munity after release with no help in confronting the basic problems underlying his addiction or preventing his readdiction. It is not surprising that most addicts rejoin the illegal drug traffic and resume their prior habit.

Civil commitment as it has operated in the District offers no real alternative to the criminal process. It is unavailable to anyone under arrest or prosecution. The treatment facilities contemplated by the act and essential to its success have never been developed. Treatment of addicts in the District has deteriorated into a detoxification service without the follow-up or aftercare programs that would help the addict to live in the community without drugs. In short, the civil commitment act is a dead letter; [97] it is a stopover between addiction bouts, even for those who are seriously motivated to abandon drugs.

A PROGRAM FOR CONTROL OF DRUG ABUSE

Drug abuse in the District of Columbia will not be alleviated until intensive and comprehensive treatment programs are made available for addicts both within and outside the criminal process. It is no longer sufficient to rely on the punitive sanctions of the 1914 Harrison Narcotic Act, enacted at a time when little was known about the etiology of narcotics addiction or the elements of successful treatment. The District of Columbia must be given the necessary legal authority and treatment resources if it is to take advantage of recent advances in the control of narcotics addiction and other drug abuse. Its laws must be revised to permit treatment instead of punishment and an effective treatment facility must be developed to serve addicts at every stage of their affliction.

DEVELOPMENT OF TREATMENT CENTERS

The focal point of a comprehensive attack on drug abuse must be an adequate facility to which narcotics addicts and other drug abusers can be referred for treatment. Such a central facility is not presently available or contemplated for the District of Columbia.

Current Treatment Plans

The Department of Public Health has announced plans for a drug addiction clinic to operate out of its Area C Mental Health Clinic, located at D.C. General Hospital.[98] The proposed clinic would treat only voluntary patients and those under civil commitment. Inpatient care for withdrawal would be available at D.C. General Hospital, fol-

lowed by outpatient care at the Area C Center. During the patient's withdrawal period, specialized drug personnel from Area C and the hospital would undertake psychiatric and social evaluation of the patient and develop a treatment plan which would be followed up by the Area C staff after the patient was released. Other treatment resources, such as halfway houses and day-evening centers, would operate as satellites of the Area C Center. The outpatient drug clinic will not be operative before late 1967, however, and the halfway houses and other auxiliary resources will not be developed until an even later date.

The Judicial Conference of the District of Columbia Circuit, in cooperation with the Health Department, has proposed a midtown outpatient treatment clinic for narcotics addicts.[99] Application for funding will not be made until early 1967 for this project, which is intended to serve voluntary patients only. This clinic plans to experiment with different approaches to treating addicts, to coordinate and stimulate self-help groups and private agency services for addicts, and to educate professionals and laymen about addiction. The Judicial Conference proposal is endorsed by the Metropolitan Police Department and the Federal Bureau of Narcotics.[100]

The Commission supports the proposed Health Department and Judicial Conference clinics as important components of a comprehensive program for control of drug addiction in the District of Columbia. We believe, however, that they must be evaluated and planned in the context of the community's need for a single comprehensive drug treatment center. Such a center must have the capacity for treating not only voluntary or civilly committed addicts but also certain addicts on probation or parole, or committed for treatment in lieu of prosecution or prison.

The facility must provide more than inpatient detoxification. The addict needs to be diagnosed in the context of the basic maladjustments which may underlie his addiction.[101] He may need medical treatment, psychiatric therapy for underlying disturbances, vocational training, job counseling, or family casework. In some cases prompt withdrawal may be in order, after which the patient would be bolstered by a variety of psychiatric, social and vocational services. In other cases withdrawal from the drug might be gradual and synchronized to progress in solving more fundamental problems. A comprehensive center should be capable of devising individualized programs utilizing a variety of methods, including experimental use of maintenance drugs, intensive outpatient services and extensive follow-up facilities.[102]

Treatment Methods

No one type of treatment has proved successful for all addicts.[103] A comprehensive center such as that recommended by this Commission should experiment with all promising treatment methods for addicts. Research and scientific evaluation of treatment techniques should be important components of the center's program.

One widely-known experiment in the treatment of addiction involves the use of methadone, a synthetic narcotic used to prevent the withdrawal symptoms associated with heroin. Methadone has been used recently in New York City as a maintenance drug to sustain addicts over an extended period of time until they are able to go without drugs altogether.[104] Methadone maintenance of addicts in the New York project is divided into three phases: (1) Six weeks of inpatient hospital care during which the patient is withdrawn from heroin and stabilized on a maintenance dosage of methadone; the patient is free to leave the grounds after the first week; (2) return to the community with strong support in obtaining housing, employment or education along with daily trips to the hospital for oral methadone medication and urinalysis to detect return to heroin; and (3) continuous assistance to the patient in attaining a degree of self-sufficiency great enough to obviate the need for any kind of drugs.

The New York methadone experiment is too recent to permit an authoritative appraisal. Participants in the experiment have been male volunteers between the ages of 21 and 35 with histories of at least 4 years of heroin addiction, prior treatment failures, and numerous arrests, but with no diagnoses of serious mental illness or nonnarcotic drug abuse. After nearly 3 years of operation, the project has branches in 5 hospitals and a total of 164 active patients with 500 on the waiting list. The investigators reported that of those released from the hospital phase of treatment for less than 6 months, 58 percent were either working or in school; of those on an outpatient status for periods of 6 months to 1 year, 65 percent were working or in school. Forty-nine (30 percent) of the 164 patients had been in the program for over a year and are free of heroin addiction; 84 percent of these were self-supporting or in school. Only 13 patients out of the first 120 volunteers failed or, for reasons other than readdiction, asked to be released from the program. No one in the program had been arrested for a major crime, and only one had been charged with a narcotics offense. The few who experimented with reuse of heroin found no pleasure because of the chemical effect of the methadone.

The methadone experiment has been criticized by those who support total abstinence from drugs as the only solution to the addict's problems.[105] These critics point out that methadone is also a drug which creates physical dependence and that no patients in the project have yet been withdrawn from methadone.

There are other treatment methods for narcotic addicts which deserve consideration. The U.S. Public Health Service Hospital at Lexington, Kentucky uses a chemical agent called cyclazocine. Like methadone it is a "blocking agent" which prevents the addict from experiencing the pleasurable effects of heroin.[106] The British system allows physicians to treat cocaine and heroin addicts according to their own medical judgment, including maintenance on a prescribed narcotic dosage until such time as the doctor believes an addict can be safely withdrawn.[107] A disturbing rise in known addicts, however, has caused the British to review their program and tighten their drug controls.[108] New York recently announced plans to use group therapy sessions and train ex-addict recruiters to bring in new patients from the streets and help them through a voluntary rehabilitation program.[109] In addition, self-help groups like Synanon and Narcotics Anonymous may have potential for helping some addicts to adjust without drugs.

The proposed treatment center should not overlook any of these methods. In general, experts in this field emphasize the need for a brief detoxification period followed by an extensive aftercare program in the community consisting of a network of medical, psychiatric, social, rehabilitative, and other community supportive services.[110] The center must also be prepared to deal realistically with the frequent relapses of addicts under any treatment program. Relapses may call for rehospitalization, increased testing and supervision, or adjustments in other facets of the narcotics addict's treatment plan.

The drug treatment center must also serve abusers of other types of drugs, an increasingly serious problem in the District. Only a few drug clinics in the country (such as those in Stamford, Conn. and Philadelphia, Pa.) treat all types of drug abusers. There is presently no known treatment for marihuana users; nor, indeed, is the need for any established. Psychological help may be needed in individual cases to uncover the problems which may have caused initial experimentation with drugs. Barbiturate users, in contrast, have severe physical as well as psychological problems connected with withdrawal, and their addiction is sometimes more difficult to reverse than heroin addiction. Little is known concerning the treatment of amphetamine users; they rarely come to medical attention except when acutely ill from overdose. Treatment of LSD users still requires extensive research.[111]

REVISION OF CIVIL COMMITMENT PROCEDURES

Not all addicts will enlist or remain in a voluntary program, regardless of its methods or available resources. Some may exploit the voluntary program as a periodic means to bring their daily drug requirement to an economically tolerable level. The experience of the U.S. Public Health Service Hospital in Lexington tends to confirm this, although the methadone experiment with selected volunteers in New York has had more encouraging results. Civil commitment may be necessary not only as leverage to ensure treatment but also as a viable alternative to criminal prosecution in many cases.

The District of Columbia civil commitment law, in effect since 1953, has had a negligible impact on narcotics control in the District. It cannot be used officially as an alternative to prosecution, and few persons are voluntarily committed under it. In contrast, California utilizes its civil commitment law extensively to treat non-criminal addicts, both voluntarily and involuntarily, as well as addicts who are convicted but not yet sentenced.[112] Its commitment law provides for at least 6 months of mandatory inpatient care followed by a supervised outpatient program for 2 years for voluntary addicts and 6½ years for criminal addicts. Relapse results in return to the hospital. The State also operates halfway houses to ease the transition for patients who need extra supportive help. New York has recently enacted a similar statute.[113]

The Commission recognizes that there are conflicting views on civil commitment laws. Some doctors believe that successful treatment of addiction can never be compelled.[114] Some lawyers also question the constitutionality of civil commitment where there has been no criminal violation, even though the Supreme Court has suggested in *Robinson* v. *California* that such compulsory civil commitment of addicts is lawful.[115]

The Commission believes that a properly conceived and utilized civil commitment procedure is a necessary component of a concentrated attack on drug abuse. We recommend that the District's civil commitment law be amended to permit its use as an alternative to criminal prosecution and for addicts on probation or parole. While such use is not appropriate in all criminal cases, there are individuals who would benefit more from treatment than prosecution or parole or probation revocation, and they should not be automatically excluded from civil commitment as under the present law. The present commitment law should also be amended to include drug abusers other then narcotics addicts, to permit more flexible transfer from inpatient to outpatient status, and to authorize prompt recommitment if there is a return to addiction.

Amendment of the law will not, however, ensure effective civil commitment procedures. Adequate facilities must be simultaneously developed. Experience under the present law indicates the failure which can be expected when little more than detoxification is offered.

TREATMENT OF ADDICTS WITHIN THE CRIMINAL PROCESS

A complete program for drug addiction must also include addicts who are arrested and brought within the criminal system. Adequate treatment of these persons is "our best current hope" to prevent their return to both crime and addiction.[116]

Narcotics Criminal Laws

The recently enacted Narcotic Addict Rehabilitation Act of 1966 allows designated addicts to undergo civil commitment for treatment in lieu of prosecution for Federal crimes.[117] Under the pretrial commitment procedures prescribed by the legislation, the addict may be committed to the care of the Surgeon General for up to 3 years if he agrees to commitment, if he is found to be amenable to treatment, and if facilities are available to treat him. During commitment the original criminal charge is held in abeyance, but upon certification by the Surgeon General that the addict has successfully completed the treatment program, the charge will be dismissed. Commitment under the statute contemplates an initial period of institutional care, the length of which is determined by the addict's progress, and a period of mandatory aftercare in the community. If the addict does not make the requisite progress toward rehabilitation or returns to drugs, he can be sent back to the hospital for additional inpatient treatment or to the court for criminal prosecution.

Under the new law the court can also substitute commitment to a treatment program for a prison term after conviction. The commitment is to the custody of the Attorney General for an indeterminate period not to exceed 10 years or the maximum sentence which might have been imposed for the addict's crime. The addict who is treated under these provisions must remain institutionalized for at least 6 months, after which the Board of Parole on the Surgeon General's certification and the Attorney General's recommendation may order his conditional release into the community.

As originally introduced, the legislation would have permitted pretrial or post-conviction commitment for all addicts charged with an offense against the United States except: (1) Individuals charged with crimes of violence; (2) those charged with selling narcotics

"unless the court determines that such sale was for the primary purpose of enabling the individual to obtain a narcotic drug which he requires for his personal use because of his addiction"; (3) those against whom there is a prior felony charge pending or who are on probation or parole, provided that those on probation, parole or mandatory release may become eligible with the consent of the authority having power to return the offender to custody; (4) those previously convicted of two or more felonies; and (5) those who have been civilly committed because of addiction on two or more prior occasions.[118]

Allowing pretrial commitment for certain sellers of illegal drugs proved highly controversial. Federal officials supported the exemption and testified that a sufficient distinction was made in the bill between drug profiteers and addicts who resold small amounts to finance their own habits.[119] Further, an estimated 40 percent of Federal narcotics offenders were addict-sellers, and it was urged that their exclusion would severely limit the impact of the proposed legislation.[120] The administrator of the California Youth and Adult Corrections Agency recommended the inclusion of sellers based on his experience with the California law as well as commitment of even those addicts who had prior unsuccessful commitments and those convicted of more than two felonies.[121] On the other hand, some witnesses doubted the legality or efficacy of deferring prosecutions; if the commitment failed it might be both difficult and unfair to secure convictions with evidence which had become "stale." Opponents of pretrial commitment also felt that an addict needed the extra incentive involved in a post-conviction treatment program, under which he would automatically return to jail if he reverted.[122]

As the legislation was finally adopted, addict-sellers were precluded from eligibility for pretrial commitment; their eligibility for post-conviction commitment remained. The number of prior civil commitment failures which would preclude eligibility for pretrial or post-conviction commitment was raised to three.

The majority of the Commission supports legislation which permits civil commitment as a pretrial option for addict-sellers who are in the trade only to support their own habits.* We see little reason to exclude such addict-sellers from pretrial commitment although allowing them post-conviction treatment. Pretrial commitment would permit treatment to be started at the earliest possible stage and avoid prolonged trials and appeals in petty addict cases. The vital goal of any narcotics legislation is to successfully treat the addict so that he is no longer compelled to commit crime to keep up with his craving.

*The views of the minority of the Commission on this issue are set forth at pp. 922–23.

The District of Columbia should also enact provisions so that persons prosecuted under the local Uniform Narcotics Law may be civilly committed before and after conviction. The Federal law applies to offenses against the United States but may not cover local offenses normally prosecuted in the Court of General Sessions.[123] If Federal offenders, including accused felons, are eligible for special commitment procedures in lieu of prison, misdemeanants charged with local drug offenses should certainly be afforded the same options.

The Commission has also considered the appropriateness and utility of the local Narcotics Vagrancy Act in the statutory scheme for drug control. Aside from its legal vulnerability, the law appears to have minimal law enforcement value, no treatment orientation and a potential for harassment of addicts dependent on their status alone.[124] Construed literally, the statute might forbid gatherings of narcotic addicts for self-help in group therapy or Narcotics Anonymous meetings. Although it allows medical or psychiatric treatment as sentencing alternatives, these devices have not in fact been used to secure help for the addict. We believe that any preventive aspects of the law would be better achieved through a comprehensive drug treatment program and a more rational application of the District's civil commitment law to compel known addicts to submit to treatment in appropriate cases. The Commission therefore recommends repeal of the Narcotics Vagrancy Act.

Facilities for Committed Addicts

Under the Narcotic Addict Rehabilitation Act of 1966, treatment facilities for addicts will be required in addition to the existing Public Health Service hospitals. The new law authorizes the Federal Government to make arrangements with any public or private agency or person for examination or treatment of committed addicts and for supervisory aftercare in the community. To encourage development of the necessary facilities, the legislation authorizes grants-in-aid to States, cities and nonprofit groups.[125]

The District of Columbia should be prepared to take advantage of such financial assistance. If adequate facilities were available in the District, addicts arrested or convicted here could be treated in local institutions and involved in local aftercare programs, thereby enhancing their rehabilitative prospects. However, there is no facility in the District which can now accommodate these addicts and offer the necessary range of treatment. Neither the proposed Judicial Conference drug center nor the Area C drug clinic plans to serve

addicts within the criminal process. With Federal support the District of Columbia should plan to offer the same range of services to arrested or convicted addicts as it hopes to develop for voluntary patients. It should also develop programs to serve addicts on probation or bail under either Federal or local law.[126] Services for voluntary and criminal addicts should be part of a single comprehensive drug program, although the operational facilities might be separate for the two groups.

The Commission recommends, therefore, that the Department of Public Health formulate plans immediately to take advantage of Federal financing to design a drug program to serve all addicts in the District regardless of legal status. A fragmented approach to the problem of the addict should be avoided. The Commission also recommends that the Judicial Conference project reevaluate its emphasis on voluntary patients and seek to accommodate the equally pressing need for outpatient supervision of addicts who, although charged with or convicted of crime, have been released to the community after initial hospital treatment or need supervision pending trial or during their parole period. The distinction between the addict in the criminal process and the addict seeking voluntary treatment as a way to avoid arrest is often a question of circumstance rather than culpability.

Mandatory Minimum Sentences

Under present law most addicts convicted of Federal narcotic or marihuana offenses receive substantial mandatory prison sentences. A limited modification of the mandatory minimum sentence structure was enacted during the last Congress. As originally proposed, the legislation would have made parole available to marihuana offenders and the indeterminate sentencing provisions of the Federal Youth Corrections Act (FYCA) available to all narcotics offenders from 22 through 25 years of age. Some opposition to the FYCA extension developed on the grounds that mixing youthful addicts with other youthful offenders would produce a contagious attraction for illegal drugs,[127] and the flexible sentencing provision for the youthful offender was eliminated in the legislation as passed.

This Commission believes that the Federal judiciary should have more latitude in sentencing drug offenders. In 1963 the President's Advisory Commission on Narcotics and Drug Abuse recommended repeal of all mandatory minimums and the establishment of indeterminate sentencing with probation, parole and suspended sentences

available at judicial discretion.[128] Several members of this Commission agree with that recommendation. The legislation recently enacted by Congress falls far short of these goals but represents an initial step in the direction of flexible sentencing. Individualized judgments are necessary in sentencing a young as opposed to an old narcotics offender, a profiteer as opposed to a petty seller or addict, and a heroin addict as contrasted with a marihuana user. The youthful drug offender should have the benefit of the flexible sentencing provisions and special programs of the Youthful Corrections Act if the judge considers it appropriate.[129]

Prison and Parole Treatment

Some addicts may still go to prison because their crimes or past records exclude them from any substitute commitment program. This does not mean, however, that the community can afford to let their addiction go untreated as it does now. The present situation almost guarantees a return to serious crime for such addict-prisoners upon release, especially where no parole supervision is possible.

In 1966 the Department of Corrections and the D.C. Board of Parole formulated proposals for special treatment programs for addicts at Lorton.[130] Under the proposed plans an addict's program would begin 2 years before his scheduled release, at which time his case would be diagnosed in a team approach (physician, psychiatrist, psychologist, social worker) and a treatment program worked out. A therapy group would also be arranged for addicts being released at the same time under close parole supervision. Officers with small caseloads would cooperate in finding job or training positions for each releasee; his family would be contacted and living accommodations arranged, perhaps in a halfway house or foster home. Applications for funding to the National Institute of Mental Health were denied.[131]

More recently, these two departments, in cooperation with the National Institute of Mental Health, have been formulating plans for a work-release research program not yet funded for addict-prisoners maintained on dosages of cyclazocine.[132] We support such experimentation with new forms of treatment and rehabilitation for drug addicts, including prisoners. But interim funding of isolated experiments like these is not the solution for the District's drug abuse problem. If inroads into this serious crime problem are to be made at all, the Department of Public Health, the Department of Corrections and the Board of Parole must cooperate in developing a complete program for the prisoner with a drug problem which can be submitted

to Congress for its consideration and financing as part of a comprehensive treatment plan for drug abuse in the District.

EDUCATION

A complete program aimed at controlling drug abuse must also endeavor to educate potential users about the dangers of drugs. The President's Advisory Commission on Narcotics and Drug Abuse in 1963 recommended an aggressive educational program and declared that an educational program focused on teenagers is "the *sine qua non* of any program to solve the social problem of drug abuse." [133]

Not all groups, however, favor drug education. The Metropolitan Police Department believes that specific education in drug abuse will arouse interest among the young and encourage, rather than discourage, experimentation with drugs.[134] The Department of Public Health apparently agrees.[135] Yet children growing up in District neighborhoods populated with addicts will almost certainly become acquainted with the use of drugs on their own and be tempted to experiment. The Commission therefore supports a program which would inform these youths of the dangers of drug experimentation and which would counter any enticing picture of the drug culture painted by their addict friends.

The District of Columbia Board of Education does conduct an education program in the junior and senior high schools which includes material on drug abuse and stresses positive aspects of character development and personality growth. Ten sessions in the 8th grade focus on basic drug information; another series in the 10th grade shows addiction as a problem in mental hygiene and emphasizes the extreme difficulties in reversing or curing addiction; and two further sessions in the 10th grade describe community aspects of the addiction problem. Plans are being formulated to extend and improve the instruction.[136]

Naturally no film or lecture can combat the combined forces of inadequate personality, family stress, poverty, and hopelessness which lead many to drug addiction. But education which is both scientifically precise and visually graphic may deter those who experiment haphazardly without any real notion of the consequences. Drug information presented at a level commensurate with the sophistication of the audience should leave a vivid impression on youngsters and perhaps have a lasting deterrent effect. Different media and approaches, however, must be tested on varying age and social groups.[137]

The Commission urges that an aggressive educational campaign be waged to alert vulnerable groups in the community—primarily young

Negro males and college students—to the facts and tragedies of addiction and drug experimentation. Ways must also be found to reach dropouts and others who are not in the school system. The Health Department as well as the Board of Education should begin to explore the resources available in the Federal Government for organizing an educational program of superior quality.

CONCLUSION

Drug abuse in the District of Columbia is a costly matter in terms of human misery, futile expenditure for inadequate hospitalization and imprisonment, and crimes committed by addicts. This Commission urgently recommends revision of our outdated and ineffective approach to drug abuse and development of a comprehensive treatment scheme. The District needs treatment centers where addicts can obtain assistance as voluntary patients, facilities for commitment in lieu of criminal sanctions, and integrated programs for the addict who goes to prison—all characterized by a strong emphasis on new methods and experimentation. Federal and local laws must be revised so as to encourage treatment and rehabilitation rather than punishment. These steps must be taken promptly and the necessary resources committed to doing the long-term rehabilitative job properly. Otherwise there is little hope of reducing illegal drug traffic or the significant amount of crime which it spawns.

SUMMARY OF RECOMMENDATIONS

1. The Narcotic Addict Rehabilitation Act of 1966 should be rapidly implemented with adequate programs and facilities.

2. The majority of the Commission recommends that the Narcotic Addict Rehabilitation Act of 1966 be amended to permit pretrial commitment of addicts prosecuted for selling drugs to support their own habit.

3. The District's Uniform Narcotics Law and the Hospital Treatment for Drug Addicts Act should be revised to permit civil commitment in lieu of criminal prosecution or incarceration.

4. The Narcotics Vagrancy Act should be repealed.

5. The mandatory sentencing provisions of the Federal narcotics statutes should be revised to permit more flexible sentencing, especially for youthful offenders.

6. A comprehensive treatment center should be established to treat drug addicts both on a voluntary basis and under civil commitment.

The center should also develop programs for addicts released pending criminal proceedings and on probation or parole.

7. The Department of Public Health should develop and coordinate a multi-faceted program on drug abuse, including a program with the Department of Corrections and the Board of Parole for addicts who are in prison or released on parole, and an aggressive educational campaign aimed at the vulnerable age and social groups in the District's population.

SECTION V: POLICE INTERROGATION AND THE MALLORY RULE

Police interrogation of persons suspected of committing crime is a crucial and difficult issue. The Supreme Court of the United States has been divided in its major decisions on the subject; a recent congressional attempt to legislate for the District in this area has evoked Presidential disapproval; and the prestigious American Law Institute has recommitted for further study a controversial preliminary draft of a model code for police interrogation and prearraignment procedures. There are fundamentally conflicting views on where the proper balance lies between protecting the individual liberties of accused persons and protecting the community from criminals who may remain at large because of restrictions on police interrogation. In this section the Commission analyzes legal restrictions on police interrogation in the District of Columbia, sets forth available facts on the effect of these limitations on law enforcement, and evaluates various proposals for change.

LEGAL LIMITATIONS ON INTERROGATION

The permissible limits of police interrogation have been the subject of widespread concern in the United States since the 1930's.[1] In the District of Columbia, however, the controversy has taken on particular intensity and practical significance since the 1957 ruling of the United States Supreme Court in *Mallory* v. *United States*.[2] In that case the Court held that a confession obtained by police interrogation during a period of "unnecessary delay" in violation of Rule 5(a) of the Federal Rules of Criminal Procedure could not be used in evidence against the accused at trial. This past year another aspect of police interrogation took on constitutional dimensions: The Supreme Court held in *Miranda* v. *Arizona* that confessions resulting from "custodial interrogation" by the police are invalid under the Fifth Amendment unless the accused is accorded "procedural safeguards effective to secure the privilege against self-incrimination."[3]

THE MALLORY RULE

Andrew R. Mallory was convicted of rape in the United States District Court for the District of Columbia and sentenced to death.

On the day of his arrest, he was questioned at police headquarters and initially denied his guilt. Some 2 hours after his arrest, he agreed to undergo a "lie detector" test but the polygraph operator was engaged in other questioning and the test was delayed for 3 or 4 hours. After 2 hours of polygraph examination, Mallory admitted that he was responsible for the crime; he later repeated his confession to other police officers. A signed confession, made 7 hours after his arrest and prior to his presentment before a magistrate, was received in evidence at the trial. The conviction was affirmed by the Court of Appeals, but the Supreme Court granted certiorari and reversed the conviction. On remand, the case was dismissed and Mallory released.

The Supreme Court held that Mallory's confession had been obtained during a period of unlawful detention. It relied on Rule 5(a) of the Federal Rules of Criminal Procedure which provides:

> *Appearance before the Commissioner.* An officer making an arrest under a warrant issued upon a complaint or any person making an arrest without a warrant shall take the arrested person without unnecessary delay before the nearest available commissioner or before any other nearby officer empowered to commit persons charged with offenses against the laws of the United States. When a person arrested without a warrant is brought before a commissioner or other officer, a complaint shall be filed forthwith.[4]

In an earlier decision, *McNabb* v. *United States*,[5] the Court had explained Rule 5(a) by stating that ". . . this procedural requirement checks resort to those reprehensible practices known as the 'third degree'. . . . It aims to avoid all the evil implications of secret interrogation of persons accused of crime." [6] In the *Mallory* case a unanimous Supreme Court declared:

> The scheme for initiating a federal prosecution is plainly defined. The police may not arrest upon mere suspicion but only on "probable cause." The next step in the proceeding is to arraign the arrested person before a judicial officer as quickly as possible so that he may be advised of his rights and so that the issue of probable cause may be promptly determined. The arrested person may, of course, be "booked" by the police. But he is not to be taken to police headquarters in order to carry out a process of inquiry that lends itself, even if not so designed, to eliciting damaging statements to support the arrest and ultimately his guilt.[7]

The penalty for violating this procedure had already been laid down by the Court in *McNabb:* "In order adequately to enforce the congressional requirement of prompt arraignment, it [is] deemed necessary to render inadmissible incriminating statements elicited from defendants during a period of unlawful detention." [8] The *Mallory* opinion was careful to point out that the duty to present without unnecessary delay "does not call for mechanical or automatic obedi-

ence. Circumstances may justify a brief delay between arrest and arraignment, as for instance, where the story volunteered by the accused is susceptible of quick verification. . . ." [9]

INTERPRETATION OF MALLORY

As a rule of evidence applicable only in Federal courts, the *Mallory* decision had its greatest impact in the District of Columbia, which is the only Federal jurisdiction with a predominance of crimes of the type in which post-arrest interrogation figures prominently. The principal burden of defining the *Mallory* rule on a case-by-case basis in the context of urban crime problems has fallen upon the United States Court of Appeals for the District of Columbia Circuit.

Since 1957 the Court of Appeals has considered *Mallory* contentions in nearly 150 cases involving many different factual situations. These decisions have provoked conflicting judicial opinions and repeated allegations from the police that they can no longer comprehend or predict the permissible limits of police interrogation.

During the decade since *Mallory*, the meaning of "unnecessary delay" in Rule 5(a) has not been satisfactorily resolved. It has been stated by the court in various opinions that the time-lapse between arrest and presentment is not the sole measure of delay; yet the court has consistently found that a delay surpassing 4½ hours as unnecessary, regardless of the other circumstances.[10] Shorter periods of time, however, have produced less predictable results. One member of the court has stated flatly that "confessions obtained by questioning an arrested person before thus arraigning him are not admissible in evidence"; [11] in his view, even a 5-minute delay for questioning may be too long.[12] At times certain panels on the court have appeared to endorse the position that any delay for questioning is unnecessary per se,[13] maintaining that "if the arrest was made on probable cause, [the accused] should have been taken without delay to a magistrate. If there was no probable cause, he should not have been arrested." [14]

Other panels of the Court of Appeals have held that interrogation is often both necessary and desirable.[15] Their view equates an "unnecessary delay" with an "unreasonable" one. This view had led to the sanctioning of delays for purposes other than sustained interrogation, such as reducing a confession to writing,[16] checking an alibi of the accused,[17] confronting the accused with the evidence against him,[18] confronting the accused with a witness to a crime,[19] and accommodating unusual circumstances such as intoxication or the death of the victim.[20] Generally, the proponents of delay for such purposes em-

phasize the need for time within which the police may check the facts and properly exercise their discretion:

> What may constitute probable cause for arrest does not necessarily constitute probable cause for a charge on arraignment. In turn, what may satisfy a reasonable magistrate on probable cause to believe the suspect committed the crime, may not satisfy a Grand Jury. And the evidence which persuades a Grand Jury to indict may not, and often does not, satisfy a Petit Jury to convict. Hence at each stage, and especially at the early stage, when little is known that is sure, police must not be compelled prematurely to make the hard choices, such as arraigning or releasing, on incomplete information. If they are forced to make a decision to seek a charge on incomplete information, they may irreparably injure an innocent person; if they must decide prematurely to release, they may be releasing a guilty one. [21]

The *Mallory* rule has raised many questions in addition to the definition of unnecessary delay. The court has held that the *Mallory* rule does not apply to confessions obtained by police interrogation prior to arrest. [22] However, the precise point at which arrest takes place is often a difficult question. In one instance, although law enforcement officials assured the suspect that he was not under arrest and that he was free to leave at any time, the court excluded the confession, finding that he was under arrest from the moment he arrived at headquarters.[23]

The question of when arrest occurs for *Mallory* purposes also arises in cases where the suspect is detained by police in other jurisdictions. Initially, a panel of the court held that the *Mallory* rule was applicable and could require exclusion of statements obtained by District police while the accused was detained by officials of another jurisdiction.[24] Later the court sitting en banc held that *Mallory* was inapplicable to these situations.[25] Most recently, a six-five majority of the en banc court held that a suspect detained by another jurisdiction on its charges and held for District police was, at the time they questioned him, also under arrest by District police and *Mallory* required exclusion of a confession obtained during the period before presentment.[26]

Other *Mallory* cases have delineated circumstances in which a post-arrest confession is admissible despite delay. The court has held that delay subsequent to a confession does not require exclusion, the rationale being that the delay did not induce the confession.[27] On this same basis, spontaneous statements of the suspect made before, during or after an unnecessary delay are admissible under the *Mallory* rule.[28] Such confessions are deemed voluntary and not induced by any delay. An exception to this general rule occurs, however, where the spontaneous statement is made after an inadmissible confession,

since the prior confession is deemed to have motivated or influenced the later statement.[29]

The court has also held that a confession obtained during an unnecessary delay but later reaffirmed may be admissible despite the original delay. Once a defendant is properly warned of his rights by a committing magistrate, he can reaffirm the prior confession, and the reaffirmation becomes admissible in evidence against him.[30] It should be noted, however, that in 1962 the "reaffirmation doctrine" was limited in *Killough* v. *United States*.[31] In that case the court held that a reaffirmation was inadmissible because it was obtained when the defendant was still without counsel after his preliminary hearing had been postponed to enable him to obtain counsel.[32]

The court has created two other exceptions to the *Mallory* rule which permit the use of statements made by the accused during a period of unnecessary delay. First, statements which do not incriminate the accused have been held, by a divided court, to be admissible.[33] Second, otherwise inadmissible statements may be used under certain conditions to impeach the credibility of a defendant who testifies in his own behalf.[34] Where the defendant makes false claims on collateral matters not going to any essential element of the crime charged, his prior statements may be introduced in evidence, and he cannot use their inadmissibility as a "shield against contradiction of his untruths." [35]

The *Mallory* rule has not been limited to confessions and admissions. It also affects other evidence obtained as the direct result of a confession or admission. If the confession is invalid, the evidence obtained as a result of it may be excluded under the *Mallory* rule. However, there is sometimes an issue concerning whether the evidence is so remote from the confession that it cannot be considered "fruit of the poisonous tree." [36] This problem arises with regard to both physical evidence [37] and witnesses.[38]

Procedural rules have also developed involving the application of the *Mallory* rule. *Mallory* contentions must be raised by the defendant at trial. A hearing is then held by the trial judge to determine the admissibility of the confession or other evidence.[39] The usual remedy for the trial court's failure to hold such a hearing is a remand for a determination of admissibility,[40] but a reversal for a new trial has also been granted on some occasions.[41] The admissibility of evidence obtained in violation of the *Mallory* rule cannot be raised for the first time on appeal [42] or after conviction in a motion under 28 U.S.C. § 2255.[43] Objection to the admission of a confession on *Mallory* grounds must be made precisely; a general allegation of involuntariness will not suffice.[44]

CONSTITUTIONAL RESTRICTIONS OF MIRANDA

The *Mallory* rule and related cases are based upon interpretation of the Federal Rules of Criminal Procedure. In 1964, however, the Supreme Court based further restrictions on police interrogation upon the Fifth Amendment self-incrimination clause and the Sixth Amendment right to counsel guarantee.[45] The Court said in *Escobedo* v. *Illinois* that the right to consult his counsel cannot be denied to an individual in police custody after the police investigation focuses on him as a primary suspect. The Court reasoned that unless the protection of counsel was afforded during pretrial questioning, the trial itself would be "no more than an appeal from the interrogation." [46]

In the 1966 case of *Miranda* v. *Arizona* the Court went still further in ruling that police interrogation is constitutionally permissible only under the following circumstances:

> To summarize, we hold that when an individual is taken into custody or otherwise deprived of his freedom by the authorities and is subjected to questioning, the privilege against self-incrimination is jeopardized. Procedural safeguards must be employed to protect the privilege, and unless other fully effective means are adopted to notify the person of his right of silence and to assure that the exercise of the right will be scrupulously honored, the following measures are required. He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires. Opportunity to exercise these rights must be afforded him throughout the interrogation. After such warnings have been given, and such opportunity afforded him, the individual may knowingly and intelligently waive these rights and agree to answer questions or make a statement. But unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him.[47]

It was the Court's view that "custodial interrogation" is inherently coercive:

> We have concluded that without proper safeguards the process of in-custody interrogation of persons suspected or accused of crime contains inherently compelling pressures which work to undermine the individual's will to resist and to compel him to speak where he would not otherwise do so freely.[48]

The *Miranda* ruling prohibits "custodial interrogation" of a suspect in the absence of "procedural safeguards effective to secure the privilege against self-incrimination." [49] "Custodial interrogation" is defined as "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." [50] Failure to advise an accused of his legal right to remain silent or to obtain and consult counsel be-

fore such questioning results in automatic exclusion of any statement he makes, whether or not he has independent knowledge of his rights.[51]

The *Miranda* opinion recognizes that an arrested person can waive his privilege against self-incrimination and his right to counsel. No such waiver, however, continues indefinitely. If he indicates at any time after the original waiver that he wishes to end the questioning or to see an attorney, interrogation must be suspended.[52] Any statements made subsequently are admissible only if it is proved that counsel was present or that a new waiver was made.[53] The prosecution bears the burden of proving that any waiver is a voluntary and intelligent one, whenever a statement is made without the advice of counsel. Mere silence on the part of the accused after he is warned of his rights will not constitute a waiver; nor will the fact that the accused answers some questions before he expresses a desire to stop and invoke his right to remain silent or to consult counsel.[54] According to the Court, "the fact of lengthy interrogation or incommunicado incarceration before a statement is made is strong evidence that the accused did not validly waive his rights." [55] Moreover, "any evidence" of tricks, threats or cajolery to obtain a waiver is fatal to the contention that a confession was voluntary.[56]

The exclusionary rule in *Miranda* applies to all statements by the accused, whether incriminatory or exculpatory. The Court rejected any distinction between the two because "truly exculpatory" statements "would, of course, never be used by the prosecution." [57] Some statements are, however, specifically excepted from the general ban against questioning without prior warning or right to counsel: "General on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process is not affected," because "in such situations the compelling atmosphere inherent in the process of in-custody interrogation is not present." [58] Statements given "freely and voluntarily" are also admissible in evidence.[59]

These guidelines for police interrogation set forth in *Miranda* are not necessarily exclusive. But according to the Court they "must be employed . . . unless other fully effective means are adopted to notify the person of his right to silence, and to assure that the exercise of the right will be scrupulously honored." [60] The Court invited alternative solutions to safeguard the privilege against self-incrimination:

> It is impossible for us to foresee the potential alternatives for protecting the privilege which might be devised by Congress or the States in the exercise of their creative rule-making capacities. Therefore we cannot say that the Constitution necessarily requires adherence to any particular solution for the inherent compulsions of the interrogation process as it is presently conducted.

Our decision in no way creates a constitutional straitjacket which will handicap sound efforts at reform, nor is it intended to have this effect. We encourage Congress and the States to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws.[61]

THE MALLORY RULE AFTER MIRANDA

The Supreme Court noted in *Miranda* that "congressional legislation and cases thereunder" governing arrest and presentment in the federal courts remained in force, citing specifically the *Mallory* case and Rule 5(a).[62] *Mallory* limits interrogation between arrest and presentment before a committing magistrate; *Miranda* regulates the conditions under which any custodial interrogation can be carried on by the police. Thus, a confession admissible in evidence under *Mallory* might still be inadmissible under *Miranda*. For example, a confession obtained without unnecessary delay might be excluded if the *Miranda* warnings were not given. Conversely, confessions obtained in conformity with *Miranda* directives might be barred on the grounds that the suspect was not presented without unnecessary delay.

Questions may arise about the effect of a delay in presentment, even though it is for the purpose of allowing the accused to exercise his rights under *Miranda*. A delay incident to obtaining counsel for the accused might become an "unnecessary delay." Even if the accused waived his rights to silence and counsel, the police might not be able to delay presentment in order to interrogate him without first informing the suspect of his right to prompt presentment. Whether or not a suspect may waive his right to prompt presentment under Rule 5(a) is an open question.

In addition, the legal remedies for *Miranda* violations appear to be more comprehensive than those developed under *Mallory*. Habeas corpus, motions under 28 U.S.C. § 2255, and procedures under *Jackson* v. *Denno* [63] will be available to remedy violations of the constitutional rights laid down in *Miranda*.

A proper solution to the boundaries that should be set on police interrogation must be (1) consistent with the constitutional mandates of *Miranda;* (2) not unnecessarily restrictive on police investigative needs; and (3) protective of the legitimate rights of the suspect to obtain judicial review of his arrest and detention. With a view to formulating such a recommendation, the Commission has attempted to gather information about the past effects of the *Mallory* rule on police interrogation in the District of Columbia.

EFFECT OF COURT LIMITATIONS ON POLICE INTERROGATION

The extent to which the present restrictions on law enforcement impair law enforcement is not easily assessed. Much of the data that would be necessary to make such an evaluation is not available. As a result, there are only incomplete facts and small sample studies on which to base a judgment. The Commission undertook some independent research to aid its study of the *Mallory* rule; limitations on staff and time have precluded more extensive data collection and barred any research of value on the June 13, 1966 *Miranda* decision.

POLICE PRACTICE

Since 1957, when the *Mallory* decision was handed down, the Metropolitan Police Department's practices on interrogation of suspects have undergone change. Until 1964, the Department warned arrested persons of their right not to make a statement, but gave no advice as to any right to consult a lawyer.[64] If the suspect requested a lawyer, however, he was given the opportunity to telephone one.[65] Generally, there was a brief period of interrogation after "booking," but its duration decreased as judicial interpretations of "unnecessary delay" became more stringent.[66] Lawyers or relatives who came to the police station were allowed to speak to the suspect at some point in the process, but the interrogation was not suspended until the lawyer or relative arrived.[67] Suspects arrested at night were not usually presented before a magistrate until the next morning or the next scheduled court day.[68] Where a special effort seemed necessary, the prosecutor would request a night arraignment before a judicial officer.[69]

In October 1964 the United States Attorney for the District of Columbia advised the Chief of Police:

> It is probable that no interrogation prior to appearance before the committing magistrate can produce any admissible evidence, except a statement which is volunteered, or given in response to questions, at the scene of the arrest or immediately thereafter. . . .
>
> * * * * * * *
>
> As a simple rule of thumb, I should think that it would suffice to instruct your men that persons under arrest are not to be questioned regarding the facts of the offense following their arrival at precinct or headquarters, until after their appearance before the magistrate and appointment or retention of counsel.[70]

The Department in turn instructed all its officers to comply with these guidelines. In a subsequent letter the United States Attorney specified that his October letter referred only to interrogation after arrest and did not refer to "booking" or other non-interrogative procedures which followed arrest.[71]

On July 14, 1965, the United States Attorney revoked the non-interrogation policy set forth in these two letters and instructed the police that a suspect could be questioned for up to 3 hours if the police gave him the following warnings:

> You have been placed under arrest. You are not required to say anything to us at any time or to answer any questions. Anything you say may be used as evidence in court.
>
> You may call a lawyer, or a relative, or a friend. Your lawyer may be present here and you may talk with him.
>
> If you cannot obtain a lawyer, one may be appointed for you when you first go to court.[72]

An order implementing these procedures was issued by the Department on August 11, 1965.[73] The total time allowed for questioning, exclusive of interruptions, was 3 hours, unless the accused consented to take a lie detector test, which took additional time. When not questioning the suspect, the police were authorized to check out witness leads and make scientific tests.

Shortly before the *Miranda* decision the United States Attorney made another important change in police interrogation practice. On May 20, 1966 he announced a program designed to make lawyers available on request to indigent suspects at the police precinct. Under that program the police were to advise the suspect not only of his right to consult his own counsel but also of his right to the free services of an attorney at the stationhouse if he could not afford to hire one. If the indigent suspect desired an attorney, one would be obtained for him from a panel of approximately 100 attorneys who volunteered to provide this service on a 24-hour basis.[74]

Following the *Miranda* decision, on July 16, 1966 new instructions on interrogation, superseding the earlier directives, were issued to members of the Metropolitan Police Department. These instructions specified the new warning which must be given to each arrested person:

> You are under arrest. Before we ask you any questions, you must understand what your rights are.
>
> You have the right to remain silent. You are not required to say anything to us at any time or to answer any questions. Anything you say can be used against you in court.
>
> You have the right to talk to a lawyer for advice before we question you and to have him with you during questioning.
>
> If you cannot afford a lawyer and want one, a lawyer will be provided for you.
>
> If you want to answer questions now without a lawyer present you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.[75]

The suspect is required to sign a written waiver if he chooses not to exercise his rights and to submit to interrogation. The extent of compliance with these instructions is now being surveyed.[76]

These changes over the past 9 years in police interrogation practice have occurred simultaneously with a decline in police clearance rates. Table 1 shows the change; it reflects the fact that the actual number of offenses cleared has not declined but that there has been a substantial increase in the number of offenses reported and a decline in proportion of cases solved. Some observers attribute the decline to the *Mallory* rule;[77] they point out that the clearance rate is adversely affected by limits on police ability to question a suspect about serious crimes which he may have committed in addition to the one for which he has been arrested.[78]

TABLE 1.—*Clearance rates—Part I offenses*

[Fiscal 1950–1966]

Year	District of Columbia*			Comparable cities†	National†
	Part I offenses reported	Part I offenses cleared	Percent cleared	Percent cleared	Percent cleared
1950	20,163	9,782	48.5	-----	28.2
1951	20,190	9,929	49.2	-----	27.1
1952	22,591	11,142	49.3	-----	26.1
1953	23,918	11,006	46.0	-----	26.0
1954	20,030	9,894	49.4	-----	27.6
1955	18,910	10,507	55.6	-----	28.4
1956	17,610	8,835	50.2	-----	27.3
1957	15,554	7,697	49.5	-----	26.9
1958	17,047	8,697	51.0	-----	26.4
1959	17,515	9,195	52.5	27.5	27.1
1960	19,929	9,623	48.3	33.4	26.1
1961	21,802	9,744	44.7	33.7	26.7
1962	21,534	9,320	43.3	28.3	25.7
1963	23,194	9,482	40.9	25.8	25.1
1964	28,469	10,850	38.1	27.2	24.5
1965	32,053	10,937	34.1	26.0	24.6
1966	34,765	9,159	26.3	--------	--------

*Source: MPD Annual Reports (1950–1965). For a discussion of MPD crime clearance procedures see chapter 4, pp. 190–91.

†Source: FBI Uniform Crime Reports (1950–1965). The number and size of the comparable cities varied from 3 cities between ¾ and 1 million in 1959 to 19 cities between ½ and 1 million in 1965. Data for comparable cities were not available for the period 1950–1958. The "National" clearance percentages shown are not truly national figures but represent a substantial fraction of the nation's population, ranging from 1,601 cities with a population of over 54 million in 1950 to 2,784 cities with a population of over 99 million in 1965.

It has been countered that the local clearance rate reflects periodic changes which cannot be explained by strict or lenient interrogation policies. During the time when virtually all interrogation was prohibited under the October 1964 directive, the clearance rate was higher than for the months after July 1965, when the 3-hour questioning rule went into effect.[79]

In the view of this Commission, contentions about the effect of the *Mallory* rule on the decline in the clearance rate are neither proved nor indeed disproved by the available facts. As we pointed out in an earlier chapter, clearance reporting practices in the Metropolitan Police Department have been markedly deficient in the past, when judged against national reporting standards. By allowing a high percentage of exceptional clearances, the Department appeared to have a higher clearance rate than was in fact the case. In recent years efforts have been made to bring clearance practices in accord with national standards, and this has inevitably meant a reduction in clearance rates.

In short, there are too many acknowledged factors which affect a clearance rate to attribute its fluctuations confidently to any one without adequate controls on all the others. The factors include improved reporting techniques which may actually cause an apparent increase in crimes reported, thus reducing the proportion solved; patrol and communication methods, which may vitally affect the opportunities for crime solution; the quality of police training; and whether the most prevalent types of crime are the kind that lend themselves to police solution. Under the circumstances, this Commission felt compelled to go beyond the clearance rate to evaluate the impact of *Mallory* on District law enforcement. Accordingly we looked to data on the frequency with which statements are obtained by the police after arrest and used in prosecutions under existing limitations.

FREQUENCY AND USE OF STATEMENTS

In the District, as throughout the country, confessions and other statements are being obtained from arrested persons despite recent court limitations on police interrogation. A California survey shows statements or admissions in 50 percent of the felony arrests in Los Angeles County in the months immediately following *Miranda*.[80] Similarly the facts set forth below show that significant numbers of statements and confessions have been obtained and used in prosecutions in the District of Columbia even with the *Mallory* rule in effect.

Controversy continues, however, over the full impact of the limitations on police interrogation. There exists a difference of opinion, unfortunately not susceptible to proof, on the extent to which more

statements might be obtained or more cases might be won but for the limitations on questioning. Some law enforcement officials, including several in the District of Columbia,[81] contend that the limitations on interrogation deny the police an essential tool and hinder solution of those crimes where there are no witnesses and limited opportunity to use scientific techniques. One experienced New York prosecutor reports that in a sample group of 91 homicide cases, indictments could not have been obtained in 25 cases without a confession and that confessions were used in court by the government in 62 cases.[82] Other judges and prosecutors argue that the importance of confessions in criminal prosecution is overestimated.[83] In the District of Columbia, a former United States Attorney testified that he personally knew of only a "handful" of cases in which prosecution was declined because of a *Mallory* problem.[84] Some assert that the inability to question suspects about crimes other than those for which they are arrested does not affect crime control to any significant degree, since the suspect can be prosecuted, convicted and imprisoned for the crime for which he was arrested.[85]

Police Data on Statements

The Commission reviewed records maintained by the Homicide and Robbery Squads of the Metropolitan Police Department to assess the frequency with which statements were made to the police after arrest as well as the subsequent use made of those statements. It also studied data collected from the police on the amount of questioning used to obtain a statement and the effect of consultation with a lawyer.

Homicide Cases

In homicides occurring during calendar years 1963 and 1964, the Homicide Squad followed a policy of questioning suspects and reducing to writing any statement made by a suspect, without regard to the ultimate admissibility of the statement in court. During that period, 254 homicide suspects were taken into custody. As shown on Table 2, 65 percent of the suspects made written statements and 88 percent made some kind of written or oral statement, which, in the opinion of the police, involved them in the homicide, either by an incriminatory statement or by an explanation showing self-defense or other justification. Another 9 percent made denials or offered alibis. Only 3 percent made no statement.

The data from the Homicide Squad also reveals that these statements often helped the suspect either by freeing him completely or by reducing the seriousness of the charge. Table 3 shows that among the persons who could be indicted, 30 percent (57 of 191) of the

TABLE 2.—*Incidence of statements by homicide suspects*

[Calendar years 1963 and 1964]

Type of statement	Adults		Juvenile		Total	
	Number	Percent	Number	Percent	Number	Percent
Written confession	147	63.4	18	81.8	165	65.0
Oral confession	44	19.0	2	9.1	46	18.1
Admission	10	4.3	2	9.1	12	4.7
Alibi	4	1.7			4	1.6
Denial	19	8.2			19	7.5
No statement	8	3.4			8	3.1
Total	232	100.0	22	100.0	*254	100.0

Source: Staff research and computations based on data furnished by the Homicide Squad of the Metropolitan Police Department.

*One other suspect became a fugitive before a statement could be sought.

homicide suspects who made written or oral confessions were not indicted; among those who made no statement or denied the offense, only 19 percent (5 of 26) were not indicted. Similarly only 29 percent (39 of 134) of the persons who made written or oral confessions were indicted for first degree murder, whereas 67 percent (14 of 21) of those who made no statement or who denied the offense were indicted for first degree murder. These apparent correlations must, however, be interpreted in light of these facts: (1) It was not possible to determine whether any of the statements were actually presented to the coroner's inquest or to the grand jury; and (2) no distinction was made by the Homicide Squad between essentially exculpatory statements and those which were confessions to the crime.

The effect of these statements on the disposition of homicide cases in court is shown on Table 4. Defendants pleaded guilty more frequently where there was a confession or admission. Conversely, the suspects who made no statement, made an outright denial, or offered an alibi went to trial more often. Among this latter group, paradoxically, the conviction rate at trial was considerably higher than among the defendants who made an incriminating statement and went to trial. The data do not reflect whether the statements were offered in evidence at trial. The overall acquittal or dismissal rate was higher among the group of homicide suspects who made an incriminating statement than among those who denied the offense, offered an alibi, or made no statement.

TABLE 3.—*Effect of type of statement on decision to indict homicide suspects**

[Calendar years 1963–1964]

Type of statement	Indicted					Not indicted				Total suspects eligible for indictment*	
	First degree murder	Second degree murder	Manslaughter	Total		Ignored or dismissed by grand jury or Commissioner	Ruled justifiable or accidental	Total			
				Number	Percent			Number	Percent	Number	Percent
Confession	39	70	25	134	79.3	18	39	57	91.9	191	82.7
Written	25	50	†23	98	58.0	15	34	49	79.0	147	63.6
Oral	14	20	2	36	21.3	3	5	8	12.9	44	19.0
Admission	7	2	1	10	5.9	----	----	----	----	10	4.3
Alibi	4	----	----	4	2.4	----	----	----	----	4	1.7
Denial/no statement	14	6	1	21	12.4	5	----	5	8.1	26	11.3
Denial	10	4	----	14	8.3	4	----	4	6.5	18	7.8
No statement	4	2	1	7	4.1	1	----	1	1.6	8	3.5
Total	64	78	27	169	100.0	23	39	62	100.0	231	100.0
Percent of all suspects	27.7	33.8	11.7	73.2	----	10.0	16.9	26.8	----	100.0	----

Source: Staff research and computations based on data furnished by the Homicide squad of the Metropolitan Police Department.

*Excludes juveniles (22), deceased (1), and fugitive (1).

†Includes one defendant charged with assault with a deadly weapon.

TABLE 4.—*Effect of type of statement on disposition of completed homicide cases: U.S. District Court for the District of Columbia**

[Calendar years 1963–1964]

Disposition	Written or oral confession or admission†		No statement, alibi or denial		Total	
	Number	Percent	Number	Percent	Number	Percent
Convicted	96	70.6	17	77.3	113	71.5
Plea to felony charged or lesser felony	55	40.4	3	13.6	58	36.7
Plea to misdemeanor	8	5.9	0	-------	8	5.1
Verdict of guilty	33	24.3	14	63.6	47	29.7
Not guilty by reason of insanity	3	2.2	0	0.0	3	1.9
Not convicted	37	27.2	5	22.7	42	26.6
Dismissed	20	14.7	2	9.1	22	13.9
Verdict of not guilty	17	12.5	3	13.6	20	12.7
Total	136	100.0	22	100.0	158	100.0

Source: Staff research and computations based on data furnished by the Homicide Squad of the Metropolitan Police Department.

*Excludes pending cases and those where the defendant died or was incompetent to stand trial.

†It is not known whether confessions or admissions were offered in evidence.

Robbery Cases

The Commission also examined the 1964 robbery cases which were cleared by arrest by the Robbery Squad. Unlike the Homicide Squad, the Robbery Squad did not customarily take written statements. In 51 percent of the 449 cases cleared by a Robbery Squad arrest, there was no significant statement by the suspect (Table 5). In 32 percent of these cases the suspect gave an outright admission or a partially incriminating statement about the crime. The comparative conviction rates in these robbery cases are not known.

Duration of Questioning and Effect of Consultations

Some data regarding the length of police questioning in the District and the effect on such interrogation of advice by counsel or friends

has been collected by the President's Commission on Law Enforcement and Administration of Justice. Its study was based on special records maintained by the detective squads of the Metropolitan Police Department in 331 felony cases during December 1965 and January 1966. At the time of the study the 3-hour limitation on police questioning was in effect.

These records showed that even within the confines of the overall 3-hour limitation the questioning period tended to be short. As indicated by Table 6, the mean and median times for questioning for all 331 cases were 47 and 35 minutes respectively. The length of questioning did not vary substantially with the offense charged except for homicide, forgery or "other felonies," where the questioning was more prolonged but still averaged only a little more than an hour. Computations from Table 7 indicate that 74 percent (244 of 331) of the suspects were questioned for less than an hour and 94 percent (312 of 331) were questioned for less than 2 hours. Questioning continued for an average of 58 minutes in cases where there was an admission of guilt, 42 minutes where partially incriminating statements were made, and 39 minutes in those cases in which neither type of statement was made. In 38 percent of the cases studied (126 of 331) there were admissions of guilt.

This study, conducted prior to the *Miranda* decision, also showed that 42 percent (138 of 331) of the felony suspects arrested in the

TABLE 5.—*Incidence of statements obtained from suspects charged with robberies*

[1964]

	Number	Percent
Robbery cases reported	3,362	100.0
Cases cleared	1,559	46.4
Cases open	1,803	53.6
Robbery cases cleared	1,559	100.0
By Robbery Squad arrest	449	28.8
By precinct arrest	934	59.9
Without arrest	176	11.3
Robbery Squad arrests	449	100.0
Admission of crime	122	27.2
Incriminating statement or act, but not a complete admission of crime	22	4.9
No significant statement	230	51.2
No record of statement	75	16.7

Source: Robbery Squad of the Metropolitan Police Department.

District of Columbia consulted with someone while they were in police custody—9 percent (30 of 331) with an attorney and 33 percent (108 of 331) with relatives or friends (Table 8). Of those

TABLE 6.—*Length of interrogation of suspects, correlated with offense and type of statement made by suspect*

[Dec. 1965 and Jan. 1966]

Offense	Suspects		Length of interrogation (in minutes)	
	Number	Percent	Mean	Median
Homicide	28	8.5	72	66
Robbery	80	24.2	40	30
Housebreaking	65	19.6	48	50
Assault with a deadly weapon	76	23.0	31	20
Grand larceny	24	7.3	53	49
Forgery	13	3.9	65	55
Sex offenses	18	5.4	35	30
Auto theft	6	1.8	25	28
Other felonies	21	6.3	74	30
All offenses	331	100.0	47	35

Source: Data furnished by President's Commission on Law Enforcement and Administration of Justice.

TABLE 7.—*Type of statements by suspects correlated with time elapsed*

[Dec. 1965 and Jan. 1966]

Elapsed time, minutes	Type of statement						Total	
	Admission of guilt		Incriminating statement		Denial or no statement			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
0-10	16	12.7	9	22.0	38	23.2	63	19.0
11-30	27	21.4	11	26.8	49	29.9	87	26.3
31-60	40	31.7	10	24.4	44	26.8	94	28.4
61-90	25	19.8	6	14.6	17	10.4	48	14.5
91-120	7	5.6	4	9.8	9	5.5	20	6.0
121-180	8	6.3	1	2.4	7	4.3	16	4.8
Over 180	3	2.4	0	0.0	0	0.0	3	0.9
Total	126	99.9	41	100.0	164	100.1	331	99.9
Mean time	58 min.		42 min.		39 min.		47 min.	
Median time	45 min.		36 min.		28 min.		35 min.	

Source: Staff computations based on data furnished by the President's Commission on Law Enforcement and Administration of Justice.

consulting an attorney, 23 percent admitted guilt, as compared with 44 percent who consulted with friends or relatives and 37 percent who consulted with no one. Table 9 shows that those consulting with non-lawyer friends who admitted guilt were questioned for an average period of 78 minutes, while those who admitted guilt after consulting with lawyers were questioned an average of only 38 minutes. In general, suspects consulting with non-lawyers were questioned about 50 percent longer (61 minutes) than those consulting with lawyers (43 minutes) or with no one (41 minutes).

In summary, then, available police data on interrogation under the *Mallory* rule shows that questioning has not ceased; that it has produced substantial numbers of confessions and incriminating statements; that such questioning has normally terminated long before any 3-hour limit; and that more than a third of a sample of all felons admitted the crime during such questioning and almost 90 percent

TABLE 8.—*Type of statement made by suspects, correlated with type of consultation*

[Dec. 1965 and Jan. 1966]

Type of statement	Type of consultation								Total	
	Lawyer		Non-lawyer		None		Unknown			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Admission of guilt	7	23.3	47	43.5	71	37.2	1	50.0	126	38.1
Incriminating statement	4	13.3	13	12.0	24	12.6	0	0.0	41	12.4
Denial or no statement	19	63.3	48	44.4	96	50.3	1	50.0	164	49.5
Total	30	99.9	108	99.9	191	100.1	2	100.0	331	100.0

TABLE 9.—*Mean time for interrogation of suspects correlated with type of statement and type of consultation*

[Dec. 1965 and Jan. 1966]

Type of statement	Type of consultation								Total	
	Lawyer		Non-lawyer		None		Unknown			
	Number	Minutes	Number	Minutes	Number	Minutes	Number	Minutes	Number	Minutes
Admission of guilt	7	38	47	78	63	48	9	39	126	58
Incriminating statement	4	34	13	57	24	36	-------	-------	41	42
Denial or no statement	19	46	48	45	92	37	5	0	164	39
Total	30	43	108	61	179	41	14	25	331	47

Source: (Tables 8, 9.) Staff computations based on data furnished by the President's Commission on Law Enforcement and Administration of Justice.

of homicide suspects did so. Although the sample of suspects who consulted lawyers was very small, fewer who did so confessed. The fragmentary post-*Miranda* information available suggests that the situation has remained basically unchanged.[86]

Prosecutors' Data on Statements

The Commission next attempted to evaluate the effect of *Mallory* limitations on successful prosecutions in the courts. Here too we were handicapped by the lack of any complete data or records kept by the U.S. Attorney reflecting that office's experience with confessions. Through questionnaires to Assistant United States Attorneys, however, the Commission reviewed all felony cases terminated in the U.S. District Court during a 4-month period from December 1965 to April 1966. The survey included 316 defendants and was designed to ascertain the number of cases involving the use of admissions or confessions and the effect of these statements upon case dispositions.

As shown by Table 10, 43 percent of the defendants in these cases had made confessions or incriminating statements. Such statements were made by 75 percent of the defendants who were indicted for first degree murder; 88 percent of the second degree murder cases; 75 percent of the weapons violations charged; 56 percent of the auto theft cases; 48 percent of the aggravated assaults; and 40 percent of the robbery cases. Similar statements were made by at least 30 percent of those indicted for rape, housebreaking, narcotics, and "other" sex offenses. Table 10 further shows that 64 percent (44 of 69) of the defendants whose cases presented problems of admissibility due to *Mallory* were charged with the crimes of homicide, rape, robbery, aggravated assault, and housebreaking. This compares with 70 percent (97 of 138) charged with these crimes from among defendants whose cases presented *Mallory* problems in an earlier study (22 charged with homicide, 11 with rape, 32 with robbery, 7 with aggravated assault, and 25 with housebreaking).[87]

The effect of these statements on disposition of the defendants is shown in Table 11. It appears that the presence of an admission or confession had limited effect on the conviction rate. The conviction rate was 74 percent where there was no statement and 77 percent where there was a statement. However, a confession or an admission appears to have had an effect on the percentage of guilty pleas and the frequency of trial. The plea rate was 55 percent where there was an admission but only 46 percent where there was no confession or incriminating statement. Trials, on the other hand, were more frequent where there was neither a confession nor an admission. Dismissals by the prosecutor without plea or trial were roughly the same; ac-

TABLE 10.—*Incidence of confessions or incriminating statements—U.S. District Court*

[Dec. 6, 1965–Apr. 9, 1966]

Most serious offense charged	No confession or incriminating statement		Confession or incriminating statement								Total*	
			Total		No problem of admissibility		Problem, but no effect on disposition		Problem affecting disposition			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
First degree murder	1	25.0	3	75.0	1	25.0	1	25.0	1	25.0	4	1.3
Second degree murder	1	12.5	7	87.5	3	37.5	2	25.0	2	25.0	8	2.5
Rape	9	69.2	4	30.8	2	15.4	2	15.4	--	-----	13	4.1
Manslaughter	1	50.0	1	50.0	1	50.0	-	----	--	-----	2	.6
Robbery	41	60.3	27	39.7	18	26.5	1	1.5	8	11.8	68	21.5
Aggravated assault	13	52.0	12	48.0	5	20.0	5	20.0	2	8.0	25	7.9
Housebreaking	43	62.3	26	37.7	6	8.7	9	13.0	11	16.0	69	21.8
Arson	--	-----	1	100.0	--	----	-	----	1	100.0	1	.3
Abortion	2	100.0	--	-----	--	----	-	----	--	-----	2	.6
Grand larceny	4	80.0	1	20.0	--	----	-	----	1	20.0	5	1.6
Weapons	2	25.0	6	75.0	4	50.0	2	25.0	--	-----	8	2.5
Forgery, fraud, counterfeiting, embezzlement	12	46.2	14	53.8	6	23.0	6	23.0	2	7.7	26	8.2
Auto theft	11	44.0	14	56.0	8	32.0	4	16.0	2	8.0	25	7.9
Narcotics	14	63.6	8	36.4	6	27.3	-	----	2	9.1	22	7.0
Other sex offenses	4	57.1	3	42.9	2	28.6	1	14.3	--	-----	7	2.2
Other theft or possession	1	33.3	2	66.7	--	----	1	33.3	1	33.3	3	1.0
Gambling	17	70.8	7	29.2	5	20.8	2	8.3	--	-----	24	7.6
Other	3	75.0	1	25.0	1	25.0	-	----	--	-----	4	1.3
Total	179	56.6	137	43.4	68	21.5	36	14.4	33	10.4	316	100.0

Source: Staff research and computations based on data furnished by the United States Attorney's Office.

*Percentages based on total defendants.

TABLE 11.—*Effect of confessions or incriminating statements on disposition of defendants—U.S. District Court*

[Dec. 9, 1965–Apr. 9, 1966]

Disposition	No confession or incriminating statement		Confession or incriminating statement								Total	
			Total		No problem		Problem, but no effect on disposition		Problem affecting disposition			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Convicted	133	74.3	105	76.6	51	75.0	29	80.6	25	75.8	238	75.3
Plea—same charge	4	2.2	15	10.9	13	19.1	2	5.6	--	----	19	6.0
Plea—lesser charge	78	43.6	60	43.8	24	35.3	11	30.6	25	75.8	138	43.7
Verdict of guilty	51	28.5	30	21.9	14	20.6	16	44.4	--	----	81	25.6
Not guilty—insanity	2	1.1	3	2.2	2	2.9	1	2.8	--	----	5	1.6
Not convicted	44	24.6	29	21.2	15	22.1	6	16.7	†8	24.2	73	23.1
Dismissed	28	15.6	20	14.6	10	14.7	4	11.1	6	18.2	48	15.2
Acquitted	16	8.9	9	6.6	5	7.4	2	5.6	2	6.1	25	7.9
Total*	179	56.6	137	43.4	68	21.5	36	11.4	33	10.4	316	100.0
Trials	69	38.5	42	30.7	21	30.9	19	52.8	2	6.1	111	35.1
Pleas	82	45.8	75	54.7	37	54.4	13	36.1	25	75.8	157	49.7

Source: Staff research and computations based on data furnished by the United States Attorney's Office.

*Percentages based upon total defendants in all statement categories.

†2.5% of all 316 defendants.

quittals ran 2 percent higher for those who had not made any statement.

Table 11 also shows 33 defendants, slightly more than 10 percent of those prosecuted during the 4-month period, with cases involving a confession or statement which raised sufficient legal problems, in the opinion of the prosecutor, to affect the disposition of the case in the defendant's favor. In none of these 33 cases was the defendant convicted of the offense charged. Most frequently, there was a plea to a lesser offense; this happened with 25 (76 percent) of the 33 defendants. Eight defendants (24 percent) out of the 33 obtained an acquittal or dismissal due in the prosecutor's opinion to the legal problems raised by their confessions. These 8 defendants represented only 2.5 percent of the total number prosecuted during the sample period. They were charged, however, with serious crimes, including 1 murder, 4 robberies, and 2 housebreakings and larcenies.

A similar survey conducted for 1 month in the U.S. Branch of the Court of General Sessions showed confessions or admissions in 43 percent (301 or 704) of the cases. It also showed that the conviction rate was highest in cases where there was a confession and a greater frequency of pleas when an incriminating statement was present.

To summarize, these Commission studies reveal that in nearly half of all cases prosecuted in both the U.S. District Court and the Court of General Sessions the defendant had made incriminating admissions. In the District Court 33 of the 137 cases with statements produced legal problems about their use such that the prosecutor felt the ultimate disposition was affected in the defendant's favor; these 33 cases resulted in 8 defendants being dismissed or acquitted. There appeared to be no ascertainable differences in conviction rates between the cases where there were statements and those where there were none, but the number of pleas increased with the presence of statements.

Cases Reversed Under Mallory

The final area in which the Commission looked for evidence on the law enforcement impact of *Mallory* was in the cases reversed on appeal for violations of Rule 5(a). By February 1966 the *Mallory* rule had been an issue in 143 cases terminated in the U.S. Court of Appeals for the District of Columbia Circuit; in 111 cases (78 percent) the court upheld the Government's position on *Mallory* questions.[88] In 32 cases (22 percent) the court reversed or remanded on *Mallory* grounds. As shown in Table 12, the rate of reversal or remand in these *Mallory* cases was about the same as the rate for all criminal appeals. However, the number of *Mallory* appeals taken in the first place may have been greater and may have included a larger

number of insubstantial contentions, resulting in a relatively high rate of affirmance and a low rate of reversal. This is always a greater possibility in areas where the law is unclear. The *Mallory* appeals over a decade have affected 163 defendants—14 percent of the 1,164 persons whose criminal appeals were terminated in fiscal years 1958 through 1965.[89]

TABLE 12.—*Comparison of Mallory cases with all cases disposed of after hearing or submission: U.S. Court of Appeals for the D.C. Circuit*

[Fiscal years 1958–1965]

Fiscal year	All cases*			All criminal cases*			All Mallory cases†		
	Total	Reversed or remanded		Total	Reversed or remanded		Total	Reversed or remanded	
		Number	Percent		Number	Percent		Number	Percent
1958	399	113	28.3	82	14	17.1	19	3	15.8
1959	352	104	29.5	92	21	22.8	19	2	10.5
1960	354	101	28.5	90	23	25.6	15	1	6.7
1961	338	86	25.4	71	12	16.9	8	0	0.0
1962	326	90	27.6	77	17	22.1	13	2	15.4
1963	363	113	31.1	120	32	26.7	18	7	38.9
1964	398	95	23.9	134	28	20.9	19	6	31.6
1965	426	103	24.2	179	44	24.6	29	9	31.0
1966	448	126	28.1	154	35	22.7	‡3	2	66.7
Total	3,404	931	27.4	999	226	22.6	143	32	22.4

*Source: Annual Reports of the Director of the Administrative Office of the United States Courts, 1958–1966. The remands come from those cases whose disposition is labelled as "other" in these reports.

†Source: Staff research. See footnote 87. The data are not precisely comparable to the Administrative Office data because some cases disposed of before hearing or submission are included.

‡Cases through January 1966 only.

The crimes involved in this group of 143 *Mallory* cases are shown on Table 13. They included 38 homicides, 9 rapes, 38 robberies, 8 assaults, and 18 housebreakings; these crimes constituted 78 percent (111 of 143) of all *Mallory* cases terminated on appeal and 91 percent (29 of 32) of the cases reversed or remanded on *Mallory* grounds. This was a higher proportion of serious crimes in *Mallory* cases than for all criminal appeals terminated in fiscal year 1965, when these offenses accounted for 66 percent (119 of 179) of the appeals and 68 percent (30 of 44) of the reversals and remands. In homicide appeals involving the *Mallory* issue the reversal rate was 34 percent, whereas the 1965 reversal rate in all homicide appeals without regard to the issue involved was 16 percent.

One effect of the *Mallory* reversals may be displayed by tracing the subsequent history of the individual defendants whose cases were reversed. Of the 163 defendants in the 143 appellate cases, 38 won

TABLE 13.—*Appeals terminated in Mallory cases and in all criminal appeals—U.S. Court of Appeals for the D.C. Circuit*

[Fiscal 1965]

Most serious offense	Cases terminated				Cases reversed or remanded			
	1965 cases*		Mallory cases†		1965 cases*		Mallory cases†	
	Number	Percent	Number	Percent	Number	Percent‡	Number	Percent‡
Homicide	19	10.6	38	26.6	3	15.8	13	34.2
Rape	10	5.6	9	6.3	4	40.0	2	22.2
Robbery	46	25.7	38	26.6	13	28.3	9	23.7
Assault	19	10.6	8	5.6	6	31.6	1	12.5
Housebreaking	25	14.0	18	12.6	4	16.0	4	22.2
Larceny	3	1.7	7	4.9	0	------	0	------
Forgery, embezzlement, counterfeiting and fraud	7	3.9	2	1.4	2	28.6	0	------
Auto theft	6	3.4	6	4.2	2	33.3	0	------
Narcotics	26	14.5	11	7.7	5	19.2	2	18.2
Bribery	4	2.2	4	2.8	1	25.0	1	25.0
Gambling	2	1.1	1	0.7	0	------	0	------
All other	12	6.7	1	0.7	4	33.3	0	------
Total	179	100.0	143	100.1	44	24.6	32	22.4

*Source: Annual Report of the Director of the Administrative Office of the United States Courts, 1965.

†Source: Staff research. See footnote 88.

‡Percent of cases terminated.

one or more reversals or remands on *Mallory* grounds.[90] As shown on Table 14, 10 of the 38 defendants eventually pleaded to lesser offenses and 9 others obtained outright release (8 were freed on Government motions to dismiss and 1 by a court judgment of acquittal). Four of the 9 who were freed due to *Mallory* issues were later convicted of subsequent crimes, including rape, housebreaking, larceny, and narcotics violations.[91]

ANALYSIS

The limited facts at the Commission's disposal do not by any means resolve all the issues concerning the impact of *Mallory* on law enforcement in the District of Columbia. They are not an adequate substi-

TABLE 14.—*Subsequent court history of defendants in Mallory cases reversed or remanded by U.S. Court of Appeals for the D.C. Circuit*

[Fiscal years 1958–1965]

Disposition in U.S. District Court	Defendants*	
	Number	Percent
Reconvicted	16	57.1
Plea to same offense	1	3.6
Plea to lesser offense	10	35.7
Guilty of same offense	5	17.9
Guilty of lesser offense	0	0.0
Not reconvicted	12	42.9
Acquitted	†2	7.1
Dismissed	9	32.1
Judgment of aquittal	1	3.6
Total dispositions	28	100.0
Recommitted after remand	5	--------
Pending and unknown	5	--------

*Source: Staff research. See footnote 87.

†Did not gain freedom because one count in conviction was affirmed by the Court of Appeals. Both, however, benefitted by a reversal on other counts.

tute for systematic fact-finding over an extended period of time. They do, however, replace pure speculation on some issues.

(1) It is clear that even under *Mallory* limitations police interrogation plays an important role in law enforcement. Statements and admissions were involved in 43 percent of the felony cases prosecuted in the United States District Court between December 1965 and April 1966 (Tables 10, 11). The Homicide Squad obtained statements in almost all of its cases (Table 2). Statements figured in 32 percent of the robbery cases cleared by arrest by the Robbery Squad (Table 5).

(2) The presence of a statement or an admission affects the outcome of criminal prosecutions. A statement or an admission substantially increased the probability of a plea of guilty and increased the conviction ratio, although to a more limited degree (Tables 4, 11). Between December 1965 and April 1966 legal problems with confessions or statements resulted in the release of 2.5 percent of the defendants

(8 out of 316) before the District Court, including 1 charged with murder, 4 with robbery, and 2 with housebreaking.

Conversely, the Commission concludes from these facts that two common speculations about judicial restraints on police interrogation are not proved. First, as shown in Table 11, confessions are not essential to the successful prosecution of the vast majority of cases. Second, even under *Mallory* the police are able to question and obtain admissible statements in a substantial number of cases. These statements are obtained in fairly short periods of time and sometimes occur even after consultation with a lawyer (Tables 6–9).

These data admittedly do not measure the intangible factors of police morale and community attitudes toward law enforcement. We recognize that court decisions which appear to benefit criminals because of technical lapses do affect police morale, as well as the public's image of the courts and the law enforcement process. We believe that in this regard a special effort should be made by the United States Attorney and the proposed counsel for the Metropolitan Police Department to inform policemen fully concerning the reasoning and meaning of court decisions. Similarly, the public needs to know from its law enforcement officials all the considerations involved in a decision to exclude a confession from evidence and how often such a result occurs in the total volume of cases processed.

It should also be noted that the Commission's factual studies did not encompass any evaluation of the police department's present lack of authority to stop suspicious persons on the street for questioning and to arrest or detain them temporarily if their answers are not satisfactory. Such authority is contained in the Uniform Arrest Act,[92] the preliminary draft of the ALI prearraignment code,[93] and the Omnibus Crime Bill recently disapproved by the President. Although the Commission has no recommendations for legislation along these lines, it does wish to acknowledge its concern with reports that citizens in the District are often reluctant to respond to the legitimate inquiries of police officers investigating crimes.

Police interrogation unaccompanied by arrest is a legitimate and indispensable law enforcement tool, and the Supreme Court in its *Miranda* opinion recognized the moral duty of citizens to cooperate with the police in this respect:

> . . . we are not unmindful of the burdens which law enforcement officials must bear, often under trying circumstances. *We also fully recognize the obligation of all citizens to aid in enforcing the criminal laws.* This Court, while protecting individual rights, has always given ample latitude to law enforcement agencies in the legitimate exercise of their duties. [Emphasis supplied.][94]

According to the Court, the mandates of warning and counsel do not apply to "general on-the-scene questioning as to facts surrounding a

crime or other general questioning of citizens in the fact-finding process," so long as "the compelling atmosphere inherent in the process of in-custody interrogation is not present." [95] Testimony of witnesses often makes the critical difference in the solution of street assaults, store robberies and similar crimes, where scientific techniques may be insufficient or impossible to apply. Citizens of the neighborhoods where witnesses are most hesitant to talk to the police are themselves most often the victims of such crimes. The Commission urges citizens in the District to cooperate fully with the police by responding to their inquiries.

In conclusion, the Commission notes that it has been unable to find satisfactory proof of a causal relationship between the increasing crime rate and restraints on police interrogation. The crime rate, like the police clearance rate, is affected by a variety of factors, including increased crime by juveniles to whom the *Mallory* limitations do not apply. Efforts to attribute increased crime and decreasing clearance rates to the *Mallory* rule must, in our judgment, be viewed with extreme caution. To our knowledge, the correlation can be neither proved nor disproved at this time.

PROPOSALS FOR CHANGE

Several legislative proposals have been advanced to limit the impact of judicial rules restricting police interrogation. In the main, they modify the *Mallory* rule as interpreted in the District of Columbia and are designed specifically to authorize police interrogation of the accused before his presentment in court. Although most of these proposals predate the *Miranda* decision and must be reevaluated in its aftermath, others have attempted to incorporate the constitutional requirements of that decision.

THE OMNIBUS CRIME BILL

During the 1965–66 session of Congress, two separate bills were enacted by the House of Representatives and the Senate on this subject. The House bill would have overruled *Mallory* by making confessions or other admissible evidence not inadmissible "solely because of a delay" in presentment.[96] It required, however, a preliminary warning on the privilege against self-incrimination as a precondition for the admissibility of any confession obtained by interrogation.[97] The warning did not include advice on the suspect's right to counsel; neither did the bill provide for any recording of the interrogation. Six hours of "non-arrest" detention for interrogation was permitted.[98]

The Senate bill would have authorized interrogation by the police for a period up to 3 hours; this period would not be defined as an "unnecessary delay." [99] Suspects would be advised regarding their right to remain silent and their right to talk to counsel or relatives and friends.[100] The bill was, however, silent as to assignment of counsel for indigent suspects, but "whenever reasonably possible," police questioning and the warning were to be "witnessed by a responsible person who was not a law enforcement officer, or transcribed verbatim, or recorded," or "conducted subject to other comparable means of verification." [101]

The final version as it passed both Houses of Congress retained most of the content of the House bill, although it added a requirement that suspects be warned of their rights to silence and counsel before interrogation.[102] Interrogation without counsel could continue for only 6 hours exclusive of interruptions, and no statement or other evidence would be inadmissible because of delay in presentment. The bill did not amend Rule 5(a). Other portions of the bill would have allowed a nonarrest "detention" for up to 4 hours on probable cause to believe a suspect had committed any kind of crime, after which the individual must be released or formally arrested, and would have granted authority to hold material witnesses for 6 hours before presentment before a judge. This bill was disapproved by the President on November 13, 1966, leaving the *Mallory* rule in effect in the District.

ALI CODE

The American Law Institute (ALI) released a tentative draft of a proposed prearraignment code in May 1966.[103] This draft, which preceded the *Miranda* case, allowed station house detention of a suspect during a period of "preliminary screening" for the purpose of deciding whether to issue a complaint and what charges to bring.[104] The maximum screening time at the station house was 4 hours, except for some felonies (such as murder, rape, robbery, and burglary) where the time could be extended up to a maximum of 22 hours in certain circumstances, or where the suspect and his counsel agreed to an extension.[105] During the screening period, the police might interrogate, fingerprint and photograph the suspect, and confront him with the victim, other witnesses, alleged accomplices, or any other evidence, including the results of scientific tests.[106] Interrogation must be preceded by a warning of the suspect's rights to silence and to consult with counsel, relatives or friends.[107] It also provided that "in any jurisdiction where counsel is provided for indigent persons at the station house, the arrested person is to be so advised." [108]

Sound recordings were to be made of warnings and of any interrogation beyond a few brief questions.[109]

The ALI code drafters rejected prompt production of arrested persons before a magistrate, even when followed by possible remand to the police for a fixed period of questioning.[110] Although this procedure would provide an immediate test of the legality of arrest, permit the accused to be advised of his rights by a neutral magistrate, and provide an objective court record on any waiver of these rights,[111] they concluded it had overriding disadvantages. It would prolong the total period of detention since magistrates could not always be immediately located; the effectiveness of police interrogation would be reduced by the delay; and, based on past experience, the hearing would tend to deteriorate into a "perfunctory" proceeding which in reality would add little to the protection of the defendant.[112] The ALI draft code is being reassessed in light of *Miranda* and the discussion at the Institute meeting.

COMMISSION PROPOSAL

With only 6 months of experience under the *Miranda* decision, it is still uncertain to what extent police interrogation will remain in productive investigative technique. The Supreme Court indicated its belief that there will be continued opportunity for fruitful interrogation under its guidelines; [113] the limited study of police practice in the District confirms this judgment, revealing that 36 percent of the suspects who had counsel before *Miranda* did make incriminating statements. On the other hand, other experts predict a more severe curtailment of interrogation under *Miranda*, relying on Mr. Justice Jackson's dictum that "any lawyer worth his salt will tell the suspect in no uncertain terms to make no statement to police under any circumstances." [114]

In the Commission's view, however, our inability to predict the future course of police interrogation does not in any way minimize the present need for legislative clarification of Rule 5(a) and a legal accommodation between the *Mallory* and *Miranda* rules. During the coming months questions will arise concerning the extent to which policies previously embodied in the *Mallory* rule are now assured by compliance with *Miranda* requirements. For example, some prior decisions interpreting Rule 5(a) appear to say that all interrogation prior to presentment is improper, even though the *Miranda* opinion assumes that interrogation is proper so long as the suspect's privilege against self-incrimination is adequately protected. While this conflict might eventually be resolved in the slow and sometimes inconsistent method of case-by-case litigation, the police, defendants and their counsel need

sure guidelines as to their future conduct wherever possible. A majority of the Commission believes these guidelines can be more expeditiously provided through prompt action by Congress, rather than through resolution by the courts or the rule-making procedures of the Supreme Court.

The Commission, therefore, urges legislation for the District of Columbia which amends Rule 5(a)'s requirements of presentment without "unnecessary delay" in order to permit the following specific activities of law enforcement officers prior to presentment if they are accomplished within a "reasonable" time* and in strict conformity with the *Miranda* decision. The Commission recommends that under these conditions the following activities should be authorized:

(1) "Booking," fingerprinting and photographing of the accused at the police station, obtaining an attorney for the accused and awaiting his arrival.

(2) Making inquiries of the accused as to whether he wishes to give any explanation of the accusations which have been made against him and hearing his replies, if any.

The Commission also recommends that the proposed legislation include authorization for certain other necessary investigative activities before presentment. In these instances, however, notice of the right to counsel should be supplemented by advice to the defendant by the police of his rights to prompt presentment and release on bail, and only if he or his lawyer agree to waive those rights would the delay for the following activities be permissible under Rule 5(a).

(3) Taking the accused, if he is willing and consents, to the scene of the crime for the purpose of illustrating how it was committed, or to the place where the proceeds, instrumentalities, or victim of the crime may be found.

(4) Checking into the accuracy of any statement made by the accused.

(5) Confronting the accused with the victim of the crime of which he is accused, and the victims of similar crimes, for the purpose of identification in a line-up or otherwise.

(6) Confronting the accused with physical evidence and alleged witnesses to the crime of which he is accused.

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*We have used the word "reasonable" with the full realization of its inexactitude. It is preferable, in our opinion, to a stated time if the law is to do justice. Of course, a stated period of time would make administration of the rule an easier task, but it could be an instrument of injustice in some cases because a time limitation might be fair and reasonable in one context and unfair and unreasonable in others. In addition, the word reasonable has a recognized meaning in law, as do many other inexact words such as "negligence," but it is incapable of precise definition and must be left in each case to a determination under the standards of reasonableness as known to the law.

(7) Confronting the accused with others, including accomplices, who have made statements incriminating the accused.

The legislation should provide in addition that all requisite police warnings, waivers by the suspect, and interrogations be sound recorded and the recordings made available to the court in the event of any claim of failure to comply with the prescribed procedures. Four members of the Commission would set a limit of 6 hours on all delay prior to presentment regardless of the circumstances.

During the period prior to any legislative clarification, the Commission respectfully and unanimously urges the courts to recognize the importance of police interrogation to law enforcement and the extent to which policies previously embodied in the *Mallory* rule may now be protected constitutionally under *Miranda*. Although the Supreme Court has expressly recognized the continued validity of Federal regulations such as Rule 5(a), this does not mean that procedures established under *Miranda* are irrelevant to a determination of whether a suspect has been presented to a magistrate without "unnecessary delay." The time necessary to comply with *Miranda* by obtaining a lawyer for a suspect, and a limited period of questioning with a lawyer present should not be deemed an unnecessary delay under *Mallory*. Where counsel is present and consents, Rule 5(a) should be interpreted to permit other investigative activities prior to presentment. In those cases where the suspect has waived his right to counsel under *Miranda*, interrogation should be permitted.

The Commission also urges the immediate instigation of a program to collect specific information on current police practices under *Miranda*, the frequency with which statements are made, and problems which arise concerning their use in prosecution. The Department of Justice should work with the Metropolitan Police Department and the United States Attorney to develop the means for acquiring such information systematically and in time for presentation in connection with this Commission's proposed changes in Rule 5(a).

SUMMARY OF RECOMMENDATIONS

1. The Commission recommends legislation for the District of Columbia to amend Rule 5(a) of the Federal Rules of Criminal Procedure to authorize specified police activities within a "reasonable" time prior to presentment of an arrested person before a committing magistrate, provided there is strict conformity with the *Miranda* decision and that, before other investigation, the defendant is apprised of his rights to prompt presentment and release on bail and agrees to any delay. Four members of the Commission believe that, in any case, de-

lay prior to presentment for any police interrogation or investigation should not exceed 6 hours.

2. In the absence of legislation, statements obtained from defendants by the Metropolitan Police Department in accord with the provisions of *Miranda* should be admitted in evidence under a judicial interpretation of "unnecessary delay" which takes into consideration the protection afforded the defendant under *Miranda* and which specifically excludes the time necessary to obtain counsel and a period of interrogation with a lawyer present.

3. The Department of Justice, the United States Attorney's Office and the Metropolitan Police Department should collect data relevant to the way in which *Miranda* is being complied with by the police, the effects of *Miranda* on police interrogation, and the effects of statements made to the police on prosecution and conviction of persons accused of crime.

4. Law enforcement agencies and civic organizations should undertake programs emphasizing citizen cooperation with the police, particularly in the matter of responding to police inquiries concerning crimes in which they are not involved and concerning other persons suspected of criminal offenses.

SECTION VI: FIREARMS

HANDGUNS AND CRIMINAL ACTIVITY

In the District of Columbia, handguns have become the weapon of choice among people bent upon crime.[1] The reasons for this choice are clear: The handgun is readily obtained at a reasonable price, it is easily concealed until needed, and it is an effective means of threatening and applying force.

The increase in crimes committed with handguns in the District of Columbia is not an altogether new phenomenon. As shown by Table 1, there has been a steady increase over the last 10 years. In fiscal 1965 there was a "shocking increase" in the use of handguns in the commission of crime.[2] Murders in that year rose 51 percent, but handgun murders went up 62 percent. The total of aggravated assaults went down 10 percent, while handgun assaults went up 31 percent. The increase of 50 percent in robberies produced an increase of 107 percent in handgun robberies.

Even the figures on Table 1 understate the number of serious crimes in which handguns are used. The police do not tabulate the use of weapons in crimes other than homicides, assaults and robbery; it is not known, therefore, how often handguns were used in the commission of rape, housebreaking or other crimes. However, in fiscal 1965 there were 705 weapons offenses in which illegal carrying or possession was the most serious crime,[3] and about 24 percent of persons convicted in the United States District Court for the District of Columbia in fiscal 1965 committed their crimes while armed.[4]

There is no way to ascertain accurately the number of handguns possessed by residents of the District of Columbia. An estimated 65,000 handguns have been brought to police attention by owners or sellers since 1932.[5] It is an open question, of course, how many of these weapons remain in the possession of the registrant and how many more are unregistered.[6] The police suggest that the unregistered handgun is far more likely to be used for criminal purposes than is the registered one. This is confirmed by an examination of the 62 homicides committed with handguns in calendar year 1965 in the District of Columbia; only 26 of the weapons had been obtained legally, and of those only 12 were registered.[7]

TABLE 1.—*Homicides, assaults, and robberies committed with handguns in the District of Columbia*

[Fiscal years 1955–1966]

Fiscal year	Homicides		Assaults		Robberies and attempts	
	Number	Percent of homicides	Number	Percent of assaults	Number	Percent of robberies
1955	11	25.0	228	5.0	----------	----------
1956	18	32.7	239	8.5	----------	----------
1957	18	28.6	223	8.8	----------	----------
1958	20	26.0	259	9.3	----------	----------
1959	20	29.0	277	11.1	----------	----------
1960	18	25.0	295	9.6	----------	----------
1961	28	34.1	302	10.4	----------	----------
1962	24	28.2	393	13.3	279	13.3
1963	21	25.3	415	13.8	----------	----------
1964	37	35.6	467	17.0	482	18.3
1965	60	38.2	614	24.8	1,000	25.3
1966	73	50.0	640	22.7	1,137	29.9

Sources: 1955–1964: Hearings on S. 1632 before the Senate Committee on the District of Columbia, 89th Cong., 1st Sess. 323 (1965).
1965: MPD Ann. Rep., 59 (1965).
1966: Letter from Insp. Jerry V. Wilson, Asst. Chief Clerk, MPD, Aug. 29, 1966.

EXISTING LAWS REGULATING HANDGUNS

PURCHASE LAWS

Under District of Columbia law, a handgun may be obtained legally in the District from any registered dealer or from any private owner after certain requirements are met. The requirements are completion of an application form by the purchaser, transmittal of the form to the police by the seller, and a delay of 48 hours to permit police investigation of the purchaser to determine whether he is eligible to purchase a handgun.[8] Sales may not be made to persons under 21 years of age, to persons whom the seller believes to be of unsound mind, to drug addicts, to convicted felons, to persons with prior weapons offense convictions, or to certain misdemeanants.[9] In effect, almost anyone who is willing to fill out a form and wait for 48 hours can buy a handgun. Illegal sales and purchases are punished by a fine of up to $1,000 or imprisonment up to 1 year, or both. During 1965 there were 2,486 handguns sold legally in the District of Columbia.[10]

Those who wish to obtain handguns without coming to the attention of law enforcement authorities can do so readily. The reservoir of unregistered weapons in the District of Columbia makes it possible to obtain guns without any waiting period or police clearance. Although the transacton is illegal, there is no serious risk of detection for either

party to the exchange. It is unlikely that the purchaser will be detected by the police until he has committed a crime more serious than illegal purchase or possession of a gun, and the police are virtually unable to trace the unregistered weapon to the illegal seller. No estimate can reasonably be made as to the number of weapons which change hands each year in this manner.

A resident of the District of Columbia may go outside Washington and purchase a handgun under the laws of another jurisdiction, even if he is not legally entitled to purchase a weapon in the District. In fact, until recently any person could go into counties adjacent to the District of Columbia and obtain a handgun without any formality or restriction. District police officials reported to a Senate subcommittee in 1965 that 58 percent of one Maryland gun dealer's sales were to District residents and that 40 percent of these buyers had police records.[11] Federal legislation governing interstate shipment of firearms does not presently prohibit purchases where the buyer himself goes into another state to obtain a weapon.[12]

POSSESSION LAWS

Possession of a handgun is legal in the District of Columbia for all but a few specified persons: Drug addicts, convicted felons, persons with prior weapons offense convictions, and certain misdemeanants. Anyone else may keep a handgun in his home or place of business without restriction, without regard to whether it was obtained legally or illegally, and without informing the police about the gun. A minor or a person of unsound mind may possess a handgun in the District even though he cannot legally purchase it here. For those who possess a gun illegally, punishment may be a fine of up to $1,000 and/or imprisonment up to 1 year for a first offense and up to 10 years for subsequent offenses.[13]

CARRYING LAWS

No one may carry a handgun, openly or concealed, in the District unless he has been licensed to do so by the Metropolitan Police Department. "Carrying" has been interpreted to include having an accessible handgun in an automobile.[14] Licenses are granted sparingly; the police estimate that only about two dozen are extant.[15] Exceptions to the licensing requirement are made for five groups of people: (1) Federal and local law enforcement officers; (2) military personnel; (3) members of certain gun clubs and associations while they are going to or from target practice; (4) persons who sell or otherwise deal in guns

as a business while they are in the ordinary course of that business; and (5) persons going to home or business following purchase, or between home or business and place of repair, or persons moving goods from one home or business to another, provided that the handgun is unloaded and "securely wrapped." [16]

Of these exceptions, the most important is that for law enforcement officers. Special police, who are paid by their employers, can be appointed at the request of property owners for the protection of private property.[17] These "policemen" are entitled to carry handguns at their places of work and, depending on the circumstances, may also be allowed to carry handguns between their homes and places of work.[18]

Carrying without a license is punishable by a fine of up to $1,000 and/or imprisonment for up to 1 year for a first offense, and by imprisonment for up to 10 years for subsequent offenses and for persons who have prior felony convictions. In addition, any person carrying a handgun while committing or attempting to commit any of specified felonies may be imprisoned for additional periods of time upon conviction of that felony or its attempt.[19]

Enforcement of these handgun laws in fiscal 1965 was actively pursued by police, prosecutors and courts. The Metropolitan Police Department recorded 705 weapons offenses and cleared 99.4 percent of them.[20] The United States Attorney followed a general policy of prosecuting all gun cases, and in 1965 initiated "a crackdown on flagrant violations by District gun dealers." [21] However, there was little use of the options which could result in additional penalties for users or possessors under the provisions of the Dangerous Weapons Act, presumably because experience has indicated that addition of charges to the indictment does not influence sentences given to defendants convicted of burglaries or other serious crimes.[22]

Sentences given by the courts for weapons offenses varied widely. In 1965 in the United States District Court, 33 defendants were sentenced whose most serious offense on conviction was a weapons violation. Seven received a suspended sentence or probation; 4 were sentenced to a maximum falling within the category of 1 year or less; 14 received a maximum in the 1-to-3-year category; 3 received a maximum in the 3-to-5-year category; and 5 received a maximum in the 5 years or more category.[23] A survey of cases in the Court of General Sessions showed that of 155 persons convicted of carrying a dangerous weapon (gun or other) in fiscal 1965, 86 were committed to jail, 17 paid a fine, and 52 received suspended sentences or probation. Of the 86 committed to jail, the median sentence was 83 days; 4 defendants received the maximum misdemeanor penalty of 1 year.[24]

NEED FOR ADDITIONAL HANDGUN CONTROLS

Based on its review of crime in the District of Columbia and existing handgun laws, the Commission has concluded that additional legislation is necessary. Every enforcement and legislative effort must be made to bring to a halt the steady increase in the homicides, assaults and robberies committed with handguns in the District. We recognize that enactment of new legislation does not ensure reversal of this trend, but we believe that it is an essential first step.

We welcome enthusiastically the recent legislative action in adjacent counties which has imposed new limitations on the sale of handguns. Montgomery and Prince Georges Counties in Maryland, and Arlington County and the City of Alexandria in Virginia now require waiting periods of at least 5 days and limit those persons who are entitled to purchase handguns in a way similar to the District of Columbia law.[25] Maryland has enacted a handgun law with a 7-day waiting period on purchases; it became applicable to the entire state on June 1, 1966. It also forbids handgun sales to persons in categories similar to those of the District of Columbia.[26] It is too early to measure the effects of these laws, but police cooperation has been initiated and may substantially reduce easy access to guns in nearby communities by District residents. However, those who are willing to travel farther are still able to ignore local purchasing restrictions. We believe these local laws can be bolstered by enactment of legislation to amend the Federal Firearms Act such as that recently considered by the United States Senate. Among other important provisions, S. 1592, as reported out of the subcommittee during the last Congress, would prohibit sales by Federal licensees of any handguns to persons who are not residents of the state in which the seller does business.[27] We urge Congress to enact such legislation.

This Commission recommends that the District's laws relating to handgun control be substantially stiffened in an effort to curtail the easy availability and criminal use of these dangerous weapons. We support legislation which would, among other reforms, require all persons possessing handguns in the District of Columbia to register them with the police, prohibit the purchase or possession of handguns by all persons under 21 and in other specified categories, increase penalties provided by the law, and extend the necessary waiting period from 48 to 120 hours.[28]

In fact, we believe that Congress should go even further than suggested by the bills considered in the 89th Congress. The seriousness of the situation in the District of Columbia, in our opinion, requires the enactment of a handgun licensing law. In brief, this legislation should:

(1) Require a license to purchase or possess any handgun under any circumstance;

(2) Authorize issuance of licenses by the Metropolitan Police Department only after:

(a) complete investigation of all applicants for licenses;

(b) proof of the applicant's qualifications to use a handgun; and

(c) an affirmative and specific showing of need to possess a handgun;

(3) Provide for confiscation of handguns owned by applicants not qualifying for licenses;

(4) Make possession without a license a misdemeanor for the first offense and a felony for subsequent offenses; and

(5) Define need to possess a handgun to the end that it shall include responsible persons who show that their lives have been threatened; or that their dwellings, places of business, or similar places of business or residences in the immediate neighborhood have been victimized by housebreakings, robberies or other acts of violence; or that they have handguns solely for target practice; or that they are bona fide collectors.

We are convinced by the experience in New York City that a strictly enforced licensing law can have a significant impact on the amount of handgun crime. New York's "Sullivan Law," enacted originally in 1911 and amended several times to make it more stringent, is unique in the United States because it requires a license to possess a handgun even in one's home or place of business.[29] No license is necessary for the possession of a shotgun or rifle. New York City administers the Sullivan Law's licensing provisions restrictively with the apparent goal of making private ownership of handguns as uncommon as possible; compliance is made burdensome and pre-licensing investigations are exhaustive.[30] New York police officials told a Senate subcommittee in 1965 that only 17,500 licenses to possess handguns had been issued in a city of more than 8 million people.[31] Although there are certainly many crimes in New York City committed with handguns, the relative number of such crimes is substantially less than in the District of Columbia. While the District of Columbia had a handgun murder rate of 9.1 per 100,000 population in fiscal 1966, New York City had a rate of 1.7; the handgun assault rate was 79.8 in the District and 20.0 in New York City; and the handgun robbery rate was 141.7 in the District and 45.4 in New York City.[32]

The legislation proposed by this Commission is a reasonable compromise among several competing interests. Notwithstanding the

arguments often advanced by opponents of any handgun legislation, we believe that such a proposal is fully consistent with judicial interpretation of the Second Amendment to the United States Constitution.[33] The proposed law does not restrain the purchase or possession of rifles or shotguns, which are the firearms used by most sportsmen and other legitimate users. It is designed to deal with the handgun which—easily obtained and concealed—poses the greatest threat to the law-abiding public. Balancing the needs of the community and weighing the evidence concerning the high incidence of violent crime when handguns are available, the Commission has concluded that purchase and possession of handguns should be the exception, not the rule. Possession of handguns should be permitted only where the owner has a demonstrable need—a need which takes into account the nature of a person's business or threats to his life or property, but which must be clearly shown.

As the Report of this Commission reflects throughout, crime in the District of Columbia cannot be dramatically eliminated, or even curtailed, by the adoption of any single legislative proposal or enforcement measure. This is certainly the case with legislation designed to restrict the use of handguns in serious crimes. Legislation on this subject must be followed by energetic law enforcement efforts to detect and prosecute violators. The recommendations of this Commission, if adopted, will help meet one of the most serious enforcement problems in the District of Columbia. A community in pursuit of law and order can ill afford to tolerate the handgun crime which has resulted from imperfect laws and entrenched opposition to change.

SUMMARY OF RECOMMENDATIONS

1. Legislation for the District of Columbia requiring a license to purchase or possess a handgun should be enacted.

2. Federal legislation to further curtail interstate availability of handguns should be enacted.

SECTION VII: CRIMINAL CODE REVISION

Throughout this Report the Commission has made numerous specific recommendations for improving the effectiveness of the criminal law. In compliance with our Presidential directive, however, we have also considered the general adequacy of the criminal laws in the District of Columbia and have weighed the desirability of their comprehensive revision and reform.

THE NEED FOR REVISION AND REFORM

GENERAL CONSIDERATIONS

By means of the criminal law, society identifies that human conduct which will be made the subject of punitive sanctions and selects methods for dealing with it.[1] The fundamental goals are variously articulated in terms of the society's survival, the necessary creation of the "conditions of civilization," and the balancing of the interests of society and the individual.[2] More immediately, the criminal law seeks to prevent crime by deterring potential criminals and rehabilitating individual offenders.[3]

Achievement of these objectives requires a body of law which is as "simple, clear, uniform, and direct as the needs of our complex society will permit."[4] Offenders should not escape treatment or punishment because of incomplete, confused or overlapping provisions of the law.[5] Administration of the criminal law necessarily involves the exercise of discretionary power by various officials, but there must be standards to guide them.[6] The law must also provide a sound and consistent scheme of sanctions which reflects recent scientific advances and is well designed to achieve deterrence and rehabilitation.[7]

Since 1942 several states have undertaken systematic revision of their criminal laws. Louisiana (1942),[8] Wisconsin (1955),[9] Illinois (1961),[10] Minnesota (1963),[11] and New York (1965)[12] have enacted new criminal codes after lengthy study by legislative committees, state commissions, bar associations, and other agencies. In Pennsylvania a new code has been presented to the General Assembly.[13] In California a Joint Legislative Committee is reviewing the state's 90-year-old code.[14] These efforts have been given considerable impetus

by the work of the American Law Institute in preparing its Model Penal Code, which was published in proposed official form in 1962.[15] The Institute's code is not merely a reorganization and restatement of existing law, but it also attempts to achieve new cohesion and consistency for the criminal law by setting forth general principles of criminal liability and responsibility, as well as specifying definitions of crimes and criteria for the sentencing and treatment of convicted offenders.

Although the techniques for accomplishing code revision have varied from state to state, the results appear uniformly successful. In Louisiana it is reported that administration of criminal justice is greatly improved because of new clarity and certainty in the law. In Wisconsin the new code is credited with a substantial reduction in the number of criminal appeals.[16]

The need for revision of the Federal criminal laws has been reflected in recent Congressional action. In a Message on March 9, 1966, the President called for their modernization and stated:

> A number of our criminal laws are obsolete. Many are inconsistent in their efforts to make the penalty fit the crime. Many—which treat essentially the same crimes—are scattered in a crazy-quilt patchwork throughout our Criminal Code.[17]

In response to this call for a "modern and rational criminal code," Congress created the National Commission on Reform of Federal Criminal Law to review the 1948 codification of Federal criminal law and to recommend repeal of unnecessary or undesirable statutes and appropriate changes in the penalty structure.[18]

This trend toward systematic review and codification of the criminal law reflects recognition of the inadequacy of a body of law which evolves through intermittent legislative action, judicial decision and prosecutive practice. Code revision offers an opportunity to eliminate loopholes, ambiguities and inequities and thereby make the criminal law a more effective and respected instrument of social control.[19]

DISTRICT OF COLUMBIA LAW

After reviewing the criminal code in the District of Columbia, the Commission concludes that a similar systematic revision of our criminal laws is needed. This opinion is generally shared by many lawyers and judges who responded to the Commission's inquiries regarding the adequacy of these laws. As in other jurisdictions where comprehensive reform has been undertaken, the District's code needs modernization, clarification, a more rational penalty structure, and thoughtful consideration of many difficult substantive and procedural problems.

Need for Modernization

The District of Columbia criminal law was first codified in 1901 and has not been codified since.[20] This codification was basically a collection and reorganization of the criminal statutes as they then existed. It did not examine general principles of criminal law or undertake a systematic definition of criminal behavior; many significant matters pertaining to the criminal law were ignored.

District statutes today lack the clarity which is afforded by precise definition. Illustrative is the 1901 code's treatment of the crime of manslaughter: The law declares only that manslaughter is a criminal offense punishable by a fine not exceeding $1,000 or imprisonment not exceeding 15 years, or both.[21] Definition of the crime itself was left to the common law and court decisions through the years. Statutory law in the District does not specify or define defenses to criminal charges; the result has been extensive litigation over the validity of particular defenses.[22] These deficiencies in the 1901 code promote public doubt concerning the law and handicap lawyers and judges in the efficient execution of their duties.

The deficiencies of the code are accentuated because the law has changed substantially since 1901. Additional legislative enactments and judicial decisions have reflected changing public attitudes toward behavior which should be considered criminal. Many of these changes are found only in the law books containing court decisions; the criminal laws themselves are scattered throughout all 49 titles of the District of Columbia Code. Included are many outdated code sections such as those which make it unlawful to fly a kite,[23] to play bandy or shindy or any other bat-and-ball game in the street,[24] to challenge to a duel,[25] and to use opprobrious language in branding another as a coward for refusing to accept a challenge to duel.[26] In short, with the passage of 65 years the criminal law in the District of Columbia has become a disorganized patchwork of legislation and case decisions.

Absence of Clarity and Consistency

The District of Columbia criminal code contains many provisions which are confusing and inconsistent. Such provisions often complicate the law enforcement responsibilities of the policeman and prosecutor and foster unnecessary litigation.

A prime illustration is found in the area of theft. Historically, "larceny" was defined as a furtive taking of property from the possession of another. Where persons entrusted with goods by the owner misappropriated them, courts ruled that this was not larceny. Legis-

latures remedied this defect by creating the crime of embezzlement, and soon new statutes were enacted covering a number of embezzlement offenses. Other shortcomings in the law of larceny were revealed in those cases where the defrauder persuaded his victim to part with possession and title of his property, which required the creation of the crime of obtaining property by false pretenses. There thus developed three distinct major theft crimes: larceny, embezzlement and false pretenses.

Reflecting these developments, the District Code has a proliferation of theft sections: Six sections cover larceny [27] and two apply to receiving stolen property; [28] ten sections cover embezzlement [29] and one the receiving of embezzled property; [30] one section covers obtaining property by false pretenses,[31] but five cover false personation.[32] Several other sections cover related offenses—forgery,[33] imitating brands,[34] stealing a will,[35] converting assets of an estate,[36] using slugs in machines,[37] making and uttering bad checks,[38] and fraudulent advertising.[39] This surfeit of theft offenses makes it difficult in many cases to determine just what statutory offense has been committed. In a given case a prosecutor might proceed against a defendant on two theories, such as larceny and embezzlement, the difference turning on the nebulous distinction between "custody" and "possession." If a jury convicts on one, the defendant may appeal on the ground that the facts proved the other offense, and the appeal may be successful.

A code which embraced all traditional forms of theft but eliminated overlapping provisions could minimize confusion and litigation. An examination of case law in the District indicates that courts tend to look beyond statutory definitions to the substance of the offense—in effect amending the statutes.[40] The effectiveness of this approach is limited, since the courts are understandably reluctant to set aside the express wording of a statute in order to achieve a unified law of theft. Moreover, statutory amendments are the proper province of the legislature and not the court; and legislation by the courts on a case-by-case basis rarely contributes to clarity or consistency.[41]

The law of robbery in the District is another illustration. Robbery has been traditionally viewed as larceny in an aggravated form,[42] the aggravation arising from the force or violence used or threatened in order to accomplish the larceny. The District of Columbia Code blurs this robbery-larceny distinction by adding stealthy seizure to its definition of robbery. Thus, the secret taking of property from one's person or from his immediate possession may be either robbery or larceny. In this instance, the exercise of prosecutive discretion in selecting which crime to charge vitally affects the eventual penalty; the possible imprisonment for grand larceny is 1 to 10 years,[43]

while robbery has a 6-month mandatory minimum and a 15-year maximum.[44]

The law of attempt is another example of inconsistency in the District Code. Some of the provisions in the code equate an attempted offense with the offense itself, as in the cases of abortion,[45] arson,[46] bribery,[47] forgery,[48] and the use of slugs in coin machines.[49] One provision specifically provides a punishment for an attempt to commit an offense.[50] Other provisions essentially equate attempts with lesser offenses; attempted murder, for example, becomes assault with intent to kill. A majority of criminal attempts, however, are left to the operation of the general attempt statute, which provides that in all cases not otherwise covered an attempted crime may be punished by a fine not exceeding $1,000 or imprisonment for not more than 1 year or both.[51] Thus, one who *attempts* a housebreaking may be jailed for no more than 1 year, while if he succeeded the penalty could be 15 years. A reading of the statutes suggests that one who commits petit larceny can be imprisoned for not more than a year and fined not more than $200, although an attempted petit larceny may result in imprisonment for 1 year and a fine of $1,000. A recent decision eliminates this anomaly in the law,[52] but clear and consistent statutes could have avoided the litigation.

Lack of Effective Penalty Structure

The penalties provided in the District of Columbia Code are inequitable and inconsistent. Various sections of the code provide different penalties for essentially the same act.[53] Conversely, the code often prescribes identical penalties for acts which are qualitatively different, in part because there are no degrees of rape, robbery, housebreaking, and other crimes.[54] The multiplicity of comparatively lenient attempt statutes further indicates a lack of rational penalty structure, since offenders who do not complete their crimes frequently pose as great a threat to society as those who are more successful.

The District of Columbia Code also contains mandatory minimum penalties for several offenses,[55] and legislation recently vetoed provided mandatory minimum sentences for four additional offenses.[56] Some members of this Commission believe that all mandatory minimum sentences are inappropriate because they operate to limit judicial discretion and hinder the rehabilitative efforts of correctional officials. Other members believe that in some limited instances mandatory minimum sentences have a significant deterrent effect on specific kinds of crime. The Commission recognizes, however, that the mandatory

penalty provisions which now exist are largely obviated by the District's indeterminate sentencing laws.[57] Despite the mandatory minimums provided by statute, suspended sentences may be given, probation is available, and the actual time served may be as little as 1 day. At the very least, the Commission believes that this apparent conflict between the mandatory minimum provisions and the indeterminate sentence law requires review.

More generally, it is the view of this Commission that the District of Columbia Code lacks a unified and contemporary approach towards the rehabilitation of offenders. We find value in the American Law Institute's utilization of consultants from other disciplines in developing its Model Penal Code.[58] An interdisciplinary approach permits review of the criminal code and its penalty provisions in light of recent sociological and scientific advances, and may increase the law's effectiveness in preventing crime and rehabilitating offenders.

Substantive and Procedural Problem Areas

Revision of the District of Columbia Code would provide a needed opportunity to explore procedural and substantive problems which were encountered by this Commission in its work but are not considered in detail in this Report.

Arrest Laws

Under District statutes it is a misdemeanor for a police officer to "neglect making an arrest for an offense against the laws of the United States committed in his presence." [59] Literally construed, this section of the code would prevent the exercise of police discretion not to arrest. In cases such as public intoxication the statute indicates that it would be unlawful for the police officer to send the offender home or deliver him to a medical center for treatment and processing under various non-criminal alternatives. In fact, the statute is not literally construed, and District police officers exercise their discretion not to arrest. The strict language of the statute, however, causes the Metropolitan Police Department to be cautious in entering important experimental projects like the proposed detoxification program for chronic alcoholics.

Police discretion is also limited by another statute which provides that after arrest the police shall "immediately, and without delay, . . . convey in person such offender before the proper court, that he may be dealt with according to law." [60] But other sections authorize

release on stationhouse bond or after collateral is posted.[61] These sections have caused some confusion in establishing a basis for the summons program which has been recommended by this Commission and the Judicial Conference.

Revision of these arrest laws could promote substantial improvements in the handling of arrested persons by the police. In addition to consideration of these two particular problems, study of the arrest laws would permit further consideration of the difficult and sensitive issues reviewed in the American Law Institute's tentative draft of its Model Code of Pre-Arraignment Procedure.[62] Similarly, the use and possible abuse of police arrest records should be included in any comprehensive code revision.

Disorderly Conduct Statutes

Next to public intoxication the disorderly conduct statutes account for the largest category of nontraffic offenses in the District of Columbia. In 1965 over 20,000 charges of disorderly conduct were made by the Metropolitan Police Department.[63] Close examination of these provisions is appropriate because of their pervasive impact on police-community relations and their vulnerability to constitutional challenge.

Although there are several disorderly conduct statutes, the most significant ones are sections 1107 and 1121 (title 22, D.C. Code). Enacted in 1898, section 1107 prohibits loud and boisterous talking "or other disorderly conduct," incommoding the sidewalk, cursing, swearing, and engaging in any disorderly conduct in a street, public place, or where it can be heard.[64] Section 1121, passed in 1953 to clarify earlier law, contains the provision requiring individuals to "move on" after having been ordered to do so by a police officer and prohibits acting in a manner "to annoy, disturb, interfere with, obstruct, or be offensive to others." [65]

In our earlier discussion of the Metropolitan Police Department the Commission pointed out that the enforcement of the "move on" provision has been a barrier to the improvement of police-community relations in the District. Frequent complaints have been heard regarding the exercise of police discretion under this and other general provisions of the statute, particularly in the high-crime precincts where the statute is most used.[66] On several recent occasions, use of the disorderly conduct statute has created dangerous incidents involving groups of citizens and police.[67] These considerations have

prompted a recommendation by the Complaint Review Board for study of the "move on" provision [68] and the issuance of an opinion by the Corporation Counsel which sets forth guidelines for enforcement of this portion of the statute.[69]

As in the case of the vagrancy laws, broadly-worded disorderly conduct statutes invite constitutional attack. In 1965 the Supreme Court decided two cases which involved breach of peace statutes similar to the District's disorderly conduct laws; in each instance the Court found that the statutes were unconstitutionally vague.[70] In *Jalbert* v. *District of Columbia*, the D.C. Court of Appeals restricted the meaning of "other disorderly conduct" used in the 1898 law to disorderly action such as loud and boisterous talking in order to interpret the law within constitutional limits.[71] The case of *Feeley* v. *District of Columbia*, involving the application of the 1953 act to demonstrators at the U.S. Capitol, is now pending before the U.S. Court of Appeals for the District of Columbia Circuit.[72] Thus legal as well as practical considerations suggest that review of the two disorderly conduct statutes would not only be timely but may become essential. The ALI Model Penal Code and the newly-revised state codes contain possible models for revision.[73]

Alternatives to the Criminal Process

One of the most pressing problems in the administration of criminal justice in the District of Columbia is the congested condition of the Court of General Sessions. It might be solved in part by amending the statutes which govern the criminal jurisdiction of the court and by finding alternative methods for dealing with certain offenses. For example, elimination of jurisdiction over traffic cases and creation of an administrative agency to dispose of them would relieve the court of over 33,000 cases each year.[74] Dealing with the so-called petty offenses [75] outside the court process might affect upwards of 20,000 cases a year. Offenses such as public intoxication more properly belong in a noncriminal treatment process such as that proposed by this Commission.

We recognize that adequate resolution of these issues will require extensive research and interdisciplinary effort. The handling of traffic matters in the courts is a much debated question.[76] In the District of Columbia it seems anomalous that a very minor traffic infraction can automatically receive judicial attention while the revocation of a driver's license is considered an administrative matter.[77] The American Law Institute has observed that the petty offenses are:

> . . . a most important area of criminal administration affecting the largest number of defendants, involving a great portion of police activity and powerfully influencing the view of public justice held by millions of people.[78]

Yet justice is often displayed at its worst in dealing with these offenses. At least half of the public intoxication, disorderly conduct and moving traffic violations are terminated by forfeiture of collateral and never reach court.[79] Those defendants who do reach the typically overcrowded misdemeanor court, however, often receive "instant justice" and find little cause to respect the legal process.[80] The disparities and incongruities revealed in the handling of such minor criminal offenses should be examined in light of the purposes of the criminal law and the most efficient and fair operation of our system of criminal justice.

A PROPOSAL FOR CODE REVISION

We recommend that Congress enact legislation creating a Commission to revise and reform the criminal laws of the District of Columbia. Revision of the necessary scope requires a professional staff and a representative advisory committee. The committee should include judges, representatives of the Metropolitan Police Department, Corporation Counsel, United States Attorney, Legal Aid Agency, Neighborhood Legal Services Project, the District of Columbia Bar Association, local law faculties, Department of Corrections, and Board of Parole, as well as persons representing disciplines other than the criminal law.

We recommend that the proposed code revision extend beyond a reorganization of existing law and consider the broader issues raised above. Like the Commission established by Congress to review the United States Code, the proposed commission should review the entire spectrum of the criminal laws. Its duties might be comparable to those specified by the statute establishing the California code reform commission:

> (1) Appraise and, as necessary or desirable, restate and redefine substantive provisions of law relating to crimes;
>
> (2) Eliminate existing substantive provisions of law which are no longer useful or necessary;
>
> (3) Rearrange and regroup substantive provisions of law in an orderly and logical grouping of subject matter;
>
> (4) Appraise, simplify, and improve present procedures; and
>
> (5) Consider the advisability of drafting and enactment of, and, if deemed advisable, draft a code of criminal procedure to embody existing and proposed procedures governing the disposition of criminal and quasi-criminal actions.[81]

Code revision by itself surely will not immediately reduce crime in the District of Columbia. It will, however, help to define criminal behavior more clearly, assist police, prosecutors and judges, and increase the deterrent and rehabilitative impact of the criminal law.

SUMMARY OF RECOMMENDATIONS

1. The criminal law of the District of Columbia should be reviewed and reformed. The review should include a reexamination of all substantive and procedural provisions of the law to provide a clear definition of criminal behavior, to achieve fair and consistent policies in dealing with offenders, and to introduce new concepts of treatment into the code.

2. Congress should create and support a commission to undertake revision of the District of Columbia criminal laws.

Chapter 8

Treatment of the Juvenile Offender

Juvenile crime in the District of Columbia has risen steadily in recent years. In 1965, 6,264 persons under 18 were arrested for crimes other than traffic violations, an increase of 17 percent over 1964 and 63 percent over 1960.[1] Referrals to the Juvenile Court and commitments to correctional institutions have also increased substantially over the past several years. In the District of Columbia, responsibility for dealing with offenders under 18 is assigned principally to the Youth Aid Division of the Metropolitan Police Department, the District of Columbia Juvenile Court, and the Department of Public Welfare. In this chapter the Commission will evaluate the practices and policies of these agencies in handling juvenile offenders.

DESCRIPTION OF THE PRESENT SYSTEM

From the time of arrest, the juvenile offender is treated differently than an adult. Special procedures and facilities have been provided to isolate him from adult criminals, to adjudicate his case in a juvenile court so that he will not have a criminal record, and to rehabilitate him in his own home, whenever possible, or in a special correctional institution. This approach recognizes that community intervention may be necessary to guide juveniles who break the law, but that they should not be punished as if they were fully responsible adults.

APPREHENSION BY THE POLICE

A juvenile may be taken into custody by the police if he: (1) Commits a felony or misdemeanor, or violates a District ordinance or regulation; (2) violates the numerous special laws pertaining to juveniles, such as those regarding truancy or curfew; or (3) appears to be abandoned, without adequate parental support, associating with vagrants, or otherwise within the statutory jurisdiction of the Juvenile Court.[2] In deciding how to handle incidents involving juveniles, the police exercise broad discretionary power. Within the Metropolitan Police Department, the policies and procedures for juvenile cases are

generally supervised by the Youth Aid Division (YAD), a specialized branch established in 1955 to centralize police responsibility for juvenile crime.[3]

Most juvenile contacts are initiated by patrolmen. In "minor" cases the officer may choose not to make an arrest but to report his contact with the juvenile to the YAD on P.D. Form No. 379. According to the Youth Aid Division, most No. 379 forms result from a "minor law violation," although they may also be used "to report conditions detrimental to the welfare of the children."[4] In 1965, 5,436 forms were processed.[5]

During the same year the police took 6,264 juveniles into custody for felony or misdemeanor violations (excluding traffic). Of this total 3,034 arrests were for felonies, including 1,052 housebreakings, 725 robberies, 725 auto thefts, and 198 aggravated assaults.[6] In these more serious juvenile cases the patrolman must immediately call for a YAD officer to come to the precinct to conduct the investigation. Officers attached to the Juvenile Bureau in the Youth Aid Division are responsible for the handling of all male juvenile arrests up to final disposition by the Department.[7] These officers, selected from men in the Department for at least 5 years who evidence an interest in working with juveniles, receive specialized training.[8] YAD officers operate from a central office, except for one experimental unit in the Thirteenth Precinct.

When a YAD officer goes to a precinct after a juvenile has been taken into custody, he first checks whether the arresting officer has contacted the child's parents, as required by Department policy.[9] After talking to the juvenile and his parents and conducting any necessary preliminary investigation, the YAD officer decides whether to complete the arrest and refer the case to the Juvenile Court, to close the case and release the juvenile with a warning, or to schedule a hearing before the Division's Juvenile Screening and Referral Squad. If the YAD officer and the precinct commander disagree as to whether an arrest should be completed, the commander exercises the final authority.

If the case is closed out, the police may suggest other community agencies to which the youth or his parents may go for help on any problems which may be related to his conduct. There are no records kept of the exact number of juveniles whose cases are closed by the Department without referral either to a special police hearing or to the Juvenile Court.

If it is decided to hold a police hearing, the parents are sent a letter of notification directing them to appear with the juvenile at the Youth Aid Division's central headquarters. In 1965 the Division held 6,008 hearings; in 1966 there were 5,381.[10] During the hearing the officer finds out what happened, instructs the offender and his parents on the consequences of his action and, if possible, directs them to sources of assistance.

The most serious cases are referred to the Court by the police immediately upon completion of the investigation. In these cases the YAD officer decides what charges will be preferred, subject to the precinct commander's approval. Fingerprinting or photographing of the juvenile takes place only if he is over 14, a serious felony is involved, and the YAD officer authorizes it.[11] Under Department policy, referrals are required in these cases:

(1) The offense committed would amount to a felony if committed by an adult, or it is a serious misdemeanor;

(2) The juvenile is a probationer or has been known to the Juvenile Court, and his record indicates this action would be in the public interest;

(3) Where there is a pattern of misbehavior indicated by reports received on P.D. 379;

(4) The juvenile and his parents have shown themselves unable or unwilling to cooperate with agencies of a non-authoritative character;

(5) Casework with the juvenile by a non-authoritative agency has failed in the past;

(6) Any case in which the juvenile denies the offense and there is sufficient evidence to sustain and justify a petition.[12]

Under these criteria, the Youth Aid Division referred a total of 5,913 non-traffic complaints (3,467 individuals) to the court in 1965, and 5,209 such complaints (3,244 individuals) in 1966.[13]

DETENTION AT THE RECEIVING HOME FOR CHILDREN

If the case is referred to the Juvenile Court, the YAD officer must decide if the juvenile may safely be released to his parents. Under the Juvenile Court Act a child taken into police custody is released to the care of his parent or other responsible adult unless his immediate welfare or the protection of the community requires that he be detained.[14] If the juvenile is released to his parents or guardian, they sign a statement promising to produce him in court when required. The Youth Aid Division and the Juvenile Court have agreed that

juveniles referred to the court should be detained at the Receiving Home:

(1) When the parents, guardians or custodians cannot be located after diligent effort to do so;

(2) When it may reasonably be presumed that the parents, guardians or custodians will not or cannot produce the juvenile before the Juvenile Court, when required;

(3) When the circumstances attending the present offense or offenses are so serious that the juvenile constitutes a threat to his welfare and/or to the safety and protection of the public;

(4) When the juvenile's prior history, coupled with the attending circumstances of the present offense, constitute a threat to himself and/or to the safety and protection of the public;

(5) When the juvenile is destitute of a suitable home;

(6) When there is strong reason to believe that detention is necessary as a matter of protective custody.[15]

In 1965 the police sent 2,017 juveniles to the Receiving Home under these guidelines—58 percent of all offenders referred by the police to the Juvenile Court; in 1966 the total was 2,251 (67 percent).[16] The juvenile is transported to the Home by the YAD officer or, in cases of unruly juveniles, in the patrol wagon. If the parents have not been present at the investigation, they are contacted and told of the child's detention.

The Receiving Home for Children is the city's sole detention facility for those awaiting adjudication or disposition in the Juvenile Court.[17] It is a 2-story, red-brick building on a 3-acre tract of land. The doors are always locked, the windows are barred, and the playfields are surrounded by a 14-foot fence topped by 18 inches of barbed wire. The Receiving Home is used not only for delinquent children sent by the police but also for dependent or neglected children and for a small number of runaways and fugitives from other areas awaiting return. The Receiving Home staff, headed by a superintendent, consists of 67 full-time personnel, including 42 counselors and supervisors, 3 teachers (1 vacancy), and 1 social worker. There are no resident doctors, psychiatrists or psychologists attached to the facility.

Opened in 1949 with a capacity of 43 beds, the Receiving Home was designed to serve detention, diagnostic and classification functions for children referred to the Juvenile Court.[18] The institution was expanded to its current capacity of 90 beds in 1957 to accommodate a steady increase in admissions. It is divided into six living units—four for boys and two for girls. Each unit was designed to house 15

children in both dormitory and individual rooms, and has limited recreation, office and storage space.

As shown in Table 1, annual admissions to the Home more than doubled between 1950 and 1966. In recent months the average daily population has been about 150 juveniles, and has reached 200. Although there are many non-delinquents and first offenders at the Receiving Home, 56 percent of its population in 1966 and 1965 had been at the institution previously.[19]

TABLE 1.—*Population experience—Receiving Home*

[Fiscal years 1960-1966]

Fiscal year	Total admissions	Percent admissions by sex		Percent admissions by race		Daily average population	Peak population by month
		Boys	Girls	White	Non-white		
1950	1,549	73	27	33	67	51	58 May.
1951	1,585	71	29	33	67	52	66 May.
1952	1,775	72	28	30	70	53	68 May.
1953	2,334	74	26	29	71	74	88 March.
1954	2,481	74	26	28	72	91	109 January.
1955	2,218	74	26	28	72	91	108 November.
1956	2,376	75	25	29	71	88	110 April and May.
1957	2,345	77	23	29	71	78	103 July.
1958	2,025	74	26	31	69	56	74 August.
1959	2,314	77	23	23	77	76	93 April.
1960	2,553	78	22	23	77	104	138 June.
1961	2,651	78	22	20	80	105	134 March.
1962	2,479	81	19	21	79	110	132 April.
1963	2,829	81	19	18	82	122	147 May.
1964	2,989	81	19	18	82	133	176 May.
1965	3,273	79	21	12	88	150	202 May.
1966	3,332	80	20	11	89	151	200 August.

Source: Receiving Home Ann. Statistical Reps. (1950–1964); Biennial Rep., 1965–1966 (unpublished).

A juvenile detained originally by the police cannot legally be kept at the Receiving Home more than 5 days unless one of the three Juvenile Court judges approves the extension. In practice, the Intake Section of the Juvenile Court's Social Service Department reviews these detentions as soon as the police file their complaint on the next weekday following the arrest. If the intake worker decides that the juvenile may qualify for release (under the same criteria the police used to detain him), the child and his parents will be brought to the court for an interview. He can then be released immediately or sent back to the Home. Under this procedure many police detention cases are released within 24 hours.[20] A child may be released by the intake staff at any time up to his first court appearance. Of all the children at the Home, including non-delinquents, 49 percent are released within a

week (Table 2). If the child remains in the Home until his initial court appearance (about 9 days after arrest), the judge decides at that time whether to release him until final disposition.

TABLE 2.—*Length of stay at Receiving Home—1966*

Duration of stay	Number of children	Percent
Less than 1 week	1,621	48.8
1 week to 1 month	1,146	34.4
1 to 3 months	514	15.4
More than 3 months	46	1.4
Total	3,327	100.0

Source: Receiving Home, Department of Public Welfare, Biennial Statistical Report, 1965–66 (unpublished).

Children in the Home who are not released within a week and are detained waiting Juvenile Court dispositions or trials remain an average of 36.8 days.[21] This is approximately the time it takes to process the case of a detained juvenile through court if he does not deny the charge. Some children spend as long as several months at the Home. These prolonged stays may be caused by requests for trial, by waiting for a hospital bed when a residential psychiatric examination has been ordered, or by delays in placing the child in the institution to which he has been committed by the court.

The Receiving Home is a secure-custody institution, where the children are closely supervised and permitted little freedom of movement.[22] Juveniles who become unmanageable may be locked in one of the nine basement isolation rooms (75 square feet in size). Half-hour checks on children in isolation are required, but staff shortages do not always permit this close a watch. No corporal punishment or diet sanctions are allowed.

While at the Receiving Home, the juvenile participates in limited educational and recreational programs. The major part of his time is spent in the living units with about 25 other children. Lack of space does not permit separate rooms for the majority of the children, so they sleep dormitory style in rooms of double-tiered bunks. They are supervised around the clock by three shifts of counselors who carry the main responsibility for their discipline and activities.

THE JUVENILE COURT

Jurisdiction

The District of Columbia Juvenile Court was established in 1906, 7 years after the first specialized court for children in the country was established in Chicago by reformers determined to end the mistreatment of juveniles in adult courts and penal institutions.[23] The 1906 statute gave the court exclusive jurisdiction over offenses committed by persons under 17 years of age which were "not capital or otherwise infamous;" children who committed felonies were treated as adults and held for grand jury action.[24] In 1938 the statute was substantially revised in accord with the model act drafted by the National Probation Association, granting the Juvenile Court jurisdiction over persons under 18 accused of violating any law and providing that delinquency proceedings and court records should be closed to the general public.[25] By 1962 the workload had become excessive for a single judge, and two additional judges were added to the court.[26]

The Juvenile Court has original and exclusive jurisdiction over the following cases involving children:

(1) A child under 18 years of age:

(a) who violates a law, ordinance or regulation of the District of Columbia;

(b) who "habitually" is beyond the control of his parents, is truant from school, or deports himself so as to endanger or injure himself or others;

(c) who is abandoned;

(d) who is homeless or without adequate parental support or care;

(e) whose parents neglect him;

(f) who "associates with vagrants, or vicious or immoral persons;" and

(g) who engages in an occupation dangerous or injurious to himself or others.

(2) Any person under 21 charged with having violated any law prior to the age of 18.

(3) Determination of the custody of any child coming within (1), above.

(4) When jurisdiction is obtained by the Juvenile Court, the jurisdiction continues until the child becomes 21 years of age unless the Court discharges him. This does not prevent other courts from obtaining jurisdiction over the child if he commits an offense after he reaches the age of 18 years.[27]

The Juvenile Court also has jurisdiction over adults in certain cases in which children may be involved—establishing paternity of children born out of wedlock, nonsupport of legitimate family members, contributing to juvenile delinquency, and violation of compulsory education and child labor laws.

In fiscal 1966, 6,194 cases involving children were referred to the Juvenile Court.[28] The Metropolitan Police Department was respon-

sible for 5,155 referrals; other principal sources were the Board of Education (194), parents or guardians (337), and the Department of Public Welfare (400).[29] Boys constituted 85 percent of the referrals to the court (Table 3). The 6,194 total represented a decrease of 7.7 percent from 1965, but an increase of 73.7 percent over the 3,566 referrals in 1960.

Of the 6,194 referrals, 5,227 involved delinquency rather than traffic violations or dependency (Table 3). The most consistent charges involved in delinquency referrals over the last 5 years have been petit larceny and housebreaking. In 1966 petit larceny, housebreaking, unauthorized use of an automobile, and disorderly conduct accounted for 51.3 percent of the total delinquency referrals; the violent offenses—homicide, aggravated assault, purse snatching, robbery, rape and carnal knowledge—accounted for 20.4 percent (Table 4).[30]

According to the Stanford Research Institute (SRI) study of 1,068 referrals to the court in 1965, 52 percent were under 16—58 percent of property offenders and 48 percent of violent offenders.[31] Offenders 16 and over accounted for 83 percent of the referrals for rape, 63 percent of those for auto theft, 60 percent of those for aggravated

TABLE 3.—*Juvenile cases referred, by age, category, and sex*

[Fiscal year 1966]

Age	Number of cases	All referrals			Male			Female		
		Delinquency	Traffic	Dependency	Delinquency	Traffic	Dependency	Delinquency	Traffic	Dependency
Total	6,194	5,227	562	405	4,511	549	221	716	13	184
Under 1 year	35	----	----	35	----	----	22	----	----	13
1	45	----	----	45	----	----	23	----	----	22
2	32	----	----	32	----	----	20	----	----	12
3	23	----	----	23	----	----	14	----	----	9
4	28	----	----	28	----	----	19	----	----	9
5	31	1	----	30	1	----	18	----	----	12
6	36	5	----	31	5	----	15	----	----	16
7	41	8	----	33	8	----	16	----	----	17
8	54	33	----	21	33	----	12	----	----	9
9	103	77	----	26	68	----	18	9	----	8
10	155	139	----	16	131	----	8	8	----	8
11	229	209	----	20	190	----	11	19	----	9
12	316	301	----	15	255	----	6	46	----	9
13	603	587	----	16	474	----	9	113	----	7
14	852	828	10	14	671	10	4	157	----	10
15	1,040	1,008	26	6	846	26	1	162	----	5
16	1,102	960	129	13	849	125	5	111	4	8
17 and over	1,469	1,071	397	1	980	388	----	91	9	1

Source: D.C. Juvenile Court Ann Rep. (1966).

TABLE 4.—*Juvenile delinquency offenses by reason for referral, sex, and age group*

[Fiscal year 1966]

Reason for referral	Number of referrals	Male		Female	
		Under 16	16 and over	Under 16	16 and over
Total	5,227	2,682	1,829	514	202
Arson*	11	9	2		
Assault, aggravated*	290	108	141	25	16
Assault, simple	286	160	95	27	4
Disorderly conduct	527	185	285	32	25
Drunkenness	103	18	77	3	5
Forgery*	11	3	4		4
Homicide*	9	2	6		1
Housebreaking*	757	492	242	19	4
Housebreaking, attempt	57	31	23	2	1
Larceny, grand ($100 and over)*	56	27	23	4	2
Larceny, petit (under $100)	927	531	186	150	60
Loitering	13	3	10		
Property damage or injury to†	127	76	42	5	4
Purse snatching*	140	100	29	11	
Robbery*	451	279	167	3	2
Sex offenses:					
Rape*	31	7	24		
Carnal knowledge*	27	13	14		
Indecent exposure	9	6	3		
Sodomy*	13	8	5		
Other	23	13	9		1
Taking property without right	24	22	2		
Unauthorized use of auto*	472	188	277	3	4
Unlawful entry	113	61	50	1	1
Weapons, possessing or carrying	84	36	46	2	
Other misdemeanors	34	15	9	2	8
Other felonies	43	24	12	5	2
Other delinquent acts:					
Beyond control of parents	338	107	20	154	57
Truancy from school	195	139		56	
All other	56	19	26	10	1

Source: D.C. Juvenile Court Ann. Rep. (1966).

*Felony if committed by adult.

†Includes felonies and misdemeanors.

assault, 51 percent of those for robbery, 41 percent of those for housebreaking, and 37 percent of those for grand larceny. Offenders 13 and under represented 19 percent of the sample referrals; the three offenses with the highest proportion of these young offenders were grand larceny (34 percent), housebreakings (26 percent), and aggravated assaults (22 percent). A substantial number of the juveniles referred for these three crimes were 11 and under—12 percent of grand larceny referrals, 11 percent of housebreaking referrals, and 7 percent of aggravated assault referrals.

Intake Screening

All delinquency cases referred to the court are reviewed initially by the Intake Section of the Social Service Department. Based on his investigation of the case, the Intake Section worker decides whether the case should be "petitioned" to the court, a procedure comparable to an indictment or information in the case of an adult. In delinquency cases the intake investigation is initiated on receipt of the official YAD complaint. The parents and the child are seen at once, and collateral sources of information—such as the school, clinics, or any social agency serving the family—are contacted. The purpose of the investigation is to screen out frivolous or inappropriate cases which "in the best interests of the child or the community" do not merit the court's time or which can be handled better outside the court process.[32] All cases in which the juvenile denies the facts are automatically petitioned.

In 1966, 1,283 delinquency cases were closed out at intake—23 percent of the 5,462 delinquency referrals disposed of by the court during the year.[33] If the case goes to court, the intake worker draws up the petition, which is reviewed by the Corporation Counsel. The petition is signed by the intake worker only, unless the child denies the charge in which event the police officer signs it.

Where neither immediate dismissal nor petitioning the court appears appropriate, the Intake Section has developed an informal practice of holding these "gray" cases open and under observation for up to 6 months until the intake worker decides either to dismiss or petition the case. Although this informal adjustment procedure is not specifically authorized by statute, the intake staff reported that in March 1966 about 200 cases were being retained in this status.[34]

Initial Hearing and Trial

If the Intake Section petitions the case, the juvenile's first appearance before a judge of the Juvenile Court comes at the initial hearing. If the intake worker has decided that the child should remain in deten-

tion until the hearing, he prepares an order to that effect, which in most cases is routinely signed by a judge within 5 days of the arrest.[35] Under current procedures, juveniles in detention receive their initial hearing about 9 days after admission to the Receiving Home; those released to their parents at the time of arrest or thereafter wait about 3 or 4 weeks.

The initial hearing is held in a courtroom furnished with an elevated bench and jury box. In addition to the judge, other officials and the child and his parents are present. Visitors, rarely more than three at a time, may be admitted with the court's permission after signing an agreement not to publicize the child's identity. The judge has before him a file containing the intake investigation, as well as the complete file from any prior court experiences. After asking the juvenile his name and age, the judge or his clerk reads the petition to him and informs the parents and child of their right to have legal counsel represent the child. Counsel is appointed from a special panel of lawers if the parents or guardian wish to be represented but cannot afford their own lawyer.[36] If they do not wish counsel, they must sign a written waiver form before the proceedings continue. If they wish counsel and he is not present, the hearing will be continued until a later date. Approximately 85 to 90 percent do not choose to be represented.[37]

The primary purpose of the initial hearing is to determine if the court has jurisdiction over the child. In response to questioning by the judge about the facts alleged in the petition, most of the juveniles admit their involvement in the incident. According to the SRI study, 68 percent admitted total involvement, 5.8 percent made partial admissions, and 16.9 percent denied the offense.[38] Violent offenders made substantially more total admissions (63.6 percent) and denials (25.9 percent) than did property offenders, where the figures respectively were 49.8 percent and 11.4 percent. In serious crimes complete admissions by juveniles ranged from a high of 83 percent in grand larceny cases to 33 percent in rape cases.[39]

Juveniles who admit their involvement are formally declared to be within the court's jurisdiction. If a juvenile denies the allegations, the case is set down for trial. The judge may dismiss the case at the initial hearing if he concludes that it should not have come before the court or that the child will not benefit from further proceedings.[40] The judge may also dispose of the case at the first hearing by putting the child on probation or committing him. This is usually done only if the child has previously been before the court and there is a completed social study in his file for the judge to consider. Otherwise the case is continued so that the Probation Section of the Social

Service Department can study the juvenile's background and personality and recommend a disposition to the court.

If the case goes to trial, a judge other than the one assigned to the initial hearing normally presides. The Corporation Counsel may be asked to represent the community, and the juvenile is represented by defense counsel, appointed if necessary by the court. The trial is limited to the issue of whether the juvenile committed the acts alleged in the petition, and informal rules permit wide discretion concerning the kind of evidence that may be introduced. The child may present evidence and subpoena witnesses. After the facts are presented, the judge decides whether the juvenile is involved, based on the preponderance of the evidence. Although there is a statutory right to jury trial, very few are requested.[41] The request for a jury trial must be made at the initial hearing or within 5 days of the appearance of counsel; otherwise the right is waived.[42]

Waiver of Jurisdiction

Under the Juvenile Court Act certain juvenile cases can be transferred to the United States District Court for the District of Columbia. This waiver of jurisdiction is authorized for violations committed by juveniles 16 years or older which would be felonies if committed by an adult, and in cases where anyone under 18 is charged with an offense punishable by death.[43] In 1966, 16 juveniles were transferred to the adult court; 8 were 16 years old and 8 were 17 or older.[44] The principal offenses involved in these cases were housebreaking, robbery and assault.

Waiver of jurisdiction can take place only after a "full investigation." In the recent decision of *Kent* v. *United States*,[45] the Supreme Court interpreted this statutory language to require that a juvenile whose case is under consideration for waiver be given a fair hearing on the issue of waiver. His lawyer must be allowed access to the records or reports relied on by the court, and a written statement of the reasons for a decision to transfer the case must be issued by the court. Shortly after the *Kent* ruling, the Juvenile Court issued new rules governing waiver proceedings which complied with the standards set by the Supreme Court.[46]

The Intake Section usually has the responsibility for conducting the initial waiver investigation. In addition to the particular offense involved, the probation officer reviews the offender's prior experience with the court or other community agencies, his personal history and that of his family, and evaluates his amenability to treatment through the resources available to the court. Under the criteria recently ar-

ticulated by the court, two standards are to guide the judge in deciding whether to transfer the case to the adult court: (1) Amenability of the juvenile to treatment through the use of facilities available to the court; and (2) protection of the public.[47]

Social Study and Disposition

After a juvenile is found to be involved in a violation at an initial hearing or subsequent trial, the case is continued until a disposition hearing can be held. During this interval a social investigation is conducted by the Probation Section of the Social Service Department, which also supervises the children eventually placed on probation.

The study is designed to inform the court fully regarding the juvenile and to recommend an appropriate disposition. According to court guidelines, the final study should include information on the attitudes of the parents and juvenile toward the complaint, background information on the child and his family (occupation, income, education, living conditions, etc.), personal traits of the juvenile, and prior experience of the youth and his family with the court or other community agencies. Either the judge or the probation officer may require the child to be examined at the Child Guidance Clinic of the Juvenile Court, which is staffed by two psychologists and a part-time psychiatrist. In 1965, 357 new cases were referred to the Clinic, where about 3 hours are spent interviewing each child and administering intelligence, achievement and personality tests.[48] The court also has access to various diagnostic and treatment services of the Department of Public Health.

On the basis of the information compiled, the probation officer proposes a course of treatment for the consideration of the judge at the disposition hearing. These hearings are customarily held 30 to 40 days after the initial hearing or trial for juveniles detained at the Receiving Home and about 3 months later for children released to their parents. In court, the probation officer summarizes the social study and the recommendation for disposition for the benefit of the child and his parents. They are allowed to say anything they wish before a final decision is made, or to make alternate suggestions for disposition. If the juvenile has a lawyer, he may challenge the factual basis for the recommendation or question the probation officer about the content of his report.

Under the Juvenile Court Act the judge is authorized to dispose of the case as follows:

(1) Place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court determines;

(2) Commit the child to the Board of Commissioners of the District of Columbia or its authorized representative; or to the National Training School for Boys if in need of such care as is given in the school; or to a qualified suitable private institution or agency willing and able to assume the education, care, and maintenance of the child without expense to the public; or

(3) Make such further disposition of the child as may be provided by law and as the court deems to be best for the best interests of the child.[49]

In practice, the judge usually has only three alternatives—release without supervision, release on probation, and commitment for institutionalization to the Department of Public Welfare, or, in the case of an older boy, to the National Training School.

In 1966 the court disposed of 1,301 cases by means of probation, committed juveniles in 474 cases to the Welfare Department, and committed 125 youths to the National Training School.[50] The Juvenile Court made 9,780 dispositions in delinquency cases—down slightly (6.2 percent) from 1965.[51] Included in this total are those cases dismissed at the initial hearing stage, those continued for disposition so that a social study can be made, and those finally discharged by the court's action in setting aside a commitment or dismissing a juvenile from probation. By direction of the Juvenile Court Act, a juvenile found involved in a violation of law "is not deemed a criminal by reason of an adjudication." [52]

Probation

Juveniles placed on probation by the Juvenile Court are usually first offenders. The Juvenile Court law does not favor the removal of the child from his home "unless his welfare and the safety and protection of the public cannot be adequately safeguarded without the removal." [53] A youth on probation is generally assigned to the same officer in the Probation Section who prepared his social study. The terms of probation typically provide that the child must obey his parents, violate no laws, heed the advice of his probation officer and report to him as directed, maintain reasonable hours, attend school (if enrolled), and remain in the area unless given permission to leave. Special conditions may be attached, such as attendance at a special program or treatment facility. The court has no authority to impose its orders on anyone but the child.

Probation officers are responsible for helping the child to adjust to normal living patterns and to develop self-discipline during the probation period. The probation officers generally use standard casework methods. Under existing workloads the officers are able to spend an average of only 10 to 15 minutes with each probationer every 2 or 3 weeks. If the youth violates the conditions of probation or commits

a new infraction, the probation officer may ask the judge to revoke the probation. Since the probationary period is usually indeterminate, the officer must also decide when to petition the court for termination. These recommendations for termination are usually heard initially by the court's hearing officer, whose decision is reviewed by a judge.[54]

INSTITUTIONAL COMMITMENTS

If the juvenile does not appear to be a good probation risk, the Juvenile Court will commit him either to the National Training School for Boys, usually for a definite term, or to the Department of Public Welfare, generally for an indeterminate period not to extend past his 21st birthday.[55] Once a juvenile is committed to its custody, the Welfare Department is authorized to place him in any one of its several facilities or even to supervise him in the community. In practice, delinquent children are sent to one of the Department's institutions at the Children's Center in Laurel, Maryland. Following a period of institutionalization, the child may be returned to the community under the supervision of the Department's aftercare (parole) program. When the Department believes that the child is ready for final discharge, it petitions the court for a termination of the commitment.

The Children's Center

The Children's Center at Laurel consists of the District Training School, a 1,200-bed institution for mentally retarded children and adults; Cedar Knoll School, a 552-bed facility for older boys and girls; and Maple Glen School, a 241-bed institution for younger boys.[56] Under the supervision of the Welfare Department's Deputy Director for Institutional Services, the Administrator of the Children's Center and his staff are responsible for the administration and operation of all programs serving the three institutions. In 1966 the Center had authorization for 957 full-time positions at a cost of $7,052,758.[57]

Cedar Knoll School

Cedar Knoll School is a cottage-plan juvenile institution for boys and girls located on about 200 acres of land. Constructed in 1955, it consists of 13 cottages, 4 of which serve security and reception-orientation functions, and separate facilities for administration, education, chapel, dining, power plant, warehouse, and staff housing. The security and reception cottages have single rooms; most of the other cottages contain dormitories. Each double cottage has a four-room security unit or lockup used for those children who are being disci-

plined or who must be isolated for other reasons. The Cedar Knoll tract has an outdoor swimming pool, cottage play areas, and a central athletic field. The central Children's Center facilities, such as the hospital and clinics, about 2 miles away, are also used by the Cedar Knoll children.

Cedar Knoll serves girls of all ages and boys from approximately age 14 through 18. As shown in Table 5, 650 juveniles were admitted to the institution in fiscal 1966—a decrease from the 739 admitted in 1965. Most of the children are admitted to Cedar Knoll directly following commitment to the Department of Public Welfare by the Juvenile Court; a few children are committed by Federal courts. During fiscal 1966, 66 dependent children were transferred to Cedar Knoll by the Department from Junior Village, foster homes, and private institutions.[58] A substantial number of those admitted are aftercare (parole) violators returned to Cedar Knoll by the Department (211 in 1965).

The average daily population at Cedar Knoll in 1966 was 485. The average length of stay for the children leaving the institution in 1966 was 11.6 months, down from 15 months in 1962. On June 30, 1966, there were 205 girls and 312 boys at Cedar Knoll, with an average age of 14 years and 7 months. Seventy-eight percent of the children admitted to the institution in fiscal 1965 came from families receiving some form of public assistance.[59]

The educational program at Cedar Knoll provides the principal activity for most of the juveniles at the institution.[60] The Cedar Knoll school program is run by the Children's Center Superintendent

TABLE 5.—*Population experience, Cedar Knoll School*

[Fiscal years 1960–1966]

Year	Admissions	Releases	Average daily population	Peak population	Average stay (months)
1960	487	353	453	524	(*)
1961	588	429	470	467	(*)
1962	634	420	420	420	15
1963	721	466	454	518	12.6
1964	729	500	474	506	11.7
1965	739	492	498	545	11.1
1966	650	488	485	588	11.6

Source: Commission questionnaires and Annual Reports, Children's Center, Department of Public Welfare (1960–1966).

*Data not reported by Cedar Knoll.

of Schools; formal classes are conducted for 6 hours a day for at least 185 days during the academic year and for an additional 6 weeks during the summer. The educational course at Cedar Knoll can be generally described as an ungraded remedial program operating at the junior high school level.

Delinquent and dependent children at Cedar Knoll also have available the services of the Center's other specialists. Six of the 14 full-time social workers at the Center have been assigned to work with the approximately 500 children at Cedar Knoll. It is difficult to determine the amount of time given to Cedar Knoll by the Center psychiatrist and the five psychologists, since they are concerned with the mental health of the Center's total population of 2,000. The counselors who supervise the cottages have primary responsibility for the juveniles when they are not in school.

Maple Glen School

Maple Glen is a 241-bed, cottage-plan juvenile institution located on approximately 25 acres at the Children's Center. Completed in 1954, the facility consists of an administration building, central kitchen and dining hall, six cottages, chapel, and an educational center. Four of the cottages are of the double type, with a capacity of 50 beds each. Two single cottages, one used for reception-orientation, have capacities of 25 and 16 beds each.

Maple Glen is reserved for less aggressive boys between the ages of 8 to 16, with an average age of just under 13. Based on an initial screening at Cedar Knoll, boys are selected for Maple Glen on the basis of their general physical, intellectual, social, and educational development. Admissions to Maple Glen rose almost 100 percent between 1960 and 1965, but decreased in 1966 (Table 6); the average stay dropped from 19 to 12 months over the 7-year period. During fiscal 1966 the Welfare Department placed 48 dependent boys in the facility.[61] About 10 mentally-retarded and emotionally-disturbed boys were in care on May 10, 1966.[62] The Department is currently planning to expand Maple Glen to accommodate the growing number of admissions.

When a boy is admitted to Maple Glen, he spends 3 weeks in an orientation cottage. During that time a staff committee is selected to choose a program for him—educational, religious, recreational, medical, or psychiatric. The non-graded educational program at Maple Glen is similar to that offered at Cedar Knoll and is equivalent to an elementary school providing classes through the seventh grade. An organized recreational program under the direction of a recreational

TABLE 6.—*Population experience, Maple Glen*
[Fiscal years 1960–1966]

Year	Admissions	Releases	Average daily population	Peak population	Average stay (months)
1960	118	110	(*)	243	19
1961	162	161	215	254	20
1962	148	182	223	243	18
1963	219	206	211	253	15
1964	207	208	211	(*)	13
1965	215	195	217	256	12
1966	189	196	227	247	14

Source: Commission questionnaires and Annual Reports, Children's Center, Department of Public Welfare (1960–1966).

*Data not reported by Maple Glen.

specialist is run for the boys, utilizing the outdoor pool, playing fields, and indoor gym.

The boys live in 4 double cottages housing 50 boys each and in 2 smaller cottages, supervised by 34 counselors and 6 supervisors working in 3 shifts. There are no security fences around the buildings at Maple Glen, but there are security screens on all the windows. Although closely supervised, the boys can walk between buildings without escorts. Three social caseworkers from the Center staff are assigned to work with the Maple Glen boys.

New Security Institution

A new $4 million institution for 150 boys, currently being built as part of the Children's Center complex, is scheduled for completion in September 1967.[63] The new institution will be a security facility completely encircled by a double fence, 12 feet high, patrolled by guards. The institution will have facilities for vocational training and academic classes, 3 double cottages housing 40 inmates each, a separate security unit, culinary buildings, gymasium, and an administration building. Recreational facilities, to include a football field and a softball diamond, will also be inside the fence.

The facility is designed principally to handle those older delinquents who are now sent by the Juvenile Court to the National Training School, an institution for juveniles administered by the Federal Bureau of Prisons in the District of Columbia. As of February 28, 1966, there were 107 delinquent boys from the District at the Train-

ing School, and an additional 40 District juveniles had been transferred to adult penal institutions by the Bureau because of their behavior at the Training School. The National Training School will stop operations in 1968, when a new Federal institution in West Virginia opens as a replacement. The Welfare Department also plans to transfer to the facility boys from Cedar Knoll for whom a high-security institution and a vocationally- and clinically-oriented program are considered desirable. This type of older problem boy at Cedar Knoll is presently cared for in a 42-bed security cottage.

Other Facilities

With Federal grants totalling about $200,000, the Department of Public Welfare has established three additional youth facilities.[64] A Youth Shelter House, which will serve no more than 10 boys aged 15 and under who are awaiting court action, began operations recently. The Youth Shelter House will be used for boys with no prior record with the Juvenile Court whose alleged offenses are not serious; placement in the Shelter House rather than Receiving Home will also depend on the Department's estimate that the juvenile requires only minimum security procedures. The average length of stay is expected to be under one month.

The Youth Probation House for 10 selected boys aged 16 to 18 on probation from the court began operations during the summer of 1966. This facility is used to allow boys to go on probation who might otherwise have to be committed to the Children's Center because of inadequate home conditions or supervision. Youths with long-standing, complex emotional or psychological problems will not be eligible. Efforts are made to involve the parents in the treatment process. It is estimated that the boys in the Youth Probation House will stay for about 6 months.

The third facility, the Youth Rehabilitation House (Peer Group Residence), serves boys from 16 to 18 who have been released from Cedar Knoll School. In operation since October 1965, the Residence is an old, three-story building whose top-floor rooms have been converted into small dormitories. The second floor contains the business and other offices, the first floor is used as a recreation and study area by the boys, and the large basement contains the storage and utility systems. This facility serves approximately 10 boys on a room-and-board basis; an additional 10 boys have been returned to their homes but still use the facilities. The Youth Rehabilitation House has served about 35 boys since it opened.

Aftercare

After release from the Children's Center, juveniles committed to the custody of the Department of Public Welfare by the court remain under the supervision of the Department's aftercare (parole) program as long as the commitment remains in force.[65] This program is operated by the Institutional Care Section of the Department's Child Welfare Division, an office different from the one which has responsibility over juveniles while they are institutionalized at the Children's Center. The purpose of this program is to aid the juvenile and his family adjust successfully to his freedom in the community and minimize the possibility that he will have to be returned to the institution.

The average number of children released from the Children's Center in each of the past 3 calendar years was 693; the aftercare program is responsible for approximately 1,300 cases at any one time. Although there are no exact figures available, the average period of aftercare service, from release from the Children's Center to final discharge by the Juvenile Court, is approximately one year.[66] The aftercare program begins at the time the juvenile is first committed to the Department of Public Welfare, when an aftercare caseworker is assigned to work with the child and his family to prepare for his eventual release from the Children's Center. The caseworker participates in meetings at the institution, where the child's adjustment and progress are reviewed by staff members familiar with his social history, cottage adjustment, school adjustment, and home situation. Based on these periodic institutional reviews, the Department decides when the child is to be released.

After the juvenile is released, the aftercare worker is supposed to meet with him regularly, consult with his family, and draw upon all available community resources which might be of assistance in the rehabilitation process. If the juvenile commits a new law violation during the period of aftercare supervision, or there is other evidence that he is making a "poor community adjustment," he may be returned to the institution at the discretion of the aftercare worker. In the case of law violations, the matter may be referred to the Juvenile Court, where the aftercare worker and the Intake Section may jointly decide on recommendations for an appropriate course of action. If a child appears to be making an adequate adjustment, the aftercare worker may initiate a request to the court for the juvenile's discharge from the custody of the Department.

ANALYSIS AND EVALUATION

The apprehension, processing, adjudicating, and treatment of juvenile offenders is a most complex and difficult assignment. When the police, court and institutions are called upon to handle a youthful offender under 18, it signifies a basic failure of his family, school, and those other public and private agencies which previously have dealt with him—problems which are explored by the Commission in the next two chapters. Nevertheless, the juvenile offender from the moment of arrest becomes an official community responsibility; his future conduct and the welfare of the community are vitally affected by the offender's reaction to his experience with the law. In this section the Commission recommends essential improvements in the practices and programs of the Youth Aid Division, Juvenile Court, and Department of Public Welfare.

GENERAL ASSESSMENT

The number of young offenders who violate the law repeatedly is persuasive evidence that the District's procedures and facilities for delinquents require substantial improvement. The Stanford Research Institute study of 1,068 offenders referred to the Juvenile Court in 1965 reveals that 61 percent had one or more prior referrals; 42 percent had two or more; 28 percent had three or more; and 19 percent had four or more.[67] Half of the children in the Receiving Home have been there before; almost one-third of those at the Children's Center are there for the second time. These figures tend to undertake the problem. As they become older the repeaters go on to new institutions like the National Training School, where over 40 percent of the 17- and 18-year olds have been previously institutionalized at Children's Center. Nor does the pattern end at the age of 18; more than 50 percent of convicted adult felons in the District of Columbia in 1965 had records as juvenile offenders, including 74 percent of the rapists, 72 percent of the robbers, and 60 percent of the burglars.[68] Of this group of adult felons, 31.5 percent had been committed as juveniles to correctional institutions, principally to District of Columbia institutions (24 percent).[69]

Although such statistics highlight only the failures of the system and none of the successes, they underscore the dimensions of the problem confronting this city. Developing a more effective mechanism for the prevention of delinquency and the rehabilitation of offenders will require a radical change in the practices of the police, Juvenile Court, and institutions. The present operations of these agencies

should be measured against the goals of an effective system for juvenile justice. In the Commission's judgment, such goals should encompass the following:

(1) A youthful offender who comes to the attention of the police should not automatically be subjected to the jurisdiction of the Juvenile Court and thus handled as a delinquent. Instead, the community must have available a full range of remedial services as a meaningful alternative to court referral. It is at this point that the juvenile who commits minor offenses can most economically and effectively be treated by bringing the total resources of the community to bear on his problem before he has a police or court record. Such an approach at the beginning of the process offers the best hope of interrupting a cycle which leads too often to formal adjudication and institutionalization as a delinquent.

(2) Where the juvenile's offense or prior record requires referral to the Juvenile Court, the handling of his case should be expert, expeditious and fair. Final disposition should be based on an understanding of the juvenile's complete history and personality, as interpreted for the court by professionals. The court's procedures must be expeditious, both to enhance the deterrent effect of the judicial process and to facilitate the early rehabilitative treatment of the offender. The procedures must be scrupulously fair, so that the child who emerges from Juvenile Court will feel that no advantage has been taken of his minority status and so that he will have respect for the court and its processes.

(3) For those juveniles who require special treatment, the community must have available the widest possible range of facilities and programs, not just correctional institutions. The resources must include an active and imaginative probation program, specialized facilities for the emotionally disturbed, foster and group homes, day-care programs, and special remedial education and vocational training services. Institutionalization must be a last resort, to be used only in those cases of serious maladjustment where the juvenile's removal from home is necessary for him and the community.

(4) Institutionalization, when necessary, must be marked by thorough and expert rehabilitative efforts. The institutions should be fully staffed by professional counseling, clinical services, remedial education, and vocational training personnel. The period of institutionalization should be as short as possible, in recognition of the inevitable disadvantages of any institutional program and the desirability of returning the offender to his family and community where he must eventually solve his problems.

(5) When the offender is permitted back in the community, the rehabilitation process should not come to a sudden halt. A well-designed aftercare or parole program has to help the offender make the crucial and difficult adjustment to non-institutional life.

In its review of the treatment of juvenile offenders, the Commission will discuss major deficiencies and recommend specific changes to bring present services up to an acceptable level. Without a realistic vision of what we are attempting to accomplish with these juvenile offenders, however, the sporadic addition of extra personnel and services will accomplish little. Piecemeal reforms will not satisfy the pressing need for a more comprehensive plan for rehabilitating the wayward children who now fill our institutions.

APPREHENSION AND REFERRAL

Police Contacts

The police necessarily play a major role in the identification of potential juvenile offenders in the District. When an arrest is not considered necessary, the contact by a patrolman reflected in a P.D. Form No. 379 may be the first indication that a youth is headed for further difficulties with the law. In 1965, 5,436 such forms were processed, compared with 6,264 non-traffic juvenile arrests. Of the forms filed for male juveniles, 2,590 resulted in no further action, a hearing was held in 2,557 of the cases, 22 were referred to the Juvenile Court, and 276 were referred to the Commissioners' Youth Council.[70] In 1966, 6,921 forms were processed, but 4,081 involving boys were filed without action and only 176 were referred to the Youth Council or other agencies.[71] A more extensive use of the Form 379, coupled with a comprehensive community program for following up the juveniles so identified, should be an important goal of the District's delinquency-prevention program.

According to the International Association of Chiefs of Police (IACP), patrolmen are hesitant to use Form 379. The IACP Survey suggests that patrolmen do not clearly understand their role in dealing with juvenile offenders, are unclear about what constitutes a "minor" offense, and are reluctant to type out the forms as now required.[73] Notwithstanding the importance of juvenile crime in the District, only 4 hours of the current 13-week recruit training period are devoted to the handling of juvenile offenders.[73] The IACP also found that coordination between the Youth Aid Division and the other branches of the Department, especially the patrol force, could be substantially improved.[74] The result of these shortcomings is that "of-

ficers either disregard incidents of a minor nature and take no formal action, or they seek the assistance of the Juvenile Bureau specialist in cases which they could appropriately dispose of themselves." [75]

The Commission strongly supports the IACP recommendations designed to increase the effectiveness of the Department's contacts with juveniles. We endorse the proposal that recruit training in juvenile matters be enlarged to at least 40 hours and that YAD personnel receive extensive in-service training before being assigned to the field.[76] We believe that patrol officers should exercise more fully their alternatives in handling minor matters and that Forms 379 filed by patrol officers (handwritten, if they wish) should be followed up by YAD personnel. Giving the patrolman more discretion to use Form 379 in minor violations rather than making an arrest or taking no action might serve to enhance his personal responsibility toward the youngsters on his beat. If the discretion were exercised wisely, it would also mean that minor offenders would avoid the accumulation of arrest records at an early age. To be effective, however, such a policy presupposes the existence of community agencies capable and willing to develop programs and provide services for these early cases.

Police Investigations

When juveniles are taken into custody on more serious charges and referral to the Juvenile Court is a strong possibility, the specially-trained YAD officer should immediately be drawn into the processing. Although the YAD officer is supposed to play an active role in the investigation and the decision to arrest, in fact he often can do little more than review the action and decisions already made by the arresting officer. The IACP Survey suggests that "This cursory review is often the result of delayed arrivals caused by other assignments and shortages of available units." [77] We concur in the IACP's recommendation that YAD officers be decentralized and operate directly out of the individual precincts. This has already been tried successfully in the 13th Precinct.

Although juveniles questioned by the police are either released or referred to the Juvenile Court for non-criminal proceedings, the interrogation process raises difficult issues not dissimilar to those relating to the questioning of adult offenders. The Commission supports the official Department policy requiring a child's parents to be contacted immediately when the child is taken into custody. According to one recent statement by the Children's Bureau,

> Whenever possible and especially in the case of young children, no child should be interviewed except in the presence of his parents or guardian. This should always be the policy when a child is being questioned about his participation or

when a formal statement concerning the child's participation in the alleged delinquent act is being taken. The presence of a parent during the interview may be helpful to the police as the parental attitudes shown under such circumstances may help the police to decide whether the case should be referred to court or to another agency.[78]

The IACP Survey, however, indicates that under present police practices the parents "are occasionally present at the interrogation, but normally they are contacted and arrive as the investigation is nearing completion." [79] The Commission recommends that the Department strictly enforce its existing policy and require that parents be promptly notified so that they can be present when the child is being interrogated.

Apart from the participation of parents, police interrogation of juveniles must be attuned to the requirements of the applicable court decisions. It has not been authoritatively decided whether the privilege against self-incrimination as interpreted in the *Miranda* decision applies to juveniles. Arrested juveniles are not presently warned of any rights as is required with adult offenders; statements elicited from a juvenile regarding his guilt are constitutionally admissible in the Juvenile Court, although subject to strict standards of reliability established by the court.[80] Such statements, however, are inadmissible in any adult proceeding which results from a waiver of jurisdiction by the Juvenile Court if the statements were obtained prior to the waiver.[81] The Commission recommends that the police consult with the Juvenile Court and the United States Attorney about possible changes in their interrogation practices which might be required by court decisions or might serve to make the statements of juveniles admissible in any forum.

Criteria for Court Referral

Too many minor delinquency cases are now being referred by the Youth Aid Division to the Juvenile Court. A recently completed study of delinquency in three city blocks in New York, Chicago and Washington compared statistics and records maintained by the police and other agencies with information obtained from observers who lived on the blocks for years and interviews with the youths and families themselves.[82] The study concluded that although the Washington block had the highest official rate of delinquency, in reality it was the least delinquent so far as organized, widespread or serious crime was concerned.[83] It also concluded that enforcement agencies in Washington were far more prone to apprehend offenders than Chicago and New York agencies.

The criteria set forth in General Order No. 6 require referrals (1) in all felonies and serious misdemeanors; (2) in any case where the juvenile denies the charges, is a probationer, has a prior record, or evidences a pattern of misbehavior indicated by Forms 379 already on record; and (3) in any case where the court's attention is considered necessary because of "uncooperative parents," "inadequate supervision or care," or "failure to cooperate" with the police or other agencies. According to the YAD, the discretion permitted the police under these standards is "definitely limited" and sometimes results "in court referrals of juveniles involved in minor or apparently insignificant complaints." [84] The Intake Section of the court closed out 23 percent of all delinquency referrals in fiscal 1966; a substantial number of these were minor cases which did not require judicial attention. Consideration of such matters "dilutes the Court's attention to its essential functions and confuses the young offenders and their families as to the Court's role." [85] The processes of the court should be reserved for serious offenders.

The Commission recommends that the Youth Aid Division and the Juvenile Court collaborate in revising the standards to be used by the police in referring cases to the court.[86] Periodic examination by the police of particular cases referred to the court but closed at intake would assist the YAD in reassessing existing referral criteria. We do not believe, for example, that denial of involvement by a child requires referral in all cases, no matter how minor the incident and where an admission would be followed by release. A second offense, too, may be insignificant, or there may be extenuating circumstances which militate against referral. Well-trained YAD officers should be permitted to look at such factors in the context of all the circumstances surrounding the offense before making a referral decision.

Similarly, the Intake Section of the court should not have to take all denial or repeater cases to court. Intake workers conduct a brief investigation into the child's record, family, and school adjustment; they have more information than the police upon which to make the decision whether the child's problems are serious enough to be taken to court. Even in some "felony" cases dismissal may be advisable—i.e., joyriding in an automobile around the block is technically a felony, and so is grabbing a playmate's pocketbook with a quarter in it. In the case of children, however, these crimes may not always demand full-scale court treatment. The Intake Section now has no formal guidelines from the court on which cases to refer. As a result, many cases which do not require judicial attention are presented to the judges. In 1966 the court dismissed 975 delinquency cases without a finding and 204 cases even though the juvenile was found involved.[87]

A manual for workers in the Social Service Department is reportedly in preparation. Inclusion of referral criteria would be an important step towards clarifying the situation and authorizing court referral for only those cases which cannot be effectively handled in a non-compulsory setting.

Alternatives to Court Referral

The function of both police and intake screening is to spot potential delinquents, remove them from the quasi-criminal processing of the Juvenile Court, and divert them to sources of help and toward more constructive patterns of growth. The Commission believes that many cases are now sent to court by both the police and intake workers because there is no other practical way to provide the children involved with any help at all. In these instances, a formal adjudication of delinquency is in effect made a prerequisite to help for the juvenile, notwithstanding the attendant stigma of delinquency which follows a child throughout his life. Accepting cases not requiring the jurisdiction of the court, moreover, contributes to the delay in processing more important matters and dilutes the effectiveness of court services.

In January 1965 the YAD began referring some juvenile cases to the UPO-sponsored Neighborhood Development Center No. 2 in the 13th Precinct. In fiscal 1965, 98 cases were referred to the Center; in fiscal 1966, 155 were referred.[88] In 1965, 101 cases were referred by the 14th Precinct to the Northeast Ministerial Alliance, whose members make an effort to help the juveniles involved.[89] The police also make extensive use of administrative "hearings" to warn and admonish children and their parents before dismissing their cases. In 1966 the YAD held 5,381 hearings, including 2,831 originating from Form 379 reports and 1,897 involving minor law violations (1,681 traffic offenses and 216 minor thefts, curfew and disorderly conduct violations). After conducting hearings on these minor law violations, the YAD released 1,456 juveniles to their parents and referred 441 to the Juvenile Court.[90]

These hearings, presided over by a member of the YAD Special Screening and Referral Squad, result in duplication of effort; in each case the hearing officer must familiarize himself with facts already known to the investigating YAD officer. The outcome of the hearing is generally a lecture, although the police may refer a case to a social agency. The effect of this "plain talk" on the child with a real social or psychological problem is of dubious significance.[91] Even if effective, the admonition might as well be delivered by the original investigating officer at the precinct.

Attendance at the hearings is not legally enforceable, although this fact may not be known to the children or their parents. The hearing officer carefully explains he is not a judge and has no power to inflict punishment as a result of the hearing. Some unsophisticated parents and juveniles still assume they are in a court; when they are later sent to Juvenile Court, they often refer to "the first time they went to court" and the "other judge." Such a belief confuses the child and parents and dilutes the effect of a genuine court referral.

Despite the police estimate that in 85 percent of the cases hearings succeed in deterring the juvenile from subsequent offenses, the Commission has found no reliable statistics to show that cases in which such hearings are held fare any better than those in which they are not. Under the present restrictive referral criteria, the hearings involve primarily first offenders and very minor cases. We endorse the IACP recommendation that they be discontinued and that the decision to dismiss, refer, or direct the child to another agency for help be made by the YAD officer assigned to the case at the time of the original investigation.[92]

The Commission is also concerned about the Intake Section's present practice of retaining "gray" cases for periods up to 6 months to see if the child remains out of trouble. In the absence of adequate community services, the intake worker retains the case and attempts to provide some limited casework assistance. In most cases, however, no services are rendered, but the case is not closed because of lack of time to complete a written report.[93] If a new offense is reported during this interval, both cases can be petitioned to the court. The Commission does not believe that there is any justification for petitioning a complaint that is considered closed by the worker but is still technically open.

The practice of informal adjustment is defended as a mechanism for keeping minor cases out of court and protecting juveniles against extensive court records; it is challenged on the grounds that it is subject to abuse and that informal adjustment confuses the role of the juvenile court with other community agencies.[94] There is no statutory authorization in the District for this procedure. Other jurisdictions authorize the practice, but regulate it as well. California allows informal probation for 6 months in those cases where the facts are admitted and where the case would be under the jurisdiction of the court if presented to a judge.[95] New York limits the intake supervision period to 2 months, or 4 months with the permission of a judge.[96] Under criteria established by the New York Intake Department, the procedure cannot be used in serious cases, those with public impact, or cases in which the facts are disputed. Even with these restrictions,

50 percent of the cases in New York are settled by informal adjustment.[97]

The Commission believes that a consent arrangement as an alternative to formal adjudication is of value in certain cases provided it is openly acknowledged and controlled by the court. We recommend that the procedure be available where the juvenile and his family are fully advised of their rights to counsel and appearance before a judge, and consent to a limited period of informal supervision. Drawing on the New York and California experience, it might also be advisable to use the procedure only where the facts are not in dispute and the court approves the program planned for the juvenile.

Both the police hearing and the present intake adjustment are well-meaning but ineffective attempts to do something for the child who does not deserve a juvenile record but needs attention. The Youth Aid Division has attempted to develop alternatives to court referral through the use of the Commissioners' Youth Council, UPO facilities in the 13th Precinct, and other agencies.[98] Although there is no accurate information available regarding the number of referrals to these and other agencies by intake workers at the court, it appears that very little time has been available for developing outside resources.[99] These efforts are poor substitutes for the several kinds of meaningful resources which can actually help such children—prompt treatment at mental health centers, remedial instruction in school, supervised day-care or after-school programs, social casework for the family, and day-to-day personal contact with adults who are genuinely interested in the children's welfare.

The District of Columbia might well profit from the experience of other communities that have tried new methods for helping non-referral cases. The recently-established Delinquency Prevention Walk-In Clinic in the Watts area of Los Angeles is located across the street from the precinct station.[100] Although independent of the police, the Clinic takes only juveniles referred by the police after the youth and his family decide that they wish to participate. The Clinic determines through its intake process if the short-term casework service offered by its social workers can be beneficial, and then develops a program for the youth which places high priority on working with the family. The Clinic has had a high success rate, attributed to a staff policy of flexible treatment and innovative methods for dealing with delinquency-prone children. The results have been sufficiently effective for Los Angeles municipal authorities to budget 13 similar clinics for the rest of the city.[101]

New Jersey and Seattle, Wash. use panels of lay citizens to mete out sanctions in minor cases such as truancy, trespassing and petty thefts.[102] These community representatives listen to the child, his parents, and the complainant; decide if he committed the offense; and hand down minor punishments such as written assignments, apologies, restitution, and reporting in to a panel member. Seriously-disturbed children are referred on to court, and the panel's deliberations and files are kept entirely confidential. The panel reports to the court on all cases, and any child or his parents may bypass the board and demand a regular court hearing. The child has no juvenile court record resulting from board action. New Jersey reports few repeaters among the 5,000 children processed by these boards, and believes it brings a more immediate sense of involvement in delinquency problems to members of the community.[103]

Although these programs merit attention, the Commission believes that a more comprehensive approach to early delinquents is needed in the District. The deprived circumstances from which most of our delinquents come and the multi-patterned nature of their problems—disoriented homes, poor schools, crime-ridden neighborhoods—mitigate against any single approach. For the same reason, we look upon other suggestions which have been made—VISTA workers in the precincts to suggest referrals or YAD community relations specialists—as essentially halfway measures. There must be a single place where a juvenile can be referred by the police or intake worker and be reasonably assured of getting whatever kind of help he needs. At the present time there are too few places to send a child, and the waiting lines are too long. Until we solve the basic problem of referrals for early delinquency cases, we are losing a prime opportunity to reduce juvenile crime. In the next chapter the Commission makes a strong recommendation for a Youth Commission to meet this critical need as part of its comprehensive responsibility for preventing juvenile delinquency in the District of Columbia.

DETENTION AT THE RECEIVING HOME

The Commission concludes that too many children are being detained at the Receiving Home for too long a time, because of over-reliance on the institution by the YAD and the Department of Public Welfare, the lack of alternative facilities, and the failure of the Juvenile Court to exercise the necessary strict controls. The substantial deficiencies of the Receiving Home's program make comprehensive reform in this area both essential and urgent.

Excessive Use of the Receiving Home

With a capacity of only 90 beds, the Receiving Home is now regularly packed with more than 150 children awaiting official action by the Welfare Department or Juvenile Court. The police detained 67 percent of the children referred to the court by them in 1966. Many of these are released by court intake workers in less than a week; a majority of those awaiting final Juvenile Court action remain in the Home for a month or more. The institution is used almost without regard for the child's particular situation or background; the Receiving Home's population includes dependent or neglected children as well as many children charged only with minor offenses.[104]

Use of a secure-custody facility like the Receiving Home should be strictly limited to those children who require detention. The basic purpose of detention "is the temporary care of children in physically restricted facilities pending court disposition or transfer to another jurisdiction or agency."[105] Neglected or dependent children, who pose no threat to the community or themselves, do not require a detention facility but, rather, a type of temporary shelter-care which supplies home-like treatment until the children can be returned to their own homes or placed in other facilities.[106] In other jurisdictions even delinquent children have been successfully detained in semi-open or open facilities which emphasize child-staff relationships and comprehensive programming rather than locks and fences.[107] Under current District practice, however, many children are unnecessarily being sent to the Receiving Home because they do not have a suitable home, their parents are uncooperative or cannot be located, or there is some doubt that the parents or guardians can or will produce the child in court when required.

The Commission strongly recommends that the Receiving Home no longer be used for dependent or neglected children, or those charged with only minor offenses. The law should limit the use of this security institution to those juveniles who present a substantial danger to the community or may flee the jurisdiction, and alternative facilities for the shelter-care of other categories of children should immediately be provided in ample quantity. These reforms are essential if we wish to protect dependent or neglected children from contamination by delinquents who are accused of serious crimes or whose personalities are already so distorted as to require constant custody and surveillance.[108] One such shelter-care facility for 10 boys, although funded many months ago, has only recently begun operations. In view of the average Receiving Home population of 150 or more, several additional such homes are called for in short order. It is discouraging indeed that this

basic differentiation in facilities is just now being made by the Department of Public Welfare, and then only under the sponsorship of an outside agency on a temporary funding basis.

Overcrowding of the Receiving Home results also from the fact that too many children charged with delinquent acts are sent to the Receiving Home by the police. Whereas the District police currently detain 67 percent of all their court referrals, the figure recommended by leading authorities is 20 percent.[109] Although the police and intake workers rely on the same detention criteria, about 75 percent of all first offenders and a substantial percentage of all juveniles detained by the police are released within a week by the intake workers before they ever appear in court. In some cases overnight detention may be unavoidable because parents cannot be located; in others the detention decision reveals a basic difference of views between police and intake worker. This conflict results in flooding the Receiving Home with short-term detainees for whom nothing can be accomplished but who consume valuable staff time and sleeping space.

The heavy use of the Receiving Home in the District of Columbia is comparable to the experience of other communities, where detention facilities were filled as soon as they were constructed.[110] It seems to be unfortunately true that "excessive detention is like drug addiction; the greater the use, the harder it is to stop." [111]

New detention criteria for the Receiving Home should be drafted with a view to reducing drastically the number of delinquents sent to the Receiving Home by the police. The Commission concurs in the conclusion of the IACP that "Only in serious situations should youths be committed to the overcrowded, inadequate juvenile detention facilities which exist in the District of Columbia." [112] Particular attention should be paid to juveniles who are currently detained for only 2 or 3 days at the Receiving Home. Numerous detention studies "have shown repeatedly that many of these children should not have been detained at all." [113] The revised criteria should emphasize almost exclusively the seriousness of the offense (or history of offenses), the nature of the child's personal or family problems as they relate to the possibility of further law violations, and the likelihood that the child will flee from the jurisdiction.[114] We recognize that the definition and application of any set of written detention criteria is a subtle and difficult assignment which requires considerable effort and constant review. The effort is clearly necessary, however, to reduce the intolerable overcrowding at the Receiving Home and reserve that facility only for those delinquent children who require secure custody pending court disposition.

Approximately 165 runaways from other cities were detained during 1966 at the Receiving Home,[115] as were many juveniles who absconded from correctional institutions or law enforcement agencies in other jurisdictions. The fact that the District is not a member of the Interstate Compact for Juveniles contributes to the overcrowding and misuse of the Receiving Home. The Compact provides legal mechanisms for speedily handling the return of runaways (delinquent or not) and escapees.[116] This Compact should be adopted in the District of Columbia. Caring for non-resident runaways who present no danger to the community in a shelter facility, or returning them more promptly to their local jurisdictions, would help reduce the number of admissions to the Home and the daily average population as well as spare these children the destructive impact of a detention experience.

Need for Judicial Control

The excessive use of the Receiving Home is attributable, in part, to the division of responsibility for admissions among the Juvenile Court, Metropolitan Police Department, and the Department of Public Welfare. The Commission believes that the seriousness and difficulty of the decision to detain requires the Juvenile Court to assume exclusive responsibility. We agree with the National Council on Crime and Delinquency that "ultimate responsibility for detention rests with the court, which must take the initiative for developing sound and consistent intake policies." [117] Experience in other cities demonstrates that the exercise of firm control by the Juvenile Court is not only practicable but also successful in reducing the number of admissions to a detention facility. In Minneapolis, for example, a 30-bed detention facility serves a population of over 923,000 people and kept its average population to 24 children a day in 1965.[118]

The Juvenile Court should take responsibility for reviewing the detention of all children brought to the Receiving Home by the police, Department of Public Welfare, or other agencies. Court and Receiving Home officials have established in recent months a procedure for screening children for release within 24 hours of their detention by the police, based on interviews with the juveniles and their families at the court. From November 1965 through June 1966, 302 juveniles (predominantly first offenders) received this expedited review; 226 (75 percent were released.[119] Up to now, however, no officer of the court has been assigned to the institution to screen juveniles at the time of their admission to the Home. Those admitted on weekends or holidays must wait until court reconvenes for an opportunity to be released.

The Commission recommends that the Juvenile Court provide intake services at the Receiving Home from 6:00 p.m. to 2:00 a.m. Monday through Friday and 10:00 a.m. to 2:00 a.m. on weekends so that an immediate detention decision can be made on every child delivered by the YAD officers. The intake worker can interview the child, the officer and the parents, and make necessary phone calls. He will have access to the court records on the child, which the police do not. The detention decision on a juvenile currently under the court's jurisdiction will still be made by the responsible probation worker; in these cases, however, the intake worker stationed at the Home will be able to alert the probation worker promptly and supply him with the information necessary to evaluate the need for continued detention. This procedure will eliminate the present hiatus of several days which now prevails between the police officer's decision to detain and the regular review by court officers.

The assignment of an intake officer to the Receiving Home would be an important first step in the acceptance by the Juvenile Court of its responsibility for detention policy. The reluctance of the court to assume this responsibility is not unique. In fact, a study of detention practice in 1960 concluded:

> The juvenile courts of the largest cities have been slow to establish effective procedures for intake control. Traditionally, the only control over admissions has been the number of detention beds available. Invariably, new facilities are filled soon after they open their doors. When law-enforcement agencies determine how detention shall be used, the problem gets out of control for lack of sufficient predisposition probation service and clear, courageous intake control policy on the part of the court.[120]

The Commission recognizes that lack of personnel in the Social Service Department is a chronic problem at the court, and that this vitally affects the court's capacity to administer detention policy effectively. On this issue, the National Council on Crime and Delinquency has concluded:

> A sufficient number of well-trained and well-supervised probation officers is necessary to select children for court and detention services, to prepare thorough social histories for the court, and to provide casework relating to the child's probation or future placement. What sometimes looks like a glaring need for expanded detention facilities may obscure the need for an adequate probation staff to help the court limit the use of detention and control length of stay.[121]

To the extent that detention control will require additional staff, the Commission endorses the prompt addition of such personnel as more appropriate and economical than major expansion of the Receiving Home.

Immediate determinations on detention by court intake workers would go far towards ending the present confusion and overcrowding, but prompt review by a judge of every detention is imperative. Several of the newer juvenile court acts provide for judicial review of a detention within 48 to 72 hours at a hearing where the child is present and is represented.[122] In contrast, a judge in the District is required to sign an *ex parte* order if detention is to extend beyond 5 days, but the child is not brought to court until the initial hearing—typically 1 to 2 weeks after arrest. The Commission agrees with the court that "there should be detention hearings within a day or two after a child has been placed in the Receiving Home." [123]

If suggested changes for expediting juvenile cases are put into effect, this detention hearing might in many cases be combined with the initial hearing to decide whether the child is within the court's jurisdiction. The reduction in court processing time should also have the salutary effect of cutting down the total time spent in detention by those children whom the court decides must stay at the Receiving Home pending final decision. They now spend an average of 35 days in the Home; this period should be reduced to below 20 days. The reduction would, in turn, further relieve the overcrowding at the Receiving Home and end unnecessary expenditures for prolonged institutional care.

Deficiencies in Program and Staff

If properly organized and staffed, the Receiving Home could supply important services to the child, the court and the community.[124] These services are not now being provided because of overcrowding at the Receiving Home and serious deficiences in the available supervision and program.

Effects of Overcrowding

Soaring admissions and chronic overcrowding at the Receiving Home have seriously diluted the ability of the staff to supervise the children. A staff of 67 full-time employees, marginally adequate for the intended capacity of 90 children, is obviously insufficient for 150 to 200. These staff insufficiencies have contributed to extreme juvenile misconduct, including violent attacks on other children and staff. Boys and girls of all ages and degrees of maturity are on occasion subjected to these attacks; they are also prey to the seduction attempts of the more sexually aggressive youths. Although known homosexuals are kept under closer supervision and locked in single rooms during the evening hours, Receiving Home officials admit that more homosexual incidents occur than are reported; this is primarily due to the

serious overcrowding, which requires the cramming of children into small dormitories filled with double-tier beds.[125]

The large number of children in the Home makes it difficult to organize and carry out a constructive activity program. This challenging assignment is needlessly complicated by the Receiving Home's indiscriminate mixing of neglected or dependent children and first offenders with juveniles possessing extensive records of serious crime. It is generally recognized that the mixing of children presenting so many varied legal, physical, social, and psychological characteristics produces serious handicaps to the effective operation of a detention facility.[126] The Receiving Home experience has a destructive impact on many children, who become so unmanageable that they disrupt the entire program. This prevents the better adjusted children from making good use of the available programs. Moreover,

> The experience of confinement with other delinquent children, even only overnight, is not easily forgotten. It helps the child identify himself with the delinquent group. From the more sophisticated youngsters he picks up attitudes and techniques which encourage him to defy authority.[127]

Until overcrowding and indiscriminate mixing at the Receiving Home are eliminated, it is unlikely that the programs offered there can serve any purpose other than custodial.

The present situation at the Receiving Home places an impossible burden on the 42 counselors who supervise the children around the clock in the individual living units. The counselors are in the most strategic position to provide counseling, guidance and positive disciplinary attention. They can serve a highly important function in the diagnostic process by making pertinent observations of the behavior and the group adjustment of the child. It is their responsibility to plan constructive recreational activity programs. In short, the group life counselor or child care worker is the core of any detention program.[128] At the Receiving Home the persistent disciplinary problems and the lack of a meaningful program of activity reflect a fundamental failure in this central aspect of the facility's operation.

As a first step in curing these deficiencies, the Commission recommends that the Department of Public Welfare attach a higher priority to the group living program at the Receiving Home. In the fiscal 1967 budget, Congress approved positions for 12 additional counselors.[129] We recommend that these positions be filled as soon as possible. We also recommend that a professional director be added to the staff to supervise the group unit program. These efforts, supplemented by the other recommendations made below regarding the staff at the Receiving Home, are necessary to infuse some vitality and effectiveness into a largely moribund institutional program.

Diagnostic and Clinical Services

The Receiving Home's population includes a significant percentage of emotionally-disturbed children. The Home, however, provides no residential diagnostic services utilizing full-time psychiatric, psychological, medical, educational, and social work personnel. Those children who need intensive psychiatric and medical study may be sent by the court to the D.C. General Hospital Psychiatric Services or other facilities of the Department of Public Health, such as Area C Mental Health Services, Legal Psychiatric Services, Child Guidance Clinic, and the Adolescent Clinic.

Because of the shortage of diagnostic and treatment services in the city, most hostile and emotionally-maladjusted children detained at the Receiving Home receive only routine attention prior to the disposition of their cases by the Juvenile Court. From April 1965 through March 1966 the Juvenile Court referred only 81 children to facilities of the Department of Public Health; the majority (50) of these referrals were to D.C. General Hospital Psychiatric Services.[130] A child might wait in the Receiving Home several months before he can be seen at crowded District health facilities. The absence of a diagnostic service at the Receiving Home severely handicaps the institution and the Juvenile Court, which requires the advice of a professional clinical staff to make the most appropriate disposition of cases involving disturbed youngsters.

In sharp contrast to the District of Columbia, other communities provide detention-diagnostic facilities which are richly staffed with mental health personnel. In Maryland, for example, the 56-bed detention-diagnostic center employs full-time psychiatrists, psychologists, psychiatric caseworkers, group workers, special education personnel, and, on a contractual basis, pediatricians and neurologists.[131] The same type of staffing is found in facilities in Columbus, Ohio; Minneapolis, Minnesota; and Menlo Park, New Jersey.[132] An institution with extensive diagnostic and clinical capabilities can serve not only detained children but also those who remain in the community awaiting disposition by the court.

The Commission recommends that the Department of Public Welfare take immediate steps to provide diagnostic services at the Receiving Home. The funds for the necessary personnel should be sought from Congress, after the Department has developed a diagnostic program in consultation with experts available at other District and Federal agencies. The program should ensure that every child at the Receiving Home who requires professional attention receives it expeditiously, and that the Juvenile Court has the benefit of a full range of clinical services prior to disposing of cases coming before the court.

Educational Program

One of the most important activities at any detention facility is its educational program. The educational program at the Receiving Home, however, has been neglected for years. Of the four teaching positions currently authorized, two were vacant for many months during the past year, reportedly due to administrative delays within the Welfare Department.[133] The children spend two 45-minute periods a day studying a combination of arithmetic, social studies and science. No general testing or remedial work is done at the Home, although a program recently initiated at the institution by the Department of Vocational Rehabiliation provides some of these services for a limited number of older juveniles who may be returned to the community.[134] The educational program is too limited in every way—qualifications of teachers, the amount of time committed to the program, and the materials used.

More than 30 years ago, an expert who reviewed juvenile detention in the United States concluded that:

> Insufficient provision for an educational program in detention homes is a common shortcoming . . . . In some homes there is only a pretense of school, the children being occupied for several hours on something nominally designed as education.[135]

This indictment can fairly be leveled today at the Receiving Home in the District of Columbia, although other cities have demonstrated the necessary commitment and allocation of resources to operate a good educational program.[136]

The Commission believes that the District of Columbia school system should assume responsibility for the educational program at the Receiving Home. In addition to providing continuity for the students, this change in administration would make available the special resources of the Pupil Personnel Department of the D.C. school system, including speech correction specialists, school psychologists, and guidance counselors as well as curriculum consultants. A single source of teachers should be utilized on a flexible basis to accommodate the fluctuating population of the Receiving Home. Until the necessary action is taken to transfer administrative responsibility to the public school system, an emergency program should be undertaken by the Department of Public Welfare. The immediate goal should be the provision of necessary personnel and facilities to permit children at the Receiving Home to attend a minimum of four class periods per day, taught by instructors of the highest qualifications.

Staff

Shortage of staff at the Receiving Home plagues every effort to develop a program for the detained children. In addition to the lack of sufficient counselors, treatment specialists and educational personnel, the Receiving Home has insufficient staff to operate an adequate recreational program or provide religious counseling.[137] The Receiving Home places the full burden of professional casework service for 150 to 200 disturbed children on a single social worker.[138]

The Welfare Department has not given sufficient priority to the staff needs of the Receiving Home. During the last 5 years, for example, the Department requested only three additional professionals for the Receiving Home, two of whom were actually authorized by the Congress. The 1967 budget request for 22 additional positions represented the first major effort by the Department to staff the Receiving Home adequately. Congress approved 17 of these positions, including 12 counselors, but denied the request for a social worker, teacher and recreational leader. We recommend that these three positions be requested again, and that additional specialists should also be sought, including: (1) A Director of Educational Services; (2) a Director of Clinical and Social Work Services; (3) remedial teachers; (4) social workers; and (5) full-time psychiatrists and psychologists.

Even if these positions were authorized, they would be very difficult to fill. Salaries at the Receiving Home are minimal, far below what is required to obtain personnel of the necessary training and experience. Counselors are paid $4,480 to $5,830 annually; caseworkers in the Department receive less than caseworkers employed by other District or Federal agencies; the Superintendent is paid at the GS–13 ($12,873 to $16,905) level.

As a result of the low salaries, overcrowding and generally depressing conditions, employee morale at the Receiving Home is very low. The children at the Home bear the brunt of this staff dissatisfaction. Many staff members at the Receiving Home, overwhelmed by the impossible conditions which exist at the institution, have become indifferent to the needs of the children. Other serious problems were suggested by a recent Howard University report evaluating the training of Receiving Home counselors:

> During this preliminary investigation it was determined that the counselors were confused about their role, and that they were dissatisfied with the emphasis placed on their janitorial and security duties. Some counselors ignored the fact that the residents had not yet ever been adjudicated delinquent and tended to view them as a dangerous group of young criminals always ready for insurrection and violence. Many of the counselors, particularly in the

older male units, had difficulty in treating residents as individuals and knew no other way to control them except by physical strength and fear. They were unaware that rigid measures of control were likely to create hostility and tension and increase the difficulty of their task. Such emphasis on control led to very severe limitations on the activities which could be organized for the residents, and the evening program for the older boys appeared negligible.[139]

Immediate efforts must be made to employ properly qualified personnel, pay competitive salaries, and provide an environment in which treatment, rather than punitive control, is emphasized. Officials at the Home acknowledge the need for a better staff training and development program, but lack supervisory personnel, secretarial services, and the necessary assistance from the Welfare Department. They have not had the time, funds or personnel to prepare employee or administrative manuals. Only recently was some directed staff training begun under the auspices of Howard University's Institute for Youth Studies.

As part of a major effort to revitalize the Receiving Home, the Commission recommends that salaries should be increased to competitive levels. The roles of professional and subprofessional staff members should be more clearly delineated, particularly those of the counselors and caseworkers. A full-time secretary or business manager should be provided to assist the Superintendent. Top priority should be given to the establishment of a staff training program and the preparation of an administrative operating manual. The Welfare Department, if necessary, should request grants and technical assistance for these projects from Federal agencies.

Physical Facilities

Despite its comparatively recent construction and the 1957 enlargement, the Receiving Home is poorly-designed and functionally obsolete. Some of its major deficiencies are: (1) The tract lacks enough room for buffer-zone, recreational and landscaping purposes; (2) the interior layout of the Home does not permit good supervision of the children; (3) the living units are too small for 15 children; (4) there is no unit for seriously-disturbed and hyperaggressive older boys; (5) the design and location of isolation rooms in the basement are poor; (6) the use of dormitories with double-tiered beds and an insufficient number of single rooms create serious supervisory problems; and (7) the receiving, visiting and storage facilities are inadequate.[140]

Because of these shortcomings and the current overcrowding of the Receiving Home, the Department of Public Welfare has recommended expansion of the facility to a capacity of 150 beds.[141] The Commission does not agree that the Receiving Home should be expanded at

this time. As experience here demonstrates, expansion of a detention facility usually is followed by a less stringent admission policy which quickly results in an enlarged population. Instead of expanding the Receiving Home, a costly project in terms of capital and operational convenience, its operations should be improved and its overcrowding reduced by implementing the reforms suggested in this chapter. Only then can detention needs in this community be determined properly.

Replacement of the Receiving Home by a modern detention and diagnostic institution should be assigned high priority among the capital improvement needs within the District of Columbia. The facility should be constructed within the District and located as close to the Juvenile Court as possible. The plans for this facility should incorporate the recommended standards of the National Council on Crime and Delinquency and the Children's Bureau of the U.S. Department of Health, Education, and Welfare. In view of the demonstrated inadequacies of the Receiving Home, we believe this project should be initiated promptly.

PROCEDURES OF THE JUVENILE COURT

From the beginning of the juvenile court movement in the United States in 1899, there has been constant debate over its role and procedures. During the early years, reformers sought to establish the principle that the legal rights afforded adults charged with crime were unnecessary in juvenile courts, since these new courts were concerned only with the welfare and best interests of the child.[142] The court's functions were considered analogous to those of a social agency, and procedures were developed to permit the court to achieve "individualized justice" and a program of rehabilitation free of rigid legal restraints. Indeed, some European countries went on to develop this idea further and to exercise control over juveniles exclusively through administrative agencies rather than through the courts.[143]

In recent years, however, there has developed a growing concern about the legal protections available in our juvenile courts. In part, this has stemmed from the realization that juvenile courts are in fact exercising broad powers of intervention in a child's life, including in some cases removal from family and community for many years up to his maturity.[144] The Supreme Court reflected this basic concern last year. In emphasizing the gap between the promise of the juvenile court and the facts of its imperfect realization, the Court observed in the *Kent* decision that:

> There is much evidence that some juvenile courts, including that of the District of Columbia, lack the personnel, facilities and techniques to perform adequately

as representatives of the State in a *parens patriae* capacity, at least with respect to children charged with law violations. There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.[145]

In reviewing the procedures of the Juvenile Court, we are aware that its statutory mandate imposes upon it many and varied functions, including extensive jurisdiction over adults as well as children.[146] In addition, the Juvenile Court Act makes it clear that proceedings in the Juvenile Court are not criminal cases.[147] Nevertheless, because of its awesome powers over the lives of children and parents, the court must exercise its responsibilities with proper solicitude for the rights of the children brought before it. Improvements in the procedures of the Juvenile Court as a court of law should not conflict with its functioning as an integral part of the rehabilitative process for delinquent children.[148] In fact, we believe the reforms suggested below to expedite the handling of juvenile cases and to add to the legal protections afforded juveniles would enhance the court's overall effectiveness.

Delay

It now takes about 5 or 6 weeks to process a child detained at the Receiving Home through the Juvenile Court to final disposition, assuming that the juvenile admits his involvement at the intial hearing. For a child released to his parents, it takes over 3 months. For one who asks for a trial, the waiting period is about 6 months. Delay in the Juvenile Court is not a new development. In 1954 testimony before Congress indicated that there was an average delay of more than 2½ months for juveniles admitting involvement.[149] The request for two additional judges in 1959 was supported in part by the argument that the shortage of judges had produced a backlog of 1,205 cases.[150] By 1962 the backlog exceeded 3,000 cases; there were 2,228 pending juvenile cases on June 30, 1966.[151] Although the situation has improved somewhat since the addition of two judges in 1962, the Commission believes that current delays in the court's handling of cases are excessive.

The causes of delay in the Juvenile Court are not difficult to identify. The 6,709 referrals in 1965 represented an increase of 12.5 percent over 1964 and 37.5 percent over 1963; in 1965 the number of dispositions in delinquency cases rose 40 percent over 1964 and 72 percent over 1963. In cases which require a full social study for disposition, the court's probation workers currently take from 1 to 3 months to complete it. Although referrals dropped by 7.7 percent in 1966, the court recently

pointed out that this decline "may represent only a temporary downward swing" and that the current fiscal year (1967) "should give a more definite indication of the pattern of referrals to the Court." [152] Moreover, the court anticipates a heavier caseload because of the increasing number of children in the District's population.[153] In order to handle a growing caseload and eliminate "inequitable delays," the court recommends that an additional judge (and supporting personnel) be added.[154]

In addition to the growing caseload, the Commission believes that the court's present policy in assignment of judges also contributes to existing delays. From March 1964 until September 1965, with few exceptions, the three judges were assigned to separate calendars: (1) Juvenile initial hearings and detention hearings; (2) adult and juvenile trials; and (3) disposition hearings, entries of orders, and revocations of probation and commitments. In September 1965 the two judges assigned to initial hearings and dispositions began some interchange. A system of calendaring based upon isolating judicial functions has several important disadvantages, not the least of which is that it denies the court the full-time services of the judge assigned solely to the trial calendar. Confining a single judge to the trial calendar where cases are most likely to require continuances is an inefficient use of his time.[155] This is true even with the recent increase in demand for jury trials which has required an additional jury day each week.

The court's inability to manage its workload more expeditiously has a serious impact on the children referred to the court. The present average of 35 days spent in detention by a large number of children at the Receiving Home not only seriously contributes to overcrowding but is unwholesome for the children. Even delay for the juveniles left in the community detracts from the effectiveness of the court. Many get into trouble again during the period they are under social study.[156] Even if they do not, justice so long delayed has a dubious impact on juveniles who think and act in short-range terms. The Commission agrees with Judge E. Barrett Prettyman, who stated that "If you bring a child into Court six months after he committed the offense, in my judgment you might as well not bring him there;" he will have forgotten about the incident and the witnesses will often have disappeared.[157]

Except for requiring a court order to authorize detention for more than 5 days, the District's Juvenile Court Act does not impose any time restraints on the Juvenile Court. Other jurisdictions do, however, and juvenile courts in those communities, although faced with similar volume problems, adhere to the statutory deadlines. The new Family

Court Act in New York sets a ceiling of 30 days on the complete proceeding for a juvenile in detention; the court must have a detention hearing within 48 hours of detention; the initial adjudicatory hearing must follow within 3 days after petitioning; and the disposition hearing must follow within 10 days unless a single 10-day extension is allowed.[158] A proceeding which involves a juvenile who is not detained can be adjourned for a reasonable amount of time but must be concluded within 2 months. Illinois and California also include comparable time limitations in their statutes in order to prevent excessive delays.[159]

The Commission recommends that time limits on juvenile proceedings similar to those in New York should be adopted in Washington by court rule or statutory amendment. Calendar practices could be changed to schedule the necessary number of initial hearings each day to meet such a schedule. Thirteen initial hearings are now scheduled for each morning, but fewer hearings are frequently held due to failures to appear or requests for continuances.[160] Under revised detention practices, the intake investigation would begin sooner and should be completed sooner. If the large number of uncontested cases remains static, the initial hearing could follow the completion of the investigation almost immediately. The Juvenile Court should hold open-ended sessions to take care of detention and adjudicatory hearings within 3 to 5 days after arrest. In New York these two hearings are frequently combined into one. This might at times require longer sessions as well as more flexibility in judicial assignments—i.e., a trial judge who has finished his day's calendar would take over waiting arraignments. A similar arrangement is now utilized in New York City, where the statutory time limits have presented no insuperable obstacles to the court.[161]

Even without statutory reforms, the Juvenile Court should display initiative by instituting procedural changes necessary to expedite the processing of cases. The Commission strongly urges that the trial calendar no longer be assigned almost exclusively to a single judge. The trial calendar frequently breaks down because of the absence of witnesses or complainants (especially after 6 months) and last-minute pleas. Yet overscheduling of a trial calendar, causing frequent postponements, produces the greatest amount of inconvenience to lawyers, witnesses and the Assistant Corporation Counsel. It would help cut down the backlog if the judge assigned to the trial calendar were allowed to take over a share of the arraignments or dispositions awaiting a hearing when his time permits.

The Commission suggests an even more basic change in calendaring to maintain continuity in each case. Presently one judge may preside at the initial hearing, another may conduct any trial necessary, and a third judge may make the final disposition. We believe that the same judge who conducts the trial should make the final disposition, and that ideally the judge who holds the initial hearing should, if at all possible, see the case through to final disposition. In this way he might schedule his own calendar, keeping in mind what may happen at each stage, how long it may take, and which cases deserve priority. This system should cut down markedly on the present 6-month delay between hearing and trial caused by an inflexible trial docket. In New York City a contested case is often tried at the initial hearing, unless the lawyer for the juvenile requests a continuance to obtain evidence or witnesses. Trials are included within the 30-day limit for cases where the child is detained and 2 months when he remains in the community.

Equally important, the assignment of a single judge to one case, wherever possible, will substantially enhance the juvenile's right to a fair hearing. The goal of treating a child in a fair and skillful manner implies that the judge who questions him at the initial hearing, or tries the facts, should be the one who combines his own knowledge and observations about the child with the written reports of the social investigation. If possible, he should not be seeing the child at disposition for the first time, to render judgment on a written report alone. A fact-finding judge in civil proceedings would not be allowed to delegate the final judgment to someone else; except in extraordinary circumstances the Federal Rules of Criminal Procedure would not permit an adult criminal to be sentenced by anyone other than the judge who tried him.[162] A child at the Juvenile Court deserves no less.

The image of a firm, fair and fast processing is an indispensable ingredient of a child's ultimate rehabilitation. If additional probation personnel are necessary to conduct the intake investigations and social studies as rapidly as proposed, we urge that such personnel be supplied the court. We suggest, however, that every effort first be made to meet the added burdens by a reorganization of the Social Service Department, as recommended later in this chapter. While the Commission would endorse an additional judge if that were necessary to expedite the handling of cases, we believe that a period of trial with the reforms suggested in scheduling and reallocation of social services personnel is necessary to determine whether more judges are needed. We would be reluctant to see an additional judge utilized in the same manner as those now on the court without a reevaluation of the time lags due to a lack of nonjudicial personnel or to rigid calendar practices.

It is not enough that the juvenile's case be disposed of speedily. The court should try, as far as it is practical, to have the juvenile feel that he has been dealt with fairly and that all of the pertinent facts in his case have been put before the court. If he admits to the acts alleged against him, it should be a voluntary admission, with full knowledge that he has the alternative of contesting those allegations. Effective representation by counsel should be viewed not only as enabling the child to exercise his rights, but also as a positive way of ensuring that the court fulfills its mission of finding the facts and arriving at a just disposition.

Complaint and Petition

The intake worker who decides that a juvenile's case should be brought before a judge draws up the petition on the basis of an abbreviated statement of facts filed by the YAD officer. The police report includes the juvenile's prior Form 379 non-arrest contacts with the police, but does not usually include any information about the child and his family which the police may know and which might be helpful in the intake decision to dismiss or refer. The YAD specialist who files the report often bases his information on what the arresting officer has told him about the incident. The complaint is not sworn to by the arresting officer unless the child denies the allegations; nor does the arresting officer come to the initial hearing. In view of the status of the complaint as the legal basis upon which a petition is drawn, the Commission believes that all serious charges against juveniles should be sworn to and that the intake worker should interview either the arresting officer or the YAD officer, or both, about the details of the incident before a petition is filed.[163]

Assistance of Counsel

Traditionally, juvenile courts have been reluctant to encourage the participation of lawyers, fearing an intrusion of legalistic procedures to the detriment of the child's welfare.[164] Although debate elsewhere frequently concentrates on whether juveniles have a right to counsel under the Sixth Amendment to the Constitution, in the District of Columbia this right has been settled by decisions of the U.S. Court of Appeals.[165] Children are advised of their right to counsel when brought before a judge at the initial hearing. If counsel is desired but the child's family cannot afford the fee, a lawyer is appointed from a court list of private attorneys willing to accept cases without compensation. Counsel is presently requested or appears, however, in

only 10 to 15 percent of the cases.[166] Counsel is routinely appointed for the child in any case where parents or guardians file a beyond-control complaint.

The Commission is concerned about the absence of counsel in so many Juvenile Court proceedings. It is unclear why so few juveniles or their families take advantage of their right to an appointed lawyer.[167] The fact that the offer is made only after the youth is already in court is probably significant. He or his parents may be too tense to make a reasoned choice, especially if they do not understand what functions a lawyer might perform for him. The juvenile may think that asking for a lawyer would indicate an attitude of evasiveness or unwillingness to cooperate. He may not fully understand that he has the right to free counsel. He may not wish to postpone the hearing until such a lawyer could be appointed. In adult courts, on the other hand, only a small percentage of indigent offenders charged with serious crimes are willing to waive the services of an appointed lawyer.

The Juvenile Court has recently outlined a legal assistance project which proposes the addition of two attorneys to the court's staff. Under the supervision of the Executive Director and the Chief Judge, these lawyers would (1) interview respondents and their parents or guardians during the intake processing of complaints; (2) be available to the juvenile and his parents during hearings before the court; and (3) review the dockets prior to the calendared trial date in order to ensure that the attorneys, parents and witnesses will be present.[168] As part of their responsibilities at the intake stage, the lawyers would discuss any admissions or denials with the juvenile, ascertain if counsel is desired, and refer him to appointed counsel if necessary.[169] The Juvenile Court is seeking Federal or private grant money to finance the initial stages of this project and plans to request official funds for the program in the fiscal 1968 budget.[170]

Although this proposal is designed to meet an important need, the Commission believes that a more comprehensive and independent program of legal representation is essential at the Juvenile Court, beginning at the intake stage. We believe that the presence of lawyers will ensure a higher standard of proof about the incident, more thorough police investigations, less reliance on admissions by the juvenile, and in general a more satisfactory forum for finding facts and making judicial decisions.

In order to achieve more frequent and effective use of counsel, the Commission favors the legal guardian system prescribed in New York's Family Court Act, which is based on the legislative finding that "counsel is often indispensable to a practical realization of due process of law and may be helpful in making reasoned determinations

of fact and proper orders of disposition." [171] To meet this need, the Act established a system of independent law guardians to represent children before the court.[172] The responsibility of supplying law guardians is being met by a branch of Legal Aid with a staff specially trained in juvenile court proceedings and available to serve the court at all times. Court officials inform children and parents at the intake interview that they have a right to counsel and direct them to the law guardian office located in the Family Court building. The lawyer there explains what services counsel can provide and discusses with the juvenile and his parents the details of his case. After that interview the family can decide if they wish to avail themselves of the law guardian's services.

Experience under the law guardian system in New York has confirmed the value of a lawyer's services in the juvenile court context. Before the system was instituted in 1962, the use of lawyers in the New York court was as limited as it is today in Washington.[173] Now more than 70 percent of the New York children charged with delinquency use the services of a law guardian, and counsel is automatically appointed for all children "in need of supervision" whose parents have petitioned the court concerning the child's behavior.[174]

The law guardian in New York generally interviews the complainant (or police officer) before the initial hearing; he discusses the facts with the child and parents before deciding what to advise the child on a plea. He may also be able to convince the intake worker that the case should not be petitioned or add to his knowledge of the facts upon which the petition will be drawn. Similarly, he may convince the court that a dismissal is in order, whether or not the child is involved. If the juvenile admits involvement, the lawyer may still wish to question the complainant or the child in court on the details of the alleged misbehavior to bring to the judge's attention all the pertinent information surrounding the incident. Loosely-worded juvenile court laws do not always permit a clear definition of whether a child should be characterized as a delinquent on the basis of the facts he admits, even when they are fully and accurately reported. The Chief Law Guardian in New York has made this point cogently on the basis of his several years' experience in juvenile court work:

> For the court to ask a respondent child or adult to tell his version of an incident and then proceed to question them about it is likewise meaningless. These people, often frightened and bewildered, are in no position to know how to make a full factual disclosure to the court. The task of proper examination of witnesses and aiding a respondent in the telling of his story belong to the attorney, familiar with the case because of prior consultation. This was made clear when the writer represented accused children. Often in simple cases, the interview with the child had to be conducted with patience and care to obtain from

him a sequence of the events as he knew they happened . . . . In these cases, an explanation to respondents of the nature of the Court, its proceedings and the knowledge that someone experienced in these matters was to represent them abated their feeling of helplessness.[175]

The importance of accurately ascertaining what the juvenile did cannot be overemphasized, since the later disposition and diagnosis of his problem is inextricably tied to the behavior which triggered the court's intervention.

If the child denies the allegations, the law guardian must represent him during the trial. The lawyer's involvement from the beginning of the case often allows the trial to proceed quickly, sometimes at the same time as the initial hearing itself. The law guardians contribute information and suggestions to the social worker making the dispositional study. They are often privy to helpful information as a result of their relationship to the child. At disposition they may question the factual basis for the social study's recommendation, provide additional information to the judge, and suggest sources of supportive help for the child in the community which may be unknown to the social worker.

When a lawyer helps his young client with skill and vigor, the juvenile court as well as the child is the beneficiary. A recent survey indicates that juvenile court judges find legal counsel helpful to the court in many ways, especially in securing cooperation from the parents and child regarding the court's disposition and in protecting the juvenile's legal rights.[176] Judges in New York City have stated that the program there has tended to make the court hearing a more precise, dignified proceeding with a more beneficial impact on the child.[177] A joint Ford Foundation-National Council of Juvenile Court Judges 2-year project now in progress to evaluate the role of lawyers in juvenile court will undoubtedly supply more precise data on how the lawyer can make the greatest contribution to both the court and the child.

The Commission recommends that the Juvenile Court adopt a system of representation similar to New York's law guardians. The plan recently approved by the Judicial Council for furnishing representation for indigent defendants in the District of Columbia makes provision for the Juvenile Court and may provide the most appropriate mechanism for implementing this recommendation. A special Juvenile Court unit drawn from the ranks of the Neighborhood Legal Services and Legal Aid Agency has also been suggested for this purpose. Lawyers available for assignment should be located in the Juvenile Court Building or convenient to it. Juveniles at the initial intake interview should be told of the service and sent to the unit to

talk with the lawyers. If the child is in detention, the intake worker at the Receiving Home should direct the child or the parents to the service. If possible, one of the lawyers might make regular visits to the Receiving Home or have an office there to consult with the child and parents. The lawyers should have a special training program to acquaint them with the special needs of children referred to the court, to familiarize them with the procedures and problems of the court, and to introduce them to the programs and resources of the Social Service Department. Despite differences in the past between the court and lawyers from agencies such as Legal Aid and the Georgetown intern program, we believe that they can learn to work together productively to increase the scope and effectiveness of legal representation at the court.

Legal representation of the juvenile should be accompanied by fuller representation of the community by the Corporation Counsel's office. The District of Columbia Code provides that the Corporation Counsel may, "upon request, assist the Juvenile Court." [178] This language has received different interpretations from that office and the court, and in some instances an Assistant Corporation Counsel who wished to participate has been asked to leave by a judge. We believe that the statute should be amended to assure the appearance of the Corporation Counsel at a trial on the facts whenever he believes that the community's interest so requires. This amendment would eliminate misunderstandings between the Juvenile Court and the Corporation Counsel about the latter's role, and promote more effective presentation of the community's interest in contested juvenile proceedings. In those cases where the Corporation Counsel appeared and the juvenile was represented (as he always is at trial), the judge would be able to function solely as an impartial adjudicator, rather than be required to serve also as the community's spokesman.

Access to Social Studies

The lawyer's function at disposition raises another serious problem, that of his right to see the social study, which is currently unclear under District law.[179] The Supreme Court decision in *Kent* v. *United States* granted an analogous right where a waiver to adult court is being considered.[180] Whether such a right to the social study will extend to disposition hearings, or whether, conversely, the adult precedent of the usually inaccessible presentence report will be followed, is unknown. Presently the judge has almost complete discretion as to how much of the study to show the lawyer; the probation worker may, of course, disclose the report beforehand if he thinks it desirable.

The arguments for compulsory disclosure stress the possibility that unreliable and damaging hearsay or inaccuracies in the report may unfairly prejudice the child; the arguments against a right to disclosure stress the need to protect confidential sources of information and the detriment to the child himself if he hears some of the material.[181] An apparent solution would lie in compulsory disclosure of the contents to a lawyer with authorization for the judge to withhold confidential sources. Statutory amendment may be necessary to clarify the present ambiguous provision on access to these social records.

Dispositions and Commitments

Under the broad language of the District of Columbia statute, the Juvenile Court is not required to specify whether a child within the court's jurisdiction is a delinquent or a dependent child. In addition to cases involving law violations, the Juvenile Court Act provides that the court has jurisdiction over a child under 18:

(1) Who "habitually" (a) is beyond the control of his parents; (b) is truant from school; or (c) deports himself so as to endanger or injure himself or others;
(2) Who is abandoned;
(3) Who is homeless or without adequate parental support or care;
(4) Whose parents neglect him;
(5) Who "associates with vagrants, or vicious or immoral persons"; or
(6) Who engaged in an occupation dangerous or injurious to himself or others.[182]

Children covered by one of these categories, when institutionalization is considered necessary, are generally committed to the custody of the Department of Public Welfare for placement in one of the Department's institutions—usually the Children's Center or Junior Village.

At least one member of the court, troubled by the lack of individualized treatment available to committed children, has regularly for several years specified a maximum time limit for the commitment, ordered the child sent to a particular institution, or recommended the kind of treatment he should receive there. The usual practice, however, is to commit the child to the Department for an indeterminate period until he is considered by the Department to be ready for release. These commitments are subject to at least one review annually by the court. The results of these unstructured commitment procedures have permitted the Department of Public Welfare to mix dependent and delinquent children in the same institution. At the Children's Center as at the Receiving Home there are many dependent children indiscriminately mixed with seriously delinquent juveniles. The Commission strongly condemns this policy.

In order to clarify the terms of the court's commitment orders, the District statute should be amended along the lines of the Standard

Juvenile Court Act proposed by the National Council on Crime and Delinquency.[183] The jurisdiction section of this Act is preferable to the District law in clarity and specificity, and distinguishes carefully between children brought before the court for alleged law violations and those requiring action by the court for other reasons.[184] In the model section dealing with dispositions, the Act requires that the court "in its decree shall make a finding of the facts upon which the court exercises its jurisdiction over the minor." [185] Moreover, the Act specifies that children adjudicated by the court for reasons other than law violations cannot be committed to an institution used primarily for law violators. By this device the model Act precludes the indiscriminate mixing of law violators, beyond-control cases and dependent children in the same facility.[186]

The Commission also recommends amendment of the District statute to put a definite time limit on commitment orders. An open-ended, indeterminate order may be theoretically preferable, but in the harsh world of institutional reality in the District this sometimes means that children remain in the institution for an excessive time. Other juvenile court laws set a definite time limit on commitments unless a treatment agency returns to court to justify continuing the child in custody.[187] The Commission endorses a similar limit on commitments, perhaps along the lines of the Standard Juvenile Court Act, which sets a 3-year limit on indeterminate orders unless the agency involved petitions the court for a renewal on the grounds that it is "necessary to safeguard the welfare of the minor or the public interest." [188] If the District statute is amended, we suggest that 2 years, rather than 3, is a more appropriate limitation.

The problem of dispositions and commitments in the District of Columbia is only one symptom of the underlying bankruptcy of dispositional resources. If a variety of different programs or facilities could be developed to respond to the different needs of children and there were proper diagnostic facilities for matching children and programs, the child's individualized needs could be the paramount concern. In the few cases where the needs of delinquent and dependent children might overlap (e.g., a day-care remedial or recreational program or even a small group in-town facility), their commingling might be acceptable on an individualized basis. Such programs or facilities would not pose the same problems as mixing the children in isolated institutions on a 24-hour basis. Until this basic deficiency in dispositional resources is met, however, we believe that the Juvenile Court should avoid commingling delinquent and dependent children by specifically designating whether the child should be placed in a facility for dependent or delinquent children.

SOCIAL SERVICE DEPARTMENT

Our earlier description of the processing of juvenile offenders descibed the vital role of the professional personnel of the Social Service Department of the Juvenile Court in reviewing police detention decisions, screening cases for the court, recommending dispositions, and supervising children placed on probation. The Commission believes that major improvements are necessary in the operations of this Department in order to increase the court's capacity to treat juvenile offenders successfully.

Deployment of Personnel

The Social Service Department has an authorized total of 57 professional positions. Starting probation officers (GS–9, $7,696 to $10,045) are required to have a Master's degree from an accredited school of social work. After 2 years of experience, the officers can be promoted to the next level (GS–10, $8,421 to $11,013). In June 1966 there were 8 vacancies on the staff, including the position of Assistant Director which had been unfilled for more than 2 years. Probation officers are assigned to one of the three sections in the Department—Intake, Probation or Child Support—which have significantly different responsibilities and workloads.

Intake Section

The Intake Section appears to have adequate staff to handle its responsibilities, if a reassignment of duties were made. The personnel of this Section (11 authorized positions) handled 474 delinquency referrals a month during one recent period.[189] More than one-fourth of the delinquency referrals are juveniles currently under social study or on probation; their cases are accordingly assigned by intake to appropriate officers in the Probation Section and use little of the intake staff's time. The intake worker's workload of 47 cases per month compares favorably with that of his counterpart in New York City, where each intake worker handles approximately 59 cases per month. In New York, moreover, social investigations (including dictation of reports) are conducted by intake workers and some 50 percent of the cases are handled under an informal adjustment system administered by their section.[190] The intake workload in the District, of course, could be reduced further if the police and the court were to develop revised referral criteria which diverted more minor cases to community agencies and saved the court's attention for major delinquency cases.

TABLE 7.—*Time study—juvenile intake*

[Average minutes per week per worker]

Activity	Minutes per week	Percent
Office interviews	765	36.2
Field or home visits	9	.4
Community resource referrals	27	1.3
Community resource contacts	132	6.3
Telephone	163	7.7
Receiving Home interviews	167	7.9
Preparation of petitions	157	7.4
Court attendance	141	6.7
Conferences	61	2.9
Reports and studies preparation	70	3.3
Correspondence	91	4.3
Other dictation	42	2.0
Waiver study	4	.2
Filing material	51	2.4
Preparation of statistical information	37	1.8
Staff and community meetings	66	3.1
Special court projects	27	1.3
Supervising trainees	102	4.8

Source: Commission time study.

Other efficiencies can be achieved by this section of the court. As shown by Table 7, intake workers are spending a substantial part of their work week on tasks that either do not require their skills and training or could be administered more economically by relocation of staff. If preparing petitions, filing material and preparing statistics were delegated to other personnel and one worker assigned to conduct all Receiving Home interviews, each intake worker would have about 7 hours more each week to devote to professional activities. Assignment of an intake worker to the Receiving Home, therefore, not only would enable the court to exercise the necessary control over detention policy, but also can be justified as the most efficient use of available personnel. This is especially true for the beginning of the week, when the largest number of complaints are filed. The court's request for a "petition writer" to assist the Intake Section in the formal drafting of petitions, preparing statistics and filing has been approved by Congress.[191]

Child Support Section

This Section has the responsibility of assisting the court in the exercise of its jurisdiction over adults, principally in paternity and non-

support cases.[192] As of July 21, 1966, the Child Support Section (17 authorized positions and 1 vacancy) was responsible for 175 non-support cases and 4,888 cases involving children born out of wedlock (CBOW).[193] The average caseload was 422, consisting primarily of CBOW complaints with an occasional non-support complaint. The Section worker helps in determining the size of the defendant's payments, taking action for closing the case, suspending or enforcing court orders, preparing reports for court hearings, referring clients to appropriate resources, giving casework services to clients, and preparing monthly statistical data. All support payments are made through the Financial Office of the court and are supposed to be posted promptly so that the probation officers are aware of defendants who are not complying with court orders.[194]

Workers in the Child Support Section spend a substantial portion of their week on activities that could be administered by an untrained worker or a clerk (Table 8). Six hours a week are spent on filing material, preparing statistics, posting support payments, contacting the Financial Office, and travelling. A large portion of the 5 hours a week on the telephone is spent inquiring why non-support checks have

TABLE 8.—*Time study—child support*

[Average minutes per week per worker]

Activity	Minutes per week	Percent
Office interviews	477	20.4
Field or home visits	41	1.8
Unsuccessful field trips	21	.9
Community resource referrals	20	.9
Community resource contacts	68	2.9
Telephone	296	12.7
Court attendance	224	9.6
Conferences	141	6.0
Court reports prepared	343	14.7
Correspondence	108	4.6
Other dictation	175	7.5
Travel time	12	.5
Filing material	121	5.2
Preparation of statistics	65	2.8
Committee time	41	1.8
Special court projects	20	.9
Volunteer program	1	----------
Posting support payments	60	2.6
Contacts with financial office	103	4.4

Source: Commission time study.

been delayed. Approximately one day a week is spent on personal interviews with clients, almost exclusively centered around the collection of support. Very little time is available for those cases which require the close professional attention of a trained social worker.

We believe that the Child Support Section and the court could function more effectively if there were a preliminary screening of cases charging criminal failure to support legitimate children before the cases are referred to an Assistant Corporation Counsel who determines if a prima facie case exists. Failure to support a child may result from complex personal problems which are unaffected by a criminal non-support proceeding. Because of the social factors involved, the need to obtain certain information for the court, and the possibility of effecting an adjustment or reconciliation, non-support action against parents should undergo the same intake process as cases involving delinquency and neglect.[195] Therefore, we endorse the current efforts of the court to provide an intake unit for screening criminal non-support cases prior to a contact with the Assistant Corporation Counsel, which will permit the probation officers to provide services before the case goes before the judge, will save the judge's time on the bench, and will prevent some defendants from having criminal records.[196] Such a unit should work closely with Corporation Counsel lawyers to ensure protection of the defendant's civil and constitutional rights.

More basically, we recommend a complete reorganization of the Child Support Section to free many of the professional workers for more important duties. In 1951 a study of the Juvenile Court urged that the casework services and collection function of the Section be separated, and that "the responsibility for the enforcement of orders for support should be placed in a small Child Support Unit." [197] According to this report,

> Casework should be given on a selective basis. Approximately nine out of every ten cases are cases of non-support of illegitimate children or (CBOW). In these situations there is no family unit. In many of these cases the father of the child may be reasonably well adjusted and have a family of his own. In some of them, the mother may need care and help in planning for her child. However, in many instances this service should be available long before the case comes to the attention of the Probation Department. Even if such service is needed after the court hearing, it might be more appropriately given by another agency in the community. In some cases, the pathological makeup of the payor is such that he cannot profit by such services. In other cases where casework might be helpful, it is neither desired nor accepted.[198]

The report suggested that a Child Support Section with 3 non-professional workers and 1 supervisor could adequately handle from 3,000 to 4,000 cases involving court orders for support. Competent supervision and in-service training would permit these workers to perform

successfully even without graduate social work training. The supervisor should be an experienced social worker who could recognize underlying problems that require referrals to community resources.

The Commission believes that the observations made in 1951 are even more compelling today, and urges that these changes be instituted. If this reorganization were effected, at least 50 to 75 percent of the professionally trained social workers in the Child Support Section could be transferred to the Probation Section, where the need is desperate. In addition, it would enable the professional social worker in the Child Support Section to concentrate on intensive services for the few clients needing them, and on supervision of nonprofessional workers. In view of the current vacancies in the Social Service Department and the growing shortage of trained social workers, we believe that the court should make every effort to use the professionals on its staff more effectively.

Probation Section

Officers in the Probation Section of the Social Service Department (27 authorized positions) have an average caseload of 92 cases, including 49 social studies and 43 children on probation.[199] There are almost 1,800 juveniles actively under the Section's study or supervision at any one time—an increase of 9 percent in 1965 over 1964.[200] Although this Section is understaffed, there are many deficiencies in its operations which cannot be attributed solely to lack of personnel.

Social Study Records

A sample study of Juvenile Court records disclosed that many of the social studies conducted by the Probation Section were inadequate. This is particularly unfortunate because the social study is the judge's primary source of information about the juvenile, his background and his potential.[201] The court has issued guidelines on the information to be contained in the social studies, but the studies reflect little adherence to these guidelines. In fact, many of the social workers in the court are unaware of the existence of the guidelines.[202]

The review by the Stanford Research Institute of recent social records showed that critical data relating to educational, intellectual, familial, and other characteristics were lacking in so many cases as to preclude a complete and reliable description of offenders in these respects.[203] For example, I.Q. scores and achievement test scores were lacking in over 50 percent of the cases. For school dropouts it was not possible to ascertain the last grade completed in over 40 percent of the cases. The social histories are not recorded in stand-

ardized terminology by the workers so as to allow comparison; nor are they systematically updated so that the current status of a repeat offender can be determined.

The shortcomings of the social records were confirmed by a Commission review of a sample of 60 cases (Table 9). In most of these 60 cases there was no treatment plan suggested in written form to the court. According to a recent report by the Children's Bureau,

> The social study, however, entails more than just securing a mass of facts and clinical reports regarding the child and his family. It requires evaluation and interpretation of these facts in relation to the situation facing the child and his family. The purpose of the social study is to determine the care or treatment needed—not to prove or disprove that a delinquent act has been committed.[204]

We recognize that the probation worker reports much information orally to the court. Nevertheless, the information gaps in the court's social files cannot be glossed over. These deficiencies, of course, are compounded by a calendar system which passes a single case along from judge to judge and by the refusal to permit attorneys or parents to see social records in most instances. We urge that the court attach first priority to these shortcomings and initiate efforts to improve these critical records.

TABLE 9.—*Juvenile probation*

[60 cases]

Title	No information, percent
Family income	35
Parent's employment	28
Referrals to community resources*	63
Developmental history	48
Parental interaction	45
Diagnosis of problem	70
Peer relationships	55
Psychological workup*	80
Home visits made	76
Sibling relationship	60
Family and neighborhood interaction	95
Child-probation officer relationship	88
Treatment plan	92
Written information from social agency*	90

Source: Commission review of case records.

*All cases do not need this service.

Probation Services

Once a juvenile is placed on probation by the court, his probation officer has a responsibility both to him and to the community to make the probation period a meaningful experience. Unfortunately, this is not generally the case.

The probation worker is handicapped at the outset by the lack of coordination among the various sections of the Social Service Department. For example, in only a very few cases is any written information exchanged between the Juvenile Intake and Probation Sections. Many of the intake workers interviewed by the Commission agree that more written information would help the probation staff, but the pressures of high caseloads and little stenographic assistance make this difficult. Fuller coordinatiton between the Probation Section and the Child Support Section could also make an important contribution, since many of the child support defendants are the fathers of new referrals or active probation cases. The information available in the child support records would be valuable in helping the probation worker devise a realistic treatment plan for such children.

The core of the Juvenile Court's probation treatment program is an office interview of 10 to 15 minutes with the probationer approximately every 3 weeks.[205] The way probation officers in this Section spend their time is indicated in Table 10. Like their colleagues in the other sections, these probation officers spend too much time on duties which could be delegated to clerical personnel. The bulk of their time is spent on duties relating to the preparation of the social reports, leaving little time for active field supervision of the probationers. Only 1 hour and 14 minutes a week per worker is spent making field or home visits. In many cases the officer never visits homes because of the pressures of high caseloads.

The Commission recommends that the Probation Section decentralize its operation to permit the assignment of workers in the neighborhoods where the probationers live. Caseloads are now generally assigned without regard to the residence of the probationer. In view of the intimate relationship between the child's problems and his family and community adjustment, understanding of the local environment and the available community resources is essential to a sensitive rehabilitative effort. This understanding can best be achieved by a probation office in the neighborhood, where the workers would be available evenings and weekends—times far more appropriate to the needs of the probationer and his family than the daytime business hours now maintained by the Social Service Department.

TABLE 10.—*Time study—juvenile probation*

[Average minutes per week per worker]

Activity	Minutes per week	Percent
Office interviews	794	34.9
Field or home visits	74	3.3
Unsuccessful field trips	20	.9
Community resource referrals	36	1.6
Community resource contacts	143	6.3
Telephone contacts (clients)	193	8.5
Receiving Home interviews	63	2.8
Preparation of petitions	60	2.6
Court attendance	180	7.9
Conferences (in Juvenile Court)	138	6.1
Social study report preparation	175	7.7
Probation report preparation	65	2.9
Correspondence	84	3.7
Other dictation	37	1.6
Travel time	49	2.2
Filing material	75	3.3
Preparation of statistical information	44	1.9
Committee time	2	1
Special court projects	12	.5
Volunteer program	3	.1
Supervising student trainees	27	1.2

Source: Commission time study.

These juveniles are either in school, employed, or seeking employment. Their families are usually employed and unable to take time off to discuss sudden or even chronic problems with the probation officer. The availability of a probation officer at the exact time a crisis arises is extremely important to a successful casework relationship.[206]

Assignment of probation officers to specific geographic areas would also contribute to a greater utilization of available community services. The review of 60 probation records showed that various community services—health clinics, welfare, schools, employment counseling, UPO programs—were being utilized in only half of the cases and that the probation officer had initiated the referral in only about one-fourth of these cases. We have already commented on the basic lack of services to aid the average probationer, but a more aggressive effort by probation officers is necessary to take full advantage of the services that do exist. It is not enough for the court official to suggest to the juvenile that he or his family contact a particular agency whose services might be helpful, or occasionally to write a letter of introduction.

The probation officer should contact the agency, ascertain whether the services are available, make certain that his referral is followed up, and check periodically to see that the needs of his probationer are being met. The court must keep fully informed about the services available and alert the community to those gaps or inadequacies which are impairing the court's effectiveness in treating juvenile delinquents.[207]

The Juvenile Court has endorsed in principle the decentralization of its probation program. Last fall the court requested a grant through the United Planning Organization to finance 13 probation workers divided among 3 field units in areas serviced by UPO Neighborhood Development Centers. Despite assurances of forthcoming approval, the project was unfortunately not funded by either the Office of Economic Opportunity or the Department of Health, Education, and Welfare.[208] The court has requested funds for six workers for a field project in its budget for fiscal year 1968. The Commission strongly supports the court's request and recommends that the court assign some officers to critical neighborhoods on an interim basis in the near future.

In addition to decentralization and changes in working hours, the court's probation program could be improved through a more flexible method of case assignment. On occasion a judge will assign a juvenile to a particular probation officer because of specific skills the officer possesses. This is an excellent approach which should be expanded. On the basis of studies being conducted in California, it is apparent that one probation officer is not equally effective with all types of children.[209] Consideration should also be given to classifying caseloads into high, medium or low risk cases or some other type of distribution. Although staff members tend to classify their own caseloads, a more accurate approach that can be evaluated statistically should immediately be established. The Social Service staff in 1962 suggested that 15 to 20 percent of the caseloads could be classified as good risks.[210] These cases would need a minimal amount of supervision, resulting in substantial savings of probation officer time if they were systematically allocated.

As these changes are made in the court's probation program, they should be accompanied by a new commitment to experimentation and research. A detached probation officer program, for example, would give the court, along with time studies and other research, an opportunity to evaluate whether direct and more frequent contact by probation officers with juveniles, families, local community resources, school, and churches would in fact lead to a more effective probation program.

Experimentation with more selective case assignments would permit comparison with recent studies in other jurisdictions casting some doubt on the effectiveness of traditional casework services in dealing with delinquents.[211] If revisions in the screening process tend to bring only the more serious cases to the Juvenile Court, experimentation with new treatment techniques suggests the development of some very small caseloads consisting of 10 to 15 probationers. For example, the California Youth Authority has developed several Community Delinquency Control Projects, where separate units of social workers with caseloads under 15 are assigned to a specific neighborhood. The program consists of individual, group, and family counseling, school tutoring, group and psychiatric consultation, arts and crafts activities, and recreation.[212]

If the court were to improve its social records sufficiently, these could be the basis for some very important research. It has been pointed out that:

> Data collected by a professionally trained research worker can provide the basis for evaluating the effectiveness of a Court's services to children, such as the success or failure of probation. Special studies can be carried on in cooperation with other agencies in the community in an effort to learn more about the relationship of factors (social, economic, cultural, and physical) to delinquency and possible methods of preventing delinquency. A centralized statistical system should be established under the direction of a person competent to use statistics for research, planning, administration, and public information. Under his supervision, a reliable system of reporting and collecting the necessary information should be established.[213]

The court has expressed its willingness to use court data to develop a predictive formula for use in treating children.[214] We warmly endorse such efforts by the court to establish a Research Division.[215]

Need for Personnel

The various recommendations made by the Commision will undoubtedly require the addition of more workers to the staff of the Probation Section. Prompt preparation of social studies to accommodate expedited court procedures, improved quality of these studies, decentralized operations, experimentation with caseloads, and special treatment programs are too important to be abandoned because of inadequate staff. During the past few years, the court has consistently requested additional probation officer staff, but only a few positions have been authorized.[216] The court should continue to seek substantial increases in staff, and we believe that these additions should be authorized.

Additions to the staff might be approved more often if the court on its own initiative took administrative action to increase the effective-

ness of its present professional workers. The reorganization of the Child Support Section proposed in 1951 and again by this Commission, for example, would permit the transfer of seven or eight professionals to the Probation Section. This would make available a total of approximately 30 juvenile probation officers, reducing the current caseloads to under 60 per worker without any consideration of caseload classification. With classification in relation to low risk cases the majority of the caseloads would be close to 50, the figure most often recommended as the maximum consistent with effective supervision.[217]

More extensive use of non-professional aides and volunteers would also enable the court to increase the productivity of its limited professional staff. The Juvenile Court recently created three Social Service Associate Positions.[218] Under the guidance of a supervisor, these associates handle cases that do not need the attention of a worker with a Master's degree in social work. As pointed out recently by the Children's Bureau,

> There is a need to determine those tasks in the field of probation which can be effectively performed without professional training. This is a matter which is now being considered not only in probation but in the entire range of welfare services. The next step should be the establishment of a career category for such auxiliary personnel. This is a common practice in a number of other professions and to a certain extent helps meet the ever-present deficiency in the number of professionally trained personnel by assignment only to those duties which require full professional training.[219]

The current volunteer program could also be used more effectively by the court. The Friends of the Juvenile Court presently consists of about 75 well-educated volunteers willing to aid the court. It is estimated, however, that an equal number dropped out of this program in the last 2 years because they did not feel they were being utilized in any meaningful way.[220] Unfortunately, the court's professional staff does not fully appreciate the potential usefulness of non-professional aides or volunteers. The assistance of these non-professionals poses no threat to the integrity of the social work profession but, rather, would enhance the status of the professional worker by freeing him from sub-professional assignments.

In order to secure and retain the services of professional social workers, the court will have to revise its salary structure. Only 10 of the 26 probation officers in the Intake and Probation Sections are males. The maximum salary level of GS–10 ($8,421 to $11,013) for an experienced probation officer is not competitive with other District and Federal agencies such as the Welfare Department, Veterans' Administration, D.C. Probation and Parole, Public Health, United States Probation and Parole, and UPO. The only opportunity for advancement at the

court is by becoming a supervisor, at which stage the experienced practitioner is no longer directly serving the child. If salary adjustments are not made, it is likely that more vacancies will occur. During interviews with probation officers, many indicated they were actively seeking other employment. The Commission recommends the reclassification of the casework positions in the court's Social Service Department to make salaries competitive with other agencies in the Washington area, and to include an advanced practitioner position on the same salary level as a supervisor.

Administration and Supervision

During its study of the Juvenile Court, the Commission became aware of the staff's concern with the current administration of the court, especially as it relates to the Social Service Department. The professional staff of the Department indicated that there is a lack of communication with the judges. Seldom does a staff member have an opportunity to consult with a judge on a specific case prior to the court hearing. The varying functions of the Executive Director, Office of Administration, Clerk's Office, and Social Service Department are not now spelled out with sufficient precision to avoid confusion and misunderstanding. We recognize that these complaints might be attributed, in part, to the fact that the position of Assistant Director in the Social Service Department has been vacant for more than 2 years. We are aware that the administration of the court, at the request of the Chief Judge, is currently the subject of a management study conducted by the District of Columbia Management Office, and that some recommendations have already been made. The court is in the process of implementing these recommendations, to provide for closer supervision and control of the administrative operations by the Chief Judge through the Executive Director.[221]

Nevertheless, the Commission's review of the court's Social Service Department has revealed disturbing deficiencies in program and procedures. Inefficient direction and supervision is reflected in the absence of any written operating manual at the court. Without such a manual, there is no written policy regarding intake criteria or many other essential problems confronted on a daily basis by the personnel of the Social Service Department. If an operating manual were available, much of the time now spent by the supervisors in discussing general agency policy and procedures with probation officers could be eliminated. This would permit the experienced probation officer to do his job more effectively and free the supervisor for the in-service

and staff development programs which are now lacking at the court.[222] We understand that a committee has been established at the court to prepare an operating manual. The project deserves high priority and outside expert assistance should be obtained to enable the court to complete the manual expeditiously.

INSTITUTIONAL SERVICES

Except for those older youths sent to the National Training School, children who need institutional treatment are committed by the Juvenile Court to the Department of Public Welfare. The Commission is greatly concerned by the increasing use of the Department's correctional institutions for juveniles, the poor quality of many institutional programs, and the inadequate staffing which characterizes the Department's rehabilitative efforts.

The Children's Center

Size and Admissions

Admissions at Maple Glen and Cedar Knoll have grown alarmingly in the decade since their construction. Admissions to Maple Glen increased 82 percent between 1960 and 1965; the record 739 admissions at Cedar Knoll in 1965 marked a 52 percent increase over 1960. Although total admissions at both institutions decreased in fiscal 1966, their daily average populations remained at or near their historic highs. Overcrowding at both institutions is adversely affecting the quality of their programs. The Department of Public Welfare plans to relieve some of the pressure at Cedar Knoll by the selective placement of older Cedar Knoll boys in the new 150-bed security facility currently under construction. In addition, the Department is planning to add another 25 beds to one of the Maple Glen cottages at a total cost of $202,000.[223]

Both Maple Glen and Cedar Knoll are used on occasion by the Department of Public Welfare for dependent, neglected, emotionally-disturbed, and mentally-retarded children, as well as for adjudicated law violators. During 1966, 48 dependent children were transferred to Cedar Knoll from Junior Village, foster homes or private institutions. The population at Maple Glen includes dependent children and very immature delinquent boys under the age of 12. Children diagnosed as in need of a residential treatment setting for emotional disturbances are still being placed in the Children's Center. The mixing of such different kinds of problem children in a single, large

facility has the same disadvantages pointed out in our discussion of the Receiving Home. The situation at the Children's Center is even more disturbing, since the children are commingled for months instead of weeks.[224] The Commission recommends that the Department cease using Cedar Knoll and Maple Glen for non-delinquent children, and that other facilities be provided for dependent, neglected, mentally retarded, or emotionally disturbed children now sent to these institutions. Cedar Knoll and Maple Glen should be designated by statute as juvenile correctional facilities for adjudicated delinquent children only.

Rather than expanding its correctional institutions to accommodate the increase in admissions, the Department should concentrate on alternatives to institutionalization. Emphasis should also be placed on reducing the length of institutional commitment. Until recently the average stay for children at Cedar Knoll and Maple Glen was far above the national average of 10.1 months.[225] Both institutions are too large for effective rehabilitative programs, according to experts in the juvenile correctional field.[226] Of the two facilities Maple Glen has the greater potential for developing into a satisfactory institution, because of its smaller size and restricted admission policy. To realize this potential, we recommend that Maple Glen not be expanded but that it be limited to 150 delinquent boys. The Department should promptly establish at least one group home for 10 to 15 of the Maple Glen boys and plan for additional foster family and foster group homes for up to 50 of the youngsters leaving Maple Glen.

Clinical Services

The Department of Public Welfare currently lacks even the rudiments of essential diagnostic and clinical services. This deficiency, manifest in both the Receiving Home and the Children's Center, not only handicaps the Juvenile Court in its efforts to make the wisest disposition in cases coming before it, but also makes it difficult for the Department to plan the most appropriate rehabilitative program for children committed to its care.

The Children's Center employs 1 full-time psychiatrist and 3 part-time psychiatric consultants (a total of approximately 20 hours weekly) for over 2,000 mentally retarded, dependent and delinquent residents. It employs 1 full-time chief clinical psychologist, 4 psychologists and 14 caseworkers. As a result, the post-disposition diagnosis of delinquent children at the Center is superficial, consisting basically of a screening designed to identify those children with serious physical handicaps and the most serious psychiatric or neurological problems.

After initial screening, the children assigned to Cedar Knoll and Maple Glen receive very little direct clinical service. Six of the 14 social workers on the Center staff are assigned to Cedar Knoll; 3 are assigned to Maple Glen. These few professional personnel carry the main burden of the daily paperwork, interviews, counseling, conferences and consultation with aftercare workers and other agencies. Extremely limited psychiatric and psychological services are available; there is little time for individual counseling and no group therapy is offered.

One inexcusable effect of these shortages is that children are retained in custody at the institutions longer than is absolutely necessary, thus contributing to the overcrowding and preventing the child from joining his family. The existing staff of specialists is simply unable to keep up with the demand for their services. The need for adequate clinical and diagnostic services will become even more acute with the opening of the new security institution at Laurel.

These deficiencies are generally recognized by the Department, whose latest planning document demonstrates its intention to request clinical and diagnostic services for the Children's Center.[227] We recommend that the Department request funds for adequate professional services at Cedar Knoll and Maple Glen. The requests should clearly display the magnitude of the need. Based on the standards proposed by experts in the field,[228] we suggest the following additional positions:

Personnel	Cedar Knoll	Maple Glen
Psychiatrists	3	1
Psychologists	3	1
Caseworkers	20	4
Casework supervisors	4	1
Group workers	5	1
Total	35	8

Source: Office of the Administrator, Children's Center, Dept. of Public Welfare.

The necessary diagnostic and clinical services need not, however, be located at the Children's Center in Maryland as opposed to a diagnostic-reception facility in the District. In an earlier section we recommended that the Department should immediately begin planning for such a diagnostic-reception facility to be used in place of the Receiving Home. This in-town facility, if properly staffed and administered, could serve both the predisposition needs of the Juvenile Court and the post-commitment needs of the Department. Location in the

District would make the services more available to the court, and more convenient to those children who could profit from specialized diagnosis or treatment on an outpatient basis. Other communities have found that such facilities are useful in identifying children who do not require any, or only minimal, institutionalization.[229] One study reported that in Massachusetts and Minnesota over 25 percent of the children committed by the courts were safely released from institutional care after diagnosis, although they would ordinarily have been placed in correctional institutions for up to 2 years.[230] Intelligent use of such a facility can result in substantial savings of funds now allocated to the maintenance of over-sized institutions in the District of Columbia.

Educational Program

One of the greatest challenges at the Children's Center is the development of an effective educational program for students suffering from extreme academic retardation and social maladjustment. In many respects, the Center's educational staff is meeting its responsibilities in supplying an ungraded remedial program for the children committed to Cedar Knoll and Maple Glen. The teachers are hired from Civil Service registers and must be college graduates with at least one year of teaching experience. There seems to be no shortage of books, classroom supplies, and equipment such as projectors and similar items. There is a school library, but there is no full-time librarian. Although there is no precise way of calculating all school-related expenses at the Children's Center, the total per pupil expenditure compares favorably with the average school system across the country.[231]

These favorable factors can serve as the basis for a substantially improved educational program at the Center. Such an improved program requires more than average expenditures and staffing. Children who are 4 years academically retarded, with an average intelligence quotient in the low or middle 80's, and scheduled to return to the slums of the District of Columbia, need a lavishly-staffed, imaginative program. In Maryland the Department of Education has set a standard of one teacher for each 15 students in the state training schools.[232] In contrast, the Cedar Knoll school has 21 teachers and vocational instructors for about 450 students, and Maple Glen has 11 instructors for 225 students—a ratio of about 20 students for each teacher. Congress has approved seven additional professional personnel for the schools at the Children's Center for fiscal year 1967.[233] The Commission recommends that the Department continue to seek additional personnel necessary to fully staff the schools at Cedar Knoll and Maple Glen.

The lack of educational experimentation at the Children's Center contrasts sharply with some recent developments at the National Training School. With the full support of the Federal Bureau of Prisons, a special project involving 15 boys has been developed at the School to increase their academic, vocational and social skills.[234] The boys are "employed" by the project and paid in "points" with a dollar equivalent if they work a certain number of hours each week and achieve a 90 percent correct performance on periodic examinations. During his leisure time the enrolled youth has an opportunity to earn additional points by attending night classes. With these points the boys earn their own keep. They purchase their own food from a catered cafeteria, pay rent for a private room, and purchase their own clothing and special luxury items. There is no requirement that the boys study, work or earn any points.

Although the program is still in its experimental stages, it appears to be producing the desired effects, teaching the boys to deal with the requirements of a competitive, democratic society which is based on free choice and remuneration for work produced. The rate of academic achievement in many instances has been startling. It has become evident that money is not the sole reinforcer, but that the praise of the boy's peers is an important incentive. The behavior of the boys in the project is superior to those not enrolled; in fact, guard duty during the day has been completely dispensed with. No one yet knows, of course, to what extent this changed behavior will remain with the boy when he leaves the institution.

The Children's Center should make increased efforts to develop new programs at Cedar Knoll and Maple Glen which offer some of the excitement and promise of the project at the National Training School. Federal agencies are available with funds and expertise to assist agencies in the District of Columbia. At the very least, we urge that renewed efforts be made to involve local colleges and universities in the educational program at the institutions. Cedar Knoll and Maple Glen should be utilized as research laboratories in a continuing effort to meet the educational needs of deprived children.

The educational program at the Children's Center, particularly Cedar Knoll, must increase its emphasis on vocational training. During fiscal 1966, 47 percent of the older boys and girls who left Cedar Knoll did not return to community schools upon their release, but sought employment.[235] The District of Columbia Department of Vocational Rehabilitation has recently initiated a work-training project for Cedar Knoll, and over 50 boys are participating in the institution's work release program.[236] For fiscal 1967 Congress appro-

priated $387,000 for the construction of a vocational shop facility at Cedar Knoll, which would provide space for training in furniture repair, grounds maintenance, custodial services, painting, sewing and mending, printing, and vehicle maintenance.[237]

The Commission strongly endorses these programs as important steps in the right direction. To improve its vocational instruction efforts further, the Department should employ at least two additional counselors for the Cedar Knoll work-training program and a supervisor of vocational training for the Cedar Knoll school. Cooperation with various community agencies, particularly the U.S. Employment Service, should be emphasized, to ensure that the children at the institution are being trained in those skills which are needed by local employers. The Department should also initiate a request for a grant under the Manpower Development and Training Act (MDTA) for the development of training programs comparable to those established under an MDTA grant at the Lorton Youth Center.

Finally, we believe that the District of Columbia Board of Education should assume more administrative and supervisory responsibility for the educational programs at Cedar Knoll, Maple Glen and the new security institution. The school program at the juvenile institutions has no administrative relationship to the District school system. The same text materials and the same course content should be offered, where possible, to ease a child's reentry into the public schools.

The resources of the Department of Pupil Personnel Services, Curriculum Department and various remedial specialists should be made available to the institutional programs. Teachers at the juvenile institutions should meet the same or higher qualifications as public school teachers, and substitute teachers should be furnished to the institutional schools on the same basis that they would be assigned to any District school. If it is necessary for the institutional schools to become a regular part of the D.C. school system in order to receive services, then the Commission supports this action.

Supervision and Staff

The size of the Center's institutions and the shortage of qualified counselor staff make it difficult to supervise the children adequately. In the two small units at Maple Glen—one of 16 beds and one of 25 beds—the boys receive the close supervision and more personal attention especially necessary for this early adolescent population. Because single rooms have been liberally provided in both cottages, the number of serious behavior incidents, particularly during the late

night hours, are kept to a minimum. The double cottages at both institutions, which house up to 50 boys in large dormitories, however, are too large and of inadequate design.[238] Night supervision is much more difficult, since one night counselor must supervise not only the two large dormitories but also the security rooms in these cottages. In far too many known cases, the consequences of this faulty design and poor supervision have included serious physical and sexual assaults among the children.

The Department must take immediate steps to reduce the size of the Center population and provide better physical facilities and more counselors. Our recommendation that Maple Glen be limited to a population of 150 boys is designed to permit the double cottages at that institution to be reduced from 50 to 30 beds, to provide single-room sleeping areas. In the absence of adequate staff, the cottage life program is operated strictly on a crisis basis. The administrators of the institutions are swamped with a myriad of duties which prevent them from giving the cottage life program the proper direction, supervision and development. The Commission recommends that the Department immediately request a sufficient number of additional counselors to provide the children at the institutions with proper supervision and a decent cottage life program.

More than additional counselors are needed to cure the major staff deficiencies which pervade the Children's Center. Questionnaires filled out by the counselors at the request of the Commission indicated that morale was low and that the staff was concerned about discipline, lack of proper training, low salaries, and working conditions. We believe that this poor staff morale is in part responsible for the recent escapes at the Children's Center, which are certainly too serious to be glossed over as a youthful lark.[239] Salaries throughout the Children's Center should be increased to reflect the difficult and important mission of these institutions.

Greater emphasis on training programs designed for Center personnel is urgently needed. New employees at Cedar Knoll and Maple Glen receive only limited training prior to assuming their regular duties. The single training officer at the Children's Center cannot do the job adequately; Maple Glen needs one full-time training officer and Cedar Knoll needs two. Inadequate staffing and funds have made it impossible to take advantage of local college and university training opportunities. Only limited funds have been budgeted to pay for conference attendance, and this factor has figured in the resignations of several professionals at the Center. Training is also needed at the middle management and top management echelons. In short, the Children's Center has lacked those indicia of a first-class correctional

facility which attract and retain the best professionals in the field. To cure these deficiencies over the long term, an institute for correctional training should be established in collaboration with a local university.[240]

Administration

Many of the deficiencies in the Center's rehabilitative program stem from the concept of the Children's Center as a superstructure which supervises and provides expert services to the component institutions. The Center staff, rather than the superintendents of the individual institutions, has primary responsibility for operating the medical, psychological, educational, social service, and other programs central to the institutions. This form of organization is aimed at maximum utilization of available resources and uniformity in the operations and policies of the individual institutions. Although the Center concept may have theoretical advantages, the Commission has concluded that it suffers from major disabilities and should be abandoned.

The Center form of organization dilutes the authority of the superintendents of the individual institutions. Typically, institutions serving delinquent children are administered by a correctional expert trained in the behavioral sciences, supported by a team of professional specialists. The superintendent is usually given the power to employ and discharge personnel, within the provisions of a civil service or merit system, and to administer the institution within the framework of central or parent agency rules and regulations. In states like California, Wisconsin, Maryland, and New York, the status of the superintendent is quite high in governmental administration, and the salaries are commensurate with the duties and responsibilities assigned the position. This is the pattern generally recommended for juvenile correctional institutions.[241]

In contrast, the superintendents of Cedar Knoll and Maple Glen are subordinate in status, salary and responsibilities to some members of the Center staff. The operation of the educational program at the Center, for example, is controlled by principals who function independently of the superintendents. Although the principals keep the superintendents informed of the educational offerings and any special problems, this division of authority complicates the development of a comprehensive rehabilitative program. Clinical and casework services are similarly provided by personnel responsible to the Center Administrator. The superintendents cannot make many simple decisions regarding program, staff or preventive plant maintenance work. The result is considerable tension and bureaucratic debate. These factors have clearly contributed to the fact that Cedar Knoll has had 6 different superintendents in the last 10 years.

The Center concept ignores the realities of a correctional institution, which must operate 365 days a year and 24 hours a day. The Children's Center's specialized employees, however, typically work a 40-hour week, leave the Center at the end of the working day, and are not available for emergencies or routine program activities at late afternoon, evening and weekend periods when critical incidents are most likely to occur. The Superintendent bears the brunt of the responsibility for such incidents, although he lacks the full authority and manpower necessary to prevent such disturbances or respond to them when they occur.

The Commission recommends that the Children's Center as an organizational unit be abolished. All Center staff, with the exception of medical services and the Field Administrative Office, should be assigned to the various institutions. The superintendents of the three institutions would be responsible for all program activities within their institutions and would report directly to the Deputy Director for Institutions of the Department of Public Welfare. To bring about a further reduction in size and encourage program flexibility, Cedar Knoll should be divided into two separate institutions—one for boys and one for girls, each headed by a superintendent. The central functions for all juvenile correctional institutions should be transferred from the Children's Center to the Department of Welfare's central office.

The future utilization of the District Training School and its relationship to the juvenile institutions on the Center tract should be determined by experts in mental retardation. It may be possible for certain economies to be effected in the operation of utility systems, in purchasing, and the use of certain business management and storage facilities. Administratively and fiscally, however, the juvenile correctional institutions should be separated from the District Training School.

To provide more effective guidance for Department personnel, the Commission recommends that the Department of Public Welfare develop a policies and procedures manual dealing with the care of delinquent children in its institutions. The Director of the Department, the Administrator of the Children's Center, and the various superintendents of the institutions have issued a number of policies, rules and regulations over the past several years. Most of these are in the form of memoranda, and distribution to staff is on a haphazard basis. Copies are not issued to new members, and there is no way to ensure that staff members are aware of these regulations. In developing an appropriate manual, the administrators of the institutions as well as outside experts should be consulted.

Aftercare Program

A decent aftercare (parole) program, important for adults, is absolutely essential for children released to the community after institutionalization. It is the aftercare program which attempts "to make possible a smoother transition from the relatively disciplined regime in an institution to the freedom of the community." [242] All committed youths should leave an institution under some form of aftercare supervision, which is not always the case for boys leaving the National Training School.[243]

Recidivism

As part of its evaluation of the aftercare program of the Department of Public Welfare, the Commission reviewed 88 case records of adjudicated delinquent children in the community under aftercare supervision. The sample was approximately 30 percent of the 287 children in this status on September 30, 1965. The average age for the children in this sample was 15 years 11 months. There were 70 males and 18 females; 79 were Negro and 9 white. The typical child was 14 years and 8 months old at the time of his last commitment and spent an average of 10.9 months in the institution. The average time already spent in community aftercare service for this sample is 6.3 months—6 months short of the average time from release by the Department from the Children's Center until final discharge by the Juvenile Court from the Department of Public Welfare's jurisdiction.[244] Each child who was committed to the Children's Center had been charged with an average of 2.3 law violations.

For purposes of the Commission's study, a recidivist was defined as a child originally committed to the Children's Center, subsequently released to the community, and who then became involved in another law violation before his 18th birthday. The Center released 667 children to the aftercare program during fiscal 1964 and 652 in fiscal 1965. The number of such children involved in new law violations while still in aftercare was 330 in fiscal 1964 and increased to 409 in 1965. In the sample of 88 juveniles under aftercare, a total of 70 law violations involving 37 children (42 percent) had already been filed at a time when the juveniles had been out of the institution an average of 6.3 months. The average length of time in the community before a new law violation charge among this group was 4.6 months.

There is impressive evidence elsewhere that a more effective aftercare program can reduce the rate of recidivism among juveniles. With the recent addition of aftercare officers, Texas has shown a considerable decrease in the recidivism rate for juveniles released from train-

ing schools. For example, in 1963 when there were no aftercare officers, the rate of return was 42 percent. In 1964, the first year with aftercare officers, the rate of return was 30 percent. During 1965 it was reduced to 25 percent. During 1964 this program saved the State an estimated $230,000, since keeping a child in a Texas training school costs about $2,000 a year compared to $115 a year for a child on aftercare or probation.[245]

Coordination with Institutions

One of the major deficiencies in the Department's aftercare program is the lack of coordination with the Children's Center. An ideal aftercare program would assign an institutionalized juvenile to a single worker, who would work closely with him from commitment through discharge.[246] In actual practice in the District, the aftercare worker pays infrequent visits to the child while he is at Maple Glen or Cedar Knoll (an average of 1 visit in 10 months in our sample), although the worker may also see him occasionally when he goes to the Center for institutional reviews. The records maintained by the institutional staff are too sparse to be of much assistance to the aftercare worker in planning for the youth's eventual release to the community; the aftercare case records themselves are inadequate for evaluation purposes. For example, in only 47 (53 percent) of the 88 aftercare cases reviewed is any institutional treatment plan mentioned in the aftercare record; even in these there was no indication whether the treatment plan was actually carried out.

The failure of aftercare workers to maintain proper records and coordinate more effectively with the institutions has adverse effects on the children. The lack of institutional staff often delays the return to the community of children otherwise ready for release. In many cases, however, the delay is due to inadequate work by the aftercare personnel, particularly in making the special efforts necessary to locate satisfactory living arrangements for children who cannot or should not be returned to their families. On November 1, 1965, for example, there were over 80 children in the community planning stage of their treatment, which means that the institution is prepared to release the child, but there is no acceptable place for them to return to. There are no special privileges granted children waiting to be released. Needless to say, this has a serious effect on the morale of the children. Special emphasis must be placed on promptly returning the child to the community when he is ready. As a preliminary step, children in the community planning stage should have extra privileges until they can be returned to the community.

Much of the conflict between the institution staff and the aftercare staff is caused by the adverse working conditions under which both operate. In short,

> Overcrowding and staff inadequacies in these institutions often lead to release of youngsters without sufficient help on their problems. Where aftercare services are weak, little preparation is made for youngsters to return to their communities, and they receive little or no help in the readjustment period after release. It is not surprising that a high repeater rate results.[247]

A major reason for this conflict between institution and aftercare staff, as well as for the inadequate exchange of pertinent data on the child's adjustment, is the separate administration of these completely interdependent programs.[248] The Commission recommends that the Department of Public Welfare combine the juvenile institutions and aftercare program under one administrative office.

Staff and Services

Aftercare services in the Department of Public Welfare reflect inadequate staffing and uncritical acceptance of social work practices long in need of reexamination. Seven of the 22 casework positions were vacant for several months during the past year; the remaining workers had caseloads of 78 children, and the supervisors carried an average of 72 cases. With few exceptions, there is no effort to assign cases to selected workers based on the age, place of residence or specific needs of the children. Some referrals are made to other agencies, principally where the worker believes that some assistance in securing employment is necessary. All of the caseloads have a large percentage of multiple-problem families which require intensive service.

Most of the recommendations made by the Commission to improve the Juvenile Court's probation program are equally applicable here. For example, decentralization into neighborhood offices would reduce staff travel time and permit closer working relationships with community resources, which are not now used as frequently as desirable. Similarly, a change in the typical daytime working hours is called for to meet the needs of the juvenile and his family.

Our review of the aftercare program reveals that the aftercare workers are not equipped or motivated to make maximum use of their contacts, either with the families or the children involved. Families must be made aware of their important role in the rehabilitation of the child.[249] An effective aftercare program gives intensive services to the family throughout the child's confinement. Interviews of caseworkers and review of the records indicate, however, that home visits by aftercare workers are concentrated at the time the youngster is being considered for release, or when a child is going home for a day or

weekend visit. This conceivably could mean that a family would go 5 or 6 months without a visit by the caseworker.[250] Forty-five of the 62 parents interviewed felt the caseworker provided no help with family problems; 17 felt that they did help by giving clothing, extra counseling, helping another child, visiting at the hospital, and acting as arbitrator between parents and child.

The average number of personal visits by the caseworker with the juvenile after his release from the Children's Center was 1 visit every 4 weeks. Caseworkers averaged 1 personal contact with the family every 3 months during this same period of adjustment. After the initial contact, only one out of five of the children continued to see the caseworker once a week. Any progress in adjustment made in the training school is frequently lost during these first few weeks after release unless it is confirmed by frequent contacts and support. It is alarming to discover that 40 percent of the children interviewed have never seen their caseworker after the initial post-release visit.[251]

The serious staff shortages and deficiencies in the aftercare program call for drastic action by the Department and the Board of Commissioners. Since 1962 the Department of Public Welfare has requested additional positions for the aftercare program only for fiscal 1965 and 1967. In 1965 Congress did not approve any of the nine positions requested. In 1967 nine positions were again requested, but the Board of Commissioners did not approve this request. In its recent planning document, the Department recognizes the need for a stronger aftercare program but suggests no specific means to bring this about.

The Commission believes that the aftercare program can be improved only if the following specific steps are taken: (1) Decentralization of the aftercare operation into the neighborhoods; (2) change in working hours; (3) selective caseload assignments based on risk; (4) extensive use of sub-professional aides and volunteers; (5) removal of caseloads from supervisors; (6) increase in caseworker salaries; (7) aggressive efforts to fill current vacancies; (8) preparation of a manual to guide the workers; and (9) development of a meaningful staff training program.[252] The problems of high caseloads, personnel vacancies, high staff turnover, poor working conditions, limited program activities, lack of leadership from the administration, and low salaries have created a serious morale problem among the aftercare staff. As in its institutional operations, the Department of Public Welfare's aftercare program is characterized by grave shortcomings, and it is not at all clear to this Commission that the Department recognizes the extent of its failure.

Planning for the Future

The serious shortcomings in the juvenile correctional program of the Department of Public Welfare call for more than piecemeal remedies. In the next chapter the Commission proposes a new comprehensive Youth agency which would assume responsibility for the institutional programs for juveniles now administered by the Department of Public Welfare. In the event this change is not made, however, the Department must completely reevaluate the philosophy and practical operation of its rehabilitative program. The first step is official recognition that too many delinquent children in the District of Columbia are institutionalized for too long a period of time to no avail. Alternatives to institutionalization have been virtually ignored, at great cost to the children and the community. The Department must change its emphasis and begin to develop the legislative framework, organizational structure and personnel skills necessary to respond successfully to the needs of the children committed to its supervision.

Alternatives to Institutionalization

The Department's basic preference for institutional treatment is fully documented by the history of the Receiving Home and the Children's Center over the past decade. Each of these institutions has had increasing admissions, to the point where the institutions can do little more than provide custodial services. Confronted with the long-term rise in admissions, the Department is currently planning to spend several hundred thousand dollars to expand the Receiving Home and Maple Glen. These plans were not suggested in the planning document prepared by the Department only a few months ago, which indicated that no new expansion of institutional facilities was contemplated once the new security facility was completed.[253]

The new security institution for 150 juveniles, being built at a cost of $4 million, is another case in point. There is considerable question whether the institution had to be as large as planned. Experts in the juvenile field recommend that security facilities for delinquent boys be small and maintain that no more than 5 to 15 percent of boys in the juvenile system at any one time require secure custody while undergoing treatment.[254] If this and other recommended guidelines had been used in planning, the size of the new security institution could have been kept to 70 to 80 beds and substantial savings effected in capital and operational costs. In contrast, the entire State of New York operates one secure-custody institution for 100 boys.[255]

The District of Columbia has the highest rate of juvenile institutionalization in the United States, with more than 850 committed

children in the 10 to 17 age group population.[256] The current rate of commitment and the resultant overcrowding at the institutions are an ominous indication of probable developments during the next 10 years.[257] If the use of the Receiving Home and other Department facilities continues at the current rate, the District will have far outstripped its current and planned institutional capacity by 1970.

In its drive to accommodate rising admissions solely by expanding its institutional capacity, the Department of Public Welfare has evidenced a lack of understanding of the rehabilitative disadvantages of large institutions as contrasted with more individualized facilities. There has been practically no effort to develop programs that would provide treatment for the juvenile in the community. Until very recently, there has been no attempt to develop even the most traditional sort of group homes or halfway houses that would allow a child to be placed in a less restrictive environment, while he awaits court appearance or after commitment.

In the last several months the Department has taken the first step towards development of alternatives to institutionalization. The Youth Rehabilitation House, opened in October of 1965, serves as a juvenile halfway house for about 10 boys between the ages of 16 and 18 who have been released from Cedar Knoll; Youth Probation House has been accepting a few probationers aged 16 through 18 committed to it by the Juvenile Court for the past few months; and the Youth Shelter House serves boys 15 and under who would otherwise be detained at the Receiving Home. All three are financed on a temporary basis by the Department of Health, Education, and Welfare through the United Planning Organization. A professional correctional worker has been hired by the Department to oversee the operation of these group homes. No funds in recent years have been sought from Congress by the Department for similar facilities.

Although marking a commendable departure from former practice, the Department's recent efforts to develop appropriate non-institutional treatment facilities are so timid as to raise serious doubts about the prospects for success. These "experimental" efforts do not begin to reflect the dimensions or urgency of the program required in the District of Columbia to reduce the institutional population, stop the indiscriminate mixing of dependent or neglected children with delinquents, provide needed services for emotionally disturbed children, and develop creative, community-based rehabilitative programs. There is no need in the District for "demonstration" programs to evaluate the advantages of group homes. The effectiveness of these homes has been proven time and time again in many other communities.[258]

Special attention must be given to the treatment needs of emotionally disturbed children coming to the attention of the Juvenile Court and the Children's Center. In fiscal 1964 approximately 215 children and adolescents under the jurisdiction of the Department of Public Welfare were professionally diagnosed as being sufficiently disturbed to require residential psychiatric treatment.[259] There is no exact information on the number of delinquent juveniles referred to the Juvenile Court or committed to the Department who require residential psychiatric treatment.

With funds recently granted by the National Institute of Mental Health, the Department of Public Welfare and the Department of Public Health have developed plans for a residential treatment center for emotionally-disturbed children, consisting of two 20-bed units at Junior Village.[260] Scheduled to open about January 1967, the facility will be exclusively for children who are the responsibility of the Department of Public Welfare; it will offer outpatient services to children living in other cottages at Junior Village and some of the delinquent youngsters at the Children's Center, if they are not considered security risks. Considering the number of Department wards who require residential treatment and the small size of the project, it seems unlikely that many delinquent juveniles at the Children's Center will benefit from this new treatment service.

The Commission recommends that the Department of Public Welfare initiate immediate steps to request funds from Congress for the following facilities: (1) Shelter-care facilities for approximately 50 dependent or neglected children and delinquents who do not require the secure custody of the Receiving Home; (2) at least six more group homes for older boys and girls who can be returned to the community from Cedar Knoll; (3) sufficient group homes and foster family boarding homes to accommodate the 40 to 50 younger boys in the "dependent" and "community planning" categories at Maple Glen; and (4) residential treatment facilities decentralized throughout the community for emotionally disturbed juveniles committed to the Department for delinquency. If these alternatives were available as well as the diagnostic services previously recommended, the Department would be able to reduce the overcrowding at its institutions and begin to supply the individualized treatment necessary for a successful rehabilitative program.

Simultaneously, the Department should develop rehabilitative programs which permit juveniles to remain in the community. For an example of one such program (perhaps the only one) in the District of Columbia, the experience of the Youth Guidance Project of a few years ago is instructive. Started in 1960, this demonstration project was operated by the Juvenile Court with funds provided by a private

foundation to explore ways of working with chronically delinquent boys in the community.[261] Only boys who were committed to the Department of Public Welfare or the National Training School were referred to the Project, and the court suspended the commitment to allow participation in the program for 3 months.

The boys in the Project lived at home and went to school in the community. They abided by special rules for their behavior in and out of school, such as curfew time. If they failed to keep the rules, their commitment would be reinstated. The boys attended a supervised training program at the Project for 2 hours each weekday afternoon, based on a curriculum of remedial instruction, arts and crafts, sports and exercises, and counseling. The project lasted 2 years; of 115 boys who participated, 60 were able to stay out of institutions. At the existing rate of $3,500 a year to keep a child in Children's Center, this meant a savings of $184,000, compared with the annual Project budget of $26,000. Despite the strong appeal of the Chief Judge, a request for official funding of this program was denied by the D.C. Government. No subsequent effort has been made by the Juvenile Court or the Department of Public Welfare to secure funds for such a program.

Other communities in the United States have developed imaginative, well-financed programs of community-based treatment. The California Youth Authority in its Community Treatment Project points in the needed direction.[262] Under this program selected children are released directly from a reception center to a treatment control project in the community. Approximately eight juveniles are assigned to a parole officer who provides close supervision and counseling. The program consists of placement away from home if necessary, group or individual counseling in one to four weekly sessions, individual psychotherapy when warranted, family counseling, and special educational tutoring. Experience indicates that the program has been successful in preventing recidivism and is less expensive than commitments to juvenile institutions.[263]

The Commission does not understand why the D.C. Department of Public Welfare has lagged so far behind in developing non-institutional programs for juveniles committed to its custody. Such a course of action is not only more successful in rehabilitating many delinquent children, it is also less expensive. Costs for the construction of juvenile correctional institutions are about $15,000 to $20,000 per bed. The annual operating costs for institutions meeting the recommended standards are in excess of $5,000 a year per delinquent; the figure for the Children's Center is $3,500.[264] On the other hand, the costs of probation and aftercare services are estimated to be only $400 a child.[265]

The Commission is confident that Congress and the people of the District of Columbia will support the Department's efforts in developing non-institutional programs once the Department identifies the needs and proposes the most promising solutions.

Organization and Administration

The Department's treatment of committed juveniles has been impaired by poor organization and administration. Within the Department three Deputy Directors are assigned major responsibilities for the treatment of delinquents, ranging from the direction of the institutions through planning, budgeting and policy making to aftercare services. The Receiving Home is grouped with the other institutions for dependents operated by the Department, and the administrator of the Home is responsible to the D.C. Administrator of Welfare Institutions. The Children's Center, group homes and the new security institution for boys are supervised by the Deputy Director for Institutional Services, but the aftercare and foster-care services for delinquents are the responsibility of the Deputy Director for Family and Children Services. This confused, fragmented and complex administrative structure contrasts sharply with the organization of services for delinquents developed by such states as California, Wisconsin, Illinois, Minnesota and New York.[266]

The Commission has concluded that transfer of these responsibilities to the Youth Commission proposed in the next chapter is essential. But if the Department does continue in the field of delinquency control, major organizational changes must be made. We recommend that the Department establish an Office of Juvenile Correctional Services under a single Deputy Director. The need for such an office is reflected in the Department's recent planning document, which implies, however, that any such reorganization would be timely only after the new security facility at the Children's Center becomes operational.[267] Present deficiencies in organization and services make the changes more imperative than suggested by the Department. All programs and institutions pertaining to delinquent youth should be consolidated under the proposed Office. We believe it would be helpful to appoint a special advisory committee of leading citizens to work solely with the Director and the Deputy Director in charge of this Office on matters dealing with delinquency.

The Department must also make major efforts to acquire a fully qualified professional staff to serve at the central office. As previously indicated, we believe that the Children's Center superstructure should be abolished, a measure which should free some staff to work in the city with the Deputy Director in charge of juvenile delinquency matters.

The recently created position of a Deputy Director for Institutionl Services, with responsibility for the institutional care of delinquents, was a step forward, as was the recent employment of a full-time professional correctional worker to direct the group home program. But the Department still remains grossly understaffed, especially if major efforts are to be made to convert it into a creative, dynamic agency for the control of juvenile delinquency.

The Commission recommends that the following additional staff positions be sought: (1) director of diagnostic and clinical treatment services; (2) director of personnel and staff training; (3) director of statistics and research; (4) director of educational and work training programs; (5) director of group homes and group counseling; (6) program analyst for capital and operational budgets; (7) director of aftercare and community services; and (8) sufficient clerical, stenographic and typist positions to support these new positions. The salaries for these positions should be competitive, and the training and experience requirements set at the highest professional level.

Apart from reorganization, there is an urgent need for complete revision and updating of existing legislation pertaining to the Department. Among other problems, there is no reference to the structure and administration of the aftercare program, and no legislation is applicable to the new security institution or to the group homes.[268] Existing legislation does not prohibit the use of the Receiving Home, Cedar Knoll and Maple Glen for dependent or neglected children. The Commission recommends that the Department secure an expert review of its legislative needs. The statutory revision should be especially concerned with the new security institution; it should name the facility, limit its use to delinquent boys only, define its general functions, provide for aftercare supervision for all boys leaving the facility, and define the responsibilities of the superintendent.

PROPOSALS FOR CHANGE IN THE JUVENILE COURT

Dissatisfaction with our present procedures for treating delinquent children, especially those aged 16 and 17, has prompted current proposals to change the jurisdiction of the Juvenile Court. Some urge that the court's authority be limited to children under 16 and that all older juveniles be treated as adults in the criminal courts; others recommend that a specialized Youth Court be created for offenders between the ages of 16 and 21.[269] Still other proposals have been advanced to transform the Juvenile Court into a Family Court, with expanded jurisdiction over many domestic matters now handled by other courts in the District of Columbia.

Youth Court

Although juveniles under 16 were responsible for a majority (61 percent) of the delinquency referrals to the Juvenile Court in fiscal 1966, those 16 and older were charged with a substantial share of the serious crimes. In 1966, for example, these older juveniles accounted for 7 (78 percent) of 9 homicide referrals, 24 (77 percent) of 31 rape referrals, 281 (59 percent) of 472 car theft referrals, 157 (54 percent) of 290 aggravated assault referrals, and 169 (37 percent) of 451 robbery referrals (Table 4).[270] According to the Youth Aid Division, the percentage of repeaters among boys 16 and 17 years old was 61 percent in 1965 and 66 percent in 1966 (Table 11).[271]

TABLE 11.—*Predominant age of referrals to Juvenile Court each year*

[Part I offenses]

Year	Age	Year	Age
1959	17	1963	15
1960	17	1964	16
1961	16	1965	16
1962	15	1966	17

Source: D.C. Juvenile Court Annual Reports.

The Juvenile Court may, of course, waive a juvenile 16 or older to the adult court. In fiscal 1966 the court waived jurisdiction in 22 cases involving 16 individuals;[272] in 1965, 49 juveniles in 66 cases were waived.[273] Robberies and housebreakings were the crimes most frequently involved in the cases waived during those years. Between October 1962 and June 1965, the court waived 330 cases to the U.S. District Court.[274] During the same period the United States Attorney recommended retention in 123 cases; however, 24 of these were still waived by the Juvenile Court.[275] This indicates that many cases eligible for waiver are not necessarily cases which can be prosecuted successfully by the United States Attorney. Since the Supreme Court's *Kent* decision, waiver proceedings use considerably more of the judges' time than previously.[276]

More informative is a study of what happened to some cases which were actually waived. In a sample of 54 waived cases which went to final disposition between July 1, 1964 and December 8, 1965, it was found that 17 of the juveniles were sentenced to Lorton under the Federal Youth Corrections Act, 3 to an adult institution, 12 placed on probation, and 22 had their cases dismissed. Thus, 34 of 54 cases involving hard-core delinquents whom the Juvenile Court concluded its resources could not handle were dismissed or resulted in probation by the District Court. Ironically, habitual delinquents considered

beyond the reach of juvenile correctional facilities take on the status of first offenders in the adult court and are apparently entitled to the highest presumption of rehabilitative potential.

The Commission believes for several reasons that the age jurisdiction of the Juvenile Court should not be changed. We recognize, of course, that any age limitation is bound to be arbitrary in certain cases, but we are not persuaded that a general reduction of juvenile court jurisdiction to 16 serves any desirable purpose.

(1) Although juveniles of 16 and over account for much serious crime, the same can also be said for juveniles who are 14 or 15 (Table 12). Among the referrals to the Juvenile Court in fiscal 1966, juveniles under 16 were responsible for 511 (67 percent) of 757 housebreaking referrals, 187 (65 percent) of 286 simple assault referrals, 282 (63 percent) of 451 robbery referrals, and 31 (55 percent) of 56 grand larceny referrals. A random sample in 1964 of all first-offender cases in the Juvenile Court revealed that 66 percent were 16 years or older,[277] which casts some doubt on the need for excluding all 16- or 17-year-old youths from the special procedures of the Juvenile Court.

TABLE 12.—*Male juveniles involved in Part I offenses*

[By age]

Age	1964		1965		1966	
	Number	Percent	Number	Percent	Number	Percent
7	5	0.1	12	0.3	3	0 1
8	32	1.0	12	.3	22	.7
9	51	1.5	45	1.2	46	1.5
10	92	2.7	85	2.2	113	3.7
11	168	5.0	145	3.7	145	4.7
12	228	6.8	223	5.7	187	6.1
13	368	10.9	396	10.2	356	11.5
14	553	16.5	628	16.1	430	13.9
15	649	19.3	785	20.2	572	18.5
16	674	20.1	829	21.3	595	19.3
17	540	16.1	730	18.8	618	20.0
Total	3,360	100.0	3,890	100.0	3,087	100.0

Source: D.C. Juvenile Court Annual Reports, fiscal years 1964–1966.

(2) The age limit of 18, arbitrary though it may be, is the one adopted by the vast majority of jurisdictions; recommendation for its reduction has been previously rejected in the District.[278] Maryland's legislature, after a thorough study of its juvenile courts, has recom-

mended raising Baltimore's juvenile court age limit from 16 to 18.[279] New York City is considering similar action.[280] The experience of these and other jurisdictions where juvenile courts do not exercise jurisdiction over the 16 to 18 age bracket does not illustrate any perceptible effect on delinquency or rehabilitation rates.

(3) The new security institution for older delinquents at the Children's Center provides an additional disposition resource which can be used by the Juvenile Court for the older juvenile. If this facility is properly staffed and operated, it could provide services for older juveniles similar to those now offered at Lorton Youth Center for young adults sentenced under the Federal Youth Corrections Act, the principal facility to which juveniles 16 and 17 years old would be sent by a Youth Court. Other rehabilitative programs should be initiated for this group, focusing particularly on job training. The development of such programs, however, is not dependent on creation of a new court, but should be undertaken by the rehabilitation agency as part of its ongoing responsibility.

(4) The availability of the waiver procedure is another reason for retaining the present jurisdictional age at the Juvenile Court. This procedure permits prosecution of an older juvenile as an adult in flagrant cases. As the study of waived cases shows, however, transferring charges against a juvenile to the adult court is not tantamount to successful prosecution or imprisonment in an adult penal institution. We have no reason to believe that a Youth Court following adult criminal procedures would produce a different record. Once the Department of Public Welfare's new security institution is in operation, the Juvenile Court may retain cases which it might now waive, since the availability of adequate rehabilitative services is a critical factor in making the waiver decision.

(5) Although it has been contended that the *Harling* rule, prohibiting the use in a criminal court of admissions secured from a juvenile prior to waiver, has handicapped the police and thereby demonstrates the need for a reduction in the age jurisdiction of the Juvenile Court,[281] we see little connection between the two. If charges against the juvenile were to be presented in adult court or even a Youth Court, these or more rigorous restraints would apply; it is most likely that such a juvenile would have protection from police interrogation at least comparable to that afforded adults under the *Mallory* rule and the Supreme Court's recent *Miranda* decision. Under present Juvenile Court practice, however, admissions or confessions secured by police investigators may be admissible in the court even if they were obtained without complying with the legal requirements applicable to adults.

(6) The Commission does not support any proposal which would mix young offenders in this age group with adult criminals. District law now specifically forbids the detention of a juvenile with anyone convicted or charged with a crime. Reduction of the Juvenile Court's jurisdiction to 16 would result in many young offenders being sent to the D.C. Jail prior to trial and in all other respects being treated as adult criminals. In view of the large number of first offenders who are 16 or 17, we are against any such drastic step, which would surely operate to make the task of rehabilitation even more difficult than it already is.

Neither is the Commission at this time able to support proposals for a special Youth Court for offenders between the ages of 16 and 21. Various proposals for a Youth Court have been put forward; it might function either as a branch of the United States District Court, handling only felony charges,[282] or as an independent court like the Juvenile Court, handling all offenses for the 16 to 20 age group.[283] Cases in the Youth Court would be prosecuted in the same manner as in an adult criminal court with all legal rights accorded the juvenile—the right to bail, to prompt arraignment, and standard rules of criminal procedure.[284] On disposition, however, the judge could choose probation, or commitment to a juvenile correctional or adult facility. The Youth Court would have its own probation staff to prepare presentence studies and to supervise probation; it might even have its own detention facilities. Youth offender courts have been established in California, New York, Minnesota, Wisconsin, Massachusetts and Texas, but only New York includes jurisdiction of 16-year-olds rather than beginning with 18-year-olds.[285]

Establishment of a Youth Court in the District of Columbia would require considerable expense and effort. It would necessitate a new court with adequate judges, prosecutors, probation officers, staff and facilities to handle approximately 9,000 yearly arrests involving 16- to 20-year-olds.[286] In view of the present state of judicial organization in the District, this would be difficult to achieve and worth the effort only if the advantages of such a move were substantial and persuasive. We do not believe that a sufficient case has been made out to prompt such a move at this time.

We believe that the debate over the structure and age jurisdiction of the Juvenile Court is misdirected. As emphasized throughout this chapter, the principal need in this community is for more diversified and vigorous rehabilitative programs and facilities. The older delinquent with a long record of prior criminal acts poses one of the greatest challenges to our rehabilitative system. Unless we develop the dispo-

sitional resources necessary to treat this type of offender, it will make little difference whether he is committed by a Juvenile Court, a Youth Court, or an adult court. In any case, the commitment will most likely be futile and, sooner or later, this young offender will become one of our adult felons.

Family Court

Juvenile delinquency is neither spawned nor cured in a vacuum. Because the family is often the key to prevention and correction, proposals have been advanced in the District to create a Family Court which would provide an integrated judicial approach to family problems including juvenile delinquency.

A family court is essentially a one-stop judicial service to avoid fragmentation of a family's legal problems. As in most jurisdictions, the District's current judicial structure relegates these family problems to several different courts, where the issues are adjudicated independently of one another and with little regard for their total impact on the survival of the family unit. The Juvenile Court is empowered to make decisions affecting the child only; it has no power to order competency tests of either parent, refer them to conciliation sources, adjudicate the custody of the child if a divorce eventuates, or make a binding order against the father forbidding him to physically abuse the mother or child. Thus the Juvenile Court is often frustrated in its attempts to bring about the family atmosphere which is a key ingredient for the child's rehabilitation. A family court, on the other hand, could treat these problems in a unified, comprehensive framework. Its operation would be more efficient, promote the development of uniform practices and procedures in several areas of the law, provide continuity of treatment, and produce budgetary and personnel economies.[287]

The first family court was established in 1914 in Hamilton County (Cincinnati), Ohio, with jurisdiction over all domestic relations and juvenile cases. During the last decade there has been an upsurge in national interest in the family court structure.[288] The first Standard Family Court Act was prepared in 1959 by the National Probation and Parole Association in cooperation with the U.S. Children's Bureau and the National Council of Juvenile Court Judges, and served as the basis for legislation in Rhode Island (1961) and New York (1962).[289]

The statute enacted recently in Hawaii has the broadest jurisdiction of the acts based on the Standard Family Court Act and includes: (1) Delinquency; (2) neglect; (3) divorce, support, almiony, separation, annulment, and paternity; (4) adoption; (5) treatment and confinement of mentally defective or mentally ill minors; (6) com-

mitment of mentally defective or mentally ill adults; (7) intrafamily offenses (excluding felonies); and (8) desertion, abandonment or failure to provide support.[290]

The Commission believes that the District of Columbia should move in the direction of a Family Court. We recognize that the creation of such a court with comprehensive jurisdiction poses complex problems of transfer of jurisdiction, court reorganization and new supporting personnel. If such a court were patterned after the Standard Family Court Act, its jurisdiction should encompass the present operations of the Juvenile Court, which during 1965 handled 6,709 juvenile referrals and 1,748 adult informations;[291] the Domestic Relations Branch of the Court of General Sessions, where 5,117 cases were filed during 1965;[292] intra-family dispute cases brought to the Court of General Sessions;[293] and commitments heard by the Mental Health Commission, which totaled 749 in 1965.[294]

Although different kinds of cases would be heard in separate branches of the Family Court, the judges would be rotated between the branches so that they would be familiar with the total resources and procedures of the court. If one family were involved in proceedings before two or more branches, the cases might be consolidated before the same judge and a disposition made which would consider the interests of the whole family, particularly its younger members.

The Family Court would have to be supplied with specialized services aimed at providing counseling, guidance, and other help for the entire family. New York City's Family Court, for example, has had success with a clinic to aid alcoholic parents toward rehabilitation and a conciliation team to explore the potentialities of bringing parents together.[295] The staff of social workers should provide the judges in the various branches with a broad background report on the family's strengths and weaknesses comparable to the individual social study now conducted in Juvenile Court. The complete records from all branches concerning any one family should be integrated so that each judge has complete information about that family and its legal problems. In addition to aiding more intelligent dispositions, this consolidation would permit the judge to assign a single probation worker or team of specialists to work with the family on all aspects of its problems.

Experience elsewhere has demonstrated that the potential of a Family Court must be implemented with adequate resources if it is to operate successfully.[296] Although there have been acknowledged improvements in New York City's treatment of juveniles since its Family Court was created in 1962, that court is still struggling with problems of administrative and judicial fragmentation, integration of court

records, and a unified treatment approach.[297] In Rhode Island it was discovered that many of the problems affecting the treatment of juvenile offenders in the Family Court were rooted in faulty legislation, since no review had been made of the substantive law governing juvenile delinquency when the new court structure was created.[298]

One of the judges of the District of Columbia Juvenile Court has recently described a model family court structure—autonomous and equal to a court such as the United States District Court in the District of Columbia.[299] As outlined, such a court would have judges versed in child psychology, sociology and other behavioral sciences, with regional branches operational around the clock and staffed by social workers and legal experts. Initial screening would be done by a field staff in the local branches, which would refer the largest percentage of complaints to their social staff or referral agencies for short-term adjustment or treatment. The remaining cases would be sent to a central court with diagnostic facilities staffed by doctors, psychiatrists, clinical psychologists, educational and vocational testing services, and social investigators. The court's rehabilitation department would have sections concerned with physical and mental health, education, training, and employment. Probation and parole divisions would operate from the regional branches to supervise children and parents in their home environments. Such a family court, although seemingly expensive, would handle a predicted one-third of all the legal business in a typical metropolitan area.

The Commission is under no illusions that the creation of such an ideal court would be easily achieved; it would require major community effort, not only during the process of securing legislation but also after court operation begins. The Commission is nevertheless convinced of the merits of such an approach and recommends that a family court structure be created in the District of Columbia and provided with the necessary staff and resources to do its job. The new family court should be physically located in one building, with a centralized records system and integrated staff. Several new judges would be needed as well as a Chief Administrative Judge. New and more direct liaison would have to be developed with welfare, mental health, police, education, vocational training, and employment agencies. The family court concept requires a rethinking of traditional legal distinctions, expensive facilities and new staff. None of this, however, detracts from its intrinsic value as a means to combat delinquency at its core. The Commission recommends that the Judicial Council's Committee on the Administration of Justice arrange for the drafting of legislation to create a Family Court for the District.

CONCLUSION

In this chapter the Commission has made many recommendations designed to improve the operations of the Metropolitan Police Department, the Juvenile Court, and the Department of Public Welfare in their handling of juvenile offenders. Although the goals of an adequate system of juvenile justice are admittedly idealistic and expensive, the alternatives are neither realistic nor inexpensive. Short, sporadic stays in inadequately staffed institutions, indiscriminate commingling of serious and minor delinquents with children whose only crime is an inadequate home, token efforts at weekly contacts by probation officers, routine referrals to employment services which have no jobs for which the youth qualify—these do nothing more than mark time to the boy's 18th birthday when he can be turned over to adult authorities. These procedures now cost the community millions of dollars each year and yield very little except cynical and contaminated children.

SUMMARY OF RECOMMENDATIONS

APPREHENSION AND REFERRAL OF OFFENDERS

The police have a critical role to play in the prevention of juvenile delinquency. A youthful offender who comes to the attention of the police should not be subjected automatically to the Juvenile Court. It is at this early point that the community can most economically and effectively treat the underlying causes of juvenile delinquency and crime. The Commission recommends:

1. Police recruits should receive at least 40 hours of training in the handling of juveniles, and personnel assigned to the Youth Aid Division (YAD) should be given 48 hours of specialized in-service training before they begin working in the field.

2. More definite guidelines should be provided patrolmen regarding the exercise of their authority to dismiss "minor" juvenile cases without making an arrest. Since paperwork is part of the problem, they should be encouraged to file handwritten Forms 379 about their non-arrest contacts.

3. To achieve more prompt and active participation by YAD officers in cases involving juvenile offenders, the Youth Aid Division should be decentralized.

4. Parents of juveniles taken into custody by the police should be notified promptly and should be present during the interrogation of the juvenile.

5. Because of duplication of effort and the dubious effectiveness of the process, the Youth Aid Division should abolish the use of administrative "hearings" for juvenile offenders.

6. The Metropolitan Police Department and the Juvenile Court should revise the criteria governing referral of juvenile offenders to ensure that only serious cases requiring judicial attention are sent to the court.

7. The Intake Section of the Juvenile Court should promptly prepare written criteria to provide guidance on which cases referred to the court require the attention of a judge.

8. The Juvenile Court should regulate and control the informal adjustment (gray case) practice of the Intake Section to make it a useful technique in rehabilitating juveniles and to preclude the possibility of its abuse.

9. The District of Columbia should develop a full range of medical, social, educational, and other services for those early delinquents who come to the attention of the police or intake worker on a complaint which does not require the judicial action of the Juvenile Court.

DETENTION AT THE RECEIVING HOME

The Receiving Home for Children, equipped to handle 90 juveniles, is now regularly crowded with up to 200 children who are detained while awaiting action of the Juvenile Court and the Department of Public Welfare. This overcrowding is seriously affecting the quality of the program at the facility, so that detention at the Receiving Home cannot serve its basic purpose—diagnosis, supervision and treatment of the serious juvenile offender in need of secure custody. The Commission recommends:

10. The District of Columbia should no longer use the Receiving Home for Children as a detention facility for dependent or neglected juveniles, and the statutes authorizing such use by the Department of Public Welfare should be amended.

11. The Department of Public Welfare should immediately provide several temporary shelter-care facilities to house dependent or neglected children, and delinquents who do not require detention at the Receiving Home. Funds should be sought from Congress to provide such temporary care for a minimum of at least 50 children.

12. The Juvenile Court and the Metropolitan Police Department should revise existing detention criteria to reduce substantially the number of juveniles charged with delinquent acts who are sent to the Receiving Home to await court action.

13. The Juvenile Court should exercise exclusive responsibility for the admission and detention of all juveniles at the Receiving Home, and statutory authority to this effect should be provided.

14. The Juvenile Court should provide intake services at the Receiving Home from 6 p.m. to 2 a.m. Monday through Friday and 10 a.m. to 2 a.m. on weekends to make the detention decision on every child delivered by YAD officers.

15. The Juvenile Court should adopt revised procedures to provide for an expedited hearing on the issue of detention for those juveniles kept at the Receiving Home.

16. The Department of Public Welfare should expedite the transfer of all delinquents from the Receiving Home to Cedar Knoll and the return of runaways to their own jurisdictions.

17. The Department of Public Welfare should obtain additional counselors and supervisors for the Receiving Home to permit adequate supervision of juveniles detained at the institution.

18. The Department of Public Welfare should develop a program for clinical and diagnostic services at the Receiving Home in order to diagnose seriously disturbed children and provide the Juvenile Court with more expert assistance in selecting an appropriate course of treatment.

19. Responsibility for the educational program at the Receiving Home should be transferred to the District of Columbia public school system in order to provide an adequate education program at the institution.

20. A substantial number of professional positions should be requested for fiscal 1968 in order to provide the necessary treatment services at the institution.

21. The salaries of Receiving Home personnel should be increased to competitive levels, and major efforts should be made to improve the training, performance and general supervision of the institutional staff.

22. The Receiving Home should not be expanded at this time, but should be replaced by a modern detention and diagnostic facility for the District of Columbia.

PROCEDURES OF THE JUVENILE COURT

The handling of cases by the Juvenile Court should be expert, expeditious and fair. The court's procedures must be expeditious, both to enhance the deterrent effect of the judicial process and to facilitate the early rehabilitative treatment of the offender. The

Social Service Department of the court must be fully staffed by well-trained professionals, effectively deployed to assist the court in arriving at the proper disposition and to provide a creative rehabilitative program for those juveniles placed on probation. The Commission recommends:

23. Serious charges against juvenile offenders should be based on sworn police complaints, and the intake workers at the Juvenile Court should interview either the arresting officer or the Youth Aid Division specialist before a petition is filed with court.

24. By court rule or statutory amendment strict time limitations on the handling of juvenile cases should be provided to prevent the excessive delays which now exist.

25. The Juvenile Court should alter its calendaring practices to utilize fully all three judges of the court, to expedite the processing of juvenile cases, and to enhance the fairness of the proceedings.

26. The Juvenile Court should establish an effective system of legal representation in the court modeled after the law guardian system in New York, taking advantage of the services of the UPO Neighborhood Legal Services, the Legal Aid Agency, the Georgetown Intern Program, and the private bar.

27. The Juvenile Court Act should be completely revised to clarify many sections and to incorporate those provisions in the Standard Juvenile Court Act and the laws of other jurisdictions which reflect desirable reforms in procedure and policy. This revision should specifically encompass the following areas of Juvenile Court procedures and jurisdiction:

a. The jurisdiction of the Juvenile Court should be re-examined to eliminate or redefine some of the vague grounds for jurisdiction.

b. The powers of the court as to detention and commitment should be differentiated in terms of the reason why the child is before the court.

c. The grounds upon which a juvenile may be arrested and detained by the police, other than for an actual law violation, should be clearly defined in the law.

d. The adjustment of cases at the intake stage and their supervision on an informal or consensual basis should be regulated by the statute.

e. The role of the Corporation Counsel in representing the community's interest should be defined, not only in the trial of contested cases but also at earlier stages of the proceeding.

f. The time limit for processing a case through the court should be set forth.

g. The status of the privilege against self-incrimination in Juvenile Court should be stated.

h. The time and means by which counsel must be provided for the juvenile should be covered.

i. The access of the child's lawyer to the social records of the court should be clarified.

j. The kind of evidence admissible at the initial hearing, trial and disposition should be stated, as well as the standards for adjudicating involvement at trial.

k. The dispositional alternatives of the court should be revised, especially in view of the possible creation of a Youth Commission.

28. The Social Service Department of the Juvenile Court should be supplied with additional clerical and other non-professional workers to permit more effective use of professional personnel.

29. The Child Support Section of the court's Social Service Department should be reorganized to create an intake unit, to separate casework services from collection work, and to free professional workers for assignment to the Probation Section.

30. The Juvenile Court should promptly improve the accuracy and thoroughness of social study records, at least to the point where the records contain all the current information listed in the court's guidelines.

31. The Juvenile Court should decentralize its probation program and reschedule its working hours to enable probation officers to serve probationers more effectively.

32. The Juvenile Court should revamp its probation program by the use of varying caseload sizes, specialized treatment programs, and experimentation designed to increase the effectiveness of the services provided the children under supervision.

33. The Juvenile Court should increase its use of non-professional aides and volunteers in the probation program to improve the contributions which can be made by the court's limited professional staff.

34. The Juvenile Court should reclassify the professional positions in the Social Service Department in order to make the salaries competitive with Federal agencies and to provide an advanced practitioner position on the same salary level as a supervisor.

35. In order to improve the administration of the court and its constituent offices, expert assistance should be secured to aid in the preparation of an operating manual which will inform the staff of the court's general policies and procedures.

36. The age jurisdiction of the Juvenile Court should remain at its present level, so that the court will continue to assume jurisdiction over children up to 18 years of age.

37. The Judicial Council should arrange for the drafting of legislation authorizing the establishment of a Family Court, which would have jurisdiction over matters relating to the family which are now handled by the Juvenile Court, the Court of General Sessions, and the Commission on Mental Health.

INSTITUTIONAL PROGRAMS OF THE DEPARTMENT OF PUBLIC WELFARE

When juveniles are committed to a correctional institution, institutionalization should be for as short a period as possible. Thorough and expert efforts must be made to rehabilitate the youthful offender, with emphasis on programs in the community where he must eventually solve his problems and make an adequate adjustment. The Commission has concluded that the institutional programs operated by the Department of Public Welfare are seriously deficient and that the Department's responsibilities for delinquent juveniles should be transferred to the new Youth Commission proposed in the next chapter. If the Department retains its role in this field, however, the Commission recommends:

38. The Department of Public Welfare should no longer commit dependent, neglected, emotionally-disturbed or mentally-retarded children to Cedar Knoll or Maple Glen, which should be designated by statute as juvenile correctional facilities for adjudicated delinquents only.

39. The Department should cancel its plans to expand Maple Glen, should limit the population of Maple Glen to 150 delinquent boys, and provide foster family and foster group homes in the community for up to 50 of the children leaving the institution.

40. The Department should request the needed funds for adequate clinical and diagnostic services at the Children's Center until a new reception-diagnostic facility can be constructed in the District.

41. The Department should request funds for additional teachers and vocational instructors at the Cedar Knoll and Maple Glen schools.

42. The Department should develop new teaching methods or curriculum offerings at the Children's Center.

43. The Department should be given the funds requested for a vocational training building at Cedar Knoll; the Department should undertake other efforts to improve its vocational training at Cedar Knoll, including additional personnel, consultation with the U.S. Employment Service, and application for a grant under the Manpower Development Training Act.

44. The Department should immediately request additional counselors for the Children's Center in order to reduce the number of

physical and sexual assaults upon the children and to provide a decent program of treatment and counseling in the cottages.

45. The Department should change its salary structure and training program in order to attract and retain the most qualified personnel in the juvenile correctional field.

46. The Children's Center as an organizational unit should be abolished; Cedar Knoll should be divided into two separate institutions for boys and girls; and the superintendents of each correctional institution should be responsible for all program activities within their institutions under the supervision of the Deputy Director for Institutional Services of the Department of Public Welfare.

47. The Department should combine its institutional and aftercare programs into a single administrative division to promote effective coordination and expedite the release of children from institutional care.

48. The Department should improve its aftercare program by (1) decentralizing the program into the neighborhoods; (2) changing working hours; (3) preparing selective caseload assignments based on risk; (4) making extensive use of sub-professional aides and volunteers; (5) removing caseloads from supervisors; (6) increasing counselor salaries; (7) filling current vacancies; (8) preparing a manual to guide workers; and (9) developing a meaningful staff training program.

49. The Department should stop expanding its correctional institutions and initiate immediate steps to obtain the full complement of shelter-care facilities, group homes, foster homes, and residential facilities for emotionally disturbed children which are essential to a program of rehabilitation.

50. The Department should develop community-based treatment programs in lieu of institutionalization, patterned after programs developed successfully in other communities and states.

51. The Department should consolidate all programs and institutions relating to delinquent children in one central administrative office under a Deputy Director to eliminate present administrative confusion and gaps in service.

52. The Department should seek additional specialists so that the central office can be sufficiently staffed to operate a first-rate delinquency control service to the community.

53. The Department should initiate a review by legal experts of the basic legislation defining the Department's rehabilitative responsibilities in order to cure the present deficiencies in the statute and provide the necessary basis for the operation of the new security facility and group homes.

CHAPTER 9

Prevention of Juvenile Delinquency

Juvenile offenders have contributed disproportionately to the District's crime problem. In 1965 juvenile arrests for serious (Part I) offenses increased 53 percent over 1960, although adult arrests decreased 11 percent during the same period. If crime in Washington is to be controlled, the growth of juvenile crime must be halted. The most productive approach for both the potential offender and the community is to prevent delinquency before it begins. Once a juvenile is apprehended by the police and referred to the Juvenile Court, the community has already failed; subsequent rehabilitative services, no matter how skilled, have far less potential for success than if they had been applied before the youth's overt defiance of the law.

In surveying the public and private programs in the District which attempt to combat delinquency, the Commission has found a panoramic display of sincerely motivated, uncoordinated activity which is rarely evaluated. We have concluded that a centralized operational agency is imperative to mount an effective and creative attack on youth crime and delinquency in the District. Preparatory to outlining our proposal for such a new Youth Commission, this chapter reviews the principal programs which now deal with delinquency-prone individuals or groups in this community.

PREVENTION IN THE DISTRICT

INTRODUCTION

Even experts do not agree on the causes of delinquency or the most effective prevention techniques.[1] There is considerable agreement that delinquency is inextricably tied to the breakdown of family structure and moral codes, and to the complex of poverty, slums, inadequate schools, alienation, racial prejudice, and lack of upward mobility. This general approach to delinquency is reflected in the multifaceted antidelinquency programs of the United Planning Organization, particularly in the target Cardozo area selected for its low income, high unemployment, substandard housing, and high rates of crime and delinquency. In the next chapter the Commission will examine the relationship between crime and delinquency and underlying social conditions in the District of Columbia, as well as those broad governmental

programs in education, housing, welfare, and employment directed at eliminating the breeding grounds of crime.

Within a narrower focus, however, there must be antidelinquency programs designed specifically for those youths who appear especially susceptible, either because of their individual histories or their membership in groups characterized by an unusually high rate of lawbreakers, such as school dropouts. In the District of Columbia, there are special school programs for the predelinquent with behavior and adjustment problems in school; the Roving Leader program of the Recreation Department is directed at gangs of predelinquent and delinquent youths; and the Commissioners' Youth Council was created in 1953 to find means of reducing juvenile delinquency. Each of these three programs operates citywide, affects a substantial segment of the juvenile population, and is aimed at influencing the delinquency-prone before a chronic pattern of law violation develops.

The Youth Commission which is proposed to coordinate or administer all such activities would concentrate heavily on this same target population, as well as on those juveniles who have already broken the law. Reduction of recidivism is an important facet of delinquency prevention. Returned to the community on probation or after institutionalization, the juvenile offender needs continuous support in overcoming his problems if he is to avoid subsequent violations. This kind of prevention was considered by the Commission in the previous chapter, particularly in the evaluation of the probation program of the Juvenile Court and the institutional programs of the Department of Public Welfare.[2] Only to the extent that meaningful help can be provided to both predelinquents and adjudicated delinquents do we have any reason to believe that the tide of juvenile and adult crime may be stemmed in the next decade.

DISTRICT OF COLUMBIA AGENCIES

Prevention Programs in the Schools

Poor school adjustment is not an inevitable prelude to delinquency, but there is a pervasive relationship.[3] Enthusiastic and successful students rarely indulge in criminal behavior. At an early age the typical delinquent exhibits such maladjustments as truancy, behavior problems and reading difficulties, and eventually becomes a dropout before he completes high school. A study in the Cardozo area showed that institutionalized boys quit school earlier and had lower grade averages than noninstitutionalized boys. This variation in educational achievement was the most prominent difference between the two groups, more so than broken homes or income level.[4]

Outside of the family, the school is likely to have the greatest influence on the child; his self-image is vitally affected by his success and acceptance at school. Because it occupies the major part of a child's waking hours, the school has an unparalleled opportunity to detect and help treat early adjustment problems. A 1961 Howard University study showed that a high percentage of first grade failures entered school with serious health, social and emotional problems that greatly affected their school adjustment and progress, but were given no attention during the school year.[5] At least 1,000 similarly handicapped children are said to enter the system each year.[6] At any one time the District public schools contain over 20,000 children with problems that need special attention.[7] In too many cases, however, the school experience reinforces an already troubled or disadvantaged child's sense of alienation and anti-authoritarianism.[8] As his inevitable behavior problems develop, he is labeled a "troublemaker" and isolated from the other children; he learns to hate school and to become a chronic truant; he may turn to the streets and crime for the companionship and status he failed to attain in school.

Many adjustment problems may be influenced by two deficiencies in our educational system. One is an absence of special services to help the troubled child keep up with the regular demands of his classroom. But an even more fundamental deficiency may be in the curriculum or teaching methods which fail to capture the interest of the slum child or to offer any promise of realistic application to his life outside the school. Useful and creative school programs must be designed for such children, without blocking the way to those disadvantaged children who have the potential to go on to college with the proper training and motivation. A New Careers Model Program is being introduced into the Cardozo area high schools this year to provide 30 basic-track students with a combination of academic training and supervised work for which they are paid. Although such model programs are promising, they still affect only a handful of students.

At an even earlier stage new educational techniques which take into account individual differences in ability and preschool experiences without prejudicially classifying slow students must be applied. The technology for programed learning at a student's own pace is rapidly becoming available.[9] Ungraded primaries may provide the climate and flexibility that will encourage resolution of early adjustment problems before the third or fourth grades when competition becomes more keen. Slow-learning high school students have been experimentally used as tutors for grade school children with a surprising improvement rate in both groups.[10]

In the final analysis, the most important contribution the schools can make to delinquency prevention is to provide the kind of imaginative, well-staffed education program which will enlist and retain the interest of all pupils, particularly the disadvantaged. Such a program, supplemented by diagnostic and remedial services for those children who display antisocial attitudes, can help offset negative experiences in the home or neighborhood which incline a child toward delinquency.[11]

Children who begin to display possibly predelinquent behavior in school such as truancy, aggressive acts toward the teacher or other pupils, or vandalism, must be given special attention. This attention may take the form of auxiliary counseling or casework, special teaching within the regular class, or separation into separate classes with other troubled or misbehaving youngsters. In the District of Columbia these services are provided by (1) Pupil Personnel Services; (2) social adjustment classes; (3) Twilight Schools; (4) boys' and girls' Junior-Senior High Schools; and (5) the STAY program for dropouts.

Pupil Personnel Services

The Pupil Personnel Services Department provides guidance and counseling services to elementary and high school pupils. There are 235 counselors to provide these services,[12] a ratio of one counselor to 738 students in contrast to the recommended ratio of 1:250–300.[13] Twenty-three of the city's 136 grade schools have no counselors at all; 5 vocational high schools share 7 counselors; the STAY program has 2 counselors; and the Sharpe School and the Boys' Junior-Senior High School have one counselor each.[14]

The counselors are available to consult with pupils on educational, vocational or personal problems. Unfortunately, it is impossible to evaluate their impact because counseling records are not uniformly maintained; only a few of the sample pupil files examined at both junior and senior high schools contained any notation of counseling. Most pupils who seek counseling voluntarily or are referred by teachers do so for the following reasons: (1) Poor grades; (2) discussion of future vocational plans; (3) initial interview; and (4) discussion of academic program or placement. Less frequent reasons for contacts are personal problems, poor attendance, request for change of teacher, general information, and record review.

The Pupil Personnel Services Department also has 56 psychologists and 3 psychiatrists (1 full time) to diagnose and treat learning and behavior problems and administer psychological tests. In addition, 12 social workers are available to do casework with problem children and their families.[15] Forty-five Pupil Personnel workers and 41 aides assist these professionals.

In academic year 1965–1966 this staff received 8,182 referrals for psychological and social work services.[16] At the end of the year 2,074 cases were still pending. Included in the referrals were 922 children with emotional problems and 841 with social problems. Of the remainder, 3,154 were evaluated for school placement. There were 7,011 illegal absences in the same year due to truancy and an additional 2,463 due to parental failure to send the child to school at all. The schools themselves referred 198 cases to the Juvenile Court and 28 complaints against parents were forwarded to the Corporation Counsel's office.[17]

The age range of most referrals to Pupil Personnel Services was 8 through 11. The Stanford Research Institute's study of Juvenile Court referrals revealed that children 11 and under constitute 12 percent of juvenile grand larceny offenders, 11 percent of juvenile housebreakers, 7 percent of juvenile aggravated assault offenders, and 5 percent of all juveniles referred for crimes of violence; it also shows that the 12–13 age category is responsible for a substantial percentage of the serious crimes committed by juveniles in the District of Columbia.[18] These figures underscore the need for effective school counseling at an early age to reduce youthful delinquency and prevent even more serious criminal behavior in the future.

Social Adjustment Classes

Children in elementary and junior high school who present severe behavioral problems in the regular classroom are placed in social adjustment classes. There were 34 such classes with 408 children in school year 1965–1966,[19] the same as the prior year. This number is far short of those children who qualify for these classes.[20]

Referral to the classes can be initiated by any member of the faculty, or by a counselor, assistant principal, or principal, but admission must be approved by a professional Pupil Personnel worker. Most of the students referred have histories of poor achievement, attendance and academic motivation, and have been labelled "troublemakers" by the faculty. The incidence of actual delinquent acts is quite high among these students.

The individual schools are almost completely autonomous in the development and operation of these classes, including the curriculum and criteria for admission and graduation. Some pupils with severe adjustment problems can even be assigned to home instruction so that they do not attend school at all, if this is the preference of the individual principal. The principal's personal philosophy about these classes inevitably determines their basic approach and content.

Students in social adjustment classes are usually separated in order to minimize contact with other students. In some schools,

however, the pupils are not completely separated but are allowed to attend some regular classes such as shop, physical education and music. Each class is limited to a maximum of 12 so that one teacher may handle both instruction and supervision. Heavy emphasis is placed on communication between the school staff and parents, and on physical exercise as an outlet for tension. Although some efforts are made to obtain specially trained teachers for these classes, in many cases the underlying reasons for the children's disruptive behavior receive no real attention. Limited psychological services are available from Pupil Personnel Services; there are, however, no psychologists, social workers or counselors assigned directly or exclusively to the "social adjustment" classes. Children stay in the classes from a few weeks up to a year and return from there to regular classes.

Twilight Schools

The twilight schools were begun in March 1964 for boys at the junior high school level whose behavior could not be tolerated in a regular school environment. The annual enrollment has been about 80.[21]

Two centers, at Woodson and Terrell Junior High Schools, offer a late afternoon and early evening (3:30 p.m. to 7:30 p.m.) educational and counseling program for boys 14 years of age and older. Children are referred to this program by the Office of the Assistant Superintendent for Junior-Senior High Schools. Most of these students have been enrolled in the Basic Track, are at least 2 or 3 years retarded in academic achievement, have poor attendance records, and have already run the gamut of social adjustment classes in the lower grades. There is an abnormal incidence of broken homes in the background of these students. Ten teachers are assigned to the program at each location, but no psychologists or social workers.

The twilight school is neither intended nor equipped to attempt significant changes in the motivation or behavior of these students. Like the adjustment classes, it serves more as a temporary holding action, in this case until such time as an appropriate placement in the community can be found or the student reaches 16 and can voluntarily leave school. The curriculum follows that used by the regular schools: general math, English, remedial reading, shop, and physical education. These studies are supplemented by group and individual counseling sessions and remedial tutoring. Field trips and dances are also scheduled.

The staff is a closely knit group of men only, all of whom participate with the boys in the athletic programs. These men report that discipline is not a major problem in the twilight schools; removed from

the competitive pressures of a normal classroom, their students are often less tense and do not feel compelled to act out their frustrations. Most boys stay in twilight school at least a year before returning to regular classes or dropping out of school altogether.

Boys' Junior-Senior High School

Boys' Junior-Senior High School was established in 1958 to provide a regular academic schedule for up to 50 boys from 12 to 18 who are adjustment problems in the regular classroom and who must be placed with specially trained instructors. Most of the students have already attended social adjustment classes and have been referred by school principals to the Department of Pupil Appraisal, which makes the final determination on placement. The staff consists of a principal and five teachers; a guidance counselor has been added for the 1966–1967 academic year.[22]

Students generally remain at Boys' Junior-Senior High School about one year. The same basic subjects are taught here as in the regular school curriculum, but with added emphasis on remedial and individual instruction. Some psychological testing and counseling services are furnished by the Pupil Personnel Services staff or Department of Public Health personnel. The principal of Boys' Junior-Senior High School places great emphasis on teaching good manners and acceptable standards of behavior. Because of the limited enrollment, more individualized attention is possible than in the ordinary classroom setting. In the 1965–1966 school year, 11 boys were returned to the regular public schools by the principal, and all of these have made a satisfactory adjustment.

Webster School for Girls

Webster School for Girls is an experimental program begun in 1963 for pregnant girls. The program, financed by a 3-year grant from the Children's Bureau of the U.S. Department of Health, Education, and Welfare, is designed to enable the girls to continue their studies during pregnancy, to encourage them to complete their high school education, and to instill constructive attitudes toward sex, marriage, and child rearing.[23] Since 1964 the staff has included four teachers, three social workers, one psychologist, various consultants, and visiting nurses and obstetricians. The 1966–1967 budget does not provide any additional staff for their program.[24]

Since 1963, 541 of the 1,043 unmarried pregnant girls under 18 reported to the Health Department have been referred to this school. The school enrolled 142 girls during 1963–1964, usually for a period of

4 to 6 months. Follow-up records show that about 90 percent of the 142 Webster girls in 1963–1964 returned to regular school after delivery, compared to about 67 percent of the pregnant girls who did not attend.[25] Sixty-seven percent of these Webster graduates were still enrolled in the regular schools at the end of the 1965 school year. During 1964–1965, 164 girls were in the program; in 1965–1966 there were approximately 200.

Funds are available for fiscal 1967 to provide for 200 girls at any one time, about 400 for the year.[26] This figure is still less than the number of girls who applied for entrance to Webster last year. The program appears to be paying for itself. If only 10 percent of the 400 pregnant girls completed school and were enabled to achieve economic independence rather than going on relief, the savings in welfare payments would cover the entire annual operating costs of the school.

STAY School

A disproportionate number of both juvenile and adult criminals were school dropouts. Over one-fifth of Juvenile Court referrals in the SRI sample were school dropouts; 86 percent of the District Court adult offenders had failed to complete high school.[27] In academic year 1965–1966 there were 4,809 school dropouts (3.3 percent of total enrollment); the number has steadily increased since 1960–1961 when there were 3,217 dropouts (2.7 percent of total enrollment).[28]

The "School-to-Aid-Youth" (STAY) program for returned dropouts in grades 9 through 12 may therefore have substantial anti-delinquency implications. Opened at Spingarn High School in 1964, the program provides late afternoon and evening classes for dropouts in 4-hour sessions. The school enrolled about 205 returning students in 1964–1965 and graduated 21 students; in 1965–1966 approximately 900 students enrolled and 146 graduated.[29] About 800 have enrolled for the current year.[30]

In the summer of 1963 an ambitious program to encourage dropouts to return to regular school or to enroll in STAY was launched with Federal funds. The recruitment effort is now an integral part of the STAY program; regular school counselors contact students whom they believe may not return to school and try to arrange a program that will motivate them to return. In the summer of 1965, 22 counselors contacted 1,432 students; in 1966, 20 counselors worked with 1,600 children. As a result of the 1965 program, 895 (62 percent) of the youngsters contacted returned to school.[31] This year, 1,100 returned to school.[32]

The STAY school is staffed by regular certified teachers who are paid an additional sum for this afterhours assignment. Unfortu-

mately, the staff has had a transient quality which has hindered continuity of instruction. Only 2 counselors have been assigned to the 800 pupils in the school, although there are a disproportionate number of students with deep-seated personal, economic, social and emotional problems which have precipitated their withdrawal. The students pursue regular course work towards the completion of graduation requirements; the program reflects no special teaching techniques or curriculum designed to meet the problems previously encountered with these students.[33] The dropout rate from the STAY school was between 20 and 30 percent for the 1964–1965 school year.[34]

Evaluation

It is difficult to evaluate the effectiveness of the school system's anti-delinquency programs.[35] Most of them have been in existence only a few years and have yet to undergo a critical evaluation. Several observations, however, appear pertinent.

General Orientation. The special programs concentrate almost exclusively on separating students with behavior problems from the rest of the school population. Such removal may indeed become necessary at times to prevent interference with normal students, but as a general approach to the problem it may well be self-defeating. Separation and labelling of children as "behavior" or "learning" problems should be avoided if at all possible. Too often it merely serves to reinforce their alienation from their peers and to confirm an innate sense of unworthiness or hopelessness.

The experience of a special program in Virginia is instructive. This program separated from regular 6th and 7th grade classes those underprivileged pupils with social and academic problems so severe that they were thought likely to cause the children to drop out of school.[36] For 2 years they were given special, individualized attention by teachers selected for their outstanding abilities. At the end of that time, the teachers requested abandonment of the separate classes because they concluded that poorly-adjusted pupils "tend to multiply their unhealthy attitudes when the less motivated are placed together in one class."[37] Their report found that "potential dropouts did not improve their self-images as a result of being in a group homogeneous in terms of social and mental abilities. Profane and vulgar language became the accepted language and antisocial behavior a thing to boast about." As a result, the potential dropouts were sent back into regular classrooms, given special attention and guidance in small groups, but allowed to spend most of their time with the other children.

Many school systems outside of Washington are experimenting with more effective classroom treatment for special behavior problems in

order to minimize, rather than intensify, the differences between such pupils and their classmates. In Chicago, for example, a pupil identification program enables a principal to select children in need of special help and collaborate with the teacher, psychologist, nurse, other specialists, and the parents to develop an individualized program for them.[38] In some instances outside community agencies may also be involved in the treatment effort. During this process the child remains in the regular classroom; he is removed only if his behavior becomes so disruptive that he can be treated better in a special setting.

In Kansas City, Mo., a school behavior project is training elementary teachers in social psychiatry techniques for dealing with mild and moderate behavior disturbances of children in an ordinary classroom setting.[39] Special emphasis is placed on group-centered methods of instruction and on a healthy emotional climate in the classroom. Research and evaluation data will be collected through classroom observation, a program of testing for both subject and control teachers and pupils, and periodic checking on pupils' contacts with legal and psychiatric agencies in the community.

In the District, Pupil Personnel Services provide the only specialized source of help for treating socially maladjusted children without separation into special classes. The operation of these special classes should be reviewed in light of the progression of many of these children from social adjustment classes to other special programs or dropping out of school. The Commission suggests that the present policy of primary reliance on separate classes or schools for children with behavior problems be reevaluated based on experience in the District and elsewhere.

Increased Emphasis on the Lower Grades. There appears to be an especially critical absence of special help for the disturbed child in the early grades. The supply of counselors in the lower grades is particularly short; 23 elementary schools have none at all. Only 12 social workers are available to provide outside casework for a school population of over 140,000.

The child's educational needs in the early grades may best be met by individualized attention which permits him to move at his own pace and by a curriculum relevant to his outside experience. Auxiliary help to teach the child proper standards of conduct, to involve his family, and, if necessary, to obtain special therapy for him is also a vital component of his success in school. We recognize that there will be cases where one disturbed child will upset an entire class, but this is more apt to be the case in the upper grades. The attitude of his peers toward a "problem" child is often very perceptive and more tolerant than an adult's.[40] In turn, the problem child who remains in the

classroom is benefited by his exposure to the more normal children, among whom he must eventually learn to make adjustments in his behavior.

The District should increase its efforts to develop programs in the early grades which divert the pupil with behavior problems into acceptable channels. This means: (1) More adequate resources for spotting the problems; (2) more satisfactory referral facilities for solving the non-school causes of school misbehavior; (3) more ingenious teaching methods and curriculum to capture the interest of the deprived child and to take account of his learning handicaps; and (4) training of regular teachers in providing the classroom climate that is most conducive to the successful handling of problem children.

Such innovational programs might be financed under the Elementary and Secondary Education Act of 1965, which authorizes a 5-year plan of Federal assistance for the establishment of model school programs and provides for improvement of library resources, establishment of supplementary educational centers, and funding for educational research and training.[41] The Act extends special educational benefits to children from low-income families; one billion dollars was appropriated for fiscal 1966 to strengthen programs in school districts with concentrations of such children. Under the Act the District is experimenting with a new approach for curbing dropouts. Twenty-four thousand potential dropouts have already been identified in the District schools; they are to be given special instruction in basic skills, and special services and teachers' aides to provide individualized attention in the classrooms. A preschool orientation program will involve parents and teachers in a joint effort to avoid similar problems with younger siblings. The assignment of a Pupil Personnel team, including a neighborhood aide, beginning in elementary school, to maintain contact with each of the 24,000 pupils and their families is the program's goal.[42]

Strengthening of the Special Programs. The Commission recognizes that special classes or schools may be unavoidable for older pupils with persistent behavior problems. Our most basic concern with the present special programs, aside from the effects of isolation, is that they continue the same basic curriculum and teaching methods which failed with the pupil originally. This lack may partially account for the limited success rate of STAY in keeping the students who have been urged to return, or of Boys' Junior-Senior High School in inspiring its students to reenter and finish their regular high school program. On the other hand, the apparent success of the Webster School for pregnant girls may lie in a curriculum which includes practical help and information to these girls about their impending motherhood.

As the dropout age approaches, the failing student must be offered a program with more immediate economic advantages, probably along work-study lines. Experiments like those at the National Training School, with tangible rewards in food, spare time privileges and money credits for learning accomplishments, can and should be tried in the public schools. They have a particularly significant potential with delinquency-prone youths whose need for immediate gratification and short-term goals is well known. The attitude of students in the special programs should be explored so that school administrators can realistically plan more suitable academic programs.[43]

With the possible exception of the specially financed Webster School for Girls, the special preventive programs suffer from understaffing. These deficiencies could be met in part by current proposals to expand substantially the number of Pupil Personnel specialists by means of a grant under the Elementary and Secondary Education Act of 1965. In September 1966, 108 professional positions had been authorized for Pupil Personnel Services under this Act.[44] The schools requested 154 additional positions for fiscal year 1967, but only 70 were approved by Congress.[45]

The Commission recommends that some of these additional specialists, particularly counselors and social workers, be given special training and assigned to the social adjustment classes, the STAY program, the twilight schools, and Boys' Junior-Senior High School. Only if a staff adequate in number and training is supplied can these programs become basically more than "holding operations" which release children into the community still poorly equipped for successful adjustment.

The Commission recommends that the central school administration assume direction for the social adjustment classes, which now operate independently from school to school. Many principals do not appear to see any value in social adjustment classes and some, in fact, do not use them at all.[46] While the Commission has reservations about their general use, we believe that the policy concerning their use, goals, curriculum, and teaching methods should be subject to centralized guidance and review.

A concerted attempt must be made to evaluate the impact of these special programs. We are unable at present to tell accurately what proportion of social adjustment class members are successfully integrated back into regular classes and what proportion graduate to twilight school and eventual dropout status or criminal activity. We need to know if these children can be treated more efficaciously within the regular school program or out of it, how they feel about the program, how their classmates and teachers feel about them, and what significance such labelling has on their later job-hunting or education.

Involving the Family. Next to the family, the school is the most important social agency in a child's life. If the school is to have any effect in preventing delinquency, it must be aware of the child's family situation and work with his parent or parents. Otherwise the family can often counteract any positive influence of the school towards motivating a student. Family members may, indeed, reinforce or espouse antisocial goals.[47]

Joint family-school efforts to help the child require a new "reaching out" concept of the school's function—a concept vitally needed in many of the District's high-delinquency districts. The SRI composite sample of juvenile offenders showed that less than half lived with both parents or even one natural and one step-parent; over a third lived only with their mothers.[48] Almost one-half resided in homes with six or more other persons; one-fourth in homes with eight or more others.[49] These facts have significance for any school official who must plan a program of academic achievement for a troubled or "acting out" child.

Basic to any school program of prevention or rehabilitation is detailed information concerning the child and his family. The Pupil Personnel records throughout the school system do not include the necessary information concerning the child and his environment. Record-keeping procedures must be developed to provide such essential information about the students.

Special Programs for Institution Releasees. Students returned to the regular school system after detention in a juvenile institution present special educational problems. In academic year 1965–1966, 384 of 492 children released from Cedar Knoll and 193 of 195 children released from Maple Glen returned to the public schools—a total of 687 children.[50] During the same year, 551 students left the schools for the institutions.

When a child is released from the Children's Center, the Department of Special Education of the District of Columbia schools receives a report of the child's academic and other activities at the institution. The child is generally placed at the academic level recommended by the institution.[51] He thus returns to his neighborhood school with little preparation, often in the middle of the term; the teacher is not familiar with the student's history or problems, and the student is unfamiliar with the curriculum and wary of the new environment. Not surprisingly, juvenile releasees are prone to drop out of school, reject academic activities, exhibit disruptive and delinquent behavior, and eventually reappear before the court.

Juveniles released from institutions need intensive support in their first months back in school. Such transitional aid may consist of orientation sessions involving the new teacher, aftercare worker, par-

ent and child, individual tutoring, group sessions with other releasees, or even prerelease instruction by neighborhood school personnel. The progress of the new student should be periodically checked. Such programs need to be developed to offset the releasee's inherent disadvantages in returning to a strange environment after institutionalization.

The Roving Leader Program

Expert opinion is divided regarding the extent to which traditional recreation programs and facilities deter juvenile delinquency. Supervised recreation programs may keep some children out of trouble; where they involve friendly contact with local policemen or other adult figures usually encountered in an authoritarian setting, they may contribute to a generally healthy social climate in the community.[52] Several studies, however, have concluded that there is little direct correlation between the amount of delinquency in an area and the number of recreational outlets.[53] Daily events on the streets or within his family are often more pervasive influences in the delinquent youth's life than any organized recreational activities.[54] In order to reach potentially delinquent youths who may not be attracted by traditional programs, many communities have developed detached youth worker programs.[55] Known as Roving Leaders in the District of Columbia, these workers go out into the streets and alleys where these youths congregate and strive to gain their confidence and influence their attitudes and behavior.

Description

In 1956 the Roving Leaders program was initiated by the D.C. Recreation Department at the request of the United Community Service, the Gangs' Committee of the Commissioners' Youth Council, and the Youth Aid Division of the Metropolitan Police Department. The program has grown from 1 worker in 1956 to 27 in 1966, including a full-time director, 2 field supervisors, 2 Roving Leader aides, and 6 recreation aides.[56] Six of the leaders and the six aides have been added in the past year under a grant from the United Planning Organization and the Department of Health, Education, and Welfare. The Roving Leaders are responsible to the Director of the Neighborhood Centers Division of the Recreation Department, which also includes the preschool day camps and the neighborhood recreation centers.

The Roving Leaders are classified as GS–9 ($7,696 to $10,045), the field supervisors are classified as GS–10 ($8,421 to $11,013), and the director is a GS–11 ($9,221 to $12,056). Except for the UPO-financed additions, the average experience of the leaders is more than 4 years.[57]

Seven worked in the Recreation Department for several years before joining the Roving Leaders program. All but three have their Bachelor's degree, and four have completed some graduate courses. For their first 12 weeks on duty the leaders receive training 2 hours a day in group work techniques, street-corner contacts and community resources; in each of the next 15 weeks they receive 4 hours training in psychological counseling techniques. A limited number of scholarships are available for academic training at local universities.

The Roving Leaders are currently working with 57 gangs composed of 847 regular members and 400 youths who associate sporadically with the gangs. They have also been referred more than 300 individual youths by the police, schools, Juvenile Court, Commissioners' Youth Council, and UPO. About 450 of these youths have had some contact with the law, ranging from police warnings to arrests; nearly half of this number have had several such contacts.[58] The ages of the youths served range from 7 to 23, with the majority between 14 and 19. They are frequently truants, dropouts, emotionally disturbed, from broken homes, academically retarded, and without job skills.[59] They are not always from the poorest families but more frequently from those caught between the lower class and the middle class to which they aspire.[60] Often they are shy, personality-damaged or introverted youths, although the groups also include many overly-aggressive youths.[61]

The Roving Leaders operate on flexible schedules; most of their time is spent in informal meetings with the gangs or individual youths. The worker attempts to help them solve their problems, adopt new values, and use available community resources to accomplish legitimate goals. One important responsibility of the worker is to maintain close contact with other agencies equipped to help the youths, such as the Juvenile Court, public schools, Commissioners' Youth Council, mental health clinics, civic and citizen groups, private employers, and recreation centers. The Roving Leaders also have frequent contacts with the Department of Public Welfare, the United States Employment Service, UPO, the National Capital Housing Authority, Family and Child Services, and the Legal Aid Society.[62]

The use of such agencies may mean, for example, that the leader will take a youth to the United States Employment Service and help him fill out an application to secure admission into a training program. Or it can entail motivating a youth and his family to seek needed mental health services; in such a case the Roving Leader may discuss the family history with the intake worker of the mental health agency and see that the family keeps its appointments. The leader frequently intervenes on behalf of the youth with school authorities in discipli-

nary or academic matters. He may encourage the dropout to return to school and help the talented student to obtain scholarship assistance. He arranges recreational activities for his charges, including football and baseball leagues, car races, summer camping, and weekend trips.

The Roving Leaders have reportedly proved very helpful to the Social Service Department of the Juvenile Court. Because of heavy caseloads, court personnel at times depend on the Roving Leader for an accurate report on a youth's adjustment in the neighborhood. Frequently the leader will appear in court on behalf of the child and try to help him understand the consequences of his acts. Other agencies such as the Welfare Department and the Youth Aid Division obtain useful information from the Roving Leaders and engage in cooperative activities. The satisfactory relationship with the police is particularly significant, since police and detached workers in other cities have often found themselves at odds.[63]

The Roving Leader program also enjoys support from the community; in fiscal 1967 it doubled its authorized budget of $123,615 by contributions from outside sources.[64]

Evaluation

The Roving Leaders must be evaluated in the context of the community resources which loom so large in their work with gangs. The leaders could clearly function more effectively if these resources were more adequate and coordinated. The Roving Leaders complain of a lack of teen centers or playgrounds regularly open nights and weekends, inadequate family casework services, limited psychiatric advice or mental health assistance, and insufficient job development programs. Without such resources, the leaders cannot deliver fully on their potential as adults who care about the youths and who are in a position to help them. Although top priority must be assigned to developing these resources, the Commission believes that the Roving Leader program can be substantially strengthened in many additional respects.

Size of Program. There are too few Roving Leaders to meet the demands for their services. The current workload averages about 155 youths for each worker.[65] There is only 1 worker assigned to the Riggs-LaSalle area in the Northeast part of the city, an area of about 5 square miles with a 1964 youth population of 16,700; and only 2 workers are assigned to the Southeast Anacostia area, about 14 square miles with a 1964 youth population of 71,100, and the scene of recent disturbances. With such large geographic areas to cover, the worker must either limit his coverage or dilute the quality of his services. In 1965 the Youth Aid Division reported 13 new gangs in 4 precincts (Nos.

6, 10, 11 and 13).[66] Roving Leaders have identified 20 trouble spots in Washington, D.C., they would like to cover but cannot.[67]

Efforts to expand the Roving Leader program in recent years have been only partially successful. In 1965 nine new positions were requested by the Roving Leaders; although three were approved by the Recreation Department, none were finally granted.[68] In 1966 three new positions were requested and approved by the Recreation Department, but none were approved by Congress. For fiscal 1967 nine Roving Leader positions were requested and six were approved by Congress. However, after December 31, 1966, UPO will no longer fund the six leaders in the Cardozo area.

The Commission recommends a substantial expansion of the Roving Leader program. The present demands alone for their services justify a doubling of the number of leaders.[69] Although a definitive evaluation of their impact is still lacking, the program is directed at a particularly susceptible group and concentrates on flexible and sympathetic relationships with gang members in their own neighborhoods at all hours of the day and night. Our research on juvenile offenders has underscored the importance of such flexibility. Over half of the Juvenile Court referrals sampled by SRI involved offenses occurring after 6 p.m., and over one-fourth occurred after 10 p.m.; generally the offenses were committed in the juvenile's own neighborhood.[70] A majority of the offenses involved participation by more than one offender, usually other juveniles; 61 percent of rapes, 66 percent of robberies, 62 percent of housebreakings, 66 percent of auto thefts, and 68 percent of larcenies were committed by two or more juveniles.[71] We believe that the Roving Leader program can help reduce juvenile crime and therefore deserves a greater degree of official financial support in the District's efforts to prevent delinquency.

Salaries. The Commission recommends that the salaries of supervisors and experienced workers in the program be increased. In the last several months five workers have been lost to other agencies because of better opportunities for advancement. Funds are also unavailable for transporting the youths in the program to special activities, and the workers must often use their own cars.[72] Small inconveniences such as these have a detrimental effect on the success of the program and should be remedied.

Expanded Coverage. Because of limited staff the Roving Leader program now directs its major efforts to working with established teenage gangs and covering known trouble spots. Beginning in 1962, however, they developed an exploratory program for working with about 200 to 250 problem children between 8 and 13 years of age in 12 elementary schools. These children were usually from broken homes and had exhibited serious school problems; in many cases they were

already known to the Juvenile Court. This age group is a particularly vital one for prevention activities, since children 13 and under commit a significant percentage of juvenile crimes in the District of Columbia.

Moreover, an effective prevention program aimed at reducing delinquency in the 14–17 age group, which commits 71 percent of all juvenile offenses,[73] must begin at an earlier age. It often takes up to 3 years for detached workers to have a significant impact on some of their youthful contacts,[74] so that their efforts must begin early if they are to offset the upsurge in delinquency beginning at age 13 or 14. Because of staff shortages, however, at least six elementary school requests for assistance have had to be turned down by the Roving Leaders.[75] The Commission recommends that an expanded Roving Leader program place greater emphasis on serving predelinquent elementary school children to increase the prevention aspects of this service. Assistance to several thousand juveniles in this age group could have a significant impact on delinquency in the years to come.

Administration. The program's supervision by the Neighborhood Centers Division of the Recreation Department, whose responsibilities extend to many unrelated programs, limits the flexibility and autonomy of the Roving Leader program. The techniques of the program frequently require prompt response to unique crisis situations;[76] these techniques flourish best in an administrative setting of independence and responsibility. If the Roving Leaders remain in the Recreation Department, the program should be supervised directly by an Assistant Superintendent of Recreation and the Director of the program should be entrusted with substantial authority and responsibility.[77]

Objectives and Training. Despite the high esteem with which the Roving Leader program is regarded by the community, there are some basic questions as to its principal function and goals. Perhaps because of its inclusion in the Recreation Department, the aims of the program are not altogether clear. The Roving Leaders differ among themselves as to the services to be performed; some emphasize their role as mental health workers, aiding the youths in formulating new value concepts; others stress their functions as social workers to help the youths adjust to their environment; and still other leaders state that they are essentially contact men to put the youths in touch with the expert help needed to solve their problems. The initial training of these leaders is now conducted by a social worker and psychologist and emphasizes group work techniques and counseling. Responsibility for staff development and in-service training programs belongs to the Field Supervisor.

The Commission recommends that a clearly formulated set of goals for the Roving Leaders should be developed and that a major training program should be established in conjunction with a local university. As the number of leaders increases it becomes imperative for them to have a clearly defined concept of their mission and ongoing training in the latest developments, techniques and theories of youth work.

Research. Some attempt must be made to evaluate the impact of the Roving Leader program systematically. To a limited degree, its success can be assessed by the case histories of youths in the program, but this experience would surely vary with the workers and the unique characteristics of individual youths.

One Roving Leader conducted a follow-up research study in 1965 of a group of 22 former gang members who had been active in the program from 1960 to May of 1963. Thirteen of the gang members were permanently employed at the time of the study, 5 were employed intermittently, and 4 were not employed; 6 had finished high school, 1 had gone on to college, and 13 had constructive plans for the future. Thirteen had been classified as poor delinquency risks in 1960, when 19 of the group had been in trouble with the law; 7 of these poor risks were still in this category in 1965 (although only 2 were in jail), 5 had moved up to a medium category, and 1 had a good rehabilitative status. Six of the original members were medium risks in 1960; two stayed in that category, one was considered a poorer rehabilitative prospect now, and three had improved their status. Of the three who were the least delinquent in 1960, all were good rehabilitative risks at the time of the study. None, except the two in jail, had gotten in trouble with the law since their participation in the program. Nineteen of the 22 youths believed that the leaders had had a constructive influence which persisted through the years. Based on this evidence, the study concluded that the group had been well served by the Roving Leader program.[78]

Adequate record keeping and periodic evaluation are essential for any program that is experimenting with a new approach toward delinquency prevention. The records maintained by the Roving Leaders in the past—group reports, incident files and contact information—suffer from insufficient staff and clerical help. With the assistance of UPO, the Roving Leaders have recently devised and begun using more helpful forms.[79] Without complete records it is impossible to answer important questions, such as the amount of supervision needed for individual boys, the precise actions of the workers, the use of poverty centers and community resources, subsequent behavior of the youngsters, and similar information necessary for a meaningful evaluation and rational development of the program.

Commissioners' Youth Council

Organization

The Commissioners' Youth Council was established by order of the District of Columbia Board of Commissioners on October 16, 1953.[80] The creation of a central Youth Council had been overwhelmingly endorsed at a citizens meeting called by the Commissioners to consider the increase in juvenile delinquency [81] and was supported by the Advisory Council of the Juvenile Court. The Commissioners directed the Youth Council to study means of reducing and preventing juvenile delinquency; to recommend appropriate legislative and regulatory provisions; and to coordinate the activities of all District agencies—public and private—dealing with delinquency. To accomplish these purposes, the Council was instructed to establish Area Boards in various parts of the city and to direct their activities. The mandate of the Youth Council was expanded by the Commissioners in October 1958 to include responsibility for promoting the fitness of all District youth.[82]

Three distinct units evolved from the original Commissioners' order—the Council itself, the Area Boards, and the Council staff. Appointed by the Commissioners, the Council members were originally intended to serve as a Board of Directors, establishing policy, appointing the Area Boards, hiring the professional staff, and supervising overall operations. The first Board consisted of 15 members, including 4 *ex officio* representatives from the Recreation Department, public schools, Metropolitan Police Department, and Department of Public Welfare, and 11 public members who served without compensation.[83] Representatives of the Department of Public Health and the Juvenile Court and additional public members were added in later years. By 1961 the Council consisted of 31 members—an Honorary Chairman, 6 *ex officio* members and 24 citizens. As the terms of members expired in 1961–1963, however, new appointments to the Board were not made. Finally, at a meeting of the Council in October 1963, with only 7 members present (including four whose terms had expired), the Board of Directors "voted itself inoperable and the Chairman was directed to notify the Commissioners of this action." [84] The Board has remained in this state of limbo for the past three years.

The Youth Council set up Area Boards in 26 different areas of the city. These areas "were as nearly as possible natural neighborhoods, corrected to follow census tract lines to make the compiling of statistical material easier." [85] The Area Boards operate basically through *ad hoc* committees established to deal with specific neighborhood problems and to initiate service projects.[86] Most of the Boards have a

committee of local professional persons to give expert opinion on how to help problem children and families, emphasizing action at the neighborhood level.

By the end of 1957 there were 530 volunteer Area Board workers directly involved in Youth Council activities.[87] By 1960 this number had increased to 621 volunteer workers;[88] since 1961 there have been approximately 1,000 workers. An estimated 4,000 additional volunteers have also helped with individual Youth Council projects.[89] The typical Area Board is comprised of 30 members, including school representatives, police officers, ministers, businessmen, recreation directors, and other interested individuals in the neighborhood. At present only 13 of the original 26 Boards are active, covering mainly the city east of Rock Creek Park.[90]

The original Youth Council staff consisted of 4 members loaned from other agencies until the Council's first budget was approved by Congress in 1954. In fiscal 1966 the Council had a budget of $151,800, and an authorized staff of 17, including the Director, Deputy Director, 2 supervisors, and 8 Area Board workers. Although funds for staff salaries and administrative expenses are supplied by Congress, all operating programs must be separately financed.[91] Most of the Area Boards carry on fund-raising activities in order to finance their local projects.

The Council staff initially worked closely with the Board in organizing the neighborhood committees and in developing the Council Manual for Area Board members.[92] Currently the staff encourages and supports the activities of the Area Boards, but it has little policy guidance or supervision since the Board of Directors has ceased to exist. Each staff member is assigned responsibility for one or more Area Boards and for their projects; he attends Board and committee meetings, helps recruit volunteers, and generally stimulates and oversees local projects. In addition, he gives social work services in individual cases, such as those referred from the neighborhood schools, and conducts group activities. The Council staff has had a high turnover rate, due in part to the uncertain future of the Youth Council.[93]

Programs

In addition to periodically recommending changes in the law or regulations concerning youth,[94] the Youth Council has operated a wide variety of action programs. These can be broadly categorized as: (1) General youth clubs and activities; (2) adult activities and community development programs; and (3) programs aimed specifically at delinquency-prone youths and their families.

Youth Programs. The largest number of Council programs over the years—involving the most participants, staff and time—have been youth programs open to all children within the community. These include programs for physical fitness, general enrichment, tutoring and pre-school activities, self-improvement, summer activities, athletic and recreational affairs, and art festivals. Every active Area Board has at least one youth group, some more than six.[95]

Some of these clubs, such as the Pied Pipers, United Youth and the Juvenile Decency Corps, do volunteer service work primarily. The Pied Pipers in Precinct No. 9, with 120 teenage members, is one of the more prominent of the summer youth clubs. During the summer of 1963, this club, with extensive adult cooperation, managed a program of supervised recreation for over 600 younger children. Area P Board youths between 16 and 21 were trained as recreation aides for the program; they were paid for their services through a private foundation grant.[96] The Youth Council staff helped to train these youths and organized the neighborhood block clubs to take an active part in the program. The project was recently discontinued because of its duplication of Neighborhood Youth Corps programs. The Juvenile Decency Corps has also directed summer recreation programs and after-school clubs for more than 1,000 younger boys and girls in their own neighborhoods.[97] Their activities have been financed by the Public Welfare Fund, and their training in basic community organization has been conducted by the YMCA.

There are also charm and self-improvement clubs serving girls and boys from the 5th grade through high school under the direction of volunteers. Each such club has about 20 to 25 members, with a total enrollment of about 2,000 girls and boys.[98]

The Youth Council at one time also appointed an Employment Committee to assist in meeting the employment needs of District youth. Area Boards established odd-job pools or united with neighboring areas to establish joint pools. These employment centers, operated generally in recreational centers by Area Board personnel, were in existence from 1957 through 1962,[99] when the United States Employment Service developed special employment services for disadvantaged youths. This service not only provided jobs for hundreds of teenagers but also encouraged them to make more regular use of the supervised recreation centers.

Adult and Community Development Programs. Most active Area Boards attempt to involve parents in the problems and activities of their children and thereby strengthen family life. The Boards operate mothers' clubs, block clubs, choral groups, discussion groups, social clubs, cooking classes, sewing circles, and literary classes—involving

about 1,750 parents.[100] Recently the Council has experimented with meetings of parents to discuss specific problems which concern their children directly, such as juvenile arrests for petty theft or gang activities.

The Council has also helped to establish neighborhood centers such as Uplift House, located in Area K (coinciding roughly with Precinct No. 3) and supported entirely by neighborhood churches. Uplift House offers neighborhood residents services such as study halls, after-school and pre-school programs, counseling and social services, boys' clubs, the Juvenile Decency Corps, travel clubs, sewing classes, a mothers' club, adult education classes, music appreciation classes, and a clothing and food distribution center. Over 300 children were enrolled in Uplift House programs in 1966, and an estimated 750 children were served by the block clubs and other activities.[101] Although it has over 100 active volunteers, Uplift House suffers from lack of funds, staff, physical facilities, and other necessary support.

The Emery School Project, located at 2nd and T Streets in the Northeast section of Washington, was started in September 1965 to improve 6th grade class performance. It eventually included 720 children with the aid of a $1,000 contribution from a private foundation. Special, individualized help was given to poorly performing students, supplemented by assistance to their families and various after-school activities. Although the project had to be dropped in 1966 because of the lack of staff, the Council staff is preparing a proposal to use VISTA volunteers and Neighborhood Youth Corps youths in a similar project.[102] The Council has also supplemented health and welfare services to needy children and families by distributing clothing and providing free breakfasts and lunches.[103]

Programs With Delinquency-Prone Youth and Families. One Council program directly related to delinquent children is the Youth Aid Division Referral Program for juveniles arrested but not referred to court. This experimental program started in 1957 in the hope that the Area Boards would be able to fill a need which was not being met by other public or private agencies. Non-court referrals from the Youth Aid Division were given a preliminary screening by a Council staff member to see if the child might benefit from supervision by Council volunteers, short-term casework by the staff, or group activities in his area; those referrals needing intensive therapy or other specialized help were sent on to the appropriate agency. Only first or minor offenders were accepted, and only if they lived within the area east of Rock Creek Park and west of the Anacostia River. If a child was already active with another agency, the Council consulted that agency and offered its help. If it appeared that the Council could

help, the juvenile was turned over to the appropriate Area Board with a detailed social history and treatment plan.

The YAD referrals to the Youth Council steadily increased over the years—from 10 in 1957 to 1,149 in 1963.[104] Because of lack of staff and a change in the Council's referral procedures, the Council has not taken any new applications since June 1966,[105] although there are approximately 100 to 150 cases a month which the YAD would like to refer to it. In many referral cases only limited treatment services were available; their quality naturally varied according to the strength of the Area Board involved.

The Council operated an extensive Maximum Benefits Project from 1954 through 1958 at the Taylor Elementary School in the near Northwest section of the city.[106] This project was directed by the Youth Council's Director, financed by a private grant of $90,000, and assisted by the Department of Public Health, which provided the consultation services of two psychiatrists and one psychologist for several months. The project concentrated on children from 5 to 14 at 2 elementary schools in a high-delinquency area; it sought to determine how delinquency-prone children could be accurately identified and what special school services should be provided them.

A total of 179 children who had been behavior problems in school were referred to the project during its lifetime. Half of these were treated and half were maintained as a control group. Their families, only one-third of whom were intact, had already had contacts with an average of nine community agencies, most before the child entered school. Each child's situation was reviewed by the staff psychiatrist, psychologist, social worker, school nurse, teacher, and principal; the recommended treatment involved social casework (157 cases), special handling in school (103 cases), psychotherapy for child or parent (33 cases), removal of the child from his home (17 cases), and, to a lesser extent, legal aid, health services, group activities, and more adequate housing.[107] The project staff became quickly aware of the futility of trying to work with a child in a school setting unless something could be done to alter the home situation which was contributing to the child's problems.

In February 1956 and February 1958 systematic surveys were made to determine each child's subsequent school behavior and academic performance. Teachers reported better behavior for the treated group in the 1956 survey, but the later survey in 1958 showed negligible differences between the treated and untreated groups.[108] The treated ones actually had more court and police contacts than the untreated children. The rate of school misbehavior and police contact followed the predictability curve regardless of whether intervening treatment

had been attempted. The project concluded that conventional child guidance techniques in a school setting are not effective, that standard casework services do not reach multiproblem families, that special services in the schools without extensive family work are wasteful, that a child's home situation is the primary determining factor in his adjustment to the larger community, that delinquency-prone children can be identified at an early age, and that services must be developed to motivate and train adult family members to be better parents.[109]

The delinquency diagnosis and prediction phase of the project was considered the most encouraging.[110] A refinement of the Glueck Prediction Tables,[111] revised for the District to take into account the large number of fatherless children in the project, proved to be 100 percent accurate in predicting non-delinquency and 81 percent accurate in predicting delinquency.[112] By 1965, 108 of 134 (80 percent) in the high probability category had proved to be delinquent, although only 17 percent of the entire group were over 18.

In 1964 the Council began its V Street Project to bring services to the multiproblem families that produce juvenile delinquents and whom the traditional social services often fail to help.[113] A cooperative venture involving more than 30 organizations, the project (1) concentrated upon the needs of a small number of delinquency-prone pupils in the first 3 grades of school; (2) identified these pupils by using the Glueck Prediction Tables; (3) attempted to improve their family and home situations; (4) tried to develop and provide complete family services within the neighborhood; and (5) assigned to one worker the responsibility for maintaining necessary family support over as long a period as necessary.[114] Initially, the project involved 7 families and their 51 children.[115] Although many other families in the neighborhood needed comparable assistance, the Youth Council in 1965 had to decrease its efforts due to a shortage of staff.[116] In 1966 the District of Columbia Board of Education granted $50,000 to expand this program so that 250 families could be served.

Evaluation

The Commissioners' Youth Council has been active for 13 years in delinquency prevention in the District of Columbia—spanning a period of rising youth crime. The Council estimates that in the past 3 years its programs have reached about 10,000 children.[117] Since little or no information is regularly collected regarding the youths served by the various projects or the effect upon their subsequent conduct, however, it is impossible to evaluate the qualitative impact on these juveniles of particular Council programs. Since 1958, moreover, the Council's

mandate has been to involve all youth in the District, rather than just the delinquent or borderline cases.

During its lifetime the Council has not formulated or followed any comprehensive prevention plan. The initiation of local programs has been largely determined by Area Board preference, and the quality and quantity of such projects have differed markedly in various areas of the city. The activities have ranged widely—food and clothing distributions, settlement house work, teenage charm and service clubs, gang control, and 6th grade enrichment. No consistent effort has been made to map out the kinds of programs needed in high delinquency areas and to adhere to that plan. In some instances the Area Boards have actively resisted the staff's efforts to set priorities and review projects.

The Council's greatest achievements have been its enlistment of local volunteers to carry on projects and its securing of contributions of time, money and facilities from neighborhood organizations. But the extent of local autonomy has been at the expense of a citywide approach toward delinquency prevention. Many of the best projects, such as the V Street Project, Maximum Benefits and the Emery School Project, have affected only a handful of children and families in the District. Other projects have been dropped for lack of staff or funds before their potential was fully realized. A successful campaign against delinquency in the District calls for a comprehensive and citywide plan which permits experimentation and evaluation of different techniques and programs according to established priorities and coordinated administration. The demise of the Youth Council's Board has deprived the agency of general policy guidance and direction in the fight against delinquency, so that its goals and efforts have become even more decentralized than might otherwise have been the case.

Throughout its history the Council has been short of staff and funds. Area Board programs have necessarily been financed independently; the success with which this has been done in many instances speaks well for the Council's reputation at the neighborhood level. Experience under the Council has also demonstrated that the amount of Area Board activity was in direct proportion to the staff support provided and that continuity of staff support was essential for success. Volunteers are an important element in any local action program to prevent delinquency, but there are limits to the knowledge, skills and experience they can be expected to bring to the problems of psychologically and socially maladjusted youth. The Council never developed a systematic approach to the recruitment, training and assignment of volunteers based on their talents and experience. In

many instances the inability to support and guide volunteers with paid professional staff compounded the problem.

One of the most potentially significant programs of the Council, its service for juveniles arrested by the YAD, ground to a halt in 1965 because of insufficient staff. Limited funds, the uncertain future of the Council, low salaries, and lack of Civil Service protection have contributed to a high staff turnover rate. Professionals interested in making a career in youth work have been attracted to more permanent and better-endowed agencies. When new anti-delinquency programs and Federal money appeared on the scene in the early 1960's, the Council was bypassed in favor of Washington Action for Youth and the United Planning Organization.

The Youth Council has been just another delinquency agency in a crowded field. It has not been able to take leadership in a concerted drive to coordinate the activities of all public agencies in the field. It was hoped at one time that placing the heads of the principal agencies dealing with delinquency on the Council's Board of Directors would help achieve overall coordination, planning and program execution. More likely, this assignment of *ex officio* members to the Board ensured that the Youth Council could never promote a program or policy which was opposed by one of the established agencies. Under the authority granted in the 1953 order, the Council has made numerous recommendations to the public schools, welfare and other agencies whose activities related to the Council's assignment. These agencies, financed by Congress and established in the community, were never under any legal, fiscal or administrative control of the Council, however, and could feel free to ignore it as a coordinating body.

Failing to coordinate the existing agency programs and to develop a comprehensive attack on juvenile delinquency, the Youth Council gradually limited its role to providing supplemental services or settlement house activities whose appeal to delinquency-oriented youth is problematical. In so doing the Council subordinated the vital areas of planning and research, where it might have attempted to assert leadership by collecting baseline data, preparing profiles and other analyses, making long-range projections of needs, and establishing priorities for the reduction of delinquency.

The Council's status today is vague. The District Commissioners have not filled vacancies on the Board of Directors since 1963. The confusion regarding the resignation of the Council Board has been left unresolved, since no official policy decision or statement has been made by the District Government. At the same time legislation has been introduced to establish the Council as part of the Executive Office of the D.C. Government.[118]

The Commission recommends that the functions and staff of the present Council be absorbed into the proposed new Youth Commission. The experience of the Council, including its significant contributions in enlisting neighborhood volunteers, would be invaluable to a new agency charged with preparing and administering a comprehensive anti-delinquency program. The new Commission, in turn, would be able to furnish the necessary staff, planning, research, and evaluation capacity, which could maximize the benefits to delinquent youth to be gained from large-scale citizen participation.

PRIVATE AND FEDERALLY-SUPPORTED PROGRAMS

Recent years have seen a plethora of private and Federally-supported programs developed to combat delinquency in Washington, often dwarfing the budgets of the official District agencies in the field.

Private Programs

An accurate assessment of the contributions of private agencies in Washington to delinquency prevention is beyond the capabilities of this Commission. The myriad private agencies whose activities may affect potential delinquents defy description and evaluation. Millions of dollars from private individuals and foundations, as well as from the United Givers Fund (UGF), are channelled each year into these independently operated programs. Often different agencies handle the same children or perform the same functions; in many cases they are probably unaware of the other's existence or, in any event, make little effort to coordinate activities or exchange data. These private programs are subject to no overall review or periodic evaluation. Insofar as they perform services for families and youths in need, however, these agencies fill a void left untended by public agencies, and the community is the beneficiary. Some of these services are:[119]

Family and Child Services provides counseling for troubled families. It employs a professional staff of 40 as well as 2 psychiatrists, 2 pediatricians and a dentist as consultants. About $420,000 of its $616,000 budget comes from the UGF. It serves over 1,700 families a month. It also provides casework service to Neighborhood Development Centers under a $65,000 grant from UPO, operates group foster homes for 55 children under grants of $82,000 from the Children's Bureau and $40,800 from UPO, and runs a camping program for 1,275 children.

Junior Citizens Corps is an organization for 2,700 children aged 6 to 18. Its function is to encourage better citizenship and to prevent

delinquency through a program of individual and group counseling. Four professional staff members supervise volunteers on a budget of $29,500, over one-third of which comes from UGF. In 1966 UPO granted the organization $88,000 for a joint demonstration project with Neighborhood Development Center No. 2, aimed at testing new ways of attracting children into comprehensive youth development programs.

Big Brothers of the National Capital Area uses volunteer men to work with boys between 8 and 16. Approximately 325 boys were involved at the end of December 1965. Of its $50,000 budget, $23,000 comes from UGF. The agency has a professional staff of 15 located in 7 areas of the city.

Boys Club of Greater Washington conducts recreational activities for a monthly average of 5,152 boys in fiscal 1966 on a $310,700 budget, $127,639 of which comes from UGF. It employs 38 professional staff and 37 volunteers.

The Urban Institute (*Council of Churches of Greater Washington*) provides social welfare services on an $85,000 budget, $25,000 of which is obtained through UGF, and employs five workers. In the summer of 1965 it ran a Neighborhood Youth Corps program serving 1,052 youths at a cost of $567,890.

The Florence Crittenton Home for unwed mothers provides residential care for pregnant girls and provides casework and medical services to 52 girls a month which permits them to remain in the community during pregnancy. In addition, it conducts post-discharge counseling and vocational services for girls after their release. Its annual budget is $348,000, in part derived from UGF funds.

The programs of several national service organizations such as the YMCA, YWCA, Boy Scouts, Girl Scouts, and Campfire Girls may also have anti-delinquency aspects. The YMCA runs a Job Corps program to train men for sub-professional employment, an anti-dropout program, and a training program for Neighborhood Youth Corps workers; it receives $185,382 from UGF. The Boys Scouts have a troop composed exclusively of boys under Juvenile Court jurisdiction. The Potomac Area Council of Campfire Girls began a Federally-financed program in 1964 to enroll indigent and disadvantaged girls, 502 of whom were in the program in July 1966.

There are also many neighborhood settlement houses in the District of Columbia which offer casework, teen coffee houses, credit unions, day care, recreation, employment counseling, and remedial education. Several of these agencies have become the base of operations for the UPO-sponsored Neighborhood Development Program. In addition

to varying in programs and effectiveness, the houses range in budget and staff: Southeast Neighborhood House—1965 budget of $168,000 and staff of 20; Friendship House—1965 budget of $143,000 and staff of 8; Christ Child Settlement House—1965 budget to $113,000 and staff of 7 full-time and 5 part-time professionals; Northwest Settlement House—1965 budget of $55,000 and a staff of 6; Southwest Community House—1965 budget of $31,000 and 2 full-time professionals; and Barney Neighborhood House—1965 budget of $26,000 and staff of 3. Most of these operations derive a substantial part of their budgets from the UGF.

These private services are only a fraction of the organizations which work with disadvantaged youth in the District. The line between traditional welfare services for poor children and antidelinquency activities is obscure, and it would be unfair to classify most of these activities as either one or the other. They are listed here merely to indicate the millions of dollars and limitless hours of work expended by District citizens in the hope that potential delinquents will be diverted toward more constructive activities. We can only guess whether these expenditures have been worthwhile, due in part to the lack of any overall plan to combat delinquency or to channel the private agencies into programs where they can contribute most effectively.

The lack of planning and coordination between public and private efforts in the field also takes its toll. Public agencies dealing officially with delinquents are often unaware of the services available at the private level; private agencies often have no access to official information which could enable them to concentrate their resources on the children most in danger of becoming delinquent. The tendency is for each organization, public and private, to go its separate way, thus denying the District the effective potential of a combined effort.

United Planning Organization

The United Planning Organization (UPO) is the major operating agency in the Federally-financed war against poverty in the District. The UPO's broad range of crime prevention activities is based on the assumption that a distinct relationship exists between juvenile delinquency and low socio-economic status, and that providing poverty youth with access to the opportunity system will bring about a decrease in antisocial behavior.[120] In addition to a specially financed antidelinquency demonstration program in the Cardozo area, UPO operates several specific prevention services for delinquent youth.

Organization and General Programs

In January 1960 the Health and Welfare Council of the National Capital Area began an evaluation of its own long-range planning and concluded that a broader study encompassing other planning groups in the area was needed. A year's study of the area's social and human resources problems was subsequently financed by four organizations: the Health and Welfare Council, the Washington Center for Metropolitan Studies, the Brookings Institution (Committee on the Problems of the American Community), and Resources for the Future, Inc. Their principal findings were: (1) A lack of area-wide planning for the development or coordination of individual human needs programs; (2) isolation of human needs services and programs from the realities of area economic developments; (3) insufficient planning for human needs by local governments; and (4) inadequate techniques for providing the necessary knowledge about serving human needs most effectively.[121]

The study's recommendation for a unified effort to plan the human needs services of the National Capital Area led to the incorporation of the nonprofit United Planning Organization on December 10, 1962 to perform this planning function. UPO received interim grants from The Ford Foundation to design a proposal which would:

(1) Provide a sound research and program evaluation system available to all groups, help guide program development, suggest priorities and timetables, identify broad gaps in existing programs, recommend and stimulate needed new programs and make available professional resources to help coordinate individual agency programs within a planning framework for the area;

(2) Become a catalyst for change, a stimulator of ideas, a common meeting ground for different groups and a source of professional help to those who request it; and

(3) Complement existing agencies and organizations to help increase their productivity and usefulness and to encourage the establishment of needed new services and agencies.[122]

Since 1962 UPO has expanded to a staff numbering approximately 200, with operating funds of more than $14 million.[123] The UPO programs are directed by a Board of Trustees composed of 41 members, including 12 representatives selected by the needy residents served, 4 designated by the President, 5 by the Metropolitan Area Council of Governments, 4 by the Health and Welfare Council, 2 by the Board of Trade, 2 by the Greater Washington Central Labor Council, 1 by the Center for Metropolitan Studies, 1 by the National Capital Regional Planning Council, and 10 members selected at large.[124] UPO's main purpose is to bring about change in the quality and circumstances of life for poverty-stricken families. Although an im-

portant byproduct of such change may be less delinquent behavior by youth, its programs cannot be evaluated by that criterion alone.

An important part of UPO's work consists of organizing the poor and stimulating them to develop solutions for their own problems. The UPO community action program involves the poor through a network of 10 Neighborhood Development Centers around the city employing more than 100 workers, many of them indigenous to the neighborhoods. These Centers provide social services, employment help, consumer education, and legal assistance, as well as a nucleus for community organization activities and a facility for decentralized services such as welfare and public health.

UPO administers programs to employ and train lower-income workers, financed principally by the Office of Economic Opportunity (OEO) and the U.S. Department of Labor.[125] The job development staff at UPO maintains an information center which lists available jobs and workers and attempts to restructure existing jobs into low-skill components. A neighborhood employment network enables teams of trained counselors to work with unemployed residents at the Neighborhood Development Centers. A special employment and training program developed by the D.C. Department of Vocational Rehabilitation helps applicants who require a more individualized program because of age, emotional disabilities, severe mental retardation, or other employment handicaps. UPO also runs the Neighborhood Youth Corps for inexperienced youths 16 to 22 who need short-term jobs, screens applicants for the Job Corps, and supports the Washington Institute for Employment Training which plans and operates training programs in collaboration with local industries.

Other UPO programs include credit unions staffed by local residents to provide financial counseling, and consumer action staffs to assist in budgeting, good buying practices and home management. Services to District newcomers are provided by the Washington Urban League and the Travelers Aid Society under a Federal grant funneled through UPO. A group day-care program for children offers help to working mothers and employs persons recruited from the neighborhood to provide recreation, academic preparation and free lunches for the children. UPO also supports five foster homes for children and provides intensive casework service to other families in their own homes.[126]

To improve available housing, UPO offers housing services in the Neighborhood Centers, staffed by the Washington Planning and Housing Association, which implement housing code enforcement, participate in landlord-tenant negotiations, and provide emergency housing in eviction cases. UPO has also contracted with Citizens for Better Housing, Inc., to expand the supply of adequate housing for

low- and moderate-income families, and it now has a proposal pending at OEO to establish a nonprofit corporation which will operate as a real estate development corporation, buying and developing property, making desirable improvements and renting to poor tenants.[127]

Still other UPO programs concentrate on legal services, recreation, cultural activities, and education. Summer Adventures for Youth, operated by the Recreation Department with UPO money, in 1965 provided cultural and recreational activities and free lunches to children 5 to 15 years old for 9 weeks. Operation Headstart offers a program of health, recreation, social development and cultural enrichment to prepare young children for school. The UPO's main educational program has centered around the Model School Division in the Cardozo Area, which was designed to develop an extensive range of imaginative and experimental teaching techniques and materials to meet the special difficulties of the disadvantaged child. Teachers were to be trained in new methods at Howard University and employment in the Model School Division offered to needy college students. The Wider Horizons Project involves three junior high schools in a special program to broaden the occupational interests of students. Upward Bound is a pre-college training demonstration program designed to assist potential college youth from impoverished families to meet college entry requirements through an academic and cultural enrichment program.

Specific Delinquency Prevention Programs

In addition to its broad range of antipoverty activities funded principally by OEO, the United Plannning Organization has secured financing for programs intended specifically for the delinquent or delinquency-prone youth from the U.S. Department of Health, Education, and Welfare, under the Juvenile Delinquency and Youth Offenses Control Act of 1961:

Incentive Program for Misdemeanants. A 9-month grant of $34,262 was awarded to UPO in March 1966 to provide short-term work-training programs to youthful misdemeanants incarcerated at the D.C. Workhouse, where inmates have customarily received little useful training. On their release participants are recommended to employers and given the money earned while in prison. A financial counselor is available as well as a UPO credit union to help them plan expenditures in the first few weeks or months after release. This program has also received financial support from the U.S. Department of Labor.

Youth Community Program. This program encompasses the three separate pilot facilities for delinquents discussed in the last chapter.

They are operated by the Department of Public Welfare under UPO grants totalling about $200,000. Youth Rehabilitation House (Peer Group Residence) is a halfway house for delinquent boys aged 16 through 18 which provides a transition between the Children's Center and the community. Youth Probation House is a facility to which probationers aged 16 through 18 are committed by the Juvenile Court upon the recommendation of the probation officer as an alternative to institutionalization. Youth Shelter House is a short-term facility for boys 15 and under who would normally be placed at the Receiving Home.

Pre-Release Guidance Center. This Center is a halfway house for inmates released from Lorton Youth Center and provides education, work training and counseling. Arrangements are being made to have the program adopted as part of the official D.C. Department of Corrections program.

Bonding and Group Support for Ex-Offenders. A grant of $94,550, approved in May 1966 for 12 months, established a nonprofit organization called Bona Bond, which will provide fidelity bonding for persons with police and court records to assist them in securing jobs which require bonding. Membership in the program during the first year is limited to 300. The members will serve on committees to develop and maintain contacts with employers and job training centers, plan social and recreational events, and resolve membership grievances. More than 50 percent of the members will be under 25 years of age.

Neighborhood Development Youth Program Centers. In June 1966 a grant of $242,505 was obtained from the U.S. Department of Health, Education, and Welfare for 5½ months to finance the establishment of eight Neighborhood Development Youth Program Centers. The Youth Centers will provide not only recreation but an opportunity for area youth to discuss problems relating to local employment, recreation, education, police-community relations, and the administration of justice. The program will strive to develop a strong neighborhood spirit that will act as a self-regulating control on delinquency. Each Center will elect a youth council; the eight councils combined will form a Metropolitan Youth Council, which may eventually be represented on the Metropolitan Citizens Advisory Council and the Board of Directors of UPO. The Department of Labor has evidenced support for this program by allocating positions for 160 Youth Corps workers to supervise and assist in this project.

The Cardozo Area Demonstration Program. In May 1961, as a result of growing concern in Congress and the Executive Branch about the increase in juvenile delinquency,[128] the President's Committee on Juvenile Delinquency and Youth Crime (PCJD) was established by

Executive Order.[129] Its first undertaking was to secure enactment in September 1961 of the Juvenile Delinquency and Youth Offenses Control Act, authorizing Federal funds for training and demonstration grant programs in delinquency prevention and control.[130] The actual grant authority was vested in the Office of Juvenile Delinquency and Youth Development (OJD) of the U.S. Department of Health, Education, and Welfare. At the end of 3 years, the Act was extended in 1964 for an additional 2 years, and $5 million was allocated specifically to "formulate and carry out a special project in the Washington Metropolitan Area for the purpose of demonstrating to the Nation the effectiveness of a large-scale, well-rounded program for the prevention and control of juvenile delinquency and youth offenses."[131] The Washington project was subsequently singled out as the only comprehensive demonstration program to remain under the aegis of OJD and PCJD; the rest were transferred to the Office of Economic Opportunity.[132] In June 1965 Congress extended the Act for one additional year, through June 30, 1967.[133]

Since 1961 approximately $4.5 million in grants have been made in the District of Columbia under the Juvenile Delinquency and Youth Offenses Control Act. One of the first grants, for about $100,000, went to the Board of Commissioners on July 1, 1962 to finance the preparation of an action program for combating juvenile delinquency.[134] This grant, supplemented by an additional $300,000 in 1963, paid for a study by Washington Action for Youth (WAY),[135] which was organized to devise a plan for dealing with delinquency and the deep-rooted social and economic conditions which spawn and perpetuate it. WAY programs were to be geared to effecting change, principally in the people and resources of the Cardozo Target Area. UPO was ultimately given responsibility for integrating the individual WAY projects into a comprehensive program, including a planning and research component. WAY and UPO staffs merged, and five members from WAY's Board were added to the UPO Board of Trustees. At a meeting of the UPO Board of Directors on December 8, 1964, the Board of Directors of WAY was dissolved as of January 1, 1965.

The demonstration program in the Cardozo Area has consisted of an amalgam of (1) neighborhood center services and delinquency projects which parallel those in other areas of the city; and (2) special Cardozo programs such as the Cardozo Model School Division. In the delinquency field UPO has sponsored the following Cardozo projects:

(1) The Junior Citizens Corps has been given a special grant to enable it to reach hard-core Cardozo Area youth, with the aid of new professional staff and the utilization of neighborhood workers and VISTA volunteers. It is hoped that stronger links will be forged

between the Junior Citizens Corps and other UPO programs serving youth.

(2) Six Roving Leaders paid with OJD funds have been assigned to the Cardozo Area and work out of a Neighborhood Development Center. By this concentration the leaders hope to reach boys not normally contacted by other organizations and encourage them to use the full range of UPO services.

(3) In the District of Columbia Court of General Sessions, court reporters have been hired to record and transcribe proceedings involving youthful offenders from the Cardozo Area. In cases with indigent defendants, proceedings were not previously recorded or transcribed in that court. The second Court of General Sessions program, now largely defunct, established a special probation unit, including two additional officers and three investigators, to provide more effective field supervision for misdemeanants from the Cardozo Area on probation.

Money has also been provided by the U.S. Department of Health, Education, and Welfare for research and evaluation of the impact of demonstration projects in the target area. Ongoing evaluation is being conducted both internally by UPO personnel and by the Howard University Institute for Youth Studies. Total grants to UPO by the Office of Juvenile Delinquency have approached $3.7 million, $1,750,000 since December 1965 for the delinquency projects alone.

Other Federal Grant Programs

Institute for Youth Studies

This Institute was established at Howard University 3 years ago as an interdisciplinary center for research, training and demonstration in problems of urban youth. Approximately $500,000 has been provided by the Office of Juvenile Delinquency for the development of varied training programs for personnel working with problem youth. In particular, the Institute has pioneered in developing the New Careers Training Program, which involves training youth with histories of social, psychological, school, and delinquency problems as subprofessionals in health, education, recreation, youth work, delinquency prevention, child care, and related fields. Two hundred youths are now being trained in this way under an additional $500,000 demonstration program funded by the Department of Labor and the Office of Education. A program to combine this training with the senior year of high school is also being conducted at Cardozo High School under a grant of $180,000 from the Office of Economic Opportunity. Initial results indicate that this is an effective prevention and rehabilitation program.

The Howard Institute also has a 4-year grant from the National Institute of Mental Health (NIMH), $108,000 per year, for the training and use of local problem youth as group leaders in a mental health and rehabilitation program for children and youth at the Baker's Dozen Youth Center. Another interdisciplinary program, funded for 5 years by NIMH, is training graduate and professional students for work with delinquency and other youth problems. The Institute has also conducted training programs for Peace Corps returnees, who will teach at Cardozo High School, and for Juvenile Court personnel.

Under contract with UPO, the Institute is conducting a 3-year evaluation of the impact of the Cardozo Area Antidelinquency Demonstration Program. The University and the D.C. Department of Public Health are also considering the development of a major center for services, training and research in mental health in which a primary focus will be on the problems of children and youth. One of the primary purposes of the Institute has been the development of high caliber professional staff trained and interested in the problems of youth, prevention and rehabilitation, training, research, planning, and demonstration. The total Federal financial commitment in the 3 years of its existence has been about $1.5 million.[136]

Other HEW-Funded Programs

In addition to the OJD, other agencies within the Department of Health, Education, and Welfare support delinquency prevention programs in the District of Columbia. The Children's Bureau has made a grant to the Washington Center for Metropolitan Studies for a review of the law concerning mental disorder and the treatment of juvenile offenders, which will be carried out by the Judicial Conference of the District of Columbia. The study will attempt to identify stages in the delinquency process where special legal or therapeutic help should be given.

The National Institute of Mental Health currently has two training grants outstanding to Howard University, one to the Institute and another to the School of Social Work for a day-care service for 20 culturally-deprived children between 2 and 5 years of age. An NIMH grant to Catholic University helps to train graduate students in the treatment of juvenile offenders. The Office of Education is helping to support a special school run by the Washington School of Psychiatry to educate 40 noninstitutionalized delinquents between 16 and 21 who are school dropouts. The 2-year project, similar to the successful National Training School experiment, is using weekly salaries as a way of motivating these youths to learn. The project terminates in September 1967.

Evaluation

The numerous private agencies engaged in delinquency prevention work undoubtedly contribute to the welfare and potential of District youth. Some cooperation and interchange between these agencies is facilitated by the National Capital Area Health and Welfare Council, but their activities are clearly not integrated into any overall delinquency plan or scheme of priorities. Many attempts have been made to formulate such a plan that would include both public and private agencies: The Commissioners' Youth Council received such a mandate, WAY tried to plot such a course in one target area and UPO was designated to carry this effort forward. The Juvenile Delinquency and Youth Offenses Control Act of 1961 has resulted in expenditures of $4.5 million in the District since 1961, providing a unique opportunity to make an impact on the District's delinquency problem.

Although evaluation of specific delinquency projects is unavailable, the Department of Health, Education, and Welfare has reported:

> Preliminary findings show that they are successfully engaging hard-core youth, and that several of them hold promise as effective alternatives to institutionalization. The expanded Roving Leader Program has already demonstrated innovative methods of involving gang members in constructive community activities and the Incentive Program has effected significant changes in the work habits and motivation of short-term offenders.
>
> We are convinced that the effectiveness of UPO's innovative programs in the field of delinquency prevention and control is enhanced by the fact that they are an integral part of a comprehensive network of basic social services dealing with the fundamental problems of the community.[137]

In an effort to develop a more exact evaluation, a preliminary study of the Cardozo program's general impact up to 1965 has been made by the Howard University Institute for Youth Studies.[138] Among a specially-selected group of 434 adolescents in the area (379 noninstitutionalized and 55 institutionalized), about half (56 percent) had heard of UPO but less than 12 percent had been actively involved in their programs. Fifty percent of those interviewed had no opinion about UPO; 46 percent thought it was doing a good job. Among a specially selected group of families in the area, 45 percent had heard of UPO, although the majority were not actively involved in any of its activities. The report concluded that "the programs of intervention as of the summer of 1965, for the most part had not begun to reach this [delinquency-prone] segment of the population to any great extent," [139] and suggested more concentrated attempts to identify these youths and direct more program efforts toward them. The Neighborhood Development Centers were found to be serving primarily young (20 to 29), single, female Negro adults, whose median income was

$2,800 and whose median educational attainment was 10th grade. The Institute's report was unable to document what effect UPO contacts had on any of the population surveyed. A continuing follow-up of the adolescents studied is planned to assist in evaluating the long-range impact of the Cardozo project.[140]

UPO is currently evaluating its total program for community impact through task forces composed of staff and outside representatives. Staff evaluation will consist of: (1) A survey and analysis of current UPO efforts in each major field of activity; (2) determination of the role UPO should play in effecting improvement of services within these areas (i.e., direct action, contractual or catalyst); (3) projection of future trends in each area; and (4) recommendations for future programs.[141]

Although UPO programs have frequently supplemented inadequate or nonexistent public services for the poor in vital areas such as housing, recreation, employment, and community organization,[142] it appears that UPO has not been able to serve a large segment of the delinquent population directly. It has not been able to put into effect an integrated, broad spectrum of services for youth, before and after official delinquency contacts, in part because it is essentially a private agency whose leverage with public agencies consists solely of persuasion and money. In too many cases UPO has assumed the actual operation of isolated programs at the expense of its overall planning and coordinating function. As a non-governmental agency it has had no official status in urging improved treatment of youth by schools, police, courts, or juvenile institutions; innovative efforts by UPO have often been the subject of friction between UPO and the District's public agencies.[143]

Federal grants made under the 1961 Act have not given the District of Columbia the "large-scale, well-rounded program for the prevention and control of juvenile delinquency" desired by Congress. Several of the grants have supported important components of the anti-poverty program, such as the legal services program and the Neighborhood Development Centers, whose relationship to delinquency prevention is less than immediate. Other grants have permitted the expansion of existing public or private programs, such as the Roving Leaders and the Junior Citizen Corps. In other instances, funds have been made available to meet glaring deficiencies in the services offered by public agencies, such as the projects in the Court of General Sessions and the three youth facilities operated by the Department of Public Welfare. Although many District youths have benefited from these expenditures, it is difficult to find any central rationale or purpose which warrants calling this collection of grants a comprehensive program to reduce delinquency in this community.

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The ready availability of Federal money to "beef up" programs and services which are the essential responsibility of public agencies in the District has had some unfortunate consequences. Reliance on "experimental" projects financed by Federal funds has made it easier for established agencies such as the Department of Public Welfare to delay facing up to their own responsibilities for improved youth services. Participation in such demonstration projects gives the illusion of activity and forward movement while avoiding the difficulties of internal evaluation, budgetary planning and congressional hearings. The programs financed by the Federal Government may not always be those which the local agency officials believe are most useful or desirable, which tends to dilute agency commitment to the project. In some instances, the short life of the demonstration project makes it difficult to hire qualified professional personnel, as with the UPO probation project in the Court of General Sessions, and precludes any real opportunity for evaluation in light of practical experience. Disappointment and bitterness is often the result when the most successful "experiments" end and permanent financing cannot be secured.

In sum, considering the number of private agencies involved and the substantial Federal funds which have poured into the District for anti-delinquency programs, the absence of a comprehensive approach to the basic problem is lamentable. It may be that no private agency can accomplish the job even when it is amply endowed with Federal money, any more than a public agency like the Commissioners' Youth Council can perform this function when it has neither authority, money nor staff. Although UPO is performing a vital function in the community with a broad-gauged attack on the breeding conditions of crime and delinquency, experience demonstrates that it cannot serve as the major anti-delinquency coordinating agency in the community.

THE PROPOSED DISTRICT OF COLUMBIA YOUTH COMMISSION

This Commission proposes that a District of Columbia Youth Commission be established as a governmental agency in the District. Given adequate funds, staff and authority, such an agency would terminate the present confusion and relative ineffectiveness of the vast array of independent agencies serving troubled youth. It will formulate and administer a coordinated, interrelated program emphasizing preventive measures which, although costly, will in the end prove less expensive for District residents than subsidization of a multiplicity of public and private programs competing among themselves or operating in splendid isolation.