

# Diversion in the criminal justice system



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Diversion has been known to be called. “ the easy manner out” . or “ a smack on the wrist” . but recreation entails more than an wrongdoer stating. “ They got an easy manner out” . Harmonizing to the book recreation can be a type of rehabilitation. “ The National Academy of Sciences defines it as “ any planned intercession that reduces an offender’s condemnable activity” ( Walker 2008. pg 251 ) . Most condemnable activity is done by people from the ages of 14 and 24. The chief end of rehabilitation plans is to cut down offense Oklahoman than subsequently the book refers to it as. “ planned intercession plan. that might include reding. instruction. occupation preparation. or some other program” ( Walker 2008. pg 251 ) . Diversion is meant to assist maintain people out of the condemnable justness system ; due to the fact most of them are non violent wrongdoers. It refers to people that are non a serious menace to society. but made a incorrect pick and it is their first clip piquing. Using recreation. the tribunals hope that it will non merely maintain people out of the condemnable justness system. but it will assist them. rehabilitate them. or seek to decide the job. It besides is an extra manner to maintain from overcrowding gaols. tribunals. and any sort of rectification establishment. In making this the tribunals can concentrate on more serious wrongdoers. Harmonizing to the text book. “ diversion is a planned intercession with a intervention constituent and the end of acquiring wrongdoers out of the condemnable justness system every bit early as possible” ( Walker. 2008. pg. 262 ) .

In recreation the wrongdoer is given a gaol sentence as in “ 11/29” if the wrongdoer does non perpetrate any more offenses so they will be expunged from the condemnable justness system and so they will hold a clean record.

However, if they recommit a offense, they will hold to function 30 % of their original given gaol clip. For example- 30 % of “ 11/29” in gaol, would be 109 years. When given recreation, the wrongdoer is normally given probation every bit good. With probation the wrongdoer normally has a category that he/she has to go to that is portion of their rehabilitation procedure.

Harmonizing to the equal reviewed diary, “ Probation and Diversion: Is There a Topographic point at the Table and What Should We Serve provinces that, “ Three times as many wrongdoers participate in probation and/or recreation plans than incarcerated. Probation and recreation plans are considered “ alternative” penalties, and public policy has non focused on how to beef up community corrections.

New developments on aiming specific behaviours through the usage of theoretical theoretical accounts of supervising can better results, or at least detain farther piquing? ” ( Taxman, 2010 ) . Probation is a manner to remain in touch with the wrongdoer, by holding them come in and have meetings with their probation officer. The logical thinking for this is to maintain the officer up to day of the month with the wrongdoer and the offender’s advancement. They make certain that the wrongdoer is making everything they are suppose to make, paying tribunal cost, seeking to happen a occupation, non acquiring in any more problem, and to merely do certain the wrongdoer stays on top of their precedences. The categories and plans are meant to assist the wrongdoer in many ways such as ; recognizing that they made a error and to see how they could perchance break themselves, or whether it’s hanging out with a different crowd, or merely stating “ NO Thanks” .

Diversion has been around for centuries. Harmonizing to the text book. “ Diversion was one of the great reforms of the 1960s” ( Walker. 2008. pg. 262 ) . This statement backs up some of the history behind recreation. A article concludes more information about the history of recreation. “ The construct of recreation of juveniles from the juvenile justness system has a long history in the scholarly literature every bit good as in federal juvenile justness policy. The theoretical background of recreation is based on the “ labeling” rules dating back to Tannebaum ( 1938 ) . The scholarly argument was further developed by the research of Becker ( 1963 ) every bit good as Lemert ( 1951 ) . Becker ( 1963 ) argued that labeling by certain societal groups in power have a damaging consequence on juveniles. The work of Lemert ( 1951 ) discussed the consequence of secondary aberrance of juveniles that were processed through the juvenile justness system and contributed to the statement that the system. alternatively of assisting. may really lend to farther delinquent Acts of the Apostless of juveniles” ( Marsh. 2005 ) .

This makes complete sense why this would be thought of in the manner it was. Tannebaum. Becker. and Lemert were all right in the thought that juveniles should be dismissed from the condemnable justness system. to be given another opportunity. They besides said that if juveniles were non dismissed from the condemnable justness system that “ labeling” could take affect really easy. If a juvenile is proven guilty an certain offense. that could basically take the person to populating up to their “ label” and take them to perpetrate more aberrant Acts of the Apostless. This is why they try to give them another opportunity and handle them with a recreation plan of some

kind. An extra quotation mark from text book provinces that. “ Commission gave it strong indorsement in 1967. and in the 1970’s an estimated 1. 200 recreation plans were established” ( Walker. 2008. pg. 262 ) . Given this information one could reason that during the 1960’s the condemnable justness system was set uping more of a assortment of ways to assist people and swear them with a 2nd opportunity. The text book does explicate that this was non the “ first” signifier of recreation. “ Historically. many wrongdoers were diverted from the condemnable justness system at an early age. Police officers routinely chose non to collar person even though there was likely cause. and prosecuting officers dismissed the instances when prosecution would non function the “ interest of justice” . We call this old diversion” ( Walker. 2008. pg. 262 ) .

Police officers have been practising recreation for a long clip. They trusted that the wrongdoer would non recommit one time they had been caught one time. sing it was their first clip. or they merely committed a minor offense. However. the recreation that is used today is more of a modern attack. Plans are offered. that instills ends in people. and is managed by a professional staff that offers aid and intervention. Harmonizing to Taxman. “ These theoretical accounts are of import since they help supply a significance to the nucleus pattern of diversion/supervision programs—face-to-face contacts. Traveling off from generic contacts to 1s that are focused on specific behaviour holds promise in promoting the value and importance of probation and recreation plans in correctional policy and practice” ( Taxman. 2010 ) . This is how plan and intervention are today. The professional workers are more involved and tuned in to their clients’ jobs. All of this is to

seek to maintain people out of the condemnable justness system. The more people that are kept out of the system. the better off the system will be. Diversion puts that fright into person. because they know if they mess up once more so they have to function 30 % of their gaol clip. Diversion is meant to move non merely as a “ second chance” . but besides a hindrance to non perpetrate future offenses.

Has recreation been proven to assist people? Everyone is different and recreation helps some people and for others it does non work. For the people it does non work out for. are normally seeking to sit out the system. acquiring in problem. acquiring longer probation sentences. harmonizing to a academic diary. “ Developing renewing pattern: modern-day lessons from an English juvenile recreation undertaking of the eightiess. ” provinces that. “ . As a consequence. the undertakings rapidly became skilled in negotiating solutions in the involvements of. and harmonizing to the wants of those affected. while besides enabling immature people to admit their ain duties and to take action consequently. These successes have non been built upon effectively” ( Smith. 425-438. 2011 ) . In this sense recreation has non been successful ; the people that were involved in this research had non taken recreation earnestly and had been irresponsible for the actions they had taken. On the other manus. some people do take it earnestly and it has been proven successful. Diversion can be tough. harmonizing to an article refering recreation plans. “ Maryland’s recreation plan for alcohol-impaired drivers ( i. e. . PBJ ) allows a driver to plead guilty or nolo contendere. or to be found guilty in a condemnable proceeding but have judgement stayed pending completion of a provisional period. Conditionss of probation may include

engagement in intervention. an alcohol instruction plan. selfhelp groups ( e. g. . Alcoholics Anonymous ) . and/or the ignition

interlock license limitation plan. Drivers who violate the footings of probation ( including holding another alcohol-related discourtesy ) may hold the original charge reinstated and be farther prosecuted for go againsting probation” ( Ahlin ) .

This is an illustration of a recreation plan. it explained the proceeding s and the conditions that went along with the plan and what would go on if the wrongdoer failed to take part successfully. It besides explained that in making the undermentioned interventions that go along with the plan are considered “ self help” groups. like Alcoholics Anonymous and this can be a manner to assist person while they are under probation and finally assist them be expunged out of the condemnable justness system in the close hereafter. Diversion plans are ab initio a manner to assist persons do better picks in the hereafter. and to hold hope in the wrongdoer that he/she learned their lesson the first clip. Another clip of recreation plan is called Adolescent Diversion Program ( ADP ) . This plan is based on juveniles. This peculiar plan is to assist juveniles be more involved and it emphasizes on community service work. The article provinces. “ a community centered paradigm where pupils are taught to work with communities to better understand contexts environing a societal job. as opposed to simply volunteering to supply a service to a community.

The Adolescent Diversion Project ( ADP ) . which has been runing for over 30 old ages. demonstrates critical community service through the type of

relationship built between pupils and the local community” ( American Journal of Community Psychology. 2010 ) . This plan focuses on immature grownups and to seek to maneuver them off from offense by holding them do community service work and be more involved. An article inquires that. “ Diverting juvenile wrongdoers from the traditional juvenile justness system has been influenced by assorted theories but most conspicuously. labeling theory and differential association theory. Differential association theory’s basic premiss is that through association with aberrant groups. persons are more likely to go aberrant themselves. Juveniles incarcerated with other juvenile wrongdoers will interact and are more likely to fall in aberrant groups” ( Marsh 2005 ) . This is a good ground why the ADP plan trades and focal points on juveniles. If more attending is paid to immature grownups and they are stopped right when they get in problem it could be a factor in cut downing offense. because if they are stopped and corrected while they are immature. they will non perpetrate when they get older. or perchance age out of it.

Peoples debate whether recreation and recreation plans work. in the sense of cut downing farther offense and discouraging people from recommitting harmonizing to an article. “ Scholars have examined which types of countenances are more likely to cut down recidivism and have found that punitive attacks such as strong belief or gaol do non significantly discourage future incidents of DWI ( Taxman & A ; Piquero. 1998 ; Wheeler & A ; Hissong. 1988 ; Yu. 2000 ) ” ( Alhin ) . In this quotation mark it explains that gaol clip. or strong beliefs do non ever work as a “ deterrent” for the wrongdoer when he/she gets out of gaol. Due to this. they will hold to utilize



other important hindrance applications. or at least seek them. They could utilize probation as a hindrance alternatively of setting everyone in gaol. Putting everyone in gaol causes a large overcrowding issue and some people they put in gaol are non immense felons. they may hold merely committed a minor offense.

However. by setting them in gaol they could “ learn” how to be a condemnable and when they get out. they could potentially perpetrate offense. The article extends to explicate how the disincentive theory could work in this state of affairs. “ Consistent with disincentive theory ( Beccaria. 1764/1963 ) . fleet license countenances such as suspension and annulment have been shown to cut down DWI recidivism ( Ross. 1991 ; Yu. 1994 ; but see Yu. 2000 ) . and less punitory. treatment-based countenances can besides cut down recidivism among drivers with an intoxicant upset ( Taxman & A ; Piquero. 1998 ) ” ( Alhin ) . This quote provinces that by utilizing the disincentive theory. annulment has been proven to cut down DWI recidivism. It besides says by utilizing more “ treatment” based corrections could assist the wrongdoers non recommit imbibing and drive. If the wrongdoers can have aid with imbibing intensively. or acquire aid with imbibing and drive. this could maintain people out of gaol and besides save lives by non holding people out on the route imbibing and drive.

Diversion has been around for a really long clip. and over the old ages at that place have been many surveies. researches. and experiments done to seek and understand what the most effectual manner to do recreation plans work. There have been several people that have conducted surveies to see what they could meet on the topic of recreation. One group an writer provinces <https://assignbuster.com/diversion-in-the-criminal-justice-system/>

was. “ Kammer and Minor ( 1997 ) evaluated a plan that intervened in instances of juveniles ages 11 to 18 old ages charged with position or low-level delinquent discourtesies and no anterior record. The plan was 16 months long and merely handled 12 wrongdoers at a clip. Of the 86. 2 % ( N = 81 ) who graduated. 67 % were rearrested during the rating followup. Of the juveniles originally arrested for position discourtesies. those that recidivated were charged with delinquent acts” ( Marsh 2005 ) .

This statistics are merely from one survey. but over half of the wrongdoers were rearrested. so this complies that their survey on recreation plans were non successful digesting that when juvenile wrongdoers receive recreation. in their survey over half were arrested once more. However. an academic article states “ Although much research has been conducted to prove recreation methods. few have taken advantage of true field experimental conditions ( Campbell. 1969 ; Severy & A ; Whitaker. 1982 ) . Unfortunately. using true experimental designs in the juvenile justness puting can hold serious political implications” ( Severy & A ; Whitaker. 1982 ) . Yet the absence of a control group design prevents proving from a baseline. The methodological analysis of the current undertaking allowed the comparing of the groups to each other and the comparing of the different intervention intercessions to a baseline control group” ( Marsh 2005 ) . In the quotation mark it explains that when research is non done in the field. utilizing experiments with wrongdoers could take to problem when it comes to seeking to understand recreation and its effectivity. This is an of import portion of research. because one is larning through the existent wrongdoers and analyzing their ways of making things. In add-on the writer provinces. “

One of the most important issues raised by recreation was the “net-widening” consequence of this type of plan.

In an analysis of 11 California recreation undertakings, Bohnstedt (1978) found that one half of the 3,871 clients served would not have been processed by the system if tribunal recreation plans were available” (Marsh 2005). Another survey conducted encountered juveniles and the usage of tobacco. The juveniles that were caught utilizing tobacco were given options of different penalties. “Juveniles cited for usage of tobacco were given the option of traveling to tribunal, paying a fine, or going to an individual 2-hour recreation class that discussed the injuries of tobacco use” (Marsh 2005). Most of the juveniles chose to pay the fine alternatively of going to the category. The article intended that this survey the juveniles that attended the category and the juveniles that paid the money had no alteration in behaviour, or attitude. However, the juveniles that paid the fine, they were proven to hold lower tobacco use. With holding this cognition, one now would recognize that utilizing the right sort of intervention is really help when making research in recreation based plans, because if something is off, or losing it could through the whole experiment away. Another issue that was brought up is holding recreation everywhere in the United States, because the overcrowding in jails is one of the biggest, money racket U. S. citizens and the authorities trade with. If recreation plans were offered everywhere so it could perchance cut down on the captivity rates in the United States.

“Treating young person in the community recreation is seen as a manner to cut down further engagement with the juvenile justice system. The thought has been peculiarly challenging because of its added benefit of alleviating an

bowed down judicial system” ( Whitaker. Severy. & A ; Morton. 1984. pp. 175-176 ) ( Marsh 2005 ) . If recreation was used more frequently and tribunals were able to maintain more people out of gaol by utilizing recreation plans. it would cut down on the revenue enhancement remunerators that pay for people to remain in gaol and perchance assist the people get rehabilitated. Diversion is a good thought for first clip wrongdoers and helps them maneuver clear of problem. if they really follow the regulations and do non recommit any discourtesies. Diversion plans have been proven to assist people. but it has besides been proven to non demo any difference in the offender’s actions. I believe that aging out of offense has a batch to make with juvenile wrongdoers and even grownup wrongdoers. However. it is a personal pick whether. or non they choose to larn their lesson by finishing recreation plans and travel frontward with their lives.

Mentions Ahlin. E. M. . Zador. P. L. . Rauch. W. J. . Howard. J. M. . & A ; Duncan. G. D. ( 2011 ) . First-time DWI wrongdoers are at hazard of relapsing regardless of countenances imposed. *Journal of Criminal Justice*. 39 ( 2 ) . 137. Patrick. S. . & A ; Marsh. R. ( 2005 ) . Juvenile recreation: Consequences of a 3-year experimental survey. *Criminal Justice Policy Review*. 16 ( 1 ) . 59-73. Smith. Roger. *Contemporary Justice Review*. Dec2011. Vol. 14 Issue 4. p425-438. 14p ; Abstract Taxman. Faye S. . *Victims & A ; Offenders*. Jul-Sep2010. Vol. 5 Issue 3. p233-239. 7p ; Abstract Walker. Samuel. 2011. *Sense and Nonsense about Crime. Drugs. and Communities*. Wadsworth Cengage Learning. Seventh Edition. 251-263.