shoplifting, marijuana use, and alcohol consumption. (Matthews & Agnew, 2008). Matthews and Agnew (2008) conclude that individuals with delinquent peers are:

...more likely to a) be rewarded for engaging in crime, b) be sanctioned for not engaging in crime, c) view the consequences of detection as less threatening, d) temporarily reduce their perceived certainty of detection, and/or e) give less thought to the likelihood of detection (p. 109).

**Diversion as it Relates to Deterrence**

Deterrence is the basis of our legal system and the theory most people agree with (Pratt et al., 2006), which is why a diversion program must be explained in terms of deterrence to win those people over. Many advocates of incarceration who believe that Deterrence Theory is an appropriate theory on which to base social policy regarding juveniles should realize that the current system does not meet the standards necessary to deter criminal activity. It is highly likely a juvenile does not think (s)he will get caught for a crime due to peer influence or their impulsive nature. In fact the juvenile may not think about the consequences of committing a crime at all before doing it (Pogarsky, 2002). When arrested by Sacramento Police Department School Resource Officers several cases get dismissed literally with a rubber stamp so the juvenile probably does not perceive a likelihood of a severe punishment (although the arrest itself may be viewed as
a form of punishment). For those that are processed by the juvenile court most will not be convicted due to the funnel effect of the juvenile Justice System and the process will take months to reach adjudication (Snyder & Sickmund, 2006). The three criteria for effective deterrence, swiftness, severity, and certainty are not being met in the Juvenile Justice System except for the most severe cases. A properly implemented diversion plan would actually seek to improve on the factors which make deterrence effective. The time between contact with law enforcement and delivery of consequences should be reduced. The punishment will better fit the crime and be proportional to the offense committed. The consequences of diversion will certainly be more severe than the case being dismissed at intake.

Diversion seeks to improve the swiftness of punishment. The diversion program if properly implemented would reduce the time between contact with law enforcement and delivery of a consequence. By removing the offender out of the Juvenile Justice System entirely, using the discretion of the officer and applying punishments which can be carried out within the confines of the school where the offense was committed. The goal of the program is to have the student successfully complete diversion within 2 to 6 months. Many times it takes that amount of time for a juvenile perpetrator to see the inside of a court room. Whenever possible, the punishment in the diversion process would be designed to fit the crime. For example, juveniles arrested for substance abuse cases would be required to attend counseling or those arrested for vandalism would be required to clean graffiti.
Currently, the consequences for committing a crime as a juvenile often result in a dismissal or with the juvenile pleading guilty to the charge. Very few make it all the way through the juvenile justice system and rarely see the inside of the courtroom. In 2003 the UCR data demonstrated that 71 percent of juvenile arrests nationwide were referred to Juvenile Court. Of those cases, 32 percent were adjudicated “not delinquent”. In 2002 OJJDP (Office of Juvenile Justice and Delinquency Protection) data showed 385 of every 1000 cases handled formally by juvenile courts resulted in a waiver or court ordered sanction (Snyder & Sickmund, 2006). The OJJDP report flow chart demonstrating the “funnel effect” of the justice system is provided in Appendix A. An arrested juvenile may be referred to any of a number of diversion programs at any step in the process. In 2007 the Sacramento County District Attorneys Office reported that of the 3,764 petitions filed by the DA’s office in Sacramento County, 785 (21%) were rejected and 670 (18%) were referred to diversion programs (2008). According to the deputy district attorney who provided the statistics, no data was collected by the Probation Department showing how many arrests were rejected at intake at Juvenile Hall. Therefore a funnel effect could not be illustrated for Sacramento County and the OJJDP report would have to suffice as a general representation. Due to budget cuts this year, Sacramento County Probation has pulled many of their probation officers back to Juvenile Hall and field supervision has been reduced to nearly nonexistent. It is likely their diversion programs are suffering as well. This is precisely why Sacramento PD SROs must take the burden of supervision and delivery of consequences as part of their duties on campus. As previously stated, many SROs believe in deterrence theory and in delivering appropriate
consequences for inappropriate behavior. If that is the case, diversion should do a better job of delivering punishment and therefore act as a better specific deterrent. A general deterrent effect will be created among the student population who will talk about the consequences and observe the offenders carrying out their punishment on school grounds.

Social Learning Theory may be more applicable to understanding the perceptions and motivations of students at our Sacramento City Schools. Deterrence Theory has not explained why higher rates of incarceration have resulted in higher rates of criminal activity (Paternoster & Piquero, 1995; Sitren & Applegate, 2007) and Social Learning Theory may partially account for that. It is possible that students operate within their own standards and norms of their peer groups which have a greater influence on their behavior than legal authority. In order to explain how a diversion program would address this dynamic, a background of the research regarding Social Learning Theory, Strain Theory, and Labeling Theory should be discussed.

**Social Learning, Strain Theory and Labeling**

Modern Social Learning Theory has been mostly attributed Ronald Akers (1998) but it has its roots in Sutherland’s (1947) theory of differential association. Differential association is the theory applied to the gang fight example above. A student will be more likely to become criminal if (s)he associates with peers who are criminals. The peers will model criminal behavior and encourage the student to be deviant (Sutherland, 1947). Akers (1998) expands the theory of differential association adding that repeated exposure and criminal behavior reinforces the behavior if the student is not punished. If
the student has repeated exposure to criminal activity it will influence him or her to behave criminally. Finally, a student may learn to define himself or herself along delinquent or conformist lines (Akers, 1998). The crux of the theory is that criminal behavior is learned and influenced by peers. Furthermore, some criminal activity like stealing a car, obtaining drugs or alcohol, or being violent could be an asset socially among a student’s peers by providing transportation, a party, or protection to others (Rebollon, 2006).

Most school resource officers assigned to Sacramento City Schools have witnessed first hand the influence of peers on the student population. Students who are usually the leaders of a school and excel academically tend to gravitate toward each other while the gangs and criminals of a student population do the same. Parents also influence their children in the same manner for the elementary years of the student so that the narratives are well defined by middle school. Socially responsible parents ensure their children stay on track at school and get the help they need while socially irresponsible parents may be periodically incarcerated and their children are intermittently being raised by their aunts or grandmothers. It turns out that having a criminal parent has been demonstrated to be an influential factor influencing delinquency (Loeber & Stouthamer-Loeber, 1986). Although schools cannot exercise control of the family influence they can foster more positive peer influence.

A diversion program seeks to empower the victims of crime. Some programs have incorporated teen courts as the arbiters of justice on campus. Teen courts empower the positive groups on campus and demonstrate a rejection of criminal behavior by peers
at the school. They also provide a learning opportunity for how the criminal justice system works. Teen courts are usually employed for first time offenders and have fared better than juvenile courts by demonstrating lower recidivism rates (Butts, Buck, & Coggeshall, 2002). One study demonstrated they can be successful among repeat offenders as well (Forgays & Demilio, 2005). Among a small sample of offenders (27), most of the juveniles who participated completed their sentences (81 percent) and 12.5 percent reoffended within six months of completion (Forgays & Demilio, 2005).

Although the diversion program I am recommending does not employ teen courts, they should not be ruled out by the implementation team or practitioners of the program. Even without teen courts, requiring the diversion candidate to write a letter of apology to the school or victim and an essay about the impacts of his or her crime on the school community are designed to teach the offender empathy and attempt to make him or her associate with the school student body as a peer group. Additionally, reparations and community service are provided directly back to the school population or the victim of a property crime. All of these elements are designed to incorporate a student back into the student body as opposed to alienating him or her from it.

The influence of peers and parents on a student’s conformist or delinquent behavior seems self-evident, but it has been difficult to define the relationship and the mechanisms by which delinquent behavior is transferred from one to another. A cyclical argument involving biological predisposition, labeling, social control, and social strain all have valid competing hypotheses which seem to explain the dynamic for various individuals or crimes.
The biological theorists would argue that genes, chemical imbalances, and other biological factors play a vital role in criminal behavior (Anderson, 2007). This implies that criminal behavior may be partially inherited from criminal parents and these children may be more at risk. Inadequate nutrition or chemical and hormonal imbalances contribute to psychological disorders like ADHD (Attention Deficit Hyperactivity Disorder) and may be influential causes of delinquent behavior in schools. The proposed diversion program does not take biological considerations into account but a practitioner of the program should be aware that biology influences behavior. In order for a diversion candidate to finish the program successfully it would be important to know what psychiatric or physical limitations are contributing to the behavior and what medications they are taking. If psychiatric needs are apparent the student should be referred by the appropriate practitioner. For an account of biological contributions to criminal theory refer to Gail S. Anderson’s book, *Biological Influences on Criminal Behavior* (2007).

Labeling Theory is often referenced among teachers and school administrators as a possible cause for delinquency. During conferences with parents on school grounds, parents often divulged that it was nearly impossible to keep their children out of “The System” (Juvenile Justice System) and once they were in The System they could not get out. This is an expression of the philosophy behind Labeling Theory and it may be one of the biggest selling points encourage parents to volunteer their child for the diversion program. Labeling Theory suggests that deviant behavior is the result of a reaction to the offender from schools or law enforcement which labels him or her as a delinquent or problem child. This in turn becomes a self-fulfilling prophecy because the child is
scrutinized due to their label. A probationer, for example, may have a condition of probation that they are always subject to search. That probationer may have a minimal amount of contraband compared to other students who are not on probation but the status of the probationer may result in an arrest which is a function of the label or social reaction from law enforcement. Teachers and parents have expressed concern that a student will have a harder time finishing school or finding work once that juvenile has been arrested. In fact most individuals with criminal records do have trouble finding employment and it is a major set back to integrating them into a productive social setting (Harris & Keller, 2005; Pager & Quillan, 2005). One of the major concerns of this diversion program is providing delinquent youth an avenue to avoid official sanctions and criminal arrest records for this very reason.

Gottfredson and Hirschi (1990) explained criminal behavior emphasizing a more individual mechanism than Akers Social Learning Theory called Control Theory or Social Control Theory. The name encompasses the key element of the theory; people engage in crime because they have lower self control. Impulsive adolescents are attracted to short term pleasure. Sex, alcohol, drugs, burglary, auto-theft, or truancy are good examples of powerful immediate gratifications which require little thought or planning to engage in (Gottfredson & Hirschi, 1994). It takes little to no skill to be deviant whereas the training required to become a socially productive individual is much more laborious and usually requires help from another person, be it a parent, teacher, coach or friend (Gottfredson & Hirschi, 1994). Deviant adolescents tend not to consider the long term consequences of these actions. Some evidence has been developed
indicating that adolescents who perceive criminal behavior as being fun have a higher intent to commit crime (Nagin & Paternoster, 1993) and low levels of self control are related to a higher propensity to commit crime (Nagin & Paternoster, 1993; Piquero & Tibbets, 1996; Pratt & Cullen, 2000).

Self control is developed early on by parents who care about their children and who want to help them learn to control their behavior (Hirschi, 2002). In fact a criminal parent is one of the most important risk factors associated with a propensity for delinquency (Loeber & Stouthamer-Loeber, 1986). One study illustrated that 34 percent of juvenile delinquents had at least one criminal parent, and 17 percent had two (Nijhof, de Kemp, & Engels, 2009). Additionally, children who live with two parents who are criminals commit a higher frequency of crimes than those without criminal parents (Nijhof et al., 2009). Therefore it is important for a diversion program to be directed at youth as early as possible and only with compliant parents. This is why the program should be implemented at the middle school level or earlier and be voluntary. If the parents are not motivated to help their children change then it will be nearly impossible to successfully divert the child. The schools may have a limited effect by providing corrective and disciplinary measures like a diversion program, but once a student is socialized by his or her parents it is probably irreversible (Gottfredson & Hirschi, 1990).

Criminal activity is largely associated with being young (Hirschi & Gottfredson, 1983). This suggests that as an adolescent gets older, married, and perhaps finds employment there is less opportunity to commit crime and more opportunity to conform (Greenberg, 1979). An early criminal record might go a long way to hindering a young
student from future employment and education and may retard the progression toward conformity. A diversion program not only exerts social controls on the offender, it involves the parents, and requires the student work in some form of community service. Given the proper coaching this might teach a diversion candidate the value of conformity in some small degree.

There are some occasions, such as high profile school shootings, where a student with no criminal associations or background commits a heinous crime. In order to keep from generalizing or sensationalizing Strain Theory, such an extreme example should be avoided and the example of a school fight may suffice instead (besides it is the most common crime SROs deal with on a day-to-day basis). Strain Theory may explain why bully victims sometimes lash out at their aggressors. Bullying has received a lot of attention recently in the media due to high profile cases associated with online media. A student may be driven to commit crime because he or she experiences strain from social groups. The student may be repressed, bullied, or denied access to positive aspects of social interaction. Anger from social strain builds up and might cause a student to have a higher propensity for revenge or to give up on normative school functions (Agnew, 1992). When a student is struggling in a classroom or perceives a teacher as being an obstacle he or she may act out in the classroom. The continual trouble creates more strain and the self-fulfilling prophecy ensues possibly resulting in criminal activity. This kind of strain, created by parents, teachers, or authority figures has been linked to delinquency (Agnew, 1985; Agnew & White, 1992). When it comes to the most
common crime faced by school resource officers, battery, it seems intuitive that anger created by tension among peers is a typical motivating force behind the student’s actions.

Anger occurs when the student blames others for the strain he or she is experiencing from a perceived injury. This anger has been linked to outward aggression (Agnew, 1985). Social strain from the hardship of living in an economically or racially repressed and socially disorganized neighborhood may amplify the effect of social strain on anger (Agnew, 1999). Schools with a high level of generalized anger among the student body do demonstrate an increased likelihood of individualized student-to-student conflict (Brezina, Piquero, & Mazerolle, 2001). Social strain is the only criminal justice theory to address anger which is observed by teachers, school administrators, and officers on a daily basis and so it must be incorporated into the theoretical basis of diversion.

The current system is an adversarial one. In Sacramento schools a culture of conflict between the trouble students and administrators has resulted in a punitive response to most crime on campus; crime which may result from that dynamic in the first place according to Strain Theory. The student is very likely to develop anger over a perceived wrong committed by a perceived unfair administration. Diversion seeks to better incorporate the student using a restorative model so that the student is rehabilitated at the school and not just sent away in handcuffs. It shows that the school is at least attempting to help the student become a more productive part of the school instead of threatening arrest and further alienation. A diversion program is based on a Restorative Justice model which is explained in the next section.
With the many theories attempting to explain criminal behavior it is hard to determine which one to place your faith in. The general public and criminal justice institutions seem to put their stock in Deterrence, a “retributive justice” model (Bazemore & Umbreit, 1995; Pratt et al., 2006). The popularity of Deterrence may be attributed to the need of the law abiding citizens and policy makers to assert their own belief in the law (Bazemore & Umbreit, 1995). But Deterrence Theory does not address why some groups continue offending despite the consequences. Social Learning Theory, Labeling, and Social Strain Theory root out the motivations of criminal social groups and individuals. At first glance one may believe these are competing philosophies but they are not. Any one criminal may be influenced by any of the motivations proposed by these theories in varying degrees over time and for different crimes. They work together to explain the motives behind criminal behavior in general which is why a diversion program should address the various philosophies. If a parent believes in Labeling Theory and an officer believes in Deterrence; both can be right and this program will help in either instance.

**Restorative Justice**

The common thread of the theories mentioned above is a desire to discover the motivations of the criminal. This is an important undertaking for criminal justice research but the focus on the criminal takes the lens entirely off of the victim. As a result we have an entire system that delivers programs, resources, punishments, and tax money to criminal offenders. A school administrator in charge of discipline seems to spend 95
percent of his time and effort on the bottom 5 percent of the student population and 5 percent of his time with 95 percent of the student population. The same paradox exists in our criminal justice system. A criminal robs an individual, burgles a family home, or threatens a neighborhood with gang violence and we as a society build entire institutions around his or her incarceration and reform. Meanwhile, the victim sits on the sidelines and watches. Perhaps the victim may get property back after the trial in six months, some restitution, or the luxury of testifying against the gang member in court which would only further endanger his and his family’s lives.

Restorative Justice as a movement developed during throughout the 1970-1990’s as a reaction to the increase in the punitive nature of the justice system (Wenzel, Okimoto, Feather & Platow, 2008). A restorative model seeks to involve the victims and community in the justice process. Victims are allowed to participate in the proceedings. Compensation is delivered to the victim and community at the hands of the offender and rehabilitation is delivered to the offender. The emphasis is on restoring or healing the community as a whole, not punishing the offender (Braithwaite, 2002). Punishment is part of the process but it is not the process in and of itself (Bazemore, 1998; Zehr, 1995). This is an important point because a program like diversion could easily be touted as Restorative Justice but be delivered in a punitive retributive way. Diversion requires that the implementation team and the practitioners shift their philosophy from a punitive model to a restorative one and this could be the largest hurdle the program has to overcome.
Howard Zehr (1997) outlined “restorative justice signposts” that act as a guide for the philosophy, and they are as follows:

1. Focus on the harms of wrongdoing more than the rules that have been broken;
2. Show equal concern and commitment to victims and offenders involving both in the process of justice;
3. Work toward the restoration of victims, empowering them and responding to their needs as they see them;
4. Support offenders while encouraging them to understand, accept and carry out their obligations;
5. Recognize that while obligations may be difficult for offenders, they should not be intended as harms and they must be achievable;
6. Provide opportunities for dialogue, direct or indirect, between victims and offenders as appropriate;
7. Involve and empower the affected community through the justice process, and increase the capacity to recognize and respond to community bases of crime;
8. Encourage collaboration and reintegration, rather than coercion and isolation;
9. Give attention to the unintended consequences of our actions and programs; and
10. Show respect to all parties, including victims, offenders and justice colleagues

Zehr’s (1997) signposts act as a good philosophical center for those implementing a diversion program or practitioners of the program. The elements of diversion that make
it a restorative justice approach are that the program requires the offender to accept responsibility for his or her behavior and be remorseful for the harm (s)he has caused while seeking a sense of resolution from the victim, either in the form of forgiveness or satisfaction of the outcome (Strang, 2002).

Although Restorative Justice Theory places the victim’s welfare as a central objective, many studies have focused on whether these programs lower the rate of recidivism among offenders (Forgays & DeMilio, 2005; Nugent, Williams, & Umbreit, 2004; Rodriguez, 2005; Rodriguez, 2007; Zhang & Zhang, 2004). This area of research is valid and important but it demonstrates how difficult it is to shift our focus from offenders to restoration of the victim and society. The tendency to gravitate towards recidivism is understandable because it is often the primary concern of law enforcement agencies and policy makers. In other words, recidivism is where our tax money is flowing so it is natural research follows that flow as well. It stands to reason that in order to reduce crime (and the number of offenders in our overcrowded detention facilities by extension) we need to examine if a program is preventing crime among repeat offenders. But at what expense shall this remain our primary focus? We have spent millions getting tough on crime and it has led to prisons spilling over with convicts who have a hard time integrating back into society while our victims and overall social welfare is a secondary concern. In order to remain faithful to the theoretical basis of Restorative Justice, the goal of a diversion program should not be to reduce criminal activity among offenders. It should be to see if the victims feel that justice has been served and to reduce the cost the
offender is bringing to bear on the community. If a lower recidivism rate is a fortunate byproduct, so be it.

**Does Restorative Justice Work?**

Law enforcement agencies and educational institutions may have widely disparate opinions about what makes a program a success. Based on the Restorative Justice model of repairing the damage to the victim, community, and offender I propose we gauge the success of programs in that order. Therefore, asking if Restorative Justice based programs work is asking a three-pronged question. How are Restorative Justice based programs perceived by the participants, particularly the victims? Do the programs save money for the institutions involved compared with traditional punitive systems? Are offenders reformed after engaging in these programs? Several studies have shed some light on these areas.

Before delving into these studies it may be valuable to discuss the limitations of researching Restorative Justice based programs. The first issue is whether or not the various programs which differ in numerous ways including, size, goals, and methods can be compared generally. I have mentioned teen courts as a possible diversion program but this program does not include them. Restorative Justice is an umbrella that can encompass programs as varied as teen courts, shaming, diversion, or victim offender mediation. Clearly any conclusion drawn about one program does not indicate success in another. Inconsistency in comparison groups has been dubbed the “apple and orange” dilemma for obvious reasons (Nugent et al., 2004).
Another issue with Restorative Justice programs is that they contain a fundamental flaw in their design; many of the Restorative Justice based programs are voluntary (Latimer, Dowden, & Muise, 2005). This presents a condition where at least the parents of the offender are motivated to participate in the program. Theoretically, this can create a self-serving bias where participants are more motivated to complete the program than comparison groups in the Juvenile Justice System, where rehabilitation is forced on the offender (Latimer et al., 2005). The ideal scientific condition would be random assignment but this is hard to achieve in criminal justice systems.

A similar issue is that diversion programs often apply to first or second time offenders only and only for minor offenses (Umbreit & Greenwood, 1997). It has been established that a prior criminal record increases the chances an offender will recidivate (Rodriguez, 2007). For this reason most restorative justice programs only include first time offenders, including the diversion program proposed for Sacramento City Schools. Some studies have found that many first time offenders do not re-offend regardless of the intervention method used (Coumarelos & Weatherburn, 1995) which calls into question why we should change anything.

One criticism of Restorative Justice is that victims are being used to promote offender reform under the guise of victim rights (Mika, Achilles, Halbert, Stutzman-Amstutz, & Zehr, 2004). Institutions geared toward a focus on the offender may have difficulty shifting their focus. In fact it seems like a large sum of the research in this area is focused on offender outcomes as well. Policy makers and law enforcement are naturally concerned with recidivism and offender reform. After all, the victims do not
directly cost money to handle apart from the initial procedures of booking their property and obtaining their statements. For the purposes of this diversion program the implementation team may fall into the same trap. An up-front consideration of the victim’s desires should be established, reviewed, and applied. It might be that the victim will perceive his or her participation in a restorative justice model as institutional pressure to assist society in rehabilitating the offender. In short, the victim may see this as an additional burden as opposed to a solution (Mika et al., 2004). This is why it is so important to stay focused on Zehr’s (1997) “signposts” as a guide for practitioners of the program. The diversion program can be as retributive and offender based or as restorative and victim based as the motivations of the practitioners themselves wish to make it. At the retributive extreme it will sacrifice the central philosophy of Restorative Justice and should merely be called alternative sentencing. At the restorative extreme the program may have difficulty winning over law enforcement and the public due to a well established belief in deterrence (Pratt et al., 2006) and will have difficulty acquiring funding by extension. Considering all of these legitimate criticisms of Restorative Justice based programs, Zehr’s (1997) “signposts” should probably start with the sign, “caution road work ahead.” With this full disclosure and the comfort of knowing that no social program is perfect or adheres completely to the comforts of theorists and researchers the marginal success of some of these programs may be reported.

Concerning the primary consideration, the victim’s perception of justice, the data is encouraging. Victims considered Restorative Justice based programs beneficial (Latimer et al., 2005; Sherman et al., 2005; Strang, 2002). The apologies offered in
Restorative Justice based programs were considered more sincere and the contact between victim and offender may have made the offender less threatening to the victim (Sherman et al., 2005). Interestingly, victims place less importance on receiving money in reparations than the value of being involved in the process of restoration (Beven, Hall, Froyland, Steels, & Goulding, 2005; Strang, 2002). Practitioners should use caution, however, victims may not be willing to participate in the program. Victim desire to participate in the programs varied from approximately 36 to 92 percent across various programs (Strang et al., 2006). Further injury to the victim should be avoided at all costs and no victim should be forced into participation in a diversion program. If a victim does not wish to participate it should not change the nature of the program with respect to the offender. In fact some evidence indicates offenders have positive views of Restorative Justice based programs as well. In Forgays and DeMilio’s (2005) examination of Teen Courts, 73 percent of the offenders who completed the diversion program considered the Teen Court sentence “very fair” or “fair enough” while 4 percent thought it was too easy and 20 percent thought it was too harsh. Some individual accounts reported positive reaction to the Teen Court process.

The second measure of success for a diversion program would be the cost savings it may have compared to the traditional juvenile court process. The proposed program model was originally designed by the Vacaville Police Department and has been in effect for over a decade. Unfortunately, the Lieutenant in charge of the program could not provide a program evaluation report although he said the program had a favorable review some years after its inception. It was reported that their program was designed based on
models from the city of San Diego. The San Diego County office and obtained a review of their program. There was no information regarding the fiscal impact in the report and it considered the diversion programs in the county a success due to recidivism data. One study did find that a juvenile diversion program handled more cases for less money than the traditional juvenile court system (Patrick & Marsh, 2005). It would be beneficial to conduct a combined fiscal analysis of the overall possible savings or costs diversion could deliver the school (gauged by attendance changes), law enforcement (administrative fees and reduction in overtime budget for booking, reporting) and juvenile probation (reduction of juvenile court caseload). Such a report should be included in the program evaluation of the proposed diversion program.

The final measure of success is the most studied and least valuable from a true Restorative Justice standpoint. Recidivism is perhaps the most researched measure in Restorative Justice literature despite the claims that the philosophy is based on victim empowerment. Recidivism is important because it is the primary concern of many law enforcement agencies, juvenile courts, and policy makers. It will be hard to shift the collective public focus away from this measure. It has been widely shown that diversion programs have better recidivism rates but the limitations described above should be considered when reading this data (Forgays & DeMilio, 2005; Nugent et al., 2004; Rodriguez, 2005; Rodriguez, 2007; Zhang & Zhang, 2004). The diversion program which was the inspiration for the current program was created in San Diego County. The San Diego County Grand Jury (2004) reported 81 to 82 percent of the juveniles were not arrested after one year and compared that rate to the national average of 59 percent.
Nancy Rodriguez (2007) reported the typical findings of diversion programs. She demonstrated a lower recidivism rate for both boys and girls in the restorative justice programs, especially if the participant had one or zero prior offenses. Another study conducted by Nugent et al. (2004) examined several studies incorporating a sample of 9,307 juveniles. They reported that victim offender mediation programs do demonstrate a lower likelihood of recidivism and participants are as much as 30 percent less likely to reoffend (Nugent et al., 2004). During the examination of teen courts mentioned above 81 percent of participants completed the program and 12.5 percent of the participants who completed the program recidivated. This was larger than the comparison sample where only 50 percent of participants completed juvenile court diversion and 38 percent of those participants recidivated (Forgays & DeMilio, 2005). Although this data seems promising it does not come without some considerations. Beyond the criticisms mentioned above, that participants are often first time offenders and volunteer to participate, there is considerable variation of recidivism rates for various types of crimes and situations (Latimer et al., 2005).

The research in the area of Restorative Justice is not without criticisms. However, there is enough data to justify the implementation of a diversion program in Sacramento if only on a trial basis. Based on the evidence above, such a program could save the City and County money and could be more beneficial to crime victims. The diversion program may reduce the rate of recidivism among juvenile offenders as well and it can only be concluded that such a program would be a worthy pursuit given the current conditions of juvenile justice in the Sacramento region. If the diversion program is
implemented in Sacramento, a regular evaluation of its success or failure should be included in the process. An operational manual for the diversion program has been provided as well as recommendations for program implementation and evaluation which should be part of the process. Programs are often evaluated by the agencies implementing them. It would be useful to have an outside and impartial research team evaluate the program so that there is less of a chance of bias in the research.
Diversion Program
Operations Manual

Matthew Mehlhaff - 2010
A. Role of the School Resource Unit ................................................................. 42
B. Role of the School Resource Officer ........................................................... 44
C. Role of the Master Social Worker ............................................................... 46
D. Role of the Administrative Clerk ............................................................... 46
E. The Diversion Concept ................................................................................ 48
F. Initial Diversion Interview .......................................................................... 52
G. Diversion Considerations ........................................................................... 54
H. Community Partners and Programs ........................................................... 55
I. Diversion Contract ....................................................................................... 58
J. Community Service Component .................................................................. 59
K. School Related Violation Procedures ......................................................... 60
L. Reporting Procedure ................................................................................... 61
M. Records and Clerical Support ..................................................................... 62
N. Funding ........................................................................................................ 65
O. Sample Forms and Attachments ................................................................. 67
School Resource Officer Mission Statement

As Sacramento Police Department School Resource Officers, we will work in partnership with school officials, parents and students in an effort to ensure a safe school environment. Our approach will be community based, focusing on solutions to criminal activity for the long term by incorporating education and prevention. When possible, we will restore the victims and the perpetrators of school crimes back into their school community, promoting self-esteem and accountability to ensure a successful future for our youth.
A. Role of the School Resource Unit

1. The Sacramento Police Department is committed to working in partnership with the Community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City. The School Resource Unit has been created to serve a vital community within Sacramento, our schools and our youth. The School Resource Unit must strive to improve and effectively serve the youth of Sacramento.

2. The School Resource Unit must handle pre-delinquent and delinquent youth at the school sites they service. Officers are stationed at various Sacramento City Unified Schools and Natomas Unified Schools as determined by the needs of those school districts. The Unit’s structure is based on a community policing model where the School Resource Officer (SRO) is assigned to a specific campus and becomes familiarized with the students and staff of that site in an effort to understand the underlying issues affecting each individual school community. As a part of that community, each officer must find long-term solutions to the crime occurring at the site he/she serves and strive to improve the condition of his/her school site.

3. Rather than being reactionary, The School Resource Unit shall assist families with the problems which may result or contribute to delinquent
behavior. Emphasis shall be placed on prevention of delinquency and seeking alternatives to juvenile court referral. The family unit is the most influential element on a child’s behavior and must be incorporated into any sustainable solution to juvenile delinquency.

4. The greatest potential for police-community relations lies in our work with the youth. Today’s youth are the nation’s future and their conduct will impact our society for a long time to come. Therefore, it is paramount that we steer our youth away from crime before they become absorbed by the formal justice system.

5. In order to prevent delinquent behavior at school sites in the city of Sacramento, the School Resource Unit shall work in partnership with the school site to assist youth and their parents by providing education about the law and school policy and encouraging them to conform to it. When needed, community resources and referrals shall be provided in the form of youth programs combating violent behavior and peer-pressure or providing mentoring and education regarding criminal issues such as violence, narcotics, gangs, bullying, or vandalism.
B. Role of the School Resource Officer

1. Act as a liaison between the police department, schools, youth, and parents, while fostering good communication and working in partnership with these entities, to ensure a safe school environment.

2. Enforce the law (including truancy and traffic) on or about campus and complete all follow-up on these investigations.

3. Assist patrol and detectives with cases involving youths attending the campus.

4. Gather gang intelligence and validations and provide intervention whenever possible.

5. Act as a mentor. Participate in extra-curricular activities at school.

6. Promote good conduct and build relationships by being a highly visible presence on campus.
7. Provide community assistance and referral services to students and parents.

8. Provide education and training for students, school staff, and parents.

9. Remain abreast of current laws and newly introduced legislation related to schools and youth.

10. Assist school officials with developing and maintaining an emergency preparedness plan. Train and drill with school staff on an ongoing basis to ensure emergency preparedness.

11. Prevent, intervene, and suppress delinquent behavior and seek alternatives to the formal juvenile justice system. This includes determining if a student is eligible for diversion based on their background and arrest history and then initiating the referral.

12. Proactively and creatively address ongoing criminal activity affecting the school community. Although a standard shift occurs during the hours of 0730-1730 (10 hour) or 0800-1600 (8 hour), work hours may be adjusted to accommodate proactive endeavors.
C. Role of the Master Social Worker

A Master Social Worker is a civilian position and he/she has a critical role in the diversion process. The Master Social Worker organizes and coordinates the counseling elements of diversion. Whereas some anger management courses and treatment programs are already relied heavily upon by Sacramento PD SRO’s such as La Familia gang intervention counseling and Project SAVE violence education counseling, additional community based referrals are needed for drug/alcohol abuse, domestic violence/abuse counseling, parenting courses, fire prevention, bike/pedestrian safety, curfew and truancy counseling, and theft. Where community partners may not be found for such courses, the Master Social Worker may liaison with the local colleges to find and train college interns to teach such counseling courses.

The Master Social Worker acts as a liaison between the School Resource Unit and community based partners. Additionally, he/she represents the police department on city-wide committee groups such as the Office of Youth Services.

D. Role of the Administrative Clerk

The School Resource Unit requires an Administrative Clerk, which may be filled by a civilian. The Administrative Clerk is responsible for quality control and maintaining
records of the diversion program. The Administrative Clerk must maintain a working relationship with Sacramento County Probation and with Police Records. The cooperation between agencies is vital to ensure thorough processing of diversion cases.

When a case is referred to diversion, the Administrative Clerk maintains the file and report of the incident during the diversion process. The report and a citation are still completed by the arresting officer at the time of the offense. If the perpetrator of the offense does not complete the diversion contract in a satisfactory manner, the report and citation are processed and sent to juvenile probation and the Administrative Clerk must work with Sacramento County Probation to ensure processing of the case. If the perpetrator does complete the diversion contract satisfactorily, it is documented on the original report, criminal charges are not brought by the police department and the case is not referred to juvenile probation. The Administrative Clerk is responsible for the oversight of the records process as it relates to diversion. The Administrative Clerk is therefore responsible for purging records and information security. Recording statistics and data entry are the Administrative Clerks’ additional responsibilities.
E. *How the Diversion Program Works*

Police Officers are afforded the power to enforce some laws according to their discretion; on a daily basis they decide which offenders will be handled informally or which will be formally charged with a crime. This is the first step where cases are diverted from the justice system and police have been making this decision to divert individuals ever since police agencies were first organized. An example of the use of discretion would be how an SRO may handle a fight on campus. The SRO may not get involved and allow the school to handle the situation, may refer the student to the Sacramento County Office of Education *Safe Alternatives and Violence Education* (SAVE) class, may issue the student a citation, or may book a student into the juvenile court.

Discretion is vital to effective law enforcement. The law is impersonal and specific; however, police officers may enforce the “spirit of the law” through their use of discretion by taking specific situations into account. When we establish police policy for a method of discretion, with regard to crimes committed on SRO covered school campuses, we are creating a more standardized “diversion” process.

Diversion may occur at any point between a formal apprehension and formal acceptance by the juvenile court, but cannot occur after a juvenile is accepted at juvenile
court intake. Diversion occurs in lieu of further juvenile processing when either the juvenile is released to his/her parents or guardians or the youth volunteers to participate in a program.

The process of a diversion referral would occur as follows:

1. The arresting officer opts to give a citation, noting with an asterisk at the bottom of the charges section, “Referral for Diversion.” The officer writes a report and notes the referral in his/her observations.

2. The victim is counseled and provided services. The officer should determine the level of involvement the victim is comfortable with for the diversion process. Some crimes may not be appropriate for the victim to be highly involved. Once the needs of the victim have been determined, they must be addressed throughout the diversion process. The victim has the right to monetary restitution in the case of property crimes, personal counseling if necessary, will be the recipient of a letter of apology for the crime, and will participate in victim offender mediation counseling if desired.

2. A police records clerk notes the diversion referral and forwards a copy of the report and the citation to the Diversion Administrative Clerk.
3. When a report is forwarded to the Administrative Clerk, it is logged, filed and a records check is performed with the Sacramento County Probation Department to determine if the student is on formal probation, has been on probation in the past, or has an action pending from the probation department. If the records check is clear, the parent will be issued a letter.

4. A letter from the School Resource Unit Diversion Program shall be mailed to the parent/guardian of the student within seven days of the report being filed with the Administrative Clerk. The letter advises the parent/guardian of a scheduled diversion meeting to occur within the following two calendar weeks. The meeting should take place at the school where the offense occurred but may also be held at the School Resource Unit office within the Joseph E. Rooney Police Facility, 5303 Franklin Blvd. A $50.00 processing fee is charged and a map with directions is included with the letter.

5. During the initial interview the juvenile must decide whether he/she wants to proceed with diversion from the formal juvenile justice system. If the youth pleads innocent to all charges, the case is forwarded to Sacramento County Probation. The SRO assigned to the case is not a judge and does
not determine judgment or guilt. If both the youth and the parents agree to diversion a diversion contract is written.

6. The program is voluntary so that it will be valued by the parent and the juvenile. Participation in the program should be considered a privilege, not a requirement of the law. As voluntary participants, the parent and the juvenile are more likely to value and receive benefit from the program.

7. A juvenile’s delinquent behavior is addressed, and hopefully corrected, at an early stage. The SRO works with the parent and the juvenile to promptly correct the causal factors of the juvenile’s delinquent behavior and to reinforce the fact that the offense was morally and legally wrong. This partnership promotes better community relations with the Police Department.

8. The benefit to the parent for diversion is that the parent may keep the youth at home, and is provided free counseling to aid the parent and provide both the parent and the youth tools to deal with current and future problems. Most importantly, the youth has not started a formal juvenile court record. This benefit should be communicated to the parent by the youth’s school, SRO, and diversion staff.
9. The Sacramento County Probation Department is utilized as a supporting agency for the diversion. The juvenile court system will receive some relief to the court calendar and probation case-load, freeing resources to be used for more serious juvenile offenders.

F. Initial Diversion Interview

1. The SRO assigned to the school site where the crime was committed, Master Social Worker, the juvenile and his/her parent or guardian will be present at the Diversion Interview.

2. The SRO and Master Social Worker explain the diversion program and answer any questions regarding the program.

3. If the juvenile pleads innocent to the charges, the parents are advised that the case will be sent to the Sacramento County Probation Department. If the juvenile pleads guilty he will be entered into diversion.

4. At that point the SRO and the Master Social worker will discuss the crime in question with the juvenile. The juvenile will be asked what the motive for the crime was and the circumstances surrounding the crime. The
parents will be asked about the juvenile’s behavior at school and at home and about any family problems which may be occurring. The SRO and Master Social worker will ask about the discipline the parents may have already given the juvenile for commission of the crime. It is vital the SRO and Master Social Worker engage the parent and the juvenile and seek active participation in order to get at the root underlying causes for the juvenile’s behavior. All of this will be considered along with:

1. The Nature of the offense.
2. Age of the offender.
4. History of contacts or violence.
5. Character, behavior, attitude of the juvenile.
6. Academic records of the juvenile.
7. Truancy record.
8. Runaway record.
10. Additional contributing factors.

These factors will influence the length of the contract, the programs the juvenile will be assigned to complete and the consequences for the juvenile’s behavior. Each case is specific to the individual entering
diversion and the interview is the key to developing a successful targeted plan for diversion.

G. Diversion Considerations

1. Cases Considerations
   a. A background check will be completed prior to the case being assigned to the SRO.
   b. Prior arrests and missing person reports will be included in juvenile’s packet to be reviewed by the SRO prior to the first diversion meeting.
   c. The school will provide attendance records for the previous six months and the current grades of the juvenile. Low grades and/or truancy issues will be addressed and incorporated into the diversion contract.
   d. Any gang activity reports will be included in the packet prior to the first diversion meeting.

2. Ineligible cases for Diversion
   a. Juvenile is currently on formal or informal probation.
b. Juvenile has previously been processed by the Sacramento County Probation Department, especially if he/she has been booked into Juvenile Hall.

c. Juvenile has previously entered, or is currently engaged in, a diversion contract.

H. Community Partners and Programs

1. As previously mentioned, The Master Social Worker(s) shall be tasked with organizing resources for the family entering diversion. He/She may do this by enlisting community based organizations or by developing new courses to aid families. It is important that these services be provided at no cost to the family involved.

2. Sacramento has several community based organizations which may be able to fulfill the counseling needs of the families entering into diversion. However if cost effective courses or counseling cannot be found in the community, the Master Social Worker may establish an Intern Program. This program would draw resources from students currently attending local state colleges and universities, earning degrees in psychology or social work. The students may receive internship hours by counseling families engaged in diversion. This service may be incorporated into the
student’s academic requirements. Sacramento PD must be willing to meet the school’s supervisory and academic requirements in turn. The Master Social Worker must recruit, train and supervise the internship program if it is utilized.

3. The resources provided to the family should be specific to that families needs with the goal of reducing family conflict which may be contributing to destructive behaviors. The following are program goals:
   a. To increase family cohesion and time spent in family problem solving sessions.
   b. To improve family communication and cooperation.
   c. To address and prevent destructive behavior by intervening with appropriate counseling and resources.

4. Short-term counseling may be one or several meetings over a six-month period, depending on the specific needs of the family.

5. Counseling may be provided if requested by a student or parent, regardless of whether he/she has entered into diversion.
   a. The client’s name and circumstances shall be immediately referred if the Master Social Worker along with a phone number and a
convenient time to return the phone call. If the matter involves a juvenile, the school, grade and age of the juvenile will be provided.

b. In turn, the client will be advised that the Master Social Worker will schedule an appointment and that they are to arrive on time for the appointment when scheduled or it may be cancelled or rescheduled.

c. If the situation requires immediate attention, the SRO, at the student’s school will assess the referral because a 5150 W&I hold may be necessary.

6. The following programs should be available as a part of the Diversion process.

   a. Youth and Family Counseling
   b. Petty Theft Program
   c. Life Skills Program
   e. Tobacco Program
   f. Drug and Alcohol Program
   g. Truancy, Curfew, and Loitering Program
   h. Anger Management and Conflict Resolution Program
   i. Bullying Awareness and Prevention Program
   j. Gang Intervention Counseling
k. Victim Offender Mediation Counseling

7. Some programs are currently utilized by the SRO unit on a regular basis already. La Familia (gang intervention counseling), Diogenes, Another Choice Another Chance, Sacramento County Office of Education (Project SAVE) may be contacted by the Master Social Worker and advised of the diversion process, so that their services may be incorporated or utilized for diversion.

I. The Diversion Contract

After the initial interview and considerations for diversion, the juvenile is placed on contract (see attachments). The contract is a written agreement between the juvenile, his/her parents, and the Police Department. The contract requires that the juvenile obey the conditions of the contract and avoid trouble with the school or law enforcement. The contract is signed by the juvenile, his/her parent(s) or guardian(s), the SRO, and the Master Social Worker. Each contract is specific to the individual entering diversion but generally lasts three to six months. Following completion of the contract the file and initial crime report will be labeled “inactive.”
J. Community Service Work Program

Community Service is a requirement of diversion and is listed as an element in the Diversion Contract. The number of hours is determined by the SRO handling the case and the juvenile may complete the hours over the course of the contract. The SRO monitors the completion of community service and is performed by the juvenile after school. By requiring the juvenile to participate in community service, the juvenile may learn a sense of accountability, community membership and work ethic. It is important to make the community service reasonable and accessible to the juvenile so that it may be completed as safely and efficiently as possible. Ideally, the community service assigned will be related to the criminal offense, although it is not a requirement. For example, a juvenile on diversion for vandalism may clean graffiti around the school.

The Juvenile and his/her parent(s) or guardian(s) must read and sign a Community Service Work Rules and Regulations form. This form will be presented during the initial diversion meeting.

Community Service may be completed as follows:

1. **School Janitorial:** The juvenile is required to assist school janitorial staff at the school where the offense was committed. The plant manager of the participating school will supervise the work and sign off on the hours of completion. Upon completion of the assigned hours, the plant manager
will send verification of completion to the SRO overseeing the juvenile’s diversion contract.

2. **Volunteer Work**- The juvenile may complete his/her assigned community service hours by volunteering with any legitimate volunteer facility. An example may be volunteering to assist the elderly at a convalescent hospital, or aiding a church charity, or assisting adults or other students with special needs.

**K. School Related Violation Procedures**

When a misdemeanor or infraction is committed on campus or handled by an SRO, a citation shall be issued indicating that the citation is to be referred for diversion. If the SRO determines that the violator is on active probation the case will not be referred for diversion but will be referred to Sacramento County Probation. If the juvenile is on an active diversion contract the citation will be referred to the SRO handling his/her diversion contract. The citation may be cause for an amendment to the contract or may void the contract if the offense is severe enough. This determination is made by the SRO overseeing the student’s diversion not the arresting officer.

If the contract is voided and it is determined the student has failed to meet the requirements of the diversion contract, the original crime report associated with the diversion contract will be forwarded to Sacramento County Probation in addition to the fresh offense. A supplement to the original report will link both crime reports or citations
and the officer will note the attempted diversion and subsequent failure to meet the contract requirements by the juvenile. It is important to note that the juvenile has already admitted guilt as part of the diversion process for further formal proceedings with the juvenile courts.

L. **Reporting Procedure**

1. Any call for service generated at a school with an assigned SRO, will be handled by the School Resource Unit. If the assigned SRO is not present or unavailable another SRO will handle the call. If, due to staffing, there are no available SRO’s to handle the call patrol will assist. The assigned SRO will conduct any pertinent follow-up and see the case through to completion as well as follow up.

2. The School Resource Unit will be held to the same report writing regulations and procedures as field officers.

3. All reports shall be completed by end of watch unless authorization by a supervisor is obtained to hold the report for a later date.
4. Reports generated by the School Resource Unit will be approved by the SRO Sergeant or his/her designee.

5. If there is a dispute about whether a report should be handled by the School Resource Unit, the SRO Sergeant will be contacted for determination.

6. Significant follow-up requested by other divisions or individual field officers, shall be authorized by the SRO Sergeant or the acting SRO Sergeant.

M. Record Processing and Clerical Support

1. Records staff and the SRO Administrative Clerk have the responsibility of quality control. The following are duties that fall under their scope of responsibility:
   a. Maintain accuracy and completeness of all records.
   b. Ensuring quality information is entered into records and computer systems and combining duplicate information.
   c. Following procedures for purging records.
   d. Controlling report dissemination.
e. Preventing unauthorized access and use of information on file.


2. Incoming Citation Procedures

a. Divert citations marked “Refer for diversion” to the Administrative Clerk.

b. Check the juvenile’s prior referrals for diversion.

3. Probation Referral

If a juvenile is referred to the Sacramento County Probation Department for failing diversion, the following procedures will be followed:

a. Record the date the case was forwarded to probation.

b. Complete and send a letter to Probation along with a letter to the juvenile’s parents detailing the details of the diversion and the reasons for failure.

c. Write a supplement to the original report including the information regarding the attempted diversion and why the juvenile does not qualify for diversion.

d. Retrieve any previous file folders/reports from Police Records and establish a packet of all the reports pertaining to the Juvenile.
4. Juveniles Accepted for Diversion
   a. The Administrative Clerk shall forward each case to the appropriate SRO; and track to ensure proportionate workload is maintained. And note the assignment in a supplement to the original report.
   b. Once the case is routed to the SRO, the SRO will schedule the diversion appointment and send a mandatory appointment letter.
   c. The SRO will write any necessary supplements to the original report after the report has been forwarded.
5. **Purging Juvenile Files**

The SRO shall explain to all diversion juveniles and their parents that the youth’s records will be destroyed at 18 years of age if other arrests have not occurred. The procedure for purging diversion files shall be as follows:

a. Records will be purged every four months, usually in January, May and August.

b. Each juvenile’s file will be purged during the purging period following their 18th birthday.

c. Once all paper files are pulled and assembled by the SRO and the Administrative Clerk, they may be shredded.

d. Police Records will purge the department reports independently through their own purging process and as mandated by law.

**N. Funding**

1. Grant opportunities for youth diversion programs should be researched by the Sacramento Police Fiscal section to determine if grant funding is available for the positions of the Administrative Clerk(s) and the Master Social Worker(s).
2. Additional fees collected during the diversion process are to be used specifically for the Diversion program. The following guidelines shall be implemented to ensure proper handling of money and receipts:

a. The $50 dollar fee charged to the parent(s) of the juvenile entering diversion shall be sent to Sacramento Police Department (Fiscal Section). A preaddressed and stamped envelope shall be provided at the initial interview and shall be collected by those present at that interview.

b. A receipt shall be provided to the parent(s), one copy shall be provided to the citizen, one will stay with the money and one copy will remain in the receipt book. Absolutely no money shall be collected without issuance of a receipt.

c. Then once a receipt book is used it shall be sent to the Administrative Clerk. The Administrative Clerk will record the receipt numbers, and the person(s) from whom the money was collected, the reason for the money (diversion, counseling services etc.) in a logbook. This logbook shall be updated once a week. The day of the update shall be determined by the Administrative Clerk.
d. Any voided receipts shall be included with the receipt book and forwarded to the Administrative Clerk.

e. All money and receipts are to be sent to Sacramento PD Fiscal no later than by the end of the next business day. Any money being held overnight shall be secured at the school sight inside the school safe.

f. Any money held but not yet forwarded is the responsibility of the holder, who will be held accountable for it.

g. The money shall be mailed, via inter-office mail or by U.S. Postal Service to the Sacramento Police Fiscal department directly. Fiscal shall log the money as it arrives. The Administrative Clerk shall perform a periodic monthly audit of the monies listed with Fiscal and compare that to the receipt logbook he/she is maintaining.

O. Sample Forms and Attachments

The following pages are sample forms to be used during the diversion process including:

1. Case File Completion Form
2. Diversion Contract
3. Diversion Log
4. Community Service Log
5. Victim Follow-Up Survey
IN THE MATTER OF:___________________ CASE(S)/CITE(S)#_________________

a formal diversionary hearing took place on, between Officer______________________,

Master Social Worker__________________, and ______________________ who was
accompanied by ___________________. After reviewing the case, _________________

(Parent(s)/Guardian)      (Juvenile)      (Juvenile)

accepted responsibility for the offense(s). ___________________ accepts the terms of

(Juvenile)

the attached diversion contract from ______, through ______. The contract was
extended to ______. The reason(s) for the extension was: ________________________

________________________________________________________________________

DISPOSITION

_______________________ HAS SUCCESSFULLY COMPLETED THE TERMS

(Juvenile)

OF HIS/HER DIVERSION CONTRACT ON _____________.

CASE CLOSED:

___Counseling sufficient.

___Pled innocent, case forwarded to Juvenile Probation on_______.

___Case closed, failure to meet contract terms on _________.

___Case forwarded to Juvenile Probation on _________.

___FUTURE CASES SHOULD BE FORWARDED TO JUVENILE PROBATION.

___Case closed on ______; unable to locate juvenile.

___Case closed on ______; no longer resides within Sacramento PD jurisdiction.

OTHER:________________________________________________________________

OFFICER/BADGE:_______________________________   DATE:____________
Sacramento Police Department
School Resource Unit
Juvenile Diversion Contract

Rick Braziel
Chief of Police

In the Matter of:_____________________________ Case(s)/Cite(s)#________________

Effective this date, and until you successfully complete your diversion contract, you are required to comply with the following (checked) terms and conditions:

1. ___ Report to your assigned School Resource Officer for ___ months, or as directed.
2. ___ Obey all laws of the city, county, state and federal agencies and the lawful requests of parent(s)/guardian(s).
3. ___ Obey truancy and curfew laws of the City of Sacramento.
4. ___ Attend school, maintain good conduct and maintain passing grades. Provide copies of your report cards and progress reports. School grade checks will be provided every ___ day(s) or ___ week(s).
5. ___ Pay a $50.00 administrative fee for the services provided.
6. ___ Complete a ____ page or ____ word essay on the following subject:

7. ___ Complete ____ community service hours at the school site.
8. ___ Attend all requested check in appointments.
9. ___ Shall not be reported as a runaway at any time while on diversion.
10. ___ Attend the following courses:
     ___ Youth and Family Counseling
     ___ Petty Theft Program
     ___ Life Skills Program
     ___ Bicycle and Traffic Safety Program
     ___ Tobacco Program
     ___ Drug and Alcohol Program
     ___ Truancy, Curfew, and Loitering Program
     ___ Anger Management and Conflict Resolution Program
     ___ Bullying Awareness and Prevention Program
     ___ Gang Intervention Counseling
11. ___ Submit to random drug testing as directed.
12. ___ Driving privilege suspended effective _____ through _____ or, restricted to ___________ duration ________________.
13. ___ No contact or association with victim and/or __________________.
14. ___ Complete a letter of apology to ______________ due: __________.
   (Victim, Parent, Business)
15. ___ No association with any gang(s) or gang member(s).
16. ___ Do not be at or near and location where drugs or alcohol are present.
17. ___ Other:____________________________________________________________
   ____________________________________________________________________.
18. ___ Other:____________________________________________________________
   ____________________________________________________________________.
19. ___ Other:____________________________________________________________
   ____________________________________________________________________.
20. ___ Other:____________________________________________________________
   ____________________________________________________________________.

We understand, consent, and agree that the child is a volunteer for the City of Sacramento for the purpose of participation in this program. We also understand that the child is not covered by any medical insurance or coverage other than Worker’s Compensation for volunteers and that the child will not be compensated in any way for his/her participation in this diversion program. We herby understand and agree that we hold harmless the City of Sacramento, its officers, and employees, from any and all liability for negligent personal injury or property damage arising from participation in this program.

This action is voluntary and revocable by either parent/guardian, or the Sacramento Police Department, School Resource Unit. Furthermore, the School Resource Officer has the authority to terminate this contract if the supervised youth fails to abide by the terms and condition herein. If the contract is revoked, the crime report will be referred to the Sacramento County Probation Department for further action.

Dated this _________________ of 20___.

Tentative Closing Date is _____________.

I promise to live up to the above diversion requirements. I realize that failure to do so may result in juvenile court probation and a permanent criminal record.

Accepted By:

Rick Braziel
Chief of Police

________________________ (Minor)

By:
(School Resource Officer)

________________________ (Parent/Guardian)

Page 2 of 2
Sacramento Police Department
School Resource Unit
Diversion Log

Assigned Programs

___ Youth and Family Counseling  Date Complete _____
___ Petty Theft Program  Date Complete _____
___ Life Skills Program  Date Complete _____
___ Bicycle and Traffic Safety Program  Date Complete _____
___ Tobacco Program  Date Complete _____
___ Drug and Alcohol Program  Date Complete _____
___ Truancy, Curfew, and Loitering Program  Date Complete _____
___ Anger Management and Conflict Resolution Program  Date Complete _____
___ Bullying Awareness and Prevention Program  Date Complete _____
___ Gang Intervention Counseling  Date Complete _____
___ Victim Offender Mediation Counseling  Date Complete _____

Assigned Tasks

___ Restitution  Paid _____ Date _____
___ Community Service  Date Completed _____
___ Essay  Date Completed _____
___ Apology Letter  Date Completed _____
___ Progress Reports  GPA _____
Sacramento Police Department
School Resource Unit
Community Service Log

Name: ______________________  Hours Assigned: ____
Case #: _____________________

Supervising Officer
______________________________  Phone: ____________

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**Victim Follow-Up Survey**

Respond to following statements on a scale from 1-10 with 1 indicating the strongest negative response and 10 indicating you the strongest positive response. If the statement does not apply to your situation circle NA.

1. Rate your level of satisfaction with how the school officials handled your case.

   NA 1 2 3 4 5 6 7 8 9 10

   Very Dissatisfied         Impartial    Very Satisfied

2. Rate your level of satisfaction with how the police officers handled your case.

   NA 1 2 3 4 5 6 7 8 9 10

   Very Dissatisfied         Impartial    Very Satisfied

3. When considering the crime committed, rate whether you feel the punishment was too harsh or too lenient.

   NA 1 2 3 4 5 6 7 8 9 10

   Not Severe Enough             Ideal    Too Severe

4. Considering all the events that lead up to the offense, rate the degree to which a party is at fault for the offense occurring. On the scale of 1-10, 1 indicates you were completely at fault and 10 indicates the other person was at fault. 5 indicates you both were equally at fault and NA indicates neither of you were at fault.

   NA 1 2 3 4 5 6 7 8 9 10

   I was at fault           Both were at fault      The other party was at fault
5. Rate your level of satisfaction of how well the offender completed the program.

NA  1  2  3  4  5  6  7  8  9  10
Very Dissatisfied  Impartial  Very Satisfied

6. How satisfied were you with the sincerity of the offender’s apology?

NA  1  2  3  4  5  6  7  8  9  10
Very Dissatisfied  Impartial  Very Satisfied

7. Do you feel the offender will be more likely or less likely to commit the same crime again after completing the diversion program? Rate your response on a scale of 1-10 with 1 indicating you feel the offender will commit the crime again and 10 indicating you feel the offender will not.

NA  1  2  3  4  5  6  7  8  9  10
Will Reoffend  Unsure  Won’t Reoffend

8. How satisfied were you with the entire diversion process and its outcomes?

NA  1  2  3  4  5  6  7  8  9  10
Very Dissatisfied  Impartial  Very Satisfied
Chapter 4

IMPLEMENTATION

The most well designed social programs may never gain traction or even see the light of day if they cannot be implemented. Implementation of a program within a single department may be difficult. A program which incorporates several different agencies and interests increases the difficulty of implementation tremendously. In order to implement a successful diversion program these interests need to be acknowledged and the difficulties of implementation should be anticipated.

The first step in implementing a diversion program should be to recognize the entities involved and invite their input throughout the development process. Although a manual has been provided as a guideline, other agencies may have insight into impractical aspects of the program and may be able to help refine and customize the program to the specific needs of Sacramento. Therefore a meeting should be scheduled including a representative from the Sacramento Police Department School Resource Unit, The Sacramento City Unified School District, an administrator of a participating school, a Sacramento County Probation Department representative, a City Youth Department representative, and school social worker should be included. Later meetings might incorporate parents and students once the program is refined by the involved institutions. During this meeting the responsibilities of each department should be well defined. Start up costs and money need to be addressed. The representatives need to establish which
social programs, classes, and counseling should be made available to provide substance to the program.

It is important to include volunteers from these entities, who have bought into the philosophical concept of the program. An officer or vice principal who does not see the value of the change can be devastating to the implementation of the diversion program. In fact this is one of the most common reasons why well intentioned programs fail (Ferguson, 2002; Young, Moline, Farrell, & Bierie, 2006). Personnel will sabotage the process either because they don’t understand the new procedure or are not willing to take on a task that is perceived as an additional burden to their workload. Or, staff resistance may be rooted in a more fundamental philosophical objection to the theoretical foundation on which the program is based. If an officer believes in Deterrence Theory and perceives Labeling Theory or Restorative Justice as a “soft” approach then that officer should not be selected to initiate this program. The program designers may be able to combat objections from personnel by training them prior to implementation on the need and value of the program as well as the procedural changes it will implement on their departments. Organizers should allow feedback from employees and involve them in the development process (Young et al., 2006).

Although the agencies involved should remain flexible to the needs of the schools and institutions implementing the program, they cannot stray so far from the formula that the program becomes unrecognizable. For example, if it becomes too difficult to provide classes and social services, that element of diversion may be cut. Additionally, diversion
might be limited to only status offenses to save money in the initial implementation. In
the first case the program will lose its capacity to rehabilitate offenders and reintegrate
them into the school and in the second the scope of the program would become so limited
it would not result in significant relief of the burden faced by the Probation Department.
Some fidelity to the original design of the program has to be maintained.

Conflict between agencies might be another limitation to implementation. If
school resource officers do not implement the program, Probation will not be able to
focus on more serious cases. If Probation does not follow up when a diversion candidate
fails the program then there will be no consequence to failing diversion and the entire
program would be compromised. Agency disputes often result in a failed implementation
(Ritter, 2006). For this reason it is important to develop a joint effort between agencies.
The team responsible for implementing the program will be made up of various
individuals from various agencies but they must be united under the common goal of
establishing the program. Many examples of this cooperation have been established in
the past when it comes to multijurisdictional social problems. The most salient example
that comes to mind would be G.V.S (Gang Violence Suppression) a gang task force
involving the county sheriffs, school district, police department and probation. The
Sacramento Regional Transit security represents another multijurisdictional effort. In
both cases individuals from multiple agencies are working together toward a common
goal across jurisdictions on a daily basis.
After the logistics have been agreed upon, a test location should be established. The program should start small and only be implemented at one or two schools as a test of the program. Over the course of one school year the school resource officers should find the practical hurdles that a diversion program may encounter, such as encouraging parent participation in the program. The departments involved need to inform the public of the program. After the first trial period a program evaluation can be conducted to determine if the program is viable and beneficial and whether it should be continued. Just because the program may be considered a success at one school does not mean it will be practical at another location. Only administrations and officers who value the program should participate in it.

In order to implement a program effectively, the involved parties must believe that it is valuable and that the stated goals are being achieved. The best way to do this is to supply the research and results of similar programs. Researchers should be working hand in hand with the personnel tasked with implementing the program. Continuous feedback would be helpful to convince personnel of the theory behind the program and evidence that it is working. The input of the operational team will help to show how to make the program a reality in a school environment as opposed to just a theory on paper. This kind of union between the research team and operational team increases the chances of successful implementation of the program (Ritter 2006; Young et al., 2006).
Chapter 5

PROGRAM EVALUATION

After a Diversion program is successfully implemented in a few test schools, a program evaluation should be conducted to determine if the program is worth expanding, continuing, or if it is not feasible. A program should be evaluated on two levels, the process and the outcome. A program evaluation of the process would examine how well the program was implemented. Evaluating the outcome would determine how well the program performed the goals it set out to perform. The following considerations are indicators of a successful diversion program, which should be considered during such an evaluation.

In order to examine how well the program is implemented, evaluators should first determine if all the relevant parties have been incorporated into the process. It is entirely possible that one department may shoulder the entire burden of this program and leave out other departments needs which could result in conflict between the agencies. Communication and information flow should function smoothly between these parties during the implementation phase so that the program may be successful. A probation department employee, school official, social worker, or police officer should be able to access the common diversion case files for example and should be working cooperatively.
The next stage of examining the process should be to determine how well the local operation of the program at the selected school site represents the individual needs of that site without sacrificing the original intent of the program. Evaluators should determine if the program that was adapted became punitive or restorative in nature and also determine if all the elements of the program such as the letter of apology and community service component were established. Another crucial element of the localized program construction would be the effectiveness of the counseling referrals. If it takes 3 to 6 months to receive counseling, or crucial courses are not offered the speed and quality of the program would be compromised which were some of the stated goals.

One of the most important elements of implementation is that the practitioners are committed to the program. Therefore, employee attitudes ought to be evaluated through a questionnaire to reveal if implementation is compromised do to a general disillusionment with the program. Evaluators should strive to illicit candid responses. Again an impartial evaluation team would be vital here so that employees are less tempted to reply with responses they believe management would want to hear.

One final concern regarding implementation should be the size of the trial. The scope of the program prior to the first evaluation should be limited but should not be so small as to not be able to produce any measurable outcomes. A small middle school of 500 students may only have 30 students become enrolled in the diversion program. It would be difficult to determine possible cost savings, demographic differences, or other
measures with one small sample. For that reason two or three schools may be more appropriate for the implementation of the program such as two middle schools and one elementary school. If it has been determined that the program has been implemented successfully, evaluators may move on to measuring the outcomes of the program.

One common outcome measure is the effect a program has on recidivism. This measure is not a reliable or effective indicator of a program’s overall success and it certainly is not the end all determinate of a successful program. During a study of first time juvenile offenders who committed a status offense, Coumarelos and Weatherburn (1995) determined that most juvenile offenders would not re-offend even if the court did not intervene. Furthermore, diversion programs did not have any measurable effect on status offenders’ recidivism rates during an experimental study of a youth court model by Patrick and Marsh (2005). That said, recidivism is still important data and many public officials are concerned with it. A program evaluation should record this information as part of the evaluation, it just cannot be stressed as the make or break determinant of success. A focus on recidivism is a focus on the rehabilitation of the offender. Although this is a worthy goal, I think a school environment would be better served by focusing on the rights and feelings of the victim and restoring the offender into the school community. Therefore the offender’s GPA is required to be monitored during diversion. A program evaluation should determine if the offender has better attendance and grades during the diversion process. This would be an indicator that the offender is being incorporated back into the school.
Our justice system seems to be focused on the treatment of the offender far more than the victim’s perception of justice. The victim’s attitudes toward the justice system and whether or not justice is served should be considered above and beyond specific punishments. An evaluation of a school based diversion program should hold the victim’s perception of justice as the most important indicator of a successful program. Because the diversion program keeps the victim involved throughout the process they should have the feeling that the offender has received an appropriate consequence to fit the crime he or she has committed. In order to evaluate a victim’s perception a questionnaire should be used and is provided among the forms in the operations manual (page 73).

The second most important reason to implement a diversion program is the cost savings it theoretically should provide the institutions involved. The punitive trend law enforcement has developed toward juveniles as created a burden on our juvenile justice system. Status offenders processed by the juvenile courts increased by 66 percent between 1985 and 1994 (Butts, 1996). The more punitive our enforcement the more the juvenile courts are burdened with status offenses as well as serious offenses (Minor, Hartmann, & Terry, 1997). Patrick and Marsh (2005) found that a juvenile accountability diversion program processed more juveniles for less money and reduced the burden on juvenile courts which allowed it to deal with more serious cases. Currently, the Sacramento County Probation Department has faced drastic cutbacks. The Boys Ranch has been closed, and field probation officers have been drastically reduced. An
evaluation must be done to find out whether the caseload from school arrests is lowered, which in turn will lower the burden on the Probation Department. If fewer cases are being handled by the Probation Department that would indicate a savings at Juvenile Hall because those juveniles would not have to be processed. If the Probation Department has already calculated the cost to book a juvenile, than a monetary estimate can be applied for each student who entered diversion as opposed to Juvenile Hall.

The school loses money for each student who is absent from day to day. A student must be in Juvenile detention for ten days before he or she can be expelled from a Sacramento City School. The Sacramento City unified School District can determine if a student in Diversion has better attendance then students sent through the traditional booking process, thereby saving the school money. As part of diversion, attendance and grade point average is monitored by the officer. Theoretically this should provide a cost savings to the school.

Finally, the Sacramento Police Department School Resource Unit may save money implementing this program as well. Although the burden clearly falls more heavily on the SRO for this kind of program, the officer does not have to wait for hours at Juvenile Hall to book the juvenile offender. The department overtime budget should be reduced because officers may be currently writing some felony reports and misdemeanor reports as well as booking juvenile offenders toward the end of their shift. The program can function throughout a regular school day during school hours. The additional cost
required to run the program may be offset by the processing fee paid by the parents at the beginning of the program to the City of Sacramento. A program evaluation must determine if savings are occurring in these areas for the institutions involved. If the diversion program turns out to cost the institutions more than the current procedures for juvenile booking, then it is highly unlikely the program will continue, even if victims perceive justice is being done and recidivism rate among diversion juveniles is reduced.

Finally several demographics of the participants should be evaluated so that an analysis may be conducted to determine variances between gender, ethnicity, income-level, prior offenses, age and other variables. It may be that students with certain characteristics are more predisposed to enter the program or be successful at it. If this is discovered, perhaps the program can be adapted to better address the root social issues which may be limiting the program.

In summary, many agencies including Vacaville PD, Woodland PD and San Diego County have implemented programs similar to this diversion program. Many times the research required to validate the program is not conducted after it is implemented. A program must be evaluated to determine if it is meeting its goals in a fiscally responsible manor. If it fails to do so the program should be discontinued. It is disheartening to know that good programs are being cut and poor programs are being funded because many law enforcement agencies do not conduct adequate or regular evaluations of their programs, if they do so at all. An effective evaluation of the
diversion program should include the following data in order of importance to determine if it is meeting its goals: victim’s response data; fiscal analysis; offender’s participation and reintegration in school; recidivism rates compared to non diversion offenders.
Chapter 6

DISCUSSION

Diversion programs are considered a part of the Restorative Justice Movement. There has been a surge in both the frequency of similar programs and the research of them since the 1970’s (Wenzel, Okimoto, Feather, & Platow, 2008). Victim offender mediation, a common element of diversion, is being used in at least 300 communities throughout the United States and Canada (Zehr, 1997). Juvenile crime is often under the microscope of the media and at the forefront of public awareness even though it has continually declined in recent years (Snyder & Sickmund, 2006; Stahlkopf et al., 2010). It is hard if not impossible to determine if this drop in crime may be associated causally with the increase of interest in diversion programs. Diversion programs have been shown to reduce recidivism and reduce crime but they seem to be structurally biased because they select for individuals who may be predisposed to completing the programs, either because they volunteer or because they have committed few prior offenses (Latimer et al., 2005). Furthermore, the drop in crime may be unrelated to any program intervention (Coumarelos & Weatherburn, 1995). The question of whether a juvenile diversion program is practical or necessary may be raised by administrations considering the implementation a similar program.

A juvenile diversion program is necessary because at the moment a tremendous amount of work is being conducted by School Resource Officers in Sacramento which is being dismissed and merely clogs the Juvenile Justice System. If the program does not
create a change in recidivism (or improves it) but does improve community relations, victim perceptions, and the financial bottom line of the departments involved then it should be implemented. Clearly, the program is not designed for the bottom five percent of juvenile delinquents. The Probation Department must be willing to handle the cases where diversion fails. However the possible cost savings alone justify a trial of the program in these hard economic times, where local government budgets are being cut routinely in California state-wide.

Although the model of diversion is based on a Restorative Justice model, it may have a sound theoretical basis in other criminal justice theories. A swifter turn around of case-load and delivery of punishment predicts crime reduction based on Deterrence Theory. Deterrence Theory must be addressed because of its continued dominance in the mindset of law enforcement and the public. A diversion program does not ignore elements of Social Learning Theory, Strain Theory, or Labeling Theory. These theoretical foundations are not exclusive; they are included in the reasoning behind implementing this program. Diversion seeks to reintegrate an offender into the school community and develop positive peer influence and association. It seeks to reduce the number of “probationers” or “delinquents” at a school, a label which may drive an offender to associate with negative peer groups. The most common offense School Resource Officers deal with on campus is battery. The victim offender mediation element of the program seeks to reduce the possible strain of in-group and out-group conflicts which are a constant in our city schools.
Even the most well thought out and well intentioned social program may fall apart during the implementation phase of the program. In order for the program to succeed it must include practitioners who believe in the program’s theoretical bases. It should undergo a trial period where research can be done to evaluate its successes and failures. A program should be given more than a single school year to determine the needs of the host school and adapt the program to the local concerns and hurdles which cannot be anticipated during this, the design phase. However if the program turns out to be successful, naysayers cannot deny facts. If the facts are presented in favor of diversion and the practitioners are trained to implement the program correctly, an administration can win over many of the line level practitioners who may be predisposed to criticize and reluctant to change. Administrators should not lose sight of the focus of this program. The criterion for success of this program is not the elimination or even a reduction of crime on our campuses. Crime rates will wax and wane as they have done since societies have begun tracking crime statistics. Success will be realized if victims, offenders, and the organizations have a better method of repairing the rifts caused by crime at school. A system that demonstrates a desire to incorporate our wayward youth into our society is morally preferable to one that enacts justice for justice sake.
REFERENCES


