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PREVENTING RECIDIVISM IN MARQUETTE COUNTY, MICHIGAN:
WHAT WORKS

By

Katherine Frances Kubont

THESIS

Submitted to
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ABSTRACT

CONDITIONS OF DIVERSION PROGRAM IN MARQUETTE COUNTY THAT PREVENTS RECIDIVISM

By

Katherine Frances Kubont

Juveniles who commit crimes are often referred to diversion programs designed to prevent them from committing additional offenses. Such programs attempt to accomplish this by involving the community and the victim, reducing the burden on the court system and avoiding the stigma that is oftentimes attached to juvenile offenders. Marquette County, Michigan, implemented The Juvenile Diversion Program in 1978, ten years before the state permitted such programs through Public Act 13. This act provides statutory guidelines on a program's implementation; however, significant discretion is afforded to program administrators. Drugs, alcohol and tobacco use are common offenses committed by the youth in Marquette County, and the Diversion Specialist has the discretion to alter the conditions of the youth's program. Thus, little consensus exists, and as such, may jeopardize recidivism rates. This study asks what extent, if any, this discretionary power has reoffending rates for youths in diversions programs in Marquette County. The results of this study indicate that mass amount of youth were on diversion for Minor in Possession (MIP) of alcohol. The MIP discussion group and writing assignment have a 72% success rate. Successful youth also tend to pay their court service fee and do not require as much supervision. Substance abuse assessments and counseling show no significant results. Most youth are at 14 when they commit their first offense and age 16 at their second.

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INTRODUCTION

The diversion specialist in Marquette County, Michigan is under the supervision of the Director of Juvenile Court and works closely with families and youth in an attempt to keep juveniles from formal court involvement. Diversion specialists also provide crisis intervention and aftercare services for juveniles primarily through community resources. Marquette County affords significant discretion to the diversion specialist within court and statutory guidelines when determining and designing conditions of diversion for juveniles committing offenses. This results in a variety of diversion conditions for individual youth. Such variability may result in different sets of conditions for juveniles committing the same offense. The subjective opinion of the diversion specialist drives this variation in diversion conditions. The diversion specialist may believe one juvenile was experimenting and the other may be showing addictive tendencies. Little, if any, data on the effects of specific diversion conditions for juveniles exist. This author's research asks which conditions of diversion agreements are more effective in preventing the juvenile from committing a future offense.

Furthermore, to the researcher's knowledge, there is no study addressing which conditions of diversion are more effective in the prevention of juvenile recidivism. Therefore, this study also addresses this gap in the literature by identifying which diversion conditions placed on juveniles committing the offenses of possession of alcohol, tobacco, or other illegal drug offenses prevented them from recidivism.

CHAPTER 1: BACKGROUND & LITERATURE REVIEW

Contemporary Literature

According to incarceration rates from the Bureau of Justice Statistics in 1997, 1.6 million (30%) adults are incarcerated in local, state, and federal institutions. The remaining 70 percent of those under the responsibility of the criminal justice system are supervised in the community on probation or parole. This means that at any one time a large number of adult U.S. citizens are in the community under correctional supervision (Mackenzie, 2009).

Supervision – or probation - is an alternative to the incarceration of adults. Probation is a sentencing option available to most judges in all courts. When an offender is placed on probation, he or she is released to the community to serve a court-imposed sentence for a specific amount of time under the supervision of a probation officer. The probation officer holds authority over that individual until their probation period is completed.

However, the supervision of juveniles who commit crimes is not the same as adults. Juveniles can be placed on “probation,” but most are first referred to diversion. Diversion is the beginning stage to juvenile probation, and all youth are assigned to a diversion specialist who acts in some of the same ways as an adult probation officer. The overall goal of diversion is to introduce the juvenile into the court system and provide them with a preview as to what probation could entail if their behavior persists. Youth are referred to diversion if they are first time offenders. It offers the youth an opportunity to prove to the court and society that they can remain crime free. If they successfully complete their diversion contract, the juvenile will have a clear record. By Michigan

statute (MCR 3.925(E)(2)(a)) the juvenile's record must be destroyed 28 days after the minor reaches 17 years of age.

Few studies exist concerning juveniles and diversion programs. What does exist, however, describes recidivism in general but have little information about how specific conditions of a diversion agreement reduce recidivism rates for youth. The following literature illustrates the need for further research regarding the specific conditions on diversion that help assist in recidivism reduction.

Diversion

Juvenile diversion programs exist throughout the United States. These programs emerged during the past 50 years, but peaked in the 1960s. Diversion programs have many different names and may not include the word diversion. The main reason for the creation of diversion programs was to remedy the labeling theory identified by sociologist Howard Becker (James, 2006). The labeling theory under these circumstances results in the juvenile offender being labeled a criminal after performing a criminal act. Becker concludes that after being labeled, juvenile offenders then take on a criminal lifestyle. Therefore, if a juvenile is labeled as a criminal and adopts that persona, it is likely the juvenile will continue to reoffend.

In 1988, the Juvenile Diversion Act was enacted in the State of Michigan and took effect on April 1, 1988. The Act reads:

“AN ACT to permit certain minors to be diverted from the juvenile court system; to establish diversion criteria and procedures; to require certain records to be made and kept; to prescribe certain powers and duties of juvenile courts and of law enforcement agencies; and to prescribe certain penalties.” (1988, Act 13, Eff. April 1, 1988; -Am. 1996, Act 415, Eff. Jan 1, 1988)

Marquette County Juvenile Court typically refers first time juvenile offenders to the diversion program. Court personnel adopt the theory that diversion will deter the juvenile offender from committing any future offenses. This opportunity allows the juvenile to prove to the court that they can be a law-abiding citizen, make reparation for their offense, and not have the crime on their permanent criminal history record. All the youth in this study have an original charge that involved an illegal use of drugs, tobacco, or alcohol. Diversion specialists request random alcohol and drug screens on youth with those charges. Some of those individuals may commit additional offenses that are not related to drugs or alcohol.

Diversion programs have not been widely studied. A study conducted by Osgood (1983) reports that previous criminal history has little to do with recidivism after being involved with the court. Osgood studied three research sites that administered their diversion programs somewhat differently from the others. This study states, “The analysis of recidivism offers only very weak evidence of differential treatment effectiveness” (p. 799). Another study by Regoli, Wilderman, & Pogrebin (1985) was completed in Denver, CO. This study measured six different diversion programs. It concluded that diversion programs are generally successful in diverting youth from reoffending especially in first time offenders, however the author goes on to conclude that, “it remains unknown what characteristics of each diversion program actually reduced recidivism rates” (p. 36). A third study by Dembo, Wareham, & Schmeidler (2005) studied four different diversion programs. This study, unlike the previous two, indicates that “significant differences exist among the four diversion programs in regard to the youth’s final program status” (p 15). Finally, after a review of the existing

literature, Sheppard (2008) asks, “How then, do we know which types of services are being provided for Ohio’s first-time, misdemeanor, status and non-violent juvenile offenders (p 11)?”

Based on this author’s investigation, there exists little information regarding “best-practices” for juvenile diversion programs, and the present study seeks to investigate what practices work best.

Michigan & Juvenile Probation

Juvenile probation is different from adult probation. In Michigan, a person is considered a juvenile if the offense was committed while the youth was under the age of 17. A juvenile can commit a felony crime, a misdemeanor crime, or a status offense. A status offense is a crime for a juvenile, but not for an adult. For example, a juvenile running away from home is a crime because of the juvenile’s “age status.” Juveniles committing status offenses cannot be incarcerated in a jail or prison. Alternatively, a juvenile may be warned and dismissed by the court, placed on diversion, placed on a consent calendar, placed on probation, placed in non-secure detention (pending further hearing or disposition) or placed in a residential treatment program.

A petition is usually generated by a law enforcement agency submitting a report and request for charges to the prosecuting attorney’s office. After reviewing this information, if the prosecuting attorney believes that a crime/offense has been committed, they will prepare and authorize a petition charging the juvenile. Once authorized by the prosecuting attorney’s office, the petition is sent to the juvenile court. After the intake process is completed, the petition is forwarded to the director of juvenile court. The director determines whether this case should be dismissed, diverted, or scheduled for a

formal hearing. Various criteria are used to determine whether to dismiss, divert, or refer the matter to formal proceedings. Some of these include:

- a) Nature of alleged offense, including context and seriousness of crime;
- b) Minor's age (7-16), including emotional and intellectual age;
- c) Nature of any presenting problems that led to the alleged offense;
- d) Minor's conduct and behavior;
- e) Prior diversion decisions and minor's compliance;
- f) Prior offenses; and
- g) Desire of victim to prosecute or receive restitution.

If the petition is dismissed, no further action is taken. If a petition is diverted, the case is assigned to the diversion specialist and an agreement/contract is prepared outlining specific conditions for the juvenile to complete.

If the petition is referred for formal proceedings, a probation officer is assigned to the case and the matter is scheduled for a preliminary hearing in front of the juvenile court judge or referee. At the formal hearing, the juvenile is advised of the offense he/she has been charged with, as well as the consequences that may occur if the juvenile is found responsible for the charge. Every juvenile has the right to have an attorney assist them in their defense of the charge. If they cannot afford an attorney on their own, or their parents do not hire an attorney, the court can appoint an attorney to represent them. At the preliminary hearing, the prosecuting attorney presents a proof of evidence to the court that supports the charge against the juvenile. The judge or referee presiding over the hearing determines if there is probable cause that a crime has been committed and probable cause that the juvenile committed the offense. If probable cause is met, the judge or referee will formally authorize the petition to proceed in formal court. If the juvenile requests an attorney, the preliminary hearing is adjourned to an extended preliminary hearing where the juvenile has an attorney present.

If the juvenile waives the right to an attorney, the next step would be for the court to ask the juvenile how they wish to respond to the charges against them. Their options would be to admit responsibility, deny responsibility, or plead no contest. If they admit responsibility, and the court accepts their admission, the next phase would be to schedule a dispositional (sentencing) hearing. At a dispositional hearing, the probation officer would recommend specific conditions of probation. Some of the conditions of probation could include how long the juvenile is to remain on probation, court fines and/or restitution, counseling, as well as community service work.

If the juvenile denies the charge, the matter is then scheduled for a pretrial hearing. This hearing is scheduled with the judge, prosecuting attorney, probation officer, and with the juvenile's attorney. The hearing is to determine what evidence would be presented at a trial, and which witnesses would be called to support or deny the charge against the juvenile. Also at this hearing, the prosecuting attorney could offer a plea agreement. A plea may result in the juvenile admitting to a lesser charge, or possibility dismissing one charge, if the juvenile has been charged with more than one offense, if they admit responsibility to the other charge(s). If the juvenile pleads no contest, the court considers this as an admission of responsibility. Pleading no contest can protect the juvenile against civil liability. After this stage of proceedings when a plea is entered, the case moves to the dispositional phase. (See Appendix A for Flow Chart)

Juvenile Diversion in Marquette County

The juvenile diversion program was implemented in Marquette County in 1978 with the efforts of Honorable Michael J. Anderegg, Probate Court Judge, and Shari Myers, Director of Juvenile Court. Initially, the diversion program consisted of two

divisions: one for status offenders, Status Offender Diversion Alternatives (SODA), and the other for delinquent offenders (diversion). Today, only one diversion program encompasses both status and delinquent offenders.

The Diversion Contract

A diversion contract is a document developed on a youth's individual case. The contract includes the conditions the diversion specialist requires the juvenile to complete in order to be successful in the diversion program. The diversion contract is expected to be completed within 90 days of being signed by youth, parent, and diversion specialist. Possible conditions include a mental health assessment, substance abuse assessment, community service, restitution, curfew and drug screening. Due to the discretionary ability of the diversion specialist, there is no limit as to the number of conditions the diversion specialist in Marquette County can request of the juvenile. (See Appendix B for example of a Diversion Agreement)

Once written, the juvenile, parents and diversion specialist sign the document. The contract then becomes the contract that the youth must comply with to complete the program successfully. The parents, juvenile and diversion specialist are each provided a signed copy of this diversion contract. When youth are successful and complete the program, per statute, the offense they committed is removed from their record and their file will be destroyed 28 days after their 17th birthday (MCR. 3.925(E)(2)(a)). If the offender and parents do not agree with the diversion conditions, the Juvenile Diversion Act states the following:

“If a diversion conference is held but an agreement is not reached, a petition may be filed with the court as provided by law and a petition may be authorized as provided by law. If the court intake worker decides to

file a petition, it must be filed no later than 30 days after the conference.”
MCL 722.825 (4).

The diversion contract is designed to help youth succeed in their futures by giving them a second chance. The contract is mean to include community service work to repay the community and, if needed, to attend educational classes to help educate in hopes to prevent recidivism.

CHAPTER 2: INTERVENTION PROGRAMS

This study will determine which conditions and intervention programs are most beneficial to the juvenile. Once these specific conditions are known, they will be recommended conditions for all the juveniles with similar cases.

MIP Discussion Group

It is important to evaluate the diversion program to determine if certain conditions in the diversion contract for drug, alcohol, and tobacco related offenses are more likely to prevent the juvenile from committing future offenses. For example, most youth charged with an underage drinking violation are required to attend the Minor in Possession (MIP) Group held every three months. The MIP Group consists of a panel of professionals including the juvenile court director, court recorder, prosecuting attorney, district court magistrate, insurance agent and the diversion specialist. The panel addresses how an MIP charge could affect the juvenile's vehicle insurance, the difficulty of finding a job, court fines and costs. Oftentimes, a juvenile or adult with substance abuse issues attend these meetings as a guest speaker to describe their personal history with substance abuse, the court system and how their conduct has affected their life and impacted those close to them.

In some rare cases, a juvenile may have not attended the MIP group. This is most often because the youth was not referred or may have simply forgotten to attend. Typically, if the juvenile misses the MIP group they remain on probation or diversion until they attend the class. So by evaluating the diversion conditions for these juveniles, it will become clear if certain conditions should be mandatory on the diversion agreement. For example, the MIP Discussion Group may reduce the chances of the juvenile from

reoffending. If it does, it should be mandatory for all juveniles with an MIP of alcohol, MIP tobacco, or a drug related offense to attend this group.

MAYSI 2 Screening

One factor that the specialist uses to assist youth is the Massachusetts Youth Screening Instrument (MAYSI 2). The MAYSI 2 is a reliable, standardized, true-false, 52 item screening for juveniles entering the court system (Massachusetts Youth Survey Instrument – 2 Project) (Grisso & Barnum, 2000). The MAYSI 2 provides information to evaluate the youth's susceptibility to alcohol/drug use, somatic complaints, thought disturbances, traumatic experiences, suicide ideation and anger-irritability. Because of the differences in case specifics, some juveniles may need more intervention than others. (Please refer to Appendix C for complete instrument)

Substance Abuse Assessment

A substance abuse assessment is requested by the diversion specialist for youth who show signs that they may have a substance abuse dependency. Substance abuse assessments may be conducted by Marquette General Hospital, Great Lakes Recovery Centers or a private therapist. An assessment usually consists of a clinical interview with the youth and a standardized tool (i.e., SASSI, Substance Abuse Subtle Screening Inventory). The assessment may evaluate the youth's frequency of usage, pattern of usage, and substance of choice. (See Appendix D for example of assessment)

Counseling Services

Youth involved in juvenile court may be referred to a substance abuse counselor in the community that will assist the youth in learning the tools needed to avoid illegal substance use. The sessions may be educational in nature (Prime for Life) or therapeutic

and can range from individual sessions to group sessions. The intervention may also include Narcotics Anonymous (NA) or Alcoholics Anonymous (AA) meetings.

The MIP Writing Assignment

The Minor in Possession Writing Assignment is usually assigned to all youth with age range of 13 to 16, who are involved in Diversion for a substance related offense. The youth can pick 1 of 4 topics and provide the Diversion Specialist with a 3-page paper on the topic they choose. The purpose of this writing assignment is to prompt the youth into thinking about their future, to start thinking of their future choices, and to reflect on their charges and their actions. (See Appendix E for example of writing assignment questions)

Court Service Fee

The court service fee is the amount of \$40 paid by the youth or parents to the court for the diversion program. The youth's case will not be closed until this fee is paid. Under some circumstances this fee may be waived in leau of community service work hours.

Restitution

Restitution is a sum of money that the youth or parents will pay to the victim to compensate for what was taken or destroyed by the youth. For example, if a youth threw a rock and cracked a neighbor's window, the youth would be required to pay for a new window. The youth's case will not be closed until restitution is paid.

CHAPTER 3: METHODS

The method, approach and data utilized in this study compared and evaluated which conditions of the Marquette County diversion program were more likely to prevent juveniles from reoffending. This comparison was accomplished by collecting and evaluating data from cases that were enrolled in and subsequently closed at the Marquette County Juvenile Court. The analysis compared the common elements among the cases where the juveniles committed a new offense and returned to court and those cases where the juvenile did not reoffend. Nonprobability sampling was used, more specifically, purposive sampling. Maxfield and Babbie state purposive sampling is most often used, “to study a small subset of a larger population in which many members of the subset are easily identified but the enumeration of all of them would be nearly impossible (p 193).” Purposive sampling is the gathering of information with a set purpose in mind. In this study, the data was gathered from 50 case files specifically for the purpose of comparing the conditions imposed by the diversion worker.

In order to determine if diversion conditions make a difference, this study used a random sampling of 50 Marquette County juvenile diversion cases from a three year period from 2007-2009. The cases selected were cases where court jurisdiction has been terminated and the case is closed. A closed case usually indicates that the juvenile has successfully completed their diversion period. There are circumstances where a case may be closed unsuccessfully if the parents and juvenile do not keep in contact with the diversion specialist, leave the geographic area, or reoffend and are placed on the formal calendar for adjudication. Of the 50 closed cases, 25 are cases of juvenile offenders who returned to the court system after completing diversion. Originally these 25 juvenile

offenders were charged with a substance offense. Of the sample group, the youth that reoffended may in their subsequent offense have been charged with a non substance related offenses (i.e., shoplifting or malicious destruction of property). The remaining 25 closed cases are juveniles who did not reoffend and were not petitioned back to court after their diversion case was successfully closed. The diversion conditions for both groups were examined to discern whether youth under certain conditions have a higher rate of success after completing their diversion program.

Personnel from the Marquette County Juvenile Court identified 50 total juvenile court cases. This staff member gathered these case files by searching the court's AS400 computer database. The AS400 was designed by the Judicial Information Systems Department of the Michigan State Court Administrative Office and is used in Marquette County Juvenile Court to store information and register the actions on all juveniles. This staff member documented the data on paper for the researcher to ensure no names or identifiers appear. Additionally, the cases from the database that list names of juveniles for drugs, alcohol and tobacco were retrieved manually and the staff member kept a tally along with a list of conditions for the cases that never came back to court and another list for those who had. The staff member then removed all names and identifiers prior to providing the researcher with the information.

Furthermore, each case was assigned a number in place of their name starting with number 100 to 150. The result shows which youth completed which programs, how long they were on diversion, how often the juvenile met with the diversion specialist and if they were successful. Analysis of this information illustrates which conditions appear to prevent re-offending.

The information was readily available, as the researcher is the diversion specialist for Marquette County. Permission from the Probate Court Judge and Juvenile Court Director has been obtained for access to this information. There was approval for the use of another staff member to gather the data and remove the names to ensure confidentiality. International Review Board (IRB) approval has also been obtained (see Appendix F for the IRB application used).

Limitations

The possible limitations with this study are few but significant. There have been three different directors of the juvenile court in Marquette County in the past two years, which has resulted in inconsistency in procedure. During this time period and under certain circumstances, the director referred cases to diversion instead of a probation officer. This occurred after the case was submitted to the prosecuting attorney's office where it is either approved or denied. If approved, the case was sent to the Director of juvenile court where he/she decided to proceed to formal adjudication or diversion. Typically, first time offenders are assigned to diversion, and subsequent offenders are not. However, a past director permitted youth to be placed on diversion for second and third offenses. Because of this inconsistency, the researcher will only be using the juveniles who have been placed on diversion for their first drug, alcohol, or tobacco offense and those who were placed on probation for their second offense under any charge. Furthermore, there have been two diversion specialists during the three years of data in this study. This is significant because of the different views and condition requirements by the individual diversion specialists. Consequently, however, the goal of

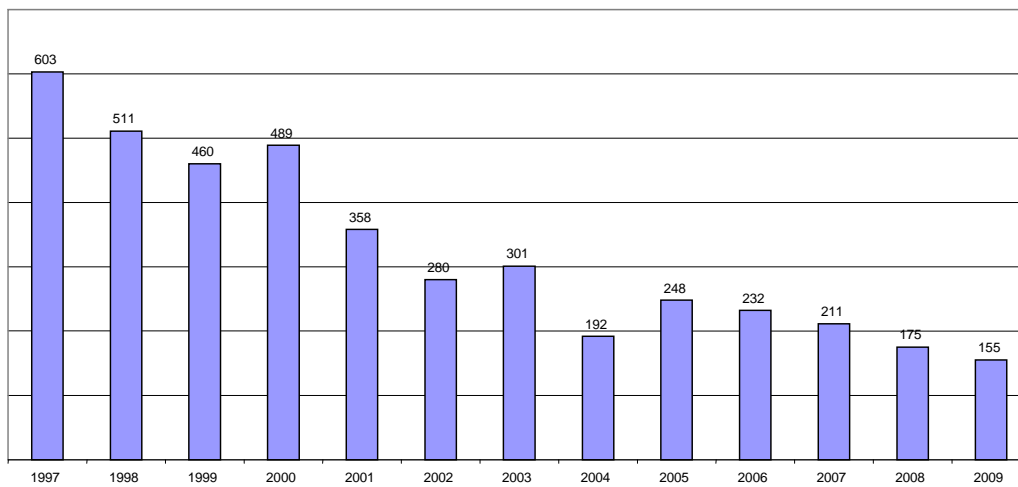
this study was to gain insight into ‘best practices’ for diversion programs and these limitations will most likely not impede such an outcome.

RESULTS

Marquette County Juvenile Intervention Results

This research isolated 50 closed cases from the 25th Circuit Court – Family Division in Marquette County (hereafter referred to as Court) from 1997 to 2009. These cases were the study group used for this research. The Court receives all complaints brought against juveniles for delinquency or status offenses. Figure 1 illustrates the total number of cases received at the court from 1997 – 2009.

Figure 1: Delinquency Offense Referrals 1997-2009



Of the 541 cases received at the court during 2007, 2008, and 2009, Figure 2 illustrates the number of cases that were sent to the diversion program (n=142). Of the 142 diverted cases from 2007-2009, 50 were randomly chosen for this sample.

Once a case is assigned to diversion, the diversion specialist in Marquette County can require the youth to participate in specific interventions. The interventions are assigned at a diversion conference with the youth and the family. The diversion worker attempts to individualize the interventions to address the specific offense and the specific

youth. The diversion worker, parents or guardians, and youth sign a diversion agreement (See Appendix B). The agreement is voluntarily entered into by the youth and is not court ordered. It is an alternative to a formal court action. Possible interventions include the Minor in Possession Group, the Minor in Possession Writing Assignment, Court Service Fee, Restitution, Substance Abuse Assessment, Community Service, Counseling, and the frequency and number of face-to-face or phone contacts from the Diversion Specialist with the youth and their families. The charts below illustrate the composite results of the interventions on the successfulness of the case. The results are based on the data collected by this researcher from Marquette County Juvenile Court records of diversion youth enrolled in 2007, 2008, and 2009. The term “successful” is used to describe youth who completed their diversion contract and did not return to the court with additional charges. The term “unsuccessful” describes youth who may have completed their diversion contract, but were petitioned back into court on a new offense at a later date.

Minor in Possession Discussion Group

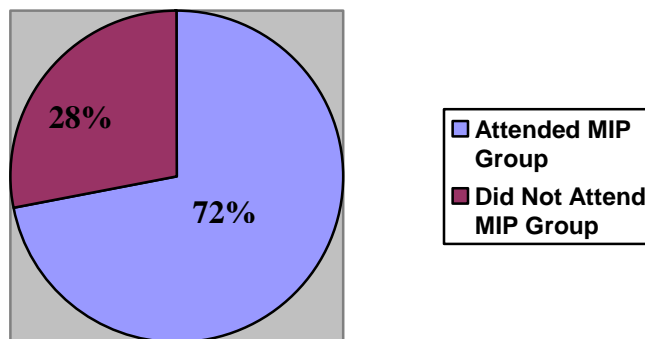
The Minor in Possession (MIP) Discussion Group in Marquette County is an educational class coordinated by the diversion specialist. This class is held every sixty to ninety days and any youth involved in juvenile court may attend. Attendees are between the ages 13-16 years old. The MIP Group consists of a panel of law enforcement officers, a prosecuting attorney, an agent from the car insurance liability company, district court magistrate, victim rights advocate, and a juvenile probation officer. The panel presents an overview of the MIP charge and the consequences that follow. The law enforcement officer describes ticketing or apprehending the individual, compiling the police report and submitting the information to the prosecuting attorney’s office to write

a petition. The officer further describes the petition as the formal document presented to the court to charge the youth with the offense. It includes the statute that was violated, the kind of offense, the penalties, and the offender's contact information. The prosecuting attorney explains the prosecutor's role in the approving or denying a petition and the prosecution's presence in the court room at the time of the youth's hearing. The magistrate explains the role of the jurist in the process if the youth were to receive a drug, alcohol, or tobacco offense after reaching the age of 17. The magistrate also discusses the significant court costs and fines that the youth would be responsible in paying. A court worker from juvenile court explains the juvenile court process. An insurance agent explains the impact on the individual's vehicle insurance along with their parent's vehicle insurance. A volunteer speaker, who has experienced the court process, may come in and talk about their life experience with drugs and/or alcohol and how it affected their life, their family, their friends, and their future.

The MIP group describes for the participants what could happen. The intent is to instill a bit of fear and encourage the youth to second-guess their decisions to consume any illegal substance. The court believes that education can be a deterrent. The youth are all required to ask one question to the MIP Discussion Group panel before the group can dismiss. This is an opportunity for youth to ask questions that they have regarding the courts and consequences. This group is most often assigned to youth placed on diversion or probation for use of illegal and controlled substances (i.e., alcohol, marijuana, benzodiazepines, tobacco, amphetamines, and opiates). In this study's sample, of the diversion youth assigned to the MIP Group, 72% of those who attended and completed this discussion group were successfully closed in diversion (Figure 2). They did not

return to the court for further offense. This researcher attributes this high success rate to the fact that the youth were deterred because of the information provided to them regarding the consequences of their illegal activity. This suggests that youth who truly understand the consequences of their actions may choose to avoid the illegal activity. Again, the premise of diversion is that youth are given an opportunity to prove to the court and the community that they can be law-abiding citizens. Educational opportunities (such as the MIP group) did produce more successful cases. Specifically in this study 18 of the 25 youth who attended the group did not reoffend, and only 7 did reoffend.

Figure 2: Successful Youth (n=25) that Attended MIP Discussion Group



72% (18 youth) of the Successful Youth attended up MIP Discussion Group

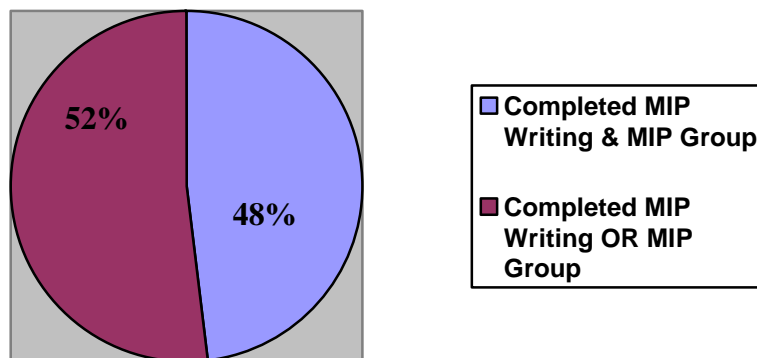
MIP Writing Assignment

The diversion specialist had assigned all 25 of the successful youth a three-page paper regarding substance abuse. Results from the collected data suggest that this writing assignment may be useful to the success of the youth. The youths requested to write their thoughts on paper and enumerate the consequences they could face. (See Appendix E & G for questions and an example)

This exercise can “open their eyes” to the consequences of their decisions. The charts on the following page indicate that in this study’s sample, of the diversion youth assigned the writing assignment, 72% of those who completed the assignment were successfully closed in diversion. They did not return to the court for further offense. This researcher attributes this high success rate to the fact that the youth were deterred because they were able to internalize the consequences of their illegal activity. The youth researched a topic and drew conclusions regarding the consequences of their offense. Again, as in the MIP group attendance, youth who truly understand the consequences of their actions may choose to avoid the illegal activity. Diversion programs are built on the premise that youth can show the court and the community that they can be law-abiding citizens. Educational opportunities (such as the MIP writing assignments and MIP group attendance) did produce more successful cases. Specifically in this study 18 of the 25 youth who wrote the MIP paper did not reoffend, and only 7 did reoffend. That now identifies two interventions that clearly made a difference in the success rate.

Some youth were assigned both interventions and their success rate is illustrated below. When youth participated in both the MIP group and the MIP writing assignment, they were all successful. Twelve youth were assigned both interventions and those 12 youth were all successful.

Figure 3: You who Received both MIP Writing Assignment and MIP Discussion Group



Substance Abuse Assessment

The substance abuse assessment is performed by trained personnel at local human services agencies in Marquette County. The assessment identifies whether the youth has a dependency for illegal substances and the severity of the dependency. The professional who conducts this assessment will recommend if the youth should attend counseling for a dependency problem. The diversion worker only refers youth that self identify as having a substance abuse problem, have a parent or guardian that identified that the youth has a substance abuse problem or present to the court with an offense of illegal substance abuse. Because only a limited number of the successful youth in this sample presented with the three issues identified above, only 4 (16%) of the 25 successful youth on diversion were required to seek a substance abuse assessment. Refer to Figure 4 on following page.

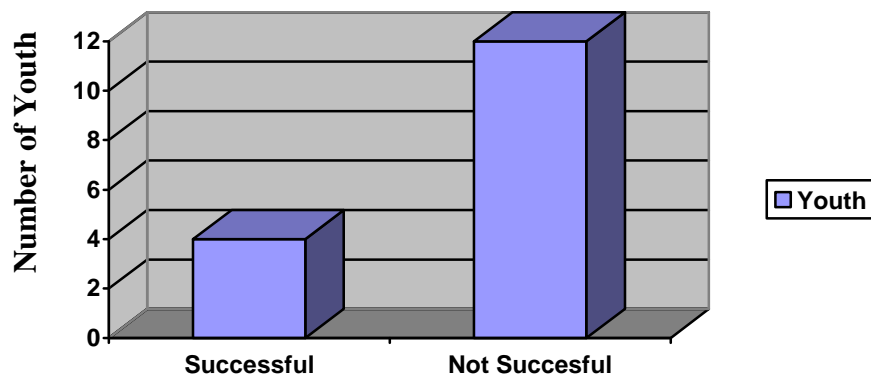
There are a variety of reasons for the low number of referrals for the substance abuse assessment. The diversion worker may have identified that the youth had a supportive family and complied with all conditions on the diversion agreement or the first offense was experimental and there were no signs to indicate the youth would consume

again. There was no identified need for assessment. In comparison 48% (n=12) of the 25 youth who were not successful were required to seek a substance abuse assessment.

These youth displayed more red flags of potential use of illegal substances. The youth may have admitted to using illegal substances, they may have tested positive in a drug or alcohol screen, or their parents may have expressed a concern about the child's use of substances. Youth who presented with a potential or a risk factor for substance abuse were assigned a substance abuse assessment and the results of this study indicate that those youth were more often unsuccessful (i.e., only 4 of the youth assigned to a substance abuse assessment were successful as opposed to 12 who were unsuccessful.)

See Figure 4.

Figure 4: Successful and Unsuccessful Youth who had Substance Abuse Assessment

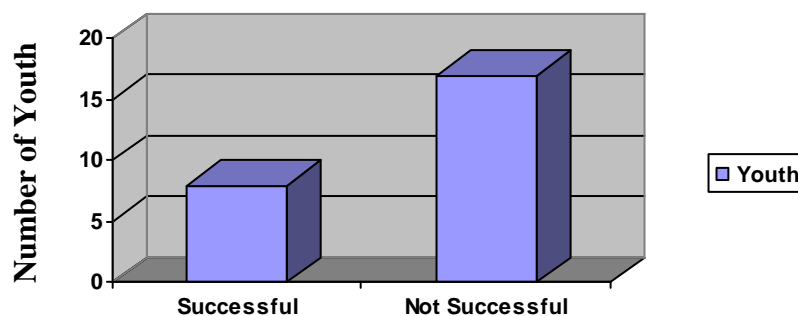


Counseling

A smaller percentage of the successful youth attended counseling (32%) opposed to those who were not successful (48%). This could be true because the youth who were successful did not display signs of substance dependency or criminal behavior and therefore were not referred for counseling. The higher percentage of counseling for the unsuccessful youth may be because they were not deterred from illegal activity the first time they got in trouble and were more problematic. It is important to look at the

individual cases when evaluating outcomes. Some of the youth could be more troubled than others, some may have problems at home, some may lack the support of friends and family, their parents may consume illegal substances, or the parent may provide these substances to the youth. Each person is individual in this study, but the strength of the youth's support system can make a difference. Again, the premise of diversion is that youth are given an opportunity to prove to the court and the community that they can be law-abiding citizens with educational opportunities, such as counseling).

Figure 5: Successful and Unsuccessful Youth that Attended Counseling

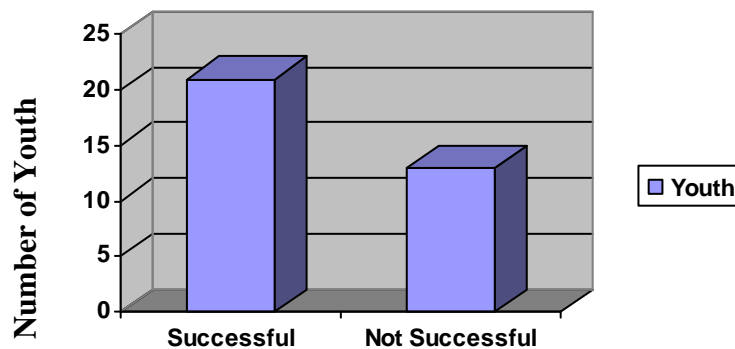


Court Service Fee

The court service fee is a one time payment of \$40 for diversion program services. Eighty-four percent (84%) of successful youth paid their court service fee. The youth who are unable to pay the court service fee are able to either have this fee waived or perform additional community service work hours. In the group of successful diversion participants, 21 of the 25 youth (84%) paid the assigned court service fee. In the group of unsuccessful diversion participants, 13 of the 25 youth (only 52%) paid the assigned court service fee. The data clearly shows that the youth who did not pay their court service fee were more likely to end up with further offenses (i.e., possession of

alcohol, shoplifting, malicious destruction of property, domestic violence, school truancy, breaking and entering, and incorrigibility). Youth who took the diversion fee seriously and paid their diversion fee were more successful.

Figure 6: Number of Successful and Unsuccessful Youth who Paid Court Service Fee

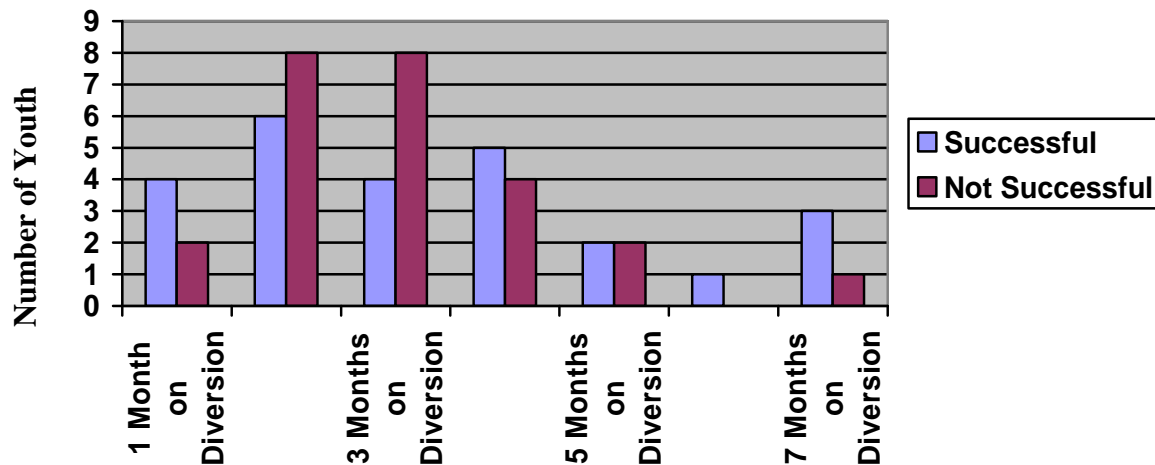


Length of Time on Diversion

The diversion specialist determines the length of the diversion contract based on the progress of the individual. A case may be closed if the youth is showing progress and completed their conditions on their diversion agreement. Some youth may present problems while under diversion and therefore the length of time is extended on the diversion program. In this study, the length of time the successful and not successful youth were on diversion ranged from two to seven months. Figure 7 illustrates the length of time in months that the successful and not successful youth studied were in the diversion program. This figure also indicates how many youth were on diversion for each month of time. The successful youth appeared to do well with less time under supervision because these youth were more likely to follow rules and abide by the diversion agreement and so their case was closed earlier. The unsuccessful youth may have required more time on diversion because of their need for intense services and lack

of compliance. The lack of compliance may have led to additional criminal offenses. These results indicate that the youth who are on diversion for a lesser time are less likely to come back to juvenile court with additional charges. This information is significant for the research study as it dramatically (See Figure 7) shows the decline in success rate with the extension of the diversion term. Youth were most successful at 2 months of diversion and least successful at 7 months.

Figure 7: Length of Time on Diversion for Successful and Unsuccessful Youth



Youth Offenses

Youth offenses can include both delinquency and status offenses. For this study, the sample group includes youth petitioned into the court for only drug, alcohol, or tobacco offenses. These offenses are all characterized as Minor in Possession. The charge then identifies the particular substance that the youth is in possession of (i.e., alcohol, tobacco, marijuana.)

This study involves only those juveniles whose first offense involved an MIP of alcohol, tobacco, or possession of an illegal substance. Figure 8 shows the number of youth in each crime category that originally brought the youth into the diversion program.

The results indicate that 64% of the successful youth were first involved on diversion for alcohol, 28% of youth for tobacco related offense, and 8% of youth for marijuana offenses.

Figure 9 shows that Minor in Possession of Alcohol was the more common offense at age 14 and age 16. Possession of marijuana offense was only in the sample group of offenders at age 15. Possession of tobacco was a factor in ages 12, 13, 14, and 15. A significant consideration presented in this chart is the use of alcohol among all ages.

Figure 8: First Time Offense of the 25 Successful Youth in this Study

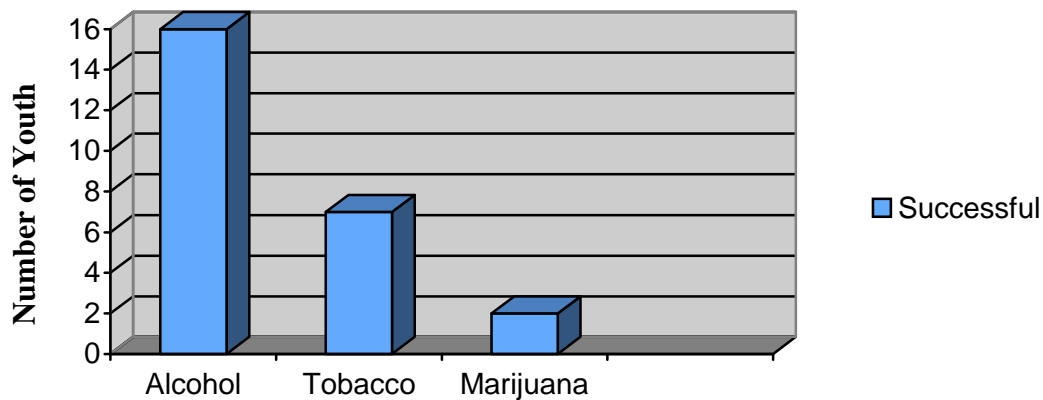
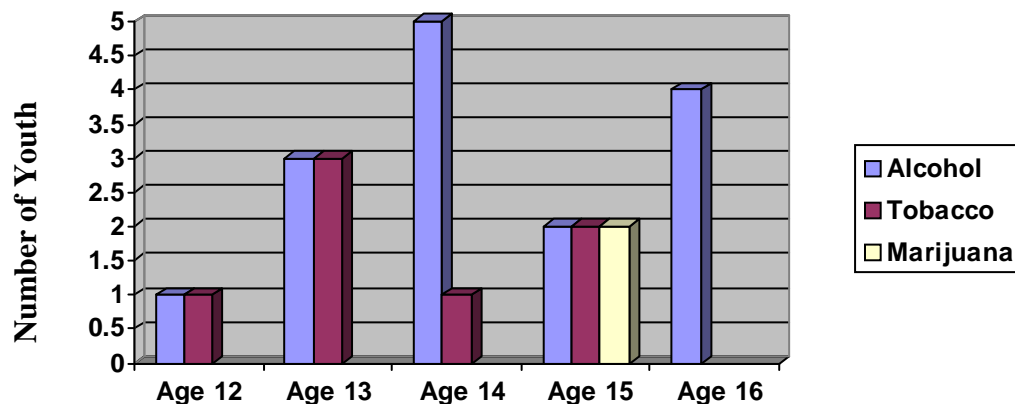


Figure 9: Ages and what Offense they Committed and how many

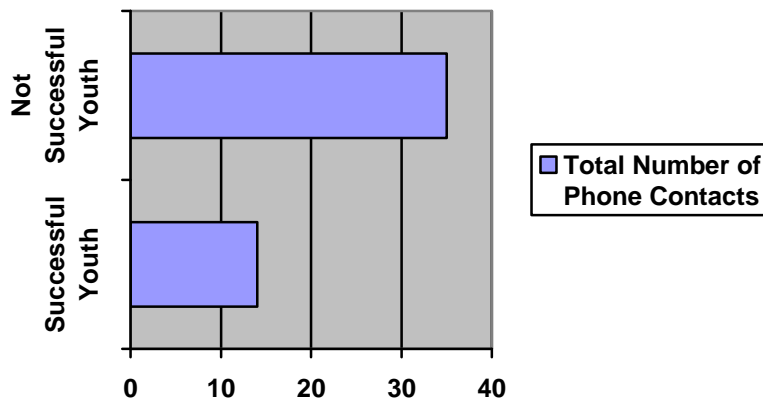


Phone Contacts

There is no required amount of phone calls that the diversion worker needs to make to a youth on diversion. The total phone calls were on a case by case basis. It appears that the more problems the youth encountered while on diversion, the more phone contacts and face to face contacts the individual had with the diversion specialist. The successful youth received up to 14 phone calls. The unsuccessful youth received up to 35 phone calls. If a youth on diversion maintains proper behavior and complied with all conditions on their diversion agreement, the youth is typically had less phone contact because of their good behavior and their demonstration of an effort to improve their selves.

This suggests that youth who truly understand the consequences of their actions may choose to avoid the illegal activity. Again, the premise of diversion is that youth are given an opportunity to prove to the court and the community that they can be law-abiding citizens. This information is significant because it forewarns the diversion worker about possible reoffending based on the behavior of the juvenile. The behavior of the youth determines how many phone contacts and face-to-face contacts a youth will receive. This data shows that the more phone contacts the juvenile receives, the more of a behavior problem they obtain, and the more likely the juvenile will be to reoffend in the future.

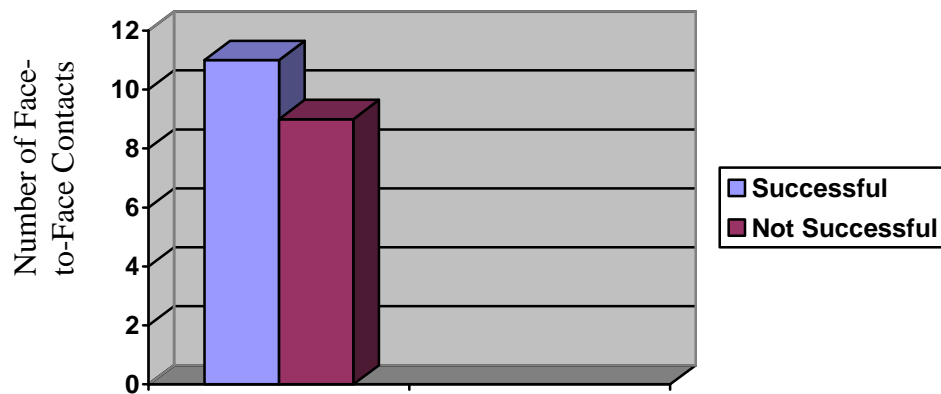
Chart 10: Number of Phone Contacts for Successful and Unsuccessful Youth



Face to Face Contacts

The most phone contacts a successful youth received of the 25 successful youth in this study was a total of 11 face-to-face contacts. If a youth fails to do what is requested of him or her and fails to make appointments and continues to misbehave, the diversion specialist will have more frequent contact with the youth. In these cases, the diversion specialist put forth more intervention than the successful youth would have needed. Because of the individuality in all cases, some youth may need more educational classes and meetings with the diversion specialist in order to reach them individually and help them overcome whatever is preventing them from moving on in this part of their lives.

Figure 11: Number of Face to Face Contacts for Successful and Unsuccessful Youth



Conclusion

Juveniles who commit crimes are often referred to diversion programs designed to prevent them from committing additional offenses. Such programs attempt to accomplish this by involving the community and the victim, reducing the burden on the court system and avoiding the stigma that is oftentimes attached to juvenile offenders. Drugs, alcohol and tobacco use are common offenses committed by the youth in Marquette County, and the Diversion Specialist has the discretion to alter the conditions of the youth's diversion program. The results of this study indicate that the majority of youth in Marquette county were referred to diversion for Minor in Possession (MIP) of alcohol. The specific interventions (MIP discussion group and writing assignment) imposed by the diversion specialist produced a 72% success rate. Successful youth also tend to pay their court service fee and do not require as much supervision by phone or face-to-face meetings. Substance abuse assessments and counseling show no significant results. Most youth are at age 14 when they commit their first offense and age 16 at their second.

The diversion specialist can be confident to assign all youth for drug, alcohol, and tobacco offenses to the MIP discussion group and complete the MIP writing assignment. This study suggests that these two interventions help the youth in Marquette County significantly from reoffending. The results also indicate that the longer a youth is on the diversion program and the more problems that arise during their diversion period, the more likely the youth are to reoffend. This information is beneficial to the diversion specialist because the worker can incorporate more prevention programs, office visits, and phone contacts.

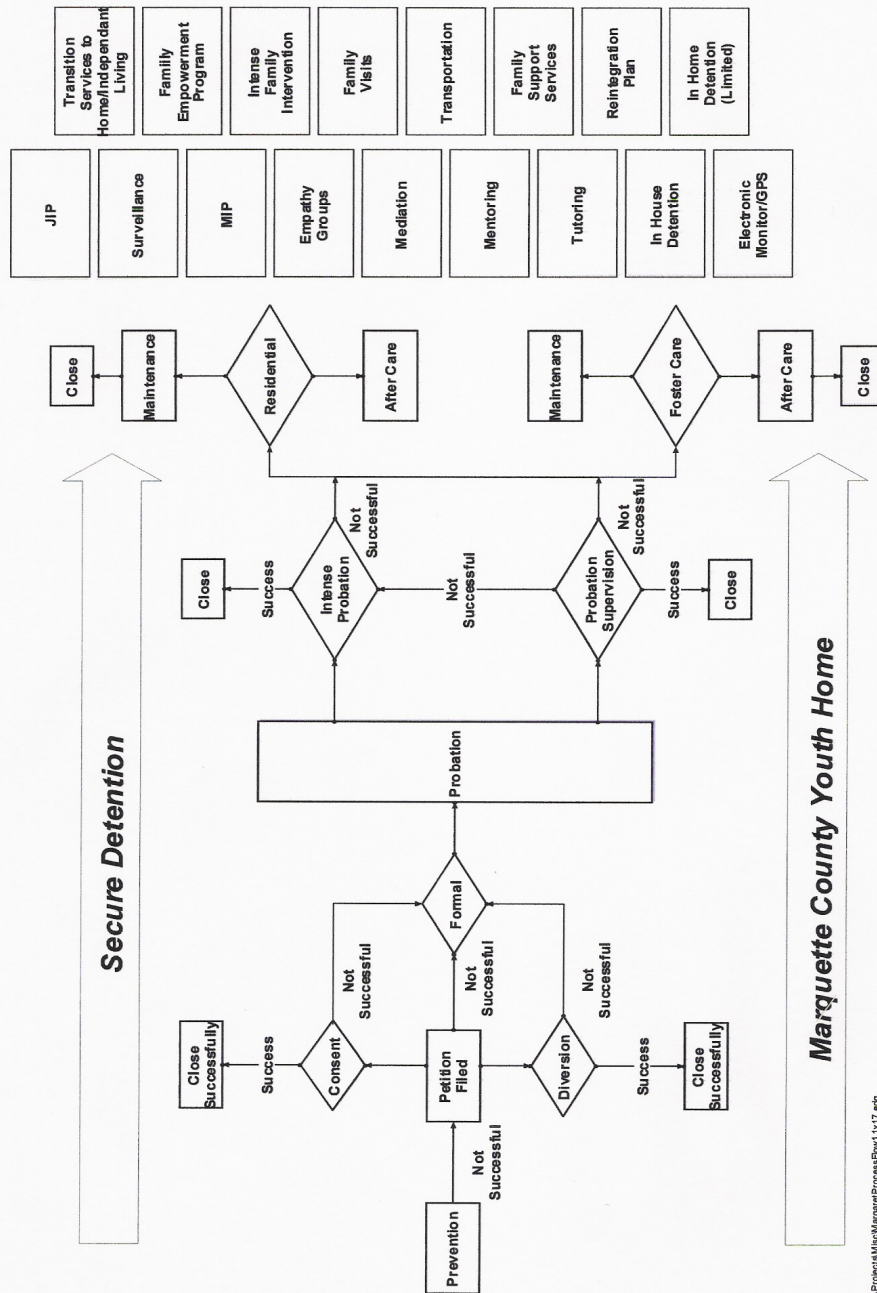
This research identified 50 youth who have entered the court system and studied the success rate of specific interventions imposed by the diversion worker. This study did show that the programs available to the youth through diversion are beneficial, produce successful diversion participants, merit continued use.

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APPENDIX A – FLOW CHART



APPENDIX B

STATE OF MICHIGAN
PROBATE COURT/JUVENILE DIVISION
COUNTY OF MARQUETTE

234 W. Baraga Avenue, Marquette, Michigan 49855

(906) 225-8291

DIVERSION SERVICES AGREEMENT

We, the undersigned, agree to be involved with the Marquette County Diversion Program as stipulated by this agreement. We understand that if we agree to the following conditions, a petition will not be authorized in Marquette County Probate Court, Juvenile Division regarding the charge of MIP dated 04/30/08 . If the conditions of this agreement are met, this petition will be kept in a special diversion file. That file will only be opened to the court intake department for the purpose of deciding whether to divert this minor and will be destroyed within 28 days of the minor's 17th birthday.

CONDITIONS OF DIVERSION AGREEMENT:

1. Joe is to make a \$40 court service fee payment. Checks can be made to: Child & Family Services
2. Joe is to complete 20 hours of community service work. These hours may not be in the home nor may Joe be paid for these hours. These hours may not be completed for anyone who is related to Joe. Record hours and have an adult from place of service sign off on these hours. Provide the Diversion Specialist with these hours by 06/18/08
3. Joe is to attend the MIP Discussion Group held on May 7, 2008 in Probate Court Room from 3:30-5:00pm
4. Joe is to complete an MIP Writing Assignment. Turn into Katie on 06/18/2008
5. Joe is to attend all scheduled counseling appointments on time
6. Joe is to attend school everyday on time and to complete all homework and turn it in on time

Mother:_____

Father:_____

Minor:_____

Witness:_____

Date:_____

COMMENTS:_____

APPENDIX C

MAYSI-2

SCALE:

A HIGH SCORE SUGGESTS

- Alcohol/Drug Use
 - Frequent use of alcohol/drugs
 - Risk of substance abuse and/or reaction to lack of access to substance (withdrawal symptoms); may indicate need for immediate help
- Angry-Irritable
 - Experiences frustration, lasting anger, moodiness
 - Risk of angry reaction, fighting, aggressive behavior
- Depressed-Anxious
 - Experiences depressed and anxious feelings
 - Risk of impairment in motivation
- Somatic Complaints
 - Experiences bodily discomfort associated with stress
- Suicide Ideation
 - Thoughts and intentions to harm oneself
 - Risk of suicide attempts or gestures; may indicate need for immediate help
- Thought Disturbance (Boys only)
 - Unusual beliefs and perceptions
 - Risk of thought disorder; may indicate need for Immediate help
 - Even though this scale isn't statistically validated for girls, items with "yes" answers can indicate serious mental health concerns.
 - Some positive responses may be related to when the youth was high or drunk
- Traumatic Experiences
 - Exposure to traumatic events (e.g. abuse, rape, observed violence).
 - Questions refer youth to "ever in the past", not "past few months."
 - Risk of trauma-related instability in emotion/perception
 - This scale doesn't have "caution" or "warning" ranges. As with other scales, items with "Yes" responses can be followed up with verbal questions to gather more information, assess referral options.

APPENDIX D: SUBSTANCE ASSESS

- Type of Assessment: Addiction - Adolescent
- Clients Name, Date of Birth, Current Age, Address
- Interview Date
- Presenting Situation: Presented for substance abuse assessment
- Medical Status: Insurance and any reported previous diagnosis
- Mental Health Status: Panic attacks, tension, etc
- Addiction and Addictive Behaviors History: Started using alcohol at age 15, uses marijuana, how often using substance, etc
- Family & Social Situation: How things are at home and with friends
- Legal History: Criminal charges
- Employment/Education/Military History and Current Status
- SNAP Profile: Identified strengths and goals
- Stage of Change
- Clinical Impression
- Diagnostic Information
 - DSM-IV-TR Diagnostic Impressions:
 - Axis I
 - Axis I Comments
 - Axis II
 - Axis II Comments
 - Axis III
 - Axis IV

- GAF
- Treatment Recommendations
 - Level of Care Recommended: If the youth needs therapy and how often and recommendations for types of therapy
 - Client identifies as having
 - Referred to
 - Preliminary Discharge Planning

Marquette County Juvenile Court M.I.P. Writing Assignment

You have agreed to complete this writing assignment as a result of your minor in possession charge that was addressed during a preliminary inquiry with Referee George Hyde. This assignment is intended to allow you to further reflect on your charge, your actions, and your future choices. Failure to complete this assignment may result in additional sanctions.

Directions:

- Choose **one** of the topics below
- Write a 3 page essay in response to that topic
- Essays are to be 12 pt font, double spaced, with standard margins (1")
- You may ask for permission to hand write your essay.

Your essay will be reviewed by court staff, and may be returned for corrections. Once submitted, essays are the property of the juvenile court and may be used for educational purposes. Place only your first name on the essay.

Select one of the following topics:

1. Imagine that some day you will have children. Write a letter of advice for them to read when they reach the age you are right now. Tell them what you think about alcohol, tobacco, and other drugs, and how you hope they will deal with these things in their own lives.
2. Imagine it has been 10 years since this incident. Now an adult, you are writing an essay reflecting on where your life has gone over the last 10 years. Where are you? What are you doing? What are you most proud of? What goals have you reached? Have alcohol and other drugs continued to be a part of your life? Finish the essay talking about steps you are going to take to make this vision a reality.
3. Using alcohol and other drugs presents risks at any age. Write an essay about why it is especially risky for young adults or adolescents. Are they more likely to become addicted? Are there biological differences? What are some legal risks? Can it change how others see them?
4. Many people do great things without ever using alcohol or other drugs. Write an essay briefly describing three people you admire who have not used these substance, and why you admire them. Finish the essay talking about steps you are going to take to be like them.

APPENDIX F

I. Name of Investigator Katherine F. Kubont
Department Criminal Justice
Mailing Address 2097 Van Evera Ave Apt. #2
Phone 906-630-0503
Email kkubont@nmu.edu

II. (For student research)
Faculty Advisor Dale Kapla
Advisor's Phone 906-227-2660
Advisor's E-mail dkapla@nmu.edu

III. Type
New ☒ Renewal ☐ Continuation with Modification ☐
If Continuation with Modification, describe in 200 words or less the nature of the modification.

IV. Project Title: PREVENTING RECIDIVISM IN MARQUETTE COUNTY, MICHIGAN: WHAT WORKS

V. Funding: Pending funding decision ☐ Currently funded ☐ Not funded ☒
List source of funding (if applicable):
Federal Agency Industry
Internal Other

VI. Proposed project dates: from January 2007 to December 2009

Note: Do not begin your research (including potential research subjects) until you receive notification that your application has been approved by the IRB. This process will take a minimum of 2 weeks (excluding breaks).

VII. Type of Review

Administrative review	Yes ¹ <input checked="" type="checkbox"/>	No <input type="checkbox"/> (original + 2 copies enclosed)
Expedited review	Yes ² <input type="checkbox"/>	No <input type="checkbox"/> (original + 4 copies enclosed)
Full review	Yes <input type="checkbox"/>	No <input type="checkbox"/> (original + 13 copies enclosed)

¹ If yes, explain why you feel your project should receive an administrative review (please relate your argument to one of the categories listed under Section IV Part A in the IRB Manual). According to Section IV in the IRB Policy Manual A-4, secondary data is exempt provided that names or any identification information are not attached to the research.

² If yes, explain why your project should be expedited (please relate your argument to one of the categories listed under Section IV Part B in the IRB Manual) and complete this application form.

II. Project Description (Abstract)

Please limit your response to 200 words

Juveniles who commit crimes are often referred to diversion programs designed to prevent them from committing additional offenses. Such programs attempt to accomplish this by involving the community and the victim, reducing the burden on the court system and avoiding the stigma that is oftentimes attached to juvenile offenders. In 1978 Marquette County, Michigan implemented The Juvenile Diversion Program but it was not until ten years later that the state of Michigan mandated courts to create such programs through the newly adopted Public Act 13. This act provides statutory guidelines on a program's implementation; however, there is significant discretion to program administrators regarding the types and scope of such programs. This creates enormous variation in programs offered to youth, making it difficult to evaluate how well programs work. In Marquette County, drugs, alcohol and tobacco use are common offenses committed by the youth and the Diversion Specialist has the discretion to alter the conditions of the youth's program. Thus, little consensus exists, and as such, may jeopardize recidivism rates. This study asks what extent, if any, this discretionary power has reoffending rates for youths in diversions programs in Marquette County.

III. Subjects in Study (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> NMU students | <input type="checkbox"/> Pregnant women | <input type="checkbox"/> Minorities |
| <input type="checkbox"/> NMU faculty or staff | <input type="checkbox"/> Cognitively impaired | <input type="checkbox"/> Prisoners |
| <input type="checkbox"/> Adult, non-student | <input type="checkbox"/> Physically disabled | <input type="checkbox"/> Terminally ill |
| <input type="checkbox"/> Minor | <input type="checkbox"/> Low income persons | <input type="checkbox"/> Non-native speakers |

Number of subjects 50

Age range of subjects 09 to 16

(there will be 50 case files used – no actual person will be interviewed)

IV. Procedures

- A.** Describe how the subject pool will be identified and recruited. If the subjects receive payment or compensation for participation, state the amount and form of payment.

Fifty closed diversion cases will be chosen at random. No person will be contacted and all data will come from the closed file. A juvenile court worker will remove all identifying information from the files prior to the researcher's access to them. The only information from the files will be the offense, diversion specifics, and whether the juvenile reoffended. The sample will be only those juveniles who initially committed a drug, alcohol, or tobacco offense.

- B.** Discuss where the study will take place and any equipment that will be involved.

The researcher is currently the Diversion Specialist and will access the information from the Marquette County Juvenile Court office. The only equipment involved will be the Juvenile Courts computer data base system called AS400 which contains the case files on the juvenile who committed the drug, alcohol, and tobacco related offenses.

- C. Describe what the participants will be doing in the research project and how long will they be asked to participate. Attach any interview scripts, questionnaires, surveys, or other instruments that the participants will be asked to complete or respond to.

No physical participants will be used. The case file are all that will be used

- D. If there are any costs—laboratory tests, drugs, supplies, etc.—to the subjects for participating, they should be explained.

There are no costs

- E. If deception is involved or information withheld from the subjects, please justify the withholding and describe the debriefing plan.

NA

XI. Risks

Describe the nature and likelihood of possible risks (physical, psychological, social, etc.) to the subjects and precautions that will be taken to minimize them. Simply stating “none” or “minimal” is unacceptable.

No names of any juvenile will be associated with this study. All subject files will be assigned a number and I will not be using age, sex, or race, so it will be impossible to know which juvenile files were used. The only information being used are the actual conditions/agreements assigned to the juveniles, if they completed those conditions, and if they came back to court after their first case was closed.

XII. Benefits

Describe the benefits to the subject and/or society. The IRB must have sufficient information to make a determination that the benefits outweigh whatever risks are involved.

The benefits will allow the diversion specialist to know which conditions for drug, alcohol, and tobacco offenses should be assigned to all juveniles with those same types of offenses. Currently, there are no mandated conditions as each are assigned on a case-by-case basis. Therefore, if certain conditions appear to prevent reoffending, the diversion specialist may use the results to determine the best practices to prevent recidivism.

XIII. Voluntary Participation

Describe how you will ensure subject participation is voluntary. A copy of the consent form to be signed by the subject should be attached to this proposal, (See Section IV Part D in the IRB Manual for information about informed consent forms.) If your research is exempted from obtaining a signed informed consent release, please include a written protocol that indicates how informed consent will be obtained.

No one will be interviewed and all cases will be referred to by a number – no names will be attached.

XIV. Confidentiality of Data

Describe how you plan to protect the confidentiality of the data collected. Include a description of where the data will be stored and who has access to it. If the data will be coded to protect subject identity, this should be explained. NOTE: ALL DATA MUST BE RETAINED FOR 7 YEARS

Information will be kept on computer secured at the Court House in Marquette. No names will be attached to the information at any time. After

completion of thesis, the data will be kept on a thumb drive secured in the Court House in Marquette for the 7 years. There will be no names on this drive.

APPENDIX G

An example of a youth Writing Assignment begins with, “It’s 11pm on a Friday night. You can hear the music playing in the background as people take shots and smoke joints. You cough and the room spins. After three more shots of something you can’t even remember the name of, you decide to leave. It’s dark outside with barely any stars. Walking up to your car, you search your pockets for your keys and find them in your back pocket. You get in the car, start it, and pull onto the street. About ten minutes later you’re driving on the highway back home and because there are not many cars, you think you’re safe. The swerves in your driving get worse as the drugs you smoked set in and you grow tired. All of a sudden a mini-van switches lanes. You swerve. You see white and feel a crack. The headlines in the paper the next day read, “Accident on Highway 41, Teen Driver Kills 3.” The name of this youth will not be disclosed due to confidentiality.