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American Justice Institute
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THE
SERIOUS JUVENILE OFFENDER
IN THE
JUVENILE JUSTICE SYSTEM

A TOPICAL REPORT BY THE:
NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER

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CHANGES IN APRIL 7, 1978, VERSION OF
"THE SERIOUS JUVENILE OFFENDER IN THE
JUVENILE JUSTICE SYSTEM"
FROM THE MARCH 17, 1978, VERSION

Basically two kinds of changes have been made since the March 17, 1978, version. Changes have been made in response to comments by those who reviewed the draft report of that date; and, changes have been made in the continuing process of internal review carried out by the authors.

As the authors conducted their internal review, the following checklist of criteria was used:

- Interest to reader?
- Does it hang together?
- Balance in mention of the six states in the study?
- Continuity?
- Organization?
- Need for graphics?
- Credibility?
- Redundancy?
- Thinness?
- Unexplained generalizations?
- Readability
- Are there personal judgments?
- Are there grammatical or typographical errors?

The most important changes are summarized by chapter.

EXECUTIVE SUMMARY

Major revisions were made in section on Nature of the Problem. A brief section on Recommendations was added just before the section on Conclusions.

CHAPTER I

An attempt was made to clarify the section on the working definition of the serious juvenile offender and a new section, "Toward a Tentative Definition" was added.

CHAPTER II

A major editorial rewrite was done, but there were no substantive changes.

CHAPTER III

Editorial changes were made to improve the continuity and flow of the discussion of procedures. Some additional material was included, as in the section on Waiver Hearings.

CHAPTER IV

Editorial changes were made, and tightening of the narrative, but no substantive changes.

CHAPTER V

Only minor editorial changes were made.

APPENDICES

Only minor editorial changes were made.

DRAFT

FORWARD

Since passage of the 1974 Juvenile Justice and Delinquency Prevention Act (as amended), there has been a concerted effort on the part of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and many of the states to meet the challenge of identifying the serious juvenile offenders and providing effective programs to meet their needs. Progress has been hindered by a general lack of consistency in the definition of the serious juvenile offender and by a general resistance to the commitment of juveniles to institutions.

The seriousness of the threat to the community posed by these juvenile offenders, and the complexity of implementing a program for their control and reintegration into the community nationwide, requires the development of a sound informational foundation. It is hoped that this assessment of the current state of the knowledge concerning the serious juvenile offender in the juvenile justice system will provide policymakers, planners, and program administrators with some new insights into what is currently known about programming these juveniles in the system. It can also be used as a base for juvenile justice system planning for the future.

We are appreciative of the researchers and those who assisted them in gathering and synthesizing the statistical and qualitative information with limited resources and time. By sorting out and analyzing this information in a manner that has clarified issues and provided new insights as to the state of knowledge, they have accomplished a difficult task and made a significant contribution to the field.

James C. Howell, Director
National Institute for Juvenile
Justice and Delinquency Prevention

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ACKNOWLEDGEMENTS

During the course of this study, a total of 232 interviews were conducted in the field. Eighty-three contacts were made by telephone or by mail. The time worn cliché, "without the help of these people, this study could not have been completed," is used here because it is so appropriate in this case. Since so many people in the system have been involved, it would be unfair to include anything but a complete list of those who have been helpful.

Except for documents released to us by people at the operational level, and information gathered through interviews with them, relatively little has been written about the serious juvenile offender. The lack of agreement as to definition, approach to treatment, fear of labeling, and questions about the need for secure versus community programs for rehabilitation, have been the major reasons.

Key management and operational personnel in the police, court, and correctional components of the juvenile justice system in the six states were more than generous with their time and information. Copies of police manuals, court bench books, intake procedure manuals, correctional program descriptions, evaluation studies, and parole manuals were voluntarily provided. Annual reports, research and statistical reports, state comprehensive plans, agency master plans, and copies of legislation were also made available. In many cases, the above documents were in draft form.

In every state, our reception was cordial and all persons interviewed discussed procedures, programs, and issues germane to their areas with an apparent open desire to identify the major problems related to the serious juvenile offender, and to work toward their resolution and the improvement of juvenile justice.

Peter Narloch of R.P. Narloch and Associates deserves recognition for the compilation and analysis of local and state juvenile justice system data and the drafting of Chapter II. This task involving contacts with key people responsible for processing system information in each state has made it possible to include this chapter in this report.

PREFACE

A portion of the juveniles processed in the juvenile justice system each year are adjudicated as delinquents because they have committed a delinquent act for which an adult could be prosecuted in a criminal court. A relatively small, but highly volatile part of this group, are those serious, dangerous, chronic, hardcore, or violent juveniles as they have been variously called. It is this relatively small group that continues to threaten the security of people in the community and to challenge the rehabilitation efforts of the system.

The purpose of this research is to provide juvenile justice policymakers, planners and police, court, and correctional managers with information related to current program, procedural, and evaluation practices for dealing with this serious juvenile offender in the system. By comparing their own jurisdictional operations with those identified in this study, and by taking steps to upgrade or discard outmoded programs and procedures, the quality of justice for the juvenile and their victims can be improved. This study should also be useful to the general public, volunteers and youth counselors in need of information about processing and programming the serious juvenile offender.

The research methods used to accumulate an information base relative to current program, procedural, and evaluation techniques have included a literature search, site visitation, structured interviews, and telephone surveys. The primary source of information was the operational system of police, court, and correctional agencies.

The end product of this research is a topical report which provides an assessment of the way serious juvenile offenders are processed through the system, programs designed to meet their needs, and present evaluation practices.

Harland L. Hill, Vice President
American Justice Institute

DRAFT

CONTENTS

<u>Section</u>	<u>Page</u>
FORWARD	iii
ACKNOWLEDGEMENTS	v
PREFACE	vii
EXECUTIVE SUMMARY	xiii
I. <u>NATURE OF THE PROBLEM</u>	1
WHO IS THE SERIOUS JUVENILE OFFENDER?	1
<u>Serious? By What Standard?</u>	3
<u>Serious Juvenile Offender - A Working</u>	
<u>Definition</u>	6
<u>Toward a Tentative Definition - Serious</u>	
<u>Juvenile Offender</u>	9
THE REHABILITATION ENIGMA	13
<u>Rehabilitation Efforts</u>	13
<u>Rehabilitation Potential of the Serious</u>	
<u>Juvenile Offender</u>	17
COMMENTS	19
II. <u>CHARACTERISTICS OF THE SERIOUS JUVENILE</u>	
<u>OFFENDER</u>	21
PURPOSE	26
DATA CONSTRAINTS	26
JUVENILE JUSTICE SYSTEM DATA	28
<u>Arrest</u>	28
<u>Court Intake</u>	33
<u>Disposition</u>	33
<u>Correctional Institutions</u>	36
<u>Parole</u>	37
SERIOUS JUVENILE OFFENDER CHARACTERISTICS	38
<u>A Two State Comparison</u>	41
<u>Serious Juvenile Offender Identified</u>	42
EVALUATION	43-
COMMENTS	44
III. <u>LOCAL PROCEDURES FOR THE SERIOUS JUVENILE</u>	
<u>OFFENDER</u>	47
LAW ENFORCEMENT	48
<u>Procedures in Law Enforcement</u>	51
<u>Evaluation</u>	60
<u>Comments</u>	61

<u>Section</u>	<u>Page</u>
COURT	62
<u>Procedures in the Court</u>	63
<u>Evaluation</u>	82
<u>Comments</u>	83
IV. <u>STATE PROGRAMS FOR THE INSTITUTIONALIZED</u> <u>SERIOUS JUVENILE OFFENDER</u>	87
THE SERIOUS JUVENILE OFFENDER IN CORRECTIONS	90
RECEPTION SERVICES	95
<u>Reception Process</u>	97
<u>Evaluation</u>	101
<u>Comments</u>	102
INSTITUTIONAL PROGRAMS	105
<u>Due Process Programs and their Evaluation</u>	111
<u>Treatment Programs and their Evaluation</u>	124
<u>Educational Programs and their Evaluation</u>	134
<u>Vocational Programs and their Evaluation</u>	141
<u>Minority Programs and their Evaluation</u>	145
<u>Recreational Programs and their Evaluation</u>	147
<u>Religious Programs and their Evaluation</u>	150
<u>Volunteer Programs and their Evaluation</u>	152
<u>Drug-Alcohol Programs and their Evaluation</u>	157
<u>Comments</u>	161
PAROLE SERVICES	162
<u>Nature of Services</u>	162
<u>Evaluation</u>	173
<u>Comments</u>	174
V. <u>MAJOR SYSTEM ISSUES RELATED TO THE SERIOUS</u> <u>JUVENILE OFFENDER</u>	175
LOCAL ISSUES	175
<u>Law Enforcement</u>	176
<u>Court</u>	177
<u>Comments</u>	180
STATE ISSUES	181
<u>Institutional</u>	181
<u>Parole</u>	185
<u>Comments</u>	186
 <u>APPENDICES</u>	
A - National Juvenile Justice System Assessment Center Advisory Groups and Staff	187
B - Glossary of Terms	191
C - Methodology	197

APPENDICES

D - List of References 205

LIST OF FIGURES

1 - Flow Diagram: The Serious Juvenile Offender in the Juvenile Justice System 11

2 - Comparison of Part I Offenses as Percent of Total Arrest, Petition, and Commitment Offenses Recorded for 1976 (California) 35

3 - Flow Diagram - Law Enforcement and Court Procedures for the Serious Juvenile Offender : 49

4 - Terms Used in Six States for Waiver Hearing 72

5 - Programs Available to Serious Juvenile Offenders . . . 107

6 - Complaint Processing Procedure 114

7 - Basic Structure: CYA Ward Grievance Procedure 120

8 - Time Line Showing Program Emphasis and Periods of Overlapping Activities 165

LIST OF TABLES

1 - Juvenile Arrests Reported for Six States During 1976 by Uniform Crime Reports (FBI) Category and State . . 23

2 - Juvenile Offender Arrests, Court Dispositions, and Parole Releases For 1976 (a) by Selected Characteristics: State of California 29

3 - Distribution of Part II Offense Arrests Reported for California During 1976 31

4 - Arrests, State Correction Commitments, and Parole Releases Reported for 1976 by Selected Characteristics: State and Juvenile Justice Processes 39

5 - Characteristics of Volunteers 155

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EXECUTIVE SUMMARY

The Juvenile Justice and Delinquency Prevention Act of 1974 created the National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP) with the mandate to support research, collect and disseminate information, provide technical assistance, and develop standards and goals.

In order to provide assistance for its research and informational activities, the Institute has initiated the Assessment Centers Program which includes three separate topically oriented Centers and one coordinating Center. These Assessment Centers are:

- Center on Delinquent Behavior and its Prevention: University of Washington, Seattle, Washington
- Center on the Juvenile Justice System: American Justice Institute, Sacramento, California
- Center on Alternatives to the Juvenile Justice System: University of Chicago, Chicago, Illinois
- Coordinating Center: National Council on Crime and Delinquency, Hackensack, New Jersey.

This is a state of the art report produced by the Center on the Juvenile Justice System on male and female serious juvenile offenders in the juvenile justice system. It deals with the manner in which they are processed in the system from arrest to release from parole, the procedures involved, the nature of the programs available to them as the system attempts their rehabilitation, and the system's efforts to evaluate its activities.

The information upon which the report is based came from a review of published literature; statistical documents and papers written by staff at local and state law enforcement, court,

and correctional agencies; structured interviews with key system people and the observations of project staff in six states. The variety of terms used to refer to the same process in these states (remanded for waiver or certification; parole for aftercare) somewhat complicated the study process.

NATURE OF THE PROBLEM

A report on the serious juvenile offender immediately encounters the practical difficulty of arriving at a generally acceptable definition. Should the definition be legally oriented, treatment oriented, community oriented, or based on needs of correctional managers? Chapter I attempts to deal with this perplexing definitional problem.

A working definition (p. 7) based on the assumption that incarceration is the system's most severe response to juvenile offenders and thus reserved for the most serious juvenile offenders, was used to scope this study. Staff effort was limited to the assessment of procedures and programs for juveniles retained in the juvenile system. The youthful offender waived to the adult court was not included.

Factors that were encountered during the study that work against a uniform definition are described in Chapter I. Chapter I also lists some of the elements used in various states as guidelines for decision makers who must make the determination of seriousness as they deal with juvenile offenders in local agencies. Finally a tentative conclusion based on a list of offender characteristics related to the criminal activities of the serious juvenile offender is offered.

The remainder of Chapter I is devoted to a discussion of the incarcerated (serious) juvenile offender's potential for rehabilitation and the credibility of the juvenile justice system as an change agent. Should treatment and program efforts be expanded, given the serious juvenile offender's potential for

retraining? How much behavioral and attitude change can be expected in the short (and getting shorter) period of the system's jurisdiction over the lives of these juveniles?

CHARACTERISTICS OF THE SERIOUS JUVENILE OFFENDER

Statistical information from the six states in the study was gathered to determine the characteristics of juveniles arrested (age, race, sex, offense) and the characteristics of juveniles at the point of court intake, detention, institutional commitment, and release on parole. These data were obtained from state criminal statistics bureaus and from state juvenile correctional agencies. The data were then analyzed for characteristics of the serious juvenile offender.

Some insight into the seriousness of the criminal activities of the juvenile finally committed to a state correctional agency can be found on page 35 of the report in Figure 2. Based upon California data, only 24 percent (or 75,000) of the 315,949 juveniles arrested were alleged to have committed the serious crimes listed in the Part I category of the Uniform Crime Reports (UCR), published by the Federal Bureau of Investigation (FBI). Of this total, only 1,525 were committed to the California Youth Authority. However, the percent of Part I crimes for which the committed group was adjudicated jumped to 75.8.

There is need to somehow greatly improve the quality of data available on characteristics of all juveniles and on that of the serious juvenile offender in particular, as they move through the juvenile justice system. There is a definite need for information which has much greater accountability, comparability, and completeness.

LOCAL PROCEDURES FOR THE SERIOUS JUVENILE OFFENDER

Although the nomenclature varies, the procedures for handling the serious juvenile offender as described in Chapter III are

essentially the same in the six states. At the local level of law enforcement, probation, and the courts, the steps in the process are:

- Police Apprehension: The officer who apprehends a juvenile following investigation of a serious offense has great discretion as to the charge and whether or not to make the arrest, and how to classify the individual (e.g., delinquent, dependent).
- Police Intake: After a youth has been questioned, booked and delivered to a juvenile detention center, there appears to be little opportunity for the arresting officer to know what the court disposition has been.
- Probation Intake: Probation officers work under the pressure of a strict time deadline to process juvenile cases for referral to the prosecutor.
- Detention Hearing: It is against the law to hold a youth more than one or two days without giving him or her a hearing before the judge.
- Detention: Detention is essentially a brief holding operation not conducive to constructive programming.
- Prepare Petitions and Motions: Taking an increasingly prominent role in procedures for the serious juvenile offenders, the prosecutor drafts the petition and makes a major decision whether to ask for transfer to adult court.
- Waiver Hearing: Faced with some extremely serious juvenile offenders, the court must make the weighty decisions as to whether it will waive its own jurisdiction to the adult criminal court.
- Arraignment Hearing: Youths still in the juvenile court are now asked by the judge to admit or deny the charge, or perhaps admit to a lesser charge.
- Adjudication: Juveniles before the court for serious offenses are found delinquent (guilty) or not in a proceeding increasingly characterized by an adversarial tone.
- Prepare Disposition Report: A good predisposition report involves in-depth investigation by the probation department in order to present the judge with thoughtful recommendations for disposition of the juvenile.

- Disposition: Searching for an appropriate disposition among limited alternatives, the judge makes a decision which seeks to balance the welfare of the juvenile with the safety of the community.

Each state and locality brings its own philosophy, approach, and emphasis to this general framework of procedures.

STATE PROGRAMS FOR THE INSTITUTIONALIZED SERIOUS JUVENILE OFFENDER

The increased emphasis on due process, changes in the American culture, and the passing credibility of the medical model as a treatment approach have enhanced the confined offenders opportunity to maintain their human dignity. These changes have brought new programs and increased numbers of volunteers into secure institutions and established group process as the basic treatment approach. These programs and their evaluation are described in Chapter IV.

Differences in philosophy, leadership, facilities, stage of development, methods, and quality of these programs were apparent, yet each of the six states studied are making an effort to provide programs in all of the following areas:

- Reception Process: Individual assessment at commitment to provide basis for individualized program development and continuity of treatment.
- Grievance: Formal procedures to insure that offender grievances are fairly resolved and that the right to due process is maintained.
- Educational: Elementary, high school, college, and remedial opportunities are available in the context of progressive instructional methods and small teacher/student ratios.
- Vocational: Occupational exploration, entry level job experience, and job survival skills training are emphasized.
- Minority: Only a few programs specifically organized to meet the needs of females, blacks, American Indians, and other minority groups were in evidence.

- Recreational: Leisure time activities to break the boredom and frustration of confinement vary from hiking and snowmobiling to varsity competition in football with local high schools-within the constraints of security.
- Religious: Services and counseling in most faiths are available to serious juvenile offenders through part and full time clergymen who are becoming more involved in the overall institutional program.
- Volunteer: Service minded citizens are participating in institutional programs and services of all kinds, to a limited extent.
- Parole: Services to paroled serious juvenile offenders are changing in emphasis from post institutional needs to a continuum of treatment concept of service from pre-commitment to release from parole.

Evaluations of these programs to determine the extent to which they have achieved their stated objectives in terms of changing the behavior of the serious juvenile offender were difficult to find.

ISSUES

Chapter V provides a brief statement of major issues identified during the study. It is not intended as a complete list nor are the issues prioritized. On the local level of law enforcement and the courts, these issues are:

- The increase in serious and violent crime by youth presents a dilemma to both police and the courts. Are these youngsters to be treated as wayward children or as criminals in the courts and the community?
- A "hardcore" group of 5 to 15 percent of juveniles is responsible for more than half of the juvenile offenses committed. How can their criminal activities be abated?
- Increasingly, young people come before the juvenile court for very serious offenses. Is rehabilitation within the juvenile system possible, or should they be waived to the adult court?
- With the growth of due process and adversary procedures in the juvenile court some say that the survival of the juvenile court itself as we know it, is in danger. Is this so?

- In some states there is an issue between the courts and state juvenile correctional agencies as to whether the latter have adequate facilities and programs for the handling of the serious juvenile offender.
- Does the serious juvenile offender, who may be considered violent and dangerous, have a "right to treatment" within the juvenile justice system?

On the state level, institutional and parole programs for the serious juvenile offender involve the following major issues:

- Juvenile institutions are viewed as generating and reinforcing negative attitudes and behavior in the serious juvenile offender which serve to strengthen the offender's resistance to personal change.
- As the pressure for individualized programming for serious juvenile offenders increases, so do the rehabilitation costs increase for the state. To what extent can the state continue to pay for these increasingly expensive programs?
- Which is the more effective environment for the treatment of the serious juvenile offender -- the small self contained single unit that houses twelve to fifteen persons and provides minimal program opportunities or a medium size institution with cottages and a variety of programs and facilities?
- Qualified, well trained staff are essential for the implementation of program objectives, yet training budgets do not reflect the importance of their work.
- Pressure to minimize the length of confinement and the introduction of the justice model has reduced the time available and the motivation required of the juvenile to accomplish this change. Can treatment goals be achieved under these circumstances?
- Organizing resources for the treatment of the mentally ill serious juvenile offender continues to puzzle state juvenile correctional agency managers. Who is ultimately responsible for the treatment of this juvenile offender?
- Treatment staff working as role models in treatment programs appear to be finding the intensity of their relationships with confined juveniles too demanding an emotional experience to continue to work in institutions. What impact is this having on the effectiveness of programs?

- The need for continuity of program from disposition to release from parole has been dramatized by changes in juvenile justice system philosophy and legislation. To what extent will the youth services team approach provide this continuity?
- As the number of juvenile offenders in secure treatment facilities decline, the ratio of staff to inmate increases to almost one on one. Unless there is more strong positive evidence of program effectiveness, state juvenile correctional administrators may be hard pressed to justify the maintenance of these ratios for treatment reasons.

RECOMMENDATIONS

In view of the premise upon which this study was conducted (i.e., to provide a state of the art description of procedures and programs for the serious juvenile offender) it would be presumptuous to suggest operational changes. The data would simply not support them. However, information is available to support the above issues. It appears reasonable to recommend further study and research in each of the unresolved areas of system concern briefly discussed in Chapter V.

CONCLUSIONS

The conclusions drawn in this section are those of the authors. They are at best, impressions gained through the experience of putting the report together. All are based on a synthesis of documents reviewed, discussions with local and state officials, and staff interaction. Hopefully, the substitution of personal bias for evidence has been avoided as a basis for the following statements:

- Attempts to clarify the generic definition of the serious juvenile offender in terms of the nature and history of offenses have been fruitful. However, the specific definition will vary with each juvenile and continue to reflect the judgments of local law enforcement, court, and correctional personnel as they operate within the context of their local philosophy and legislative statutes.

- The "youthful offender" or juvenile, tried, convicted, and sentenced in the adult court and incarcerated in an adult institution appears to have lost his status as a juvenile. Although this group is relatively small in size, their rehabilitation in the adult system raises a variety of questions and points to the need for study of this particular juvenile group.
- The juvenile justice system is struggling in the midst of a period of accelerated change. This is a result of increased emphasis on due process for the juvenile, changes in treatment philosophy, and changes in state legislative statutes. Efforts to deal with the increased violence and the criminal activities of the relatively small number of serious juvenile offenders are hampered by pressure on the one hand for more severe penalties at the other extreme, deinstitutionalization.

Local Handling of the Serious Juvenile Offender

- Law enforcement agencies are mounting special efforts to deal with the "hardcore" juvenile who constitutes only 5 to 15 percent of the juvenile population, but commits most of the offenses.
- There is a surprising amount of agreement between police and the courts regarding the need to preserve the juvenile court philosophy of rehabilitation for the individual offender.
- The increased use of adversary procedures in the juvenile court combines with an increase in serious juvenile crime to put pressure on the juvenile court to become more like the adult criminal court.
- There is increasing pressure to use the waiver procedure to transfer some of the more serious juvenile offenders from the juvenile court to the adult court.
- Various states, such as California and New York, are implementing new laws which provide for more severe dispositions for the serious juvenile offender. In other states, similar legislation is pending.
- Data regarding the serious juvenile offender at all levels of the juvenile justice system is incomplete and lacks comparability from state to state.

State Programming for the Serious Juvenile Offender

- System efforts in terms of cost and personnel may be exceeding practical limits when they are viewed in the context of the serious juvenile offenders potential for rehabilitation and the decreasing amount of time they are available for system programs to impact on their behavior.
- There appears to be a consensus that services for the serious juvenile offender must reflect a "continuum of treatment" from disposition through release from parole and be based on an individual assessment in which the juvenile participates.
- Federal and state efforts to assess the need and effectiveness of presently existing program needs to be given the same priority as that given to the search for new and experimental programs.
- The philosophy of community corrections and the reality of programs and correctional facilities in local neighborhoods is less popular with the public than with correctional officials.
- The implementation of formal grievance procedures needs to be studied to determine the effect of these procedures on treatment programs, staff-inmate relationships, administrative and budgetary factors, as well as its impact on inmate's rights.
- Operational staff in the juvenile justice system of the six states are concerned about treatment for the serious juvenile offender and at the same time, hampered by unresolved issues beyond their control. They appear to be working energetically toward the resolution of problems inherent in the system's attempts to rehabilitate the serious juvenile offender.

DRAFT

I. NATURE OF THE PROBLEM

WHO IS THE SERIOUS JUVENILE OFFENDER?

Finding an answer to the question of "who is the serious juvenile offender?" that is generally acceptable to management and operational people in the juvenile justice system is presently a practical impossibility. Impossible because any attempt to define this juvenile inevitably leads to discussions centered around:

- Differing degrees of seriousness - Mann¹ asks these questions, "Is a serious crime the same as a dangerous one? Are all violent crimes serious? Must there be a pattern of repetition before a juvenile can be labeled a serious offender?"
- Differing community standards relating to willingness to tolerate criminal behavior - Are rural communities as willing to accept the same patterns of criminal behavior as urban, and to what extent are these community pressures reflected in the decisions made by local police and courts?
- Differing philosophical responses to the criminal activities of the serious juvenile offender - Is the *parens patrie* (court acting as substitute for parents) concept still valid, or is the justice model (due process) a more appropriate response to serious juvenile crime?
- Differing concepts of treatment for the serious juvenile offender after adjudication - Can they be more effectively reintegrated into the community through a program of community corrections, or is institutionalization still the best way to deal with this group of juveniles?
- Differing terms applied to the serious juvenile offender - How common is the understanding among juvenile justice system people of terms like hardcore, violent, obnoxious, chronic offender, difficult to handle, or just delinquents?
- Differing system wide leadership and management policies that reflect the personal backgrounds of experience, philosophies, and convictions of chiefs of police, judges,

and commissioners of corrections - Is it possible (or necessary) to achieve consensus among these key power figures in any one state, or in all states, on the definition of the serious juvenile offender?

- Differing system component objectives - Is it possible for the police, whose objective is to enforce the law, to agree on what constitutes a serious juvenile offender with the prosecutor whose objective is the legal prosecution of a case, or a judge whose objective is the fair disposition of justice, or the commissioner of corrections whose objective is the preparation of the juvenile for return to the community?
- Differing personal perceptions of operational level system personnel - Is it possible (or necessary) to seek agreement among all police officers, or all attorneys, or all caseworkers, or all judges, or all correctional personnel, on the concept of the serious juvenile offender?

Experience in the field during this assessment leads to the belief that it is necessary to recognize the impact the above factors have on any attempt to precisely define this particular group of juvenile offenders. The definition of the serious juvenile offender appears to change from component to component and to be a function of police, probation, court, and corrections people (whose objectives differ) judging each juvenile in the context of their specific agency objectives.

When these same types of people, as a task force, are asked to assess the degree of seriousness for individual cases, however, there appears to be greater agreement with regard to who is a serious offender. For example, the Massachusetts 1977 Task Force,² made up of a variety of police, courts, corrections, and community officials, were given the task of determining the number of juveniles in Massachusetts whose criminal activities were serious enough to warrant their commitment to a secure facility. They found that when they considered specific case records separately and discussed them together, they were usually unanimous in their selection of the "serious" juveniles in need of treatment in a secure facility.

DRAFT

Professionals working daily in the system are continually faced with the heavy responsibility of making decisions about juveniles with limited potential for successful social interaction. These operational decisions are frequently based on a minimum of factual information, conflicting philosophies of treatment, and pressure to keep the flow moving through the system. In this context of reality, these assessments would no doubt differ more among professionals that they would if they were working in a task force as a group.

Serious? By What Standard?

The identification of juvenile offenders as serious juvenile offenders by some commonly agreed upon set of criteria appears most probable when discussing a specific local case. Most of the people interviewed in the six states look to the emergence of a legal definition as a solution to the problem. Others are quick to point to the complexity of the problem because of the many mitigating circumstances present, in spite of the fact that the offense committed may have been one of the seven Part I crimes included in the Uniform Crime Reporting (UCR) system (see glossary). The following case may help to illustrate this point.

Eddie, one of forty serious juvenile offenders in residence at the Atascadero State Hospital in California as a transfer from the California Youth Authority, put it succinctly during a group discussion of the serious juvenile offender:

"Seriousness is a matter of what's happening where you are. In East Los Angeles, getting cut or shot is a common thing. Carrying a knife or a gun for protection is a means of survival. It's not that way on the farm."³

Interviews with staff, agency planners, and managers in the six states supported Eddie's hypothesis that location and culture impact on the degree of seriousness and that rural areas are less tolerant of crime than urban.⁴ The Honorable Leonard M. Ginsburg, Judge of the Superior Court of Tulare County, Visalia,

California, stated, "The juvenile who is serious about crime, as distinguished from the juvenile who commits a serious crime, is the one whom I regard as the serious juvenile offender."⁵

The State of Massachusetts⁶ uses chronicity (frequency of criminal offenses) and felonious crimes against people as criteria for defining the serious offender. A special panel of veteran caseworkers from the states' seven regions, however, decide on which offenders will actually be sent to the three "secure centers" in that state.

The California Youth Authority describes several types of adjudicated delinquents for whom commitment may be considered as most appropriate:⁷

- sophisticated delinquent youths whose behavior cannot be adequately modified in the community
- wards involved in very serious offenses and who require relief from the community pressures
- aggressive or assaultive wards who pose a threat to the lives or property of others and are not in need of treatment under the mental health system
- wards for whom short term local treatment programs have been exhausted and brief exposure to Youth Authority programs will be beneficial and therapeutic in modifying delinquent tendencies (90 days or more).

Individuals may be considered as appropriate for commitment if they meet any one or combination of the above criteria and upon commitment, they become involved in California's institutional program for the serious juvenile offender.*

Of the six states reviewed, one common requirement of these state departments of corrections was to view their institutional

*Serious juvenile offenders in California are seen as those adjudicated delinquents committed to California's eight secure juvenile facilities.

programs as providing services for juveniles whose needs were currently beyond the resources of the community. The Minnesota Department of Corrections report to the 1977 Minnesota Legislature, for example, clearly indicates that only juvenile offenders who are a threat to public safety should be committed:

"Commitment to the care and custody of the Commissioner should be viewed as a drastic procedure, literally representing the expulsion of the youth from his or her immediate community. Because of the serious implications which commitment has for the youth, this step should only be taken after careful attention and consideration of possible less dramatic placement alternatives, balanced by the concern for public safety. The protection of the public is, in the final analysis, the single, most appropriate basis for commitment to state institutions."⁸

Whether or not commitment based on a concern for public safety is related to a single commission or more of the index crimes in the Uniform Crime Reporting (UCR) System, or to other characteristics is not clear.

On a more academic level, efforts to minimize the confusion surrounding this definition have been made by Wolfgang, Figlio, and Sellin;⁹ Mann;¹⁰ Strasburg;¹¹ and others. Wolfgang in particular has pursued this problem using recidivism combined with the Uniform Crime Reporting (UCR) index categories of criminal homicide, rape, robbery, aggravated assault, and arson, to describe the chronic offender in his birth cohort study. Earlier (1964), he also published with Thorsten Sellin, The Measurement of Delinquency¹² which defined and measured offense seriousness.

This latter measuring technique has been extensively studied since its development and has led Wellford and Wiatrowski¹³ to conclude after a review of the literature, that the Sellin/Wolfgang research has provided a measure of offense seriousness that is presently being used in a variety of research settings.

During the visitation to the six states included in this study, however, no mention was made of the use of this scale to define the serious offender, nor was there evidence that the technique was being used operationally.

There appeared to be a considerable amount of hesitancy on the part of those interviewed during this study to label individual juveniles as serious. It would seem that in this regard the proponents of labeling theory have had some impact on the system. There is, at the same time, pressure to create the category of serious juvenile offender and specific associated criteria that could be used to identify certain juveniles for processing and treatment best suited to their needs and the protection of society.

Material reviewed and discussions with system personnel, however, indicate that due process requirements tend to blur the identity of the serious offender at every point in the juvenile justice system since they must be treated according to their constitutional rights. Once in a state institution (if the population is a mixture of the serious and not so serious) the serious offender will also have difficulty finding programs specifically labeled "for serious offenders only."

Richard Clendenon,¹⁴ professor of law, University of Minnesota, may have described the core of the problem during an interview when he stated, "We know some of these offenders will continue to pose serious threats to themselves and the community, but we don't have the means to predict which ones they are."

Serious Juvenile Offender - A Working Definition

Following the logic indicated in the documents reviewed, which discouraged juvenile incarceration generally and recommended treatment in the least restrictive settings, the following preliminary definition based on the retention of the juvenile

in the formal system was used as a means of scoping the study.
A serious offender is:

An adjudicated delinquent who, because of a pattern of characteristics, fails to qualify for diversion from the formal system at the time of arrest, during court intake, at the time of juvenile court disposition, or during the reception process in the state juvenile corrections agency.

The use of this working definition, raised some questions during the visits to the field:

- How was "diversion" in the definition being interpreted?
- Is evidence available to support the assumption that incarcerated juveniles are more serious than those screened out of the system?

The response to the first question is relatively simple. The term diversion, as used here, relates to any system action taken to prevent juveniles from penetrating further into the system. These actions may be taken at any of the major decision points from arrest through court disposition. The definition does not speak to diversion programs per se.

The second question, however, gets to the core of the problem. It focuses on the concept of "seriousness" and raises yet another more penetrating question -- What criteria are being used to determine the seriousness of the individual juvenile offender?

Although there appears to be general agreement that such factors as offense, recidivism, and criminal sophistication are matters of concern with decision makers at each point in the process, they may not be the major criteria by which juveniles are (or are not) arrested, prosecuted, and committed to a state juvenile institution. Other elements basic to these determinations include availability of evidence, results of plea bargaining, selection of judges to hear cases based on their reputation for

lenience or hard line decisions, and even on the appearance of the juvenile. The controversy over definition does not appear to be addressing the question of criteria in broad enough terms.

The assumption basic to this definition is that presence of the juvenile in the system is evidence that the system has decided that their criminal activities and behavior patterns are serious enough to warrant their commitment to a state correctional agency for treatment. The decision to retain this individual in the formal system had been made in spite of documented procedures in each state and the nationwide policy to divert or limit the penetration of juveniles into the system -- unless they are dangerous to society, to others, or to themselves.

The above definition is clearly a function of the personal judgement of police officers, classification specialists in probation, prosecuting attorneys, juvenile judges, and reception center personnel involved in the decisions to retain or divert individual juveniles at each point in the juvenile justice system.

Two reports appear to support the concept that the serious juveniles are screened in the system. Wolfgang, Figlio, and Sellin¹⁵ in their cohort study state that, it would appear that ". . .the judicial process has been able to screen the hardcore offenders fairly well." Scarpitti and Stephenson,¹⁶ in their study of juvenile court dispositions, found a relationship between the extent of delinquency history, and the degree of supervision and confinement imposed by judicial decision. They further concluded that "Insomuch as the programs, beginning with probation and ending with the reformatory, are organized progressively to treat youths increasingly more delinquent or possessing characteristics normally associated with delinquency risk, the court appears to be making effective dispositions."

This study has been concerned with the processing of adjudicated juvenile offenders serious enough to be retained in the system

(Figure 1, p. 11) by the police and the courts at the local level and the programming of juvenile offenders viewed as serious enough to have been taken from the community and committed to juvenile institutions at the state level. It does not include the youthful offender who has been transferred to the jurisdiction of the adult court for trial and sentencing.

Toward a Tentative Definition - Serious Juvenile Offender

It would appear that when the term "serious juvenile offender" is used categorically, it leads to confusion because of the lack of generally acceptable criteria. On what basis then, can the juvenile offender be classified as "serious," if indeed some such term is really necessary.

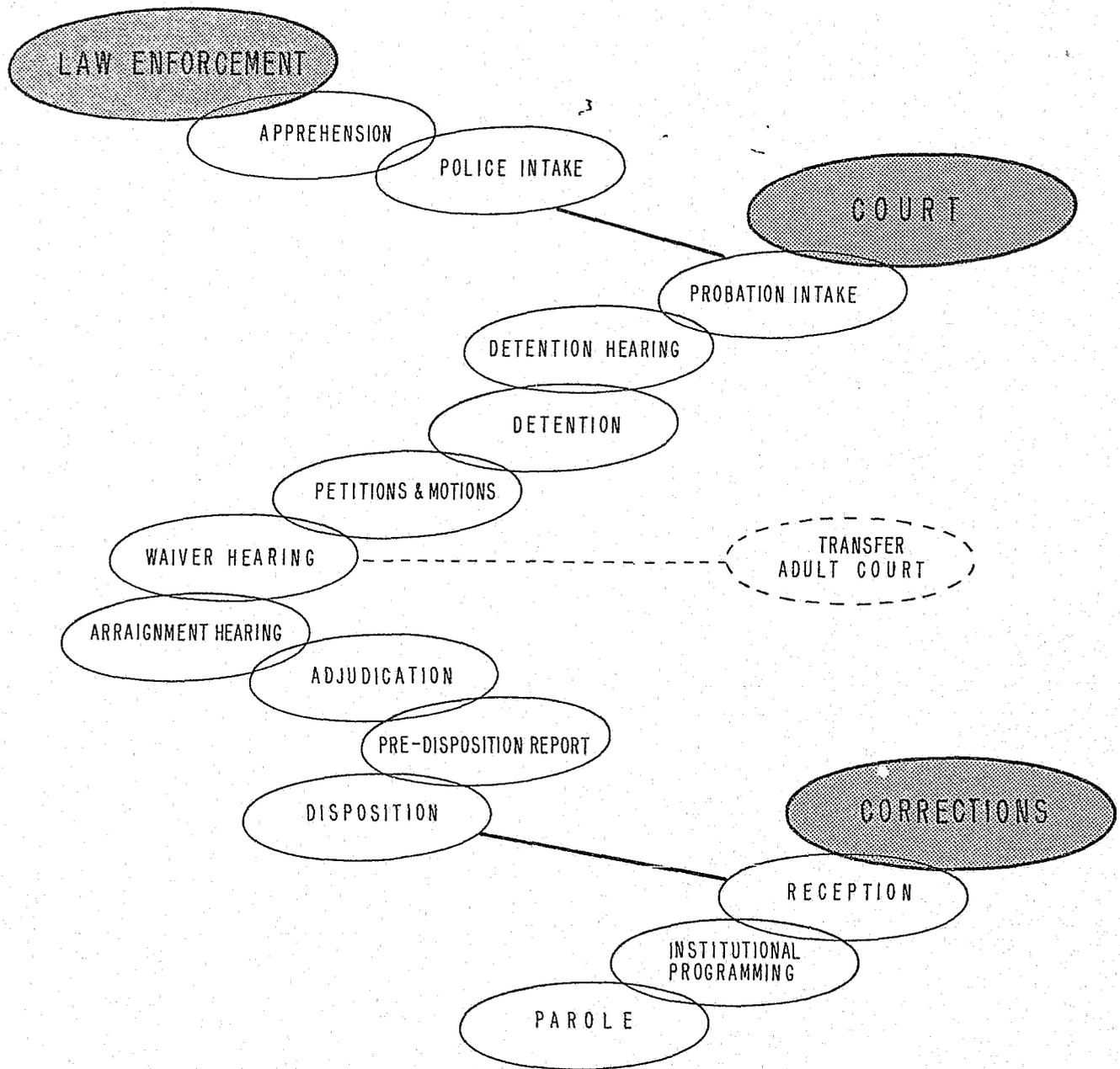
Impressions gained during this study would indicate that the identification and labeling of the serious juvenile offender based on any single criterion or single set of criteria is a highly questionable procedure. The judgment of "seriousness" in the field is based on the professional experience of individual juvenile justice decision makers, their personal views (e.g., optimistic or pessimistic, liberal or conservative, punitive, or humanitarian) and their human frailties (e.g., moods, prejudices, personal problems). In this human context, the following list of characteristics appear to be used as guidelines in the various unique local jurisdictions:

- threat to the community, others, or themselves
- seriousness of the offense - particularly those involving violence and victims
- history of criminal behavior
- failure in repeated attempts at rehabilitation
- degree of criminal sophistication.

All of the above factors are seen as gradients combining in different patterns as the seriousness of each juvenile offender is judged in the system.

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FIGURE 1
FLOW DIAGRAM:
THE SERIOUS JUVENILE OFFENDER IN THE JUVENILE JUSTICE SYSTEM



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No attempt has been made to assign weights or priorities to these characteristics since there was no basis for such an action. Degree of seriousness based on the above characteristics continues to be a matter of local and individual interpretation. Final judgment may be most just and accurate at the local agency level.

THE REHABILITATION ENIGMA

The problem of how to treat the serious offender is inextricably bound together with the problem of defining the term -- serious juvenile offender. An adequate definition must obviously precede the development of program objectives, if indeed there is a need for programs specific to this category of juveniles. The review of juvenile justice literature and interviews with system personnel in the six states studied, have confirmed the lack of a common definition and a general lack of "serious juvenile offender programs" except where the entire population of an institution was juvenile -- and serious.

Rehabilitation Efforts

The efforts to change the pattern of the serious juvenile offender's behavior from criminal to something acceptable in the local community appear to have met with little success. In spite of various institutional and community programs to redirect these few (6-15 percent)* individuals through programs such as individual and family counseling, foster home placements, probation, camp experience, special education, and individual therapy, they continue to run afoul of the juvenile justice system.

*Estimates based on previously cited studies by Wolfgang (6 percent) and Mann (15 percent). Estimates by operational people in the field tend to be somewhat lower than Wolfgang's figure.

These juveniles seem to have a propensity for failing in each new setting prescribed by the system as the police and courts work to resist their penetration into the system. The Florida State Comprehensive Plan for 1978¹⁷ states, for example, that fifty police agencies in Florida reported in a survey, completed early in 1977, that they have "diverted at least 18,281 youth in 1975." The same survey showed that intake staff in the state diverted 67.3 percent of all delinquent youth referred to them in 1976 (63,239 juveniles).

Other state statistics reflect similar trends in diverting youth from the system as its credibility as a rehabilitative agent continues to decline. Federal and state laws exert pressure on the juvenile justice system to find ways, other than confinement to redirect and reintegrate these juveniles into the community. A number of questions could be asked:

- Are the Federal Government and the states making a maximum effort to provide services?
- To what extent are present cultural patterns reinforcing the delinquency patterns of these juveniles?
- Should treatment for the serious juvenile offender be a privilege or a right?
- To what extent do these juveniles have the potential for reorientation to a productive life in the community?
- What standards of performance should rehabilitative programs for this group be expected to meet?

The answers to the above questions are elusive. They are not new. They are posed here to provide a context for this report and to emphasize the complexity of issues related to programming for the serious offender.

Responses to the need for solutions to the delinquency problem expressed through suggestions to "contract with selected juveniles to pay them a flat salary to stay out of trouble"¹⁸ or to

"assign a staff person in residence with a youth twenty-four hours a day, seven-days-a-week, working for that youth,"¹⁹ reflect the futility and frustration of responsible people in the juvenile justice system.

In Minnesota,²⁰ the Department of Correction's figures, for the first quarter of 1975, indicated that the ratio of all institutional employees to juvenile inmates is slightly under one employee to one inmate (1:1.06³) at the State Training School in Red Wing, and slightly less (1:1.23) at the Minnesota Home School in Sauk Centre. The ratio of professional staff members to inmates is somewhat lower, one to four (1:3.8) at Redwing and one to six (1:5.9) at Sauk Centre. Ratios similar to these were also found in New York and Massachusetts. As these ratios approach one to one, the question posed is -- to what degree is the state assuming responsibility for the behavior of the individual and what implications for cost and inmate dependency are there in these ratios?

All states visited have budgets for "purchase of service" contracts with vendors from other state agencies and the private sector which provide services supplementary to those of the state facilities. Massachusetts has contracts for two of its three secure centers with the State Division of Mental Health. The State of New York also contracts for services with its State Department of Mental Health.

Other suggestions for dealing with the re-education of the serious offender include having the state contract with private institutions whose programs are specifically geared to the needs of this particular delinquent. John Conrad²¹ suggests a regeneration of the private sector. In his presentation to the National Symposium on the Serious Juvenile Offender (1977), he listed the following reasons why the state is not the best

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agency for dealing with the rehabilitation of the serious offender:

- The state is not well adapted to the helping role because its tools are management and order; its procedures bureaucratic . . .
- The kinds of services needed for this juvenile do not lend themselves to careers for which civil servants are recruited
- Conventional state procedures do not lend themselves to the kind of volunteerism required by the charismatic leader.
- Civil servants cannot be fired, but private employees can.
- It is easier to get rid of an unsatisfactory program on a service contract than to phase out one budgeted by the state.

The system and its peripherally interested research workers and academicians appear to be seriously in pursuit of techniques that will change the behavior of the serious juvenile delinquent. Certainly the system managers and the staff visited in the juvenile institutions are looking for respite from their struggle to find ways to rehabilitate these youth, or at least to escape the personal "burn out" resulting from the continual confrontation and hostility of these juveniles.

The suggestions for change appear all too frequently, however, to focus on the unwieldy system, its bureaucracy, and the problems generated by the people operating the system itself. The lack of communication among system components, failure to profit from past experience or current research, lack of accountability, vested interests, and the political approach to the resolution of problems to name a few, are part of a long list of symptoms inherent in the system that contribute to its failure to respond successfully to juvenile problems.

Research also continues to focus on new programs, what can be done to change the present system, and the nature of the target

population. Little or no research is being conducted to determine why the system has such a bad reputation, nor why system personnel at all levels contribute to its malfunctioning. Evidence of this need is frequently encountered in staff training outlines such as those in the Wisconsin Criminal Justice Improvement Plan for 1977²² which suggests development of training seminar models for staff should first--

"Examine areas of responsibility within the juvenile justice system to identify areas which are presently confusing, require greater communication, or are a new responsibility of several agencies."

One step in this direction could be a study into the condition known as "staff burn out" mentioned previously and its relation to the overall potential of the serious juvenile offender for rehabilitation.

Rehabilitation Potential of the Serious Juvenile Offender

Given what is known about the difficulty in changing behavior, the question of the potential of the serious juvenile offender for rehabilitation is pertinent. The question is raised here, not as a preliminary to suggesting their warehousing, but to suggest that system expectations be based on the reality of their overall potential rather than on the idealized concept that everyone can be rehabilitated. The serious offender (or hardcore), according to Manella's²³ profile, presents a background to shake the confidence of the most optimistic therapist. He describes the serious offender as:

- burdened with special social, emotional, intellectual, and educational problems
- having long histories of delinquent, criminal, and deviant behavior
- having acquired deeply rooted anti-social attitudes and values
- agitated personalities with character defects

- hostile, alienated personalities
- habitual law violators and runaways
- sometimes superficially passive, but suave, articulate, and manipulative.

The above list of characteristics is not unusual in the descriptions of the institutionalized offender as a group. Refinements and additions to the above list could be made. For purposes of this report, however, the questions posed relate to the potential for change that these juveniles bring to the rehabilitative services of the institution.

- To what extent can these juveniles be expected to generate enough motivation to participate in their own rehabilitation and to what extent are they responsible?
- To what extent should state correctional institutions and staff be held responsible for getting the job of change accomplished -- especially within the constraints of continually reduced time available for effecting the change?

Time as a factor in rehabilitation is becoming an institutional concern. For example, during the field visit to the Alyce D. McPherson School for Girls at Ocala, Florida, Joyce Robertson,²⁴ superintendent, indicated that some juveniles have requested they be allowed to remain at the school beyond their release date in order to finish an educational or vocational program in which they were involved. Other operations people interviewed questioned the feasibility of reversing the deep seated behavior patterns of these youths during the short time they were available for treatment.

Perhaps the system is trying too hard to provide programs to meet the needs of this particular group. Mann²⁵ raises the question, "Lock up, give up, or try harder," and suggests that the answer will depend on competition for public funds as to how hard we are able to try, and the extent to which present

programs are assessed. It is also possible that the system is guilty of program overkill. The wide range of programs now offered by certified teachers and qualified social service professionals (at low staff-student ratios) is beyond the dreams of many responsible for public school and community treatment programs.

Although there were differences in the presentation and leadership in the various programs reviewed, observed, and discussed, there were no major gaps in programming. Every state in the study had listed standards requiring treatment, educational, vocational, drug/alcohol, religious, recreational, volunteer, and grievance programs, and had budgeted for them. Federal funds were available, particularly in the educational/vocational areas (Title I and CETA), and for special projects. Purchase of services for programs not supplied by the state is common in all states.

Given all of the negative aspects of confinement, the question continually surfacing during the study has been:

To what extent is it possible for the serious juvenile offender to be serious about rehabilitation, given his or her potential for change, and the short period of confinement?

COMMENTS

The problem of definition as it relates to the serious juvenile offender appears to be simpler when the question of seriousness is related to an individual case rather than to a group. The main concern and need for a definition of the serious juvenile offender appears to be directly related to public safety.

Although the characteristics of these youth have been described with some consistency, little has been determined about their potential for retraining. The search for new and effective techniques to accomplish the necessary attitudinal and behavioral

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changes in these juveniles appears to have masked an equally important need -- the need to realistically determine the amount of change that can be expected during the very short periods of their confinement.

II. CHARACTERISTICS OF THE SERIOUS JUVENILE OFFENDER

The six states of California, Florida, Massachusetts, Minnesota, New York, and Wisconsin, reported 668,413 juvenile arrests* to the Federal Bureau of Investigation for 1976. These arrest data were compiled by the local law enforcement agencies of these six states as part of the FBI Uniform Crime Reporting program (see Table 1, p. 23). Almost one third of these juvenile arrests (213,625) were for Part I offenses, the category used by the Federal Bureau of Investigation for crimes which are serious or highly prevalent.

This high count of juvenile arrests for Part I offenses occurred despite the fact that two of the six states in the study have maximum ages for juvenile jurisdiction which are lower than the national standard. The maximum age for a juvenile is fifteen in New York and sixteen in Massachusetts. The maximum age for a juvenile is seventeen in California, Florida, Minnesota, and Wisconsin. Seventeen is the age used by most of the fifty states. These age differentials account, at least in part, for the fact that California, which has a population comparable to New York's, nevertheless has a juvenile arrest count almost three times higher.

Additional variations among states which are reflected in this data should be noted. Table 1 (p. 23) shows that California accounts for one third of the total juvenile arrests for Part

*Arrest counts do not match juvenile offender counts since a juvenile may have been arrested several times during a report period. This duplication occurs to a much lesser extent in juvenile court and correctional data.

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TABLE 1

JUVENILE ARRESTS REPORTED FOR SIX STATES DURING 1976
BY UNIFORM CRIME REPORTS (FBI) CATEGORY AND STATE

State	Part I Offenses		Part II Offenses		Total Arrests	
	Number	Percent	Number	Percent	Number	Percent
California	75,992	24.1%	239,954	75.9%	315,946	100.0%
Florida	43,279	45.9	51,014	54.1	94,293	100.0
Massachusetts ^(a)	9,622	52.4	8,736	47.6	18,358	100.0
Minnesota	16,911	42.4	22,919	57.6	39,830	100.0
New York ^(a)	41,744	36.8	71,729	63.2	113,473	100.0
Wisconsin	26,077	30.1	60,436	69.9	86,513	100.0
TOTAL	213,625	32.0%	454,788	68.0%	668,413	100.0%

(a) All states define upper age limit for juveniles as 17 years of age or younger except for New York (upper age limit 15 years) and Massachusetts (upper age limit 16 years).

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I offenses and for one half of Part II offenses. All five of the other states in the study show higher proportions of Part I arrests. There is an important variable to note, however. In California, petty thefts are recorded as Part II offenses while in the other five states, petty thefts are counted as Part I offenses according to the usual practice of the Uniform Crime Reports. This is one of the reasons the other states show higher proportions of Part I arrests than California.

Another factor affecting the arrest totals shown in Table 1 is that there is a difference in the degree to which law enforcement agencies in different states are represented in the figures. California, Massachusetts, and New York were represented by 90 percent of their law enforcement agencies, a rate which is much higher than usual.

Finally, state statutes defining crimes and offenses vary. Decriminalization of marijuana possession laws has, for example, reduced the number of drug arrests quite sharply in those states affected. For these and other reasons to be pointed out later, the reader is cautioned to not place undue stress upon statistical comparisons presented in this report.

Arrest data, based for the most part on UCR reporting standards, is provided here by age, race, sex, and offense category for all states. Aside from arrest data, the completeness and availability of other data elements needed for describing juvenile offenders, varied considerably among the states. For instance, the method used for calculating age for California juvenile court data is year of birth compared to day or month of birth used in other states. Secondly, while all race data reported recorded Mexicans of American ancestry as white, race is not included in the New York arrest and Wisconsin correctional data provided. This finding was not unanticipated. Following an early survey of the states' available data reports, a degree of latitude has been built into the data development plan to accommodate as much as possible these data inadequacies.

PURPOSE

The general purpose of this chapter is to examine the statistical data provided by the six states which depict the juvenile offender at the point of arrest and other decisions points of the juvenile justice process. Specifically, this study will seek to look, as closely as available data allow, at those physical and offense traits and attributes which differentiate the "serious juvenile offender" from the delinquent population in general. The study questions to be answered included a measure of tolerance. Stated informally the question raised is--

- *How much correlation is to be found between types of juvenile offenders and certain characteristics?*

DATA CONSTRAINTS

A willingness to accept data for this study on a broad and permissive basis must be acknowledged. Despite this admitted research tolerance, three quality constraints are employed:

- to insure comparability among states, only 1976 data are used with a single exception involving 1974 California parolees
- where a state questioned the reliability of its own data, the data is not included in the study
- only objective data are included in this study.*

Certain limitations which can be expected to be present in the data displayed in this report should be clearly specified. These limitations are, for the most part, of a general nature and exist in most juvenile justice data reports. They are brought into focus as a result of discussions with technicians

*This is not to prejudge that information based on such subjective factors as personality, home background, or parents occupation, does not contain utility for defining juvenile offender typologies. As will be pointed out in later discussion, these factors may identify some serious juvenile offender types that appear to be only marginally so, based on more objective criteria.

in the six states familiar with their own data as it is provided for this report. Many of these limitations in the data made it extremely difficult to adapt the material to this study. In these cases, an effort was made to analyze as carefully and wisely within the framework of reality as possible.

The following are limitations related to the collection and analysis of data provided by the six states for this report:

- Variations in categories of data available describing juvenile offenders: All states were able to provide arrest level juvenile offender data. Beyond this point, only two states have usable juvenile court intake data. Three states have no available state correctional data that is applicable to this study.
- Variations in quality of data: In some instances, it was necessary to work with unedited computer tabulations and special report data that did not match control counts contained in published reports. Differences found are not major in size. A more serious limitation involved data variables not clearly defined and for which correct definitions could not be obtained though requested.
- Variations in practices of handling juvenile offenders which impact data: Practices of handling juveniles can vary among localities as well as among agencies within localities. One of the practices most cited is that of handling cases informally (not recorded) for an offense or action calling for formal review based on state standards. Further, in some states a case can be handled administratively, without becoming a court intake or disposition record. Depending on the seriousness of the offense involved, it is not difficult to imagine the bias possible in juvenile offender reports and publications that can occur.
- Variations among states in laws and philosophies of juvenile justice which impact data: Differing attitudes of protectiveness toward juvenile offenders were apparent. Frequently it is possible to select one of several offense labels (i.e., runaway, prostitution, robbery, accomplice, assault) at the various process levels related to a juvenile offender action. It seems reasonable to expect offense labels representing the most serious behavior problems be used in classifying offender arrest or disposition data. This is not always the case.

Differing laws and codes. For example, theft of an article of value of \$100¹ and over is a felony theft in Wisconsin, while articles valued at \$200² and over constitute a felony theft in California.

Differences among states in development of new concepts of justice. States vary to the extent in which district attorneys are involved in the juvenile petition (complaint or indictment) process. Another variation among states which affects data counts is the degree to which local jurisdictions within states are willing to remand older juveniles to adult courts.

JUVENILE JUSTICE SYSTEM DATA

For the juvenile offender, the major decisions made in the juvenile justice process chain, put in question form, are pivotal ones. They are:

- who goes?
- who stays?
- who returns?

Whether these decisions are made at point of arrest, juvenile court intake, camp or clinical placement or commitment to a state correctional program, the overall process seems laid out in a circular mode. In time, the route through the system invariably leads back to the community.

Arrest

One of the most important points in the juvenile justice process is actual arrest. At this first level, the decision is made by police, truant officer, social worker or correctional officer to bring the offender into direct contact with the juvenile justice system.

When the figures for arrest are compared with the figures for petitions, commitments, and parole releases, it becomes apparent that fewer and fewer juveniles are being continued in the system at each decision level. This comparison is presented in Table 2 (p. 29), which is based on California data only.

TABLE 2

JUVENILE OFFENDER ARRESTS, COURT DISPOSITIONS,
AND PAROLE RELEASES FOR 1976 (a)
BY SELECTED CHARACTERISTICS

STATE OF CALIFORNIA

SELECTED CHARACTERISTICS	ARRESTS			COURT DISPOSITIONS ^(b)		PAROLE RELEASES ^(a)
	PART I OFFENSES	PART II OFFENSES	TOTAL	PETITIONS	COMMITMENT TO CORRECTIONS	
TOTAL NUMBERS	75,992	239,954	315,946	57,647	1,525	2,316
PHYSICAL CHARACTERISTICS						
Male	90.7%	71.9%	76.4%	80.0% ^(b)	92.8% ^(b)	88.2%
White ^(c)	72.6	85.0	82.0	84.6	74.0	67.1
Mean Age	14.8 yrs.	15.0	15.0	16.1	16.6	16.8
OFFENSE CHARACTERISTICS						
Criminal Homicide	0.3	N/A*	0.1	0.3	2.5	2.3
Forcible Rape	0.7	N/A	0.2	0.3	1.2	N/A
Robbery	7.7	N/A	1.9	3.3	13.1	10.8
Aggravated Assault	10.5	N/A	2.5	10.0	14.4	12.7
Burglary	50.8	N/A	12.2	21.1	25.1	15.6
Theft	13.8	N/A	3.3	11.7	9.4	17.8
Motor Vehicle Theft	16.2	N/A	3.9	5.9	10.1	N/A
Arson	N/A	0.4	0.3	N/A	N/A	N/A
Drug Law Violation	N/A	10.9	8.3	6.7	4.1	4.7
Liquor Law Violation	N/A	8.7	6.6	2.1	0.6	N/A
All Other ^(d)	N/A	80.0	60.7	38.6	19.5	36.1

*N/A = Not Available

- (a) Represents 1974 juvenile court parole releases. 1976 data offense category - not available.
 (b) Juvenile court disposition data for Los Angeles County not available.
 (c) Percents based on known race counts: Total Petitions (56,308); Commitments (1,478).
 (d) For example, vehicular manslaughter, other sex offenses, drunk driving, petty theft, prostitution, glue sniffing, vandalism, and delinquent tendency offenses which include runaway, truancy, loitering and incorrigibility.

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Table 2 (p. 29) also shows the percentage of specific offenses at given decision points in the juvenile justice system. Crimes against persons (criminal homicide, forcible rape, robbery, and aggravated assault) represent a small proportion of arrests, and this proportion remains approximately the same at each level of the juvenile justice process. This is also true, but to a lesser degree, for the other Part I offense categories of burglary, theft, and motor vehicle theft.

A look at Part II crime arrests (239,954) shows that almost one of every five arrests is for a drug or liquor law violation (see Table 3, below). The reduction in 1976 of liability for possession or use of small quantities of marijuana still provides for a sizable count of drug arrests.

A further review of Table 3 (below) shows that almost one of every three Part II arrest is for a status offense. Of the All Other offenses arrests (60.7 percent) shown in Table 2 (p. 29), by far the largest single general offense category was for what in California are labeled children with delinquent tendencies (status offenders). These are juveniles who are runaway, incorrigible, truant, and commit related minor offenses not usually the subject of adult laws.

TABLE 3
DISTRIBUTION OF PART II OFFENSE ARRESTS
REPORTED FOR CALIFORNIA DURING 1976

OFFENSE	NUMBER	PERCENT
Arson	1,005	0.4%
Drug Law Violation	26,114	10.9
Liquor Law Violation	20,975	8.7
Delinquent Tendencies ^(a)	70,284	29.3
All Other	121,576	50.7
TOTALS	239,954	100.0%

(a) Status offenses included in the delinquent tendencies category include runaway, loitering, truancy, and incorrigibility

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At the court intake level, the serious juvenile offender begins to be more clearly visible (see Table 2, p. 29). This is reflected in the large numeric and percentage drop in all the other offense arrest categories for this level.

While a small proportion of this fallout occurs as the result of the inclusion of petty thefts with felony thefts at the court disposition level, a much more logical explanation for this change is the high representation of delinquent tendency offenders in the arrest All Other offenses category. Conclusively, as Table 2 shows (p. 29), delinquent tendencies and misdemeanor offenders are much less likely to reach the court disposition stage of the juvenile justice system than is true for the more serious (Part I offenses) juvenile offender.

For California, it is found that age, race, and sex patterns differ between Part I and Part II arrests. Less than 10 percent of all Part I offenses arrests are assigned to female delinquents contrasted with 28 percent Part II offense arrests.³ Females become increasingly smaller proportions of the juvenile justice system at court intake and disposition levels. In fact, as shall be seen later, the court disposition level is almost exclusively the domain of the serious juvenile offender male. To a slightly lesser contrasting degree, Part I offense arrests are more likely to represent membership in a minority group.

Age makes little difference when Part I and Part II offenses are compared. It is noted that when drug and liquor law violation arrests are excluded from the Part II offense total, there is no statistical difference between Part I and Part II offense categories for mean age. This tendency for individuals arrested for liquor and drug law violations to be older, along with male traffic offenders and female runaways is characteristic of juvenile offender arrest data for California.⁴

What seems most notable about offender characteristics as indicated in the arrest statistics displayed in Table 2 (p. 29) is the almost negligible proportion of major crime against person arrests. (i.e., criminal homicide, forcible rape, aggravated assault, and robbery). Less than one of twenty juvenile offender arrests are of that nature. At the arrest level, the serious juvenile offender is hardly detectable in the midst of the large number of arrest offenses considered to be of a less serious nature.

Court Intake

Not every juvenile offender arrested is referred to juvenile court intake or detained. Not every juvenile offender referred to court intake is petitioned or complained against. Not every juvenile petitioned against eventually ends up as a commitment or eventually as a parole release. Table 2 (p. 29) shows, in fact, that the numbers grow exceedingly small with movement through the criminal justice system from arrest through parole release.

Disposition

During 1976, California courts ordered 1,525 juvenile offender commitments to the California Youth Authority (state correctional youth program) as a result of 57,647 filed petitions. This means that less than forty of every thousand petitions (including remands to a adult court) ended up as youth training school commitments. Table 2 (p. 29) shows that at the juvenile court disposition level, an alternative to commitment to corrections is much more likely to be a juvenile offender's fate. These alternatives could represent direct release, camp, probation, or foster home placement.

When viewed from the standpoint of total petitions compared to proportions of total commitment to state corrections, the image of the serious juvenile offender becomes more definite. In fact, at the court commitment level, the serious juvenile offender becomes sharply distinguishable.

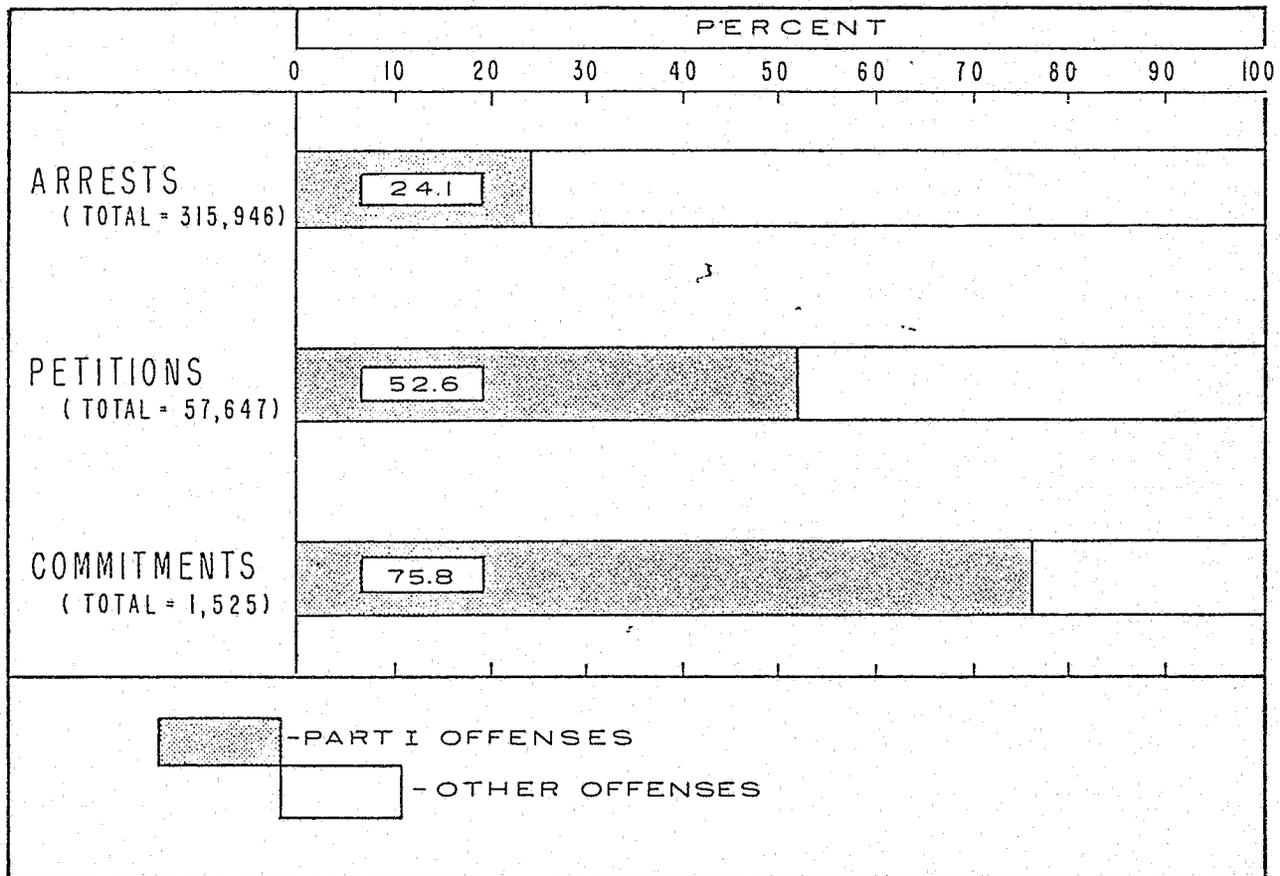
Table 2 (p. 29) data shows that juvenile court commitments to the California Youth Authority (corrections) are definitely more apt to be male (92.8 compared to 80 percent), non-white (74.0 compared to 84.6 percent white) and older in average age (16.6 compared to 16.1 years old) than their court intake (petitions) counterparts, respectively. This differential increases even more between the total arrests and court commitment process levels (see Table 2, p. 29).

In terms of offense characteristics, an equally pronounced change in pattern is noted. Clearly, at the point of decision to commit, the juvenile is more likely to be a serious offender than he is at point of decision to file a petition. In Table 2 (p.29), the California data shows that, for court commitment offenses, there is a decidedly greater likelihood of violence or the threat of violence (robbery) to be the reason for the decision to commit than is the case for petition offenses. It is also the case that when the commitment offense is recorded as a non-violent one. It is more likely to be a serious (Part I) offense when compared with the court intake (petition counterpart offenses).

Figure 2 (p. 35) graphically expresses the sharply increasing proportionate growth of Part I offenses for juvenile offenders retained in the system from the point of arrest through their commitment to the California Youth Authority. While the head count drops from a high of 315,946 at arrest to an extreme low of 1,525 actual commitments, there is a 200 percent increase (24.1 to 75.8 percent) in the proportion of Part I offenses recorded between these two points.

An inverse likelihood occurs when comparing petitions with commitments in the area of Part II (less serious offenses). It can be seen in Table 2 (p. 29) that the "All Other" offense category comprises 80.0 percent arrests, 38.6 percent petitions

FIGURE 2
 COMPARISON OF PART I OFFENSES AS PERCENT OF TOTAL ARREST,
 PETITION AND COMMITMENT OFFENSES RECORDED FOR 1976 (CALIFORNIA)



National Juvenile Justice System Assessment Center

and 19.5 percent commitments to corrections. In other words, there is progressively decreasing likelihood from arrest through commitment that the offense of record will be a misdemeanor or status offense (e.g., runaway, truancy, curfew).

While the 19.5 percent "All Other" offenses comprise a relatively large proportion of juvenile court commitments, it should be pointed out that the commitment offense may not always be the determining factor in court dispositions. Certainly prior record and attitude or demeanor are interactive with the decision to arrest, petition, or commit. However, these factors are much more likely to be decisive ones when the commitment offense is

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less serious. Unfortunately, the data available for this study did not include prior offense or case record data which when available to the court do influence the dispositions made.

A final note on court dispositions may provide useful information. In addition to the 1,525 juvenile commitments to the California Youth Authority (CYA) another 731 youths under eighteen were remanded to Superior (adult) Court as serious offenders during 1976.⁵ Almost three³ of every four (73.3 percent) of these referrals were for a Part I or a narcotic offense. Almost one of every three (29.7 percent) remands to adult court was for a crime against person offense. Both the physical and offense profiles of these juvenile court disposition subjects were similar to the corrections commitments for most characteristics with the exception of age. On the average, remands to adult court are slightly older than juvenile court commitments (16.9 compared to 16.6 years of age, respectively).

Correctional Institutions

Data made available which described aspects of California Youth Authority institutional caseloads is limited and only partially complete. A basic reason for this is that the data reports obtained did not consistently separate juvenile from adult court commitments. No offense data covering juvenile commitments is included in these reports.

Physical characteristics data obtained show that the 1976 institutional caseload is represented by 1,815 first commitments, of which 1,633 or 93.1 percent are male. Of these 1,633 first commitment males, 1,024 (or 62.7 percent) are white and their average age is 16.8 years.

Direct comparison of these data with court commitment data entails a risk beyond the fact they are representative of male populations with a single exception. Los Angeles County Court disposition data⁶ is not included due to the fact that the data has not been available in Los Angeles County juvenile justice reports.

Parole *

As is depicted in Table 2 (p. 29), parole releases⁷ show mixed but perhaps not illogical patterns when compared with other juvenile justice data contained in this report. In an area where a direct comparison is possible, it is found that parole releases are composed of males in about the same proportions as are institutional cases - 92.8 percent compared to 93.1 percent. On the other hand, as is pointed out in the paragraph below, offense category comparisons show considerable variance between commitments to and releases from institutions.

While the absence of Los Angeles County data makes analysis more tenuous, comparisons of parole release characteristics with those of court commitments do show some interesting offense category differences. First, as is shown in Table 2 (p. 29), lower proportions of rape, robbery, and assault offenders are represented in the parole releases data. Conversely, for the all other offense (Part II) category, the parole release proportion is 36.1 percent compared to a much lower 19.5 percent for court commitments to corrections. Once committed, the more serious juvenile offender appears to be more frequently retained within the institution. This conveys a fairly conclusive statistical message. Return to the community is quicker and more direct for the less serious offender.

*1974 parole data is provided because it is more detailed than the 1976 parole release data obtained. The total of 2,331 juvenile court parole releases for 1976 is actually very close to the number released to parole in 1974.

SERIOUS JUVENILE OFFENDER CHARACTERISTICS

Table 4 (p. 39) is a six state consolidation table showing percents of juvenile offender characteristics at three major process levels - arrests, state correctional commitments, and paroles. Table 4 (p. 39) is a condensed version of the Table 2 (p. 29) format covering California juvenile offender data. This condensation was necessary for two reasons. First, as can be seen, there is considerable variance among states in availability of data. Secondly, it was decided to select only those variables from Table 2 (p. 29) that showed a high potential for differentiating soft from serious juvenile offender patterns.

There are similarities and disparities in the statistical outcomes among states shown in Table 4 (p. 39). This is at best a surface view of the juvenile offender shown at three decision points in the justice system. In addition to the already mentioned variance among states in the manner in which juvenile characteristics data is classified and defined, there are additional influences which impact the results of these findings.

Certainly, cultural and social differences among states do have a bearing on the results found here. Demographic rates of change can also be an important means for describing the characteristics patterns of juvenile offenders. Had the promise of more complete individual state's data existed, a study based on population rates may have been considered fruitful.

Some general observations about the six state data findings may be informative. At the arrest level, all states are represented, providing data for both physical and offense characteristics. The distribution of males is markedly close in proportions (about 75 percent) for all states but New York and Massachusetts. Whether this outcome results from the lower age limits for defining juveniles which exist in these two states is not known.

TABLE 4

ARRESTS, STATE CORRECTION COMMITMENTS, AND PAROLE RELEASES
 REPORTED FOR 1976 BY SELECTED CHARACTERISTICS
 STATE AND JUVENILE JUSTICE PROCESSES

State and Juvenile Justice Process Level	Physical Characteristics			Offense Characteristics			Total	
	Male	White	Mean Age	Part I Offense Group	Drug Law Violation	All Other Offenses	Number	Percent
CALIFORNIA								
Arrests	76.4%	82.0%	15.0 yrs.	24.1%	8.3%	67.6%	315,946	100.0%
Commitment to Corrections	92.8	74.0	16.6	75.8	4.1	20.1	1,525	0.5
Parole Releases ⁽¹⁾	88.2	67.1	16.8	59.2	4.7	36.1	2,316	0.7
FLORIDA								
Arrests	75.9	72.1	15.0	45.9	5.7	48.4	94,293	100.0
Commitment to Corrections	N/A ⁽²⁾	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Parole Releases	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MASSACHUSETTS								
Arrests	83.0	N/A	15.1	52.4	4.8	42.8	18,358	100.0
Commitment to Corrections	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Parole Releases	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MINNESOTA								
Arrests	76.0	90.0	15.2	42.4	6.2	51.4	39,830	100.0
Commitment to Corrections	84.2	84.2	15.9	48.5	N/A	51.5	482	1.2
Parole Releases	80.3	83.4	16.7	46.4	N/A	53.6	638	1.6
NEW YORK								
Arrests	84.0	N/A	13.8	36.8	2.3	60.9	113,473	100.0
Commitment to Corrections	92.7	N/A	N/A	N/A	N/A	N/A	877	0.8
Parole Releases	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
WISCONSIN								
Arrests	74.4	88.6	15.1	30.1	5.2	64.7	56,513	100.0
Commitment to Corrections	91.3	N/A	N/A	N/A	N/A	N/A	569	0.7
Parole Releases	86.4	59.5	16.1	N/A	N/A	N/A	819	0.9

(1) Juvenile Court commitment parole releases for 1974 since 1976 data covering offense categories not available.

(2) N/A - indicates data not available

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Because of demographic differences among states, it was not expected that race would show consistent proportions at the arrest levels, and it is difficult for that reason to make valid comparisons. Florida shows the lowest proportion (72.1 percent), while Minnesota shows the highest proportion (90.0 percent) of white arrests. As expected, New York (with an upper limit for juveniles of age fifteen) arrests represent the lowest age average at 13.8. Somewhat surprising is the fact that Massachusetts (with an upper age limit for juveniles of sixteen years) shows an average age of arrest for 1976 roughly equal at fifteen years old to the remaining four states.

There is considerable variance in Part I offense arrest proportions among states. California, which excludes petty thefts from Part I arrest counts, has a lowest percent of 24.1. Over 50 percent of all Massachusetts juvenile offender arrests are for Part I offenses

A Two State Comparison

Minnesota was the only state in the study except for California to provide state correctional commitment and parole releases data by offense category.⁸ Based on data displayed in Table 2 (see p. 29) covering California, it is pointed out that commitment and institutional caseloads are much more likely to be characterized by having more serious offenders (Part I offenses) than is the case at the arrest and court intake (petition) levels. Despite the use of admittedly sketchy data, it is felt this increase in proportions of Part I offenders is most salient in identifying the serious juvenile offenders.

For California, as shown in Table 4 (p. 39), the proportion of Part I offenders at the court commitment level climbs to 75.8 from arrests (24.1 percent), then drops to 59.2 percent for parole releases. A similar pattern occurs for the Minnesota Part I offenses category but to a much lesser degree.

In addition to offense category patterns, physical characteristics patterns also provide some logical basis for developing a trademark of the serious juvenile offender. The difference in age limits for Massachusetts and New York need not complicate matters if only California and Minnesota data are presented. It is found for both these states that age, maleness and severity of offense increase at the court commitment level. Before continuing this analysis, a few points of explanation are necessary.

First, there is an admitted presumption here that the juvenile court process is fairly effective in selecting out for institutionalization the most serious offenders. Also for purposes of this report, a serious juvenile offender is designated as the incarcerated Part I offender, or, more broadly defined, the adjudicated delinquent who may not have committed a Part I offense, or a combination of both. Data covering repeat offenders (prior record) is not available to this project.

Serious Juvenile Offender Identified

If these presumptions have merit, then the association found to exist in characteristic patterns (age, sex, and offenses category patterns) for the two states from the arrest through the court commitment level seem to contain logic. These characteristic patterns show that at the point of court commitment, the juvenile is older, more often male, and more frequently a Part I offender. Time (aging) must be expended to acquire a prior offense history as well as to attain biological or physical change and maturation for committing certain acts. For example, a certain leg and body length is required to reach the foot pedal or to see over the dash board of an automobile. Biological growth (change) is necessary to commit rape and other sex offenses. Social and psychological peer group maturation must occur before the mental and social sets for committing certain (i.e. forgery, robbery) offenses can occur.

This contention provides an inconclusive but logical basis for the statistical association found to exist in Table 4 (p. 39), between offense severity, age, and sex (maleness). These associative patterns were found to be much more pronounced in the California data than the Minnesota data. A similar but reverse and weaker set of associative patterns are found to exist for these two states at the parole releases process level when compared to correctional commitments. There is both a proportionate drop in maleness and offense severity for the parole releases shown in Table 4 (p. 39). These are changes which are least likely to be predictive of the serious juvenile offender.

It is hardly possible to expect a decrease in mean age here since the time gap between the commitment and parole release is in terms of months and years rather than days and weeks. The logic applied in the above analysis can be further extended to suggest that a selective process, with some degree of effectiveness, seems to be also employed at the parole releases level. The most serious juvenile offender is the first committed but the last released.

EVALUATION

Eleanor Chelimsky has provided a most relevant review of "the ways things are" in her report entitled, "The Need for Better Data to Support Crime Control Policy."* As is stated in the report's abstract, "This paper examines some of the weaknesses of the data base presently available for evaluation in the criminal justice area and relates the quality of evaluative findings to the quality of that data support."

Little disagreement with this evaluation of the quality of criminal justice data found at the national level is possible

*Based on The Need for Better Data to Support Crime Control Policy, a paper presented at the annual meeting of the American Political Science Association, Chicago, Illinois, September 1976.

based on the six states data base experience. However, one of the Chelimsky conclusions lacked that ring of certainty. Her contention was, ". . . that the importance of evaluative findings for crime control policy now seems well understood."

It is difficult to reconcile such a supposed general sense of understanding among criminal justice and other state and local public officials with the graphic portrayal of the "state of the art" projected in Table 4 (p. 39) of this report. Fifty-seven of the possible 144 data cells contained in Table 4 have a "N/A" (data not available or in usable form) notation.

It was far from clearly communicated by staff associated with the data bases in the project states that the Chelimsky conclusion was widespread and in working existence. Nor was there communicated that more basic need for data which has the quality of being usable by all levels of the juvenile justice system for administrative, evaluative or policy purposes or any combination thereof.

COMMENTS

In the absence of desire strong enough to promote resources and action within and among states, there is little hope of filling in the data cells of Table 4 (p. 39). However, the qualities of data being proposed are not far out of reach. They are:

- Qualities of Accountability. Juvenile justice data must possess simple and direct accounting of the number within caseloads at various process levels, their physical and social characteristics and their process outcomes.
- Qualities of Comparability. The maintenance of uniform standards for defining data elements in and among juvenile justice agencies is essential. At only one level within the six states was this found. The UCR program which functions at the police level provided ample testimony to the value of data comparability. The only agency level with fully usable data in the six states is the police.

- Qualities of Completeness. It is a simple truism that juvenile justice data that is not complete data is not very useful for comparative or accounting or any other purpose. Qualified data is suspect data.

Finally, it needs to be stated that there seems to be no lack of concern for and sense of commitment to the values and needs for creating better juvenile justice systems within the project states. This sense of mission would be well served by better juvenile justice information.

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III. LOCAL PROCEDURES FOR THE SERIOUS JUVENILE OFFENDER

At the local level, the procedures for handling the serious juvenile offender are carried out by law enforcement agencies and the courts. The local police or sheriff's department will be the youth's first contact with the juvenile justice system. The probation department usually carries out the court intake process, is responsible for temporary detention facilities, and prepares the predisposition report. It is the juvenile court, located in each city or community, which has jurisdiction over juveniles and conducts the hearings to determine whether they should be adjudicated as delinquents and, if so, what the disposition will be.

Within the context of the juvenile justice system as a whole, the law enforcement agencies play the initial 'gatekeeper' role and have the briefest contact with the juvenile (usually a matter of hours). The probation department and other agencies associated with the juvenile court, together with the court itself, play an intermediate processing role in the juvenile justice system. Here the whys and wherefores are carefully considered and key decisions are made -- although it is important to remember that other key decisions are made not by the court, but by state youth correctional agencies after court disposition. The duration of the period, when probation and the court are dealing with the juvenile, is usually weeks and can be months, depending both upon the seriousness of the case and the efficiency of the court.

On the local scene, the principal actors in the juvenile justice system, other than the serious juvenile offenders themselves, are the local police officer or sheriff's deputy,

including the juvenile officer; the probation officer; the juvenile prosecutor, typically an assistant district attorney; the public defender, or court appointed defense attorney; and the juvenile court judge, along with referees or commissioners who may assist. These typically are the people who make the juvenile justice system function on the local level. They struggle to protect the public safety, to administer justice and to provide help to youngsters in trouble. Police and courts both find themselves caught in a crossfire of public opinion often stimulated by the media, to "do something" about violent and dangerous youth. And it is true that serious juvenile crime has been increasing. This state of the art report will try to provide some information on how the struggle is going in six states as those working within the juvenile justice system seek effective ways of dealing with the serious juvenile offender.

Figure 3 on page 49 shows the police and court procedures used for the serious juvenile offender. These procedures will be described in this chapter.

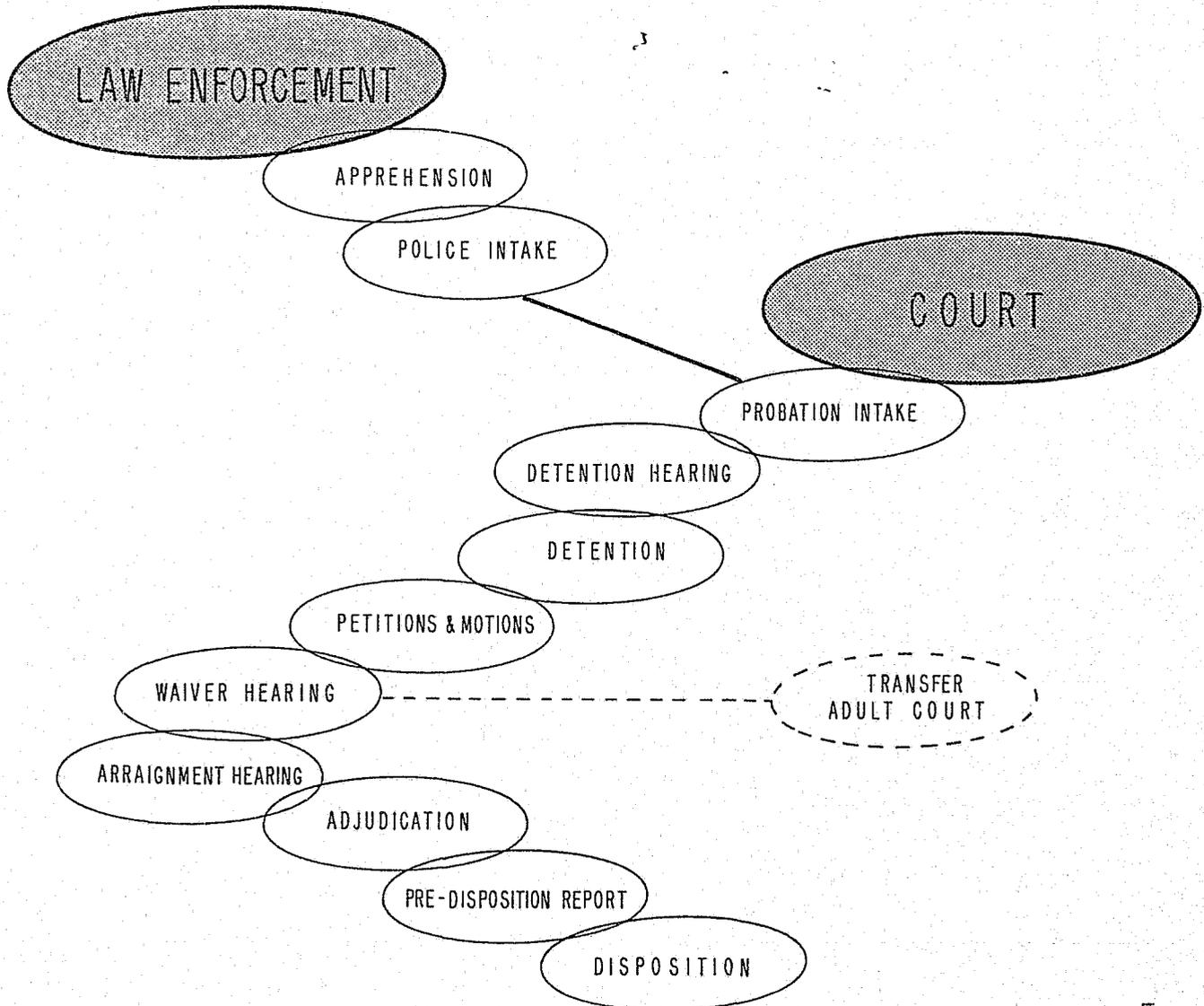
The reader may note that there are some variations in the terminology used for a given procedure from one state to another. The terms adjudicatory hearing (California, Florida, Massachusetts), trial (Minnesota, Wisconsin), and fact finding hearing (New York) refer to the same procedure, for example.

Another illustration of differences in terminology as applied to a given procedure will be cited in the discussion of waiver later in this chapter.

LAW ENFORCEMENT

Although there are other law enforcement agencies such as state highway patrols and campus police, it will be the police department of a city, or the sheriff's department of a county which will apprehend the vast majority of serious juvenile offenders. Not all police or sheriff's departments have juvenile units.

FIGURE 3
FLOW DIAGRAM:
LAW ENFORCEMENT AND COURT PROCEDURES FOR
THE SERIOUS JUVENILE OFFENDER



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It is generally in the larger cities and the metropolitan areas that these are found. Whether or not a law enforcement agency does have a juvenile division, how many officers are allotted to it, and the rank and influence of the juvenile commander - all indicate something about the priority attached to juvenile justice matters in that community.

The differences can be observed. In one metropolitan area, both the police and sheriff's departments will have large, well organized juvenile units. In another metropolitan area, the juvenile division will have been disbanded. In one city, the juvenile commander will be a senior captain in the department with the ear of the chief and the resources he needs. In another city, the juvenile commander may be a sergeant. Again, the officer responsible for the juvenile unit may possess a masters degree and years of experience in working with youth, or may have scant training or experience in the juvenile field. The National Advisory Committee on Criminal Justice Standards and Goals recommends that, "Every police agency having more than 75 sworn officers should establish a juvenile investigation unit . . ."¹ and also that high standards of training for juvenile officers be established.²

It stands to reason that competent and well trained juvenile officers are needed in the difficult area of handling serious juvenile offenders.

Procedures in Law Enforcement

The specific procedures used by local law enforcement agencies for serious juvenile offenders are apprehension and police intake. These are described and discussed below.

Apprehension

The serious juvenile offender will come to the attention of the police officer or the sheriff's deputy when illegal behavior is either directly observed by the officer, or reported by a victim, a witness, or perhaps a school administrator, a social worker, a parent, or even juveniles themselves. A police

investigation will be carried out to determine whether there is cause to think a crime did take place and the youth was involved in it. If the officer believes this to be the case, the juvenile will be arrested and taken into physical custody. Such procedures as warning and release, or notification to appear at a later time, are not ordinarily used with the serious juvenile offender.

Discussion

When an officer is in the process of observing an offense, investigating a reported offense, or apprehending juveniles and taking them into custody, it is clearly of great importance to be familiar with the pertinent laws and to have guidance with regard to proper procedure in each case. Most police and sheriff's departments in urban areas will have chapters in their duty manuals which provide this kind of information. In two of the cities visited in this study, Los Angeles,³ California, and Minneapolis,⁴ Minnesota, excellent full length juvenile procedures manuals have been developed.* These manuals provide the following kinds of information:

- a detailed index of offenses according to the juvenile code of the state
- specific procedures to be followed for juveniles for each step of police processing
- points of information to be established in the investigation of specific offenses
- procedures for the "hardcore offender" (Los Angeles only)
- a detailed list of state, county, and community-based youth agencies and facilities (Los Angeles only)

*For further information concerning these manuals, which are cited in Appendix D, the appropriate persons to contact in Los Angeles and Minneapolis, respectively, are:

The commanding officer, juvenile division, Los Angeles Police Department, 221 S. Hill Street, Los Angeles, California 90012, phone: (213) 485-2801; the commander, juvenile division, Minneapolis Police Department, City Hall, rm. 130, Minneapolis, Minnesota 55415, phone: (612) 348-2921.

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- a complete section on the application of the U.S. Bill of Rights to juveniles (Minneapolis only).

When such manuals are made available to the officers of the juvenile unit, and to the patrol division, as well, they can provide information of practical value. It should be noted that most often it will be the regular patrol officer who has the initial contact with the juvenile. In cities with juvenile officers, it will usually be the function of the juvenile unit to carry out the police intake process. Normally, this is done at the police station or headquarters. The regular patrol officer does not typically have the advantage of much training in juvenile matters. At the same time, the patrol officer who normally makes the initial contact has considerable discretion as to how to handle each case. All of this suggests that a good set of juvenile procedures is potentially helpful, especially if it is disseminated to the officer who can use it. The procedures which are carried out at this first level of contact with the juvenile justice system do not vary a great deal from one jurisdiction to another. The primary responsibility of the officer is to, ". . . investigate violations of the law and to apprehend the person responsible for the violation. All other duties have taken a secondary position to this basic 'arrest' function."⁵ With the serious juvenile offender, arrest and taking into physical custody are, in fact, the procedures most likely to be followed.

Police Intake

After serious juvenile offenders are arrested, they will ordinarily be taken to the police station. Here an investigation of the facts of the case will be carried out. Where larger police agencies have juvenile units, this investigation will usually be done by juvenile officers. The juvenile may be questioned, searched, fingerprinted, and photographed in these more serious cases. Records will be reviewed to ascertain previous offenses. Necessary reports and forms will be completed.

If it becomes necessary to make further investigation in order to determine the facts of the case, the juvenile may be placed in a holding cell at the police station for a few hours. The

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parents of the juvenile will be notified of the arrest and temporary detention location. After the investigation has been completed, the police disposition of the case will be made by the officer in charge. For the serious juvenile offender, the probable outcome will be formal booking and delivery to the probation officer, together with the police report and the referral to the juvenile court.

Discussion

The police intake procedure, including the interrogation, is brief. The procedure in St. Paul, Minnesota is typical. Here after juveniles are taken into custody, they are brought " . . . to the Captain of the Juvenile Unit who will conduct the investigation and make a disposition of the case. In case the Juvenile Unit is closed, the juvenile will then be taken to the Station Commander who will make a temporary disposition of the case."⁶ The specifics vary, but ordinarily the juvenile unit of a police department has a key role in the intake process.

In cases where temporary custody is needed to complete an investigation, the juvenile may be placed in a temporary holding cell located in the police headquarters. The youth services division of the Oakland (California) Police Department states that, "It is normal policy that juveniles not be detained in the holding cells for more than three hours."⁷

Processing the Serious Juvenile Offender

The processing of the more serious offender may well begin with search, fingerprinting, and photographing. "The Manual of Juvenile Procedure," of the Los Angeles Police Department, spells out when and how these procedures shall be carried out." Searches of arrestees at the booking office shall be . . . conducted by a male arresting officer when the arrestee is a male; by a female officer when the arrestee is a female."⁸ "Fingerprints . . . shall be prepared each time a juvenile twelve through seventeen years of age is booked,"⁹ on various

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offenses including any felony. Photographs are required in the same circumstances as fingerprints.

Policies vary on such matters as fingerprinting and photographing. For example, the policy of the St. Paul Police Department in St. Paul, Minnesota, is that, "No photograph of a child taken into custody for any purpose may be taken without the consent of the Juvenile Court."¹⁰ In Madison, Wisconsin, "The department is committed to insuring that all police - arranged identification procedures (such as obtaining fingerprints, handwriting examples, voice samples, photographs, and blood samples) are conducted with the same regards as those afforded adults."¹¹

With regard to the serious juvenile offender, the Los Angeles Police Department maintains a special 'hardcore' file which lists any juvenile who has had ten or more arrests, including five felony arrests. Thus, "after arresting a juvenile and prior to booking, the arresting officer" does several things. He checks with the records and identification division of the juvenile records unit for the local arrest record of the boy or girl. He checks with missing persons. He checks with the Los Angeles Sheriff's Department for prior contacts on a countywide basis, and he checks the 'hardcore' file."¹² If the individual has not previously been in the 'hardcore' file, but with this new arrest now becomes eligible for it, his or her name is added.

The San Francisco, California, Police Department, also maintains a 'hardcore' file which lists juveniles who have been arrested eight or nine times, three or four of them felony arrests. "If we pull his card, and he is a hardcore, it is a mandatory booking."¹³ The Los Angeles Police Department and the San Francisco Police Department are clearly similar in their approach to the 'hardcore'. The chief difference, perhaps, being that Los Angeles has mounted a larger, more formal effort in this

regard. The Los Angeles Police Department states the case regarding the 'hardcore offenders' in this manner:

"They make up a very small percentage of all youths that get into trouble. They are, however, the focal point of other juveniles through peer-group associations and contribute significantly to the existing crime problem by repetitive and deliberate criminal activity. Proper emphasis must be placed on the removal of these offenders from the community when they commit criminal offenses. The Los Angeles Police Department actively seeks to bring these individuals to the court's attention."¹⁴

Case Investigation

The purpose of the investigation is to determine whether to detain the juvenile and refer him or her to the court or not. To quote from the St. Paul juvenile procedures:

" . . . the Captain of the Juvenile Unit . . . will order the juvenile held in custody only after his investigation reveals that the case is of a serious nature . . . the Captain of the Juvenile Unit, or some other juvenile officer designated by him, has the authority to approve detention."¹⁵

Serious juvenile offenders may be interrogated at this point and other investigation may be necessary such as interviewing witnesses. There are generally definite rules for interrogation. In New York State, these rules have been summarized as follows:

- The investigating officer must contact the child's parent and inform the parent that the child is being questioned.
- The officer must tell the child and parent that anything he says can be used against him in court and that he has the right to remain silent.
- The officer must tell the child and his parent that the child has a right to a lawyer at the interrogation. If he wants counsel but cannot afford a lawyer or doesn't know a lawyer, counsel will be brought to him at the station. If counsel cannot be appointed, the interrogation will be discontinued.
- If the child wants to talk to the police without a lawyer, the police should ask the child to sign a

statement saying that he understands his right to silence and his right to counsel and that he waives these rights. (This paper is sometimes known as a waiver. A waiver must be "knowingly and intelligently" given.)

- The officer must limit his questioning to a reasonable period of time.
- Questioning can take place only in a setting especially designated for questioning of juveniles by the Appellate Division of the New York State Supreme Court."¹⁶

The right to remain silent and the right to counsel during the questioning were established in the U.S. Supreme Court decision of *Miranda vs. Arizona*, 384, U.S. 436 (1966).

The Miami, Florida, Police Department has these rules for the interrogation of juveniles:

- No juvenile under arrest can be interrogated within the confines of the Police Department building.
- Any uniform officer . . . desiring to interrogate an arrested juvenile, must make arrangements with "In-Take" at the Juvenile Court.
- A room will be provided at the Juvenile Court for the purpose of interrogating juveniles, and a Juvenile Court official shall be present at such interrogation."¹⁷

A chief purpose of the process of investigation and interrogation is to determine whether the boy or girl will be detained. The Miami procedures list specific criteria for detention which are similar to those found in other cities.

"There are five basic reasons for detaining a child:

- When the child needs secure custody protection from a threatening community or personal situation.
- When the problem is serious or family relationships are so strained that the child might become involved in further trouble.
- When it is practically certain the child will flee during the time the court is studying the case.

- When there is a history of serious offenses that may threaten the safety of the community.
- When the juvenile is involved in a case of aggravated assault, assault with intent to commit a felony, armed robbery, carrying a concealed weapon or other violation which would indicate a motive to violate another law through the use of a dangerous weapon."¹⁸

The decision to detain, along with the decision to refer the boy or girl to the court, is the key decision made in the police intake process.

Booking and Referral

With investigation completed, the juvenile is now booked. This procedure formally enters the arrest in the police register and completes the arrest process. The booking identifies the person being charged, the place, the time, the arresting authority, and the nature of the alleged offense. One purpose of the booking procedure is to make the relevant information more readily available for use in a data system. For the Los Angeles Sheriff's Department, ". . . whenever a juvenile is detained or taken into custody . . . a booking number shall be obtained. After obtaining the booking number, the AJIS computer shall be updated by completing the booking."¹⁹

In addition to the decision to detain, the decision to refer the juvenile to the court is important.

In Minneapolis, the police department completes a juvenile court petition describing the juvenile, the alleged offense, and the reason for the charge. In Los Angeles, "A petition shall be requested in all legally sufficient cases involving:

- felony offenses resulting in death or serious injury
- identified gang members
- a third and subsequent arrest for a substantive offense . . .
- arrests of juvenile "hardcore" offenders . . ."²⁰

In addition to referral to the court, there is one further step which is taken by the police department of Miami, Florida. In cases which they regard as being of especially serious or violent nature, ". . . the affidavit which describes the particulars of the crime is marked REQUEST ADULT WAIVER in big block letters. This goes to the State Attorney."²¹ If the police request for adult waiver is granted, there will be a hearing to determine whether or not the juvenile shall be tried in the adult criminal court.³

This is generally, but not always, the limit of police discretion. Once juveniles are booked and the decision to detain has been made, they are transported to the detention hall and delivered to the probation officers in charge of intake there. "Officers will transport the juvenile to the main Intake Center entrance and advise Juvenile Probation personnel of their presence and that they have a "law violator" ready for processing.

In addition, officers will thoroughly report on a Juvenile Contact Report Form all facts which indicate detention is necessary. Such facts include, but are not limited to, the following:

- The circumstances which establish the elements of the crime.
- Facts which indicate the juvenile is likely to flee jurisdiction of the court.
- Facts which indicate that detention is urgent and of immediate necessity in order to protect the juvenile, or the person or property of someone else.

The officer will then present the report to Juvenile Intake Center personnel at the time of processing."²²

This ordinarily completes the process of police intake. There is a further step, however, in some states. In California, for example, an officer may ask the assistant district attorney for a review of a petition which the proba-

tion officer has declined to refer to the prosecutor for action. Some California police departments have a petition control officer to carry out this kind of follow up. This is usually done only in the more serious cases.

With the completion of referral to the court, delivery of the serious juvenile offender to the detention center, and, where applicable, petition follow up, the police department has done its job.

Evaluation

Findings, to date, have not revealed any thorough evaluation of law enforcement procedures for the serious juvenile offender. Nor are there many procedures specifically of this type.

The Petition Control Unit of the Los Angeles Police Department carried out a survey of 881 "hardcore" juveniles, entitled, "Research of 100 Hardcore Arrestees."²³ The purpose of this survey was to determine what disposition had been made of the cases. Of one hundred cases randomly selected, 7 percent were committed to the California Youth Authority, 23 percent were placed in camp, twenty-nine of the petitions were dismissed, 13 percent were held in abeyance, 14 percent of the petitions were rejected by the district attorney, 9 percent were "suitable placements," and 5 percent were "other." Figures of this type are shown over a three year period.

While this information is interesting, it hardly constitutes an evaluation. It would be worthwhile to conduct evaluation research to determine the impact of the Los Angeles Police Department's efforts to remove "hardcore" juveniles from the streets and to prevent other juveniles from becoming "hardcore."

One study in the law enforcement field which is currently being conducted is the police juvenile units study by the Police Foundation in Washington, D.C.;²⁴ which is surveying more than

150 city and county departments. The survey will cover information about the departments and the degree to which they specialize in juvenile matters. Various juvenile arrest statistics will be obtained together with procedures used for juveniles as distinguished from procedures used for adults. Also, questions should be asked regarding status offender procedures. The results should be quite worthwhile, but there will be little specifically pertaining to evaluation or to the serious juvenile offender.

Perhaps the reason that there are few evaluations of police procedures is that evaluations are usually connected to grants. If there is a Law Enforcement Assistance Administration grant, for example, to create a special unit, or run a special program in a department, there may be an evaluation of it. But most of the procedures used for juveniles, serious or otherwise, are not special programs. They are standard procedures, and not usually evaluated.

Comments

The detailed and well thought out juvenile procedure manuals of the police departments in Los Angeles, California, and Minneapolis, Minnesota, are to be emulated for the guidance they can provide to officers on the street. The Los Angeles Police Department's "hardcore" program is an example of a clearly articulated plan for focusing specifically on the serious juvenile offender and, in that regard, is somewhat unique and worthy of study.

There is variation in the role and influence of juvenile units within law enforcement agencies from one jurisdiction to another. When the juvenile unit is small or non-existent, or the head of the juvenile unit holds a low rank, it is a sign that not much emphasis is put on the juvenile area. The influence on the disposition of a case by the police agency can also vary greatly. In Milwaukee, Wisconsin, the police report appears to have a

great influence on the outcome of the initial detention hearing even though the officer is not there and can not be questioned about it. In Boston, the arresting officer may act as the juvenile prosecutor in the less serious cases.

COURT

The juvenile courts in the six states visited are a division of a specific court system such as a superior court, district court, or county court. The judges are usually appointed by the governor of the state and then later have to stand for election. It is not unusual for major cities such as Minneapolis, Minnesota, and San Francisco, California, to have only one full-time juvenile court judge. The judge will be assisted by referees or commissioners who may perform some or all of the same functions as the judge.

In Boston, Massachusetts, and Minneapolis, Minnesota, the juvenile probation departments and court services are under the supervision of the judge. In Milwaukee, Wisconsin, the probation services are responsible to the director of the Children's Court Center, and are independent of the two juvenile court judges. In Miami, Florida, the intake and probation services are part of the State Department of Health and Rehabilitative Services.

The judges themselves seem to fall into three main categories:

- Judges who are on the juvenile bench because they want to be there, and are committed to the classic juvenile court philosophy of individualized treatment for the child.
- Judges who have been assigned to the juvenile court because they are new on the bench. Many of these are anxious to move on to more desirable and prestigious judicial duties.
- Judges who may not want to make a career out of the juvenile court but bring considerable energy and intelligence to their brief time on the juvenile bench. Some of these are instrumental in administrative and legislative reforms.

The present assessment found juvenile courts which can be seen according to a typology borrowed from the National Assessment of Juvenile Corrections. In this study, Rosemary Sarri, et al., comment on some of the primary orientations which underlie most juvenile courts. Among these are:

- "Perceptions of the court as a social agency
- perception of the court as a community protection agency
- relative emphasis on due process and legal procedure."²⁵

Procedures in the Court

The specific procedures used by the juvenile courts in handling the serious juvenile offender are described and discussed below.

Probation Intake

Once the juvenile has been delivered by the police to the detention hall, it becomes the responsibility of the probation department to decide whether they shall be detained. This decision is made by intake staff at the detention hall in accordance with the criteria of public safety and the likelihood that the juvenile might flee.

While the juvenile is in temporary detention, the court intake unit of the probation department processes the case and decides whether or not to refer it to the court. When it is decided to proceed, the case is referred to the prosecuting attorney.

Discussion

The functions of detention intake and court intake, although usually carried out by the probation department, may be performed by other units as well. In Miami, Florida, for example, "The Division of Youth Services has the responsibility of setting an Intake Conference and deciding whether or not a child should be committed to Youth Hall."²⁶ This statewide agency, divided into regional offices, is also responsible for screening complaints and referrals to the court through its single intake system.

In Madison, Wisconsin, it is the Dane County Department of Social Services which provides the intake process for the juvenile court through its caseworkers. In Boston, Massachusetts,

the juvenile court has no intake unit. The court clerk, who is an attorney, hears the complaints which come in from the police, and then decides whether to issue the complaint.

Yet, as mentioned, these intake processes are more usually the province of the probation department. The admissions unit of the Hennepin County Juvenile Detention Center in Minnesota, consists of juvenile probation officers who provide twenty-four hour intake. This unit is responsible for the initial decision to detain or release. This decision stands even if the referral source may not concur. The criteria for this decision are those which are used in jurisdictions across the country. Is the juvenile a danger to others, or to himself? If he is not detained, will he return for the court hearings?

The California Welfare and Institutions Code states that "Whenever any person applies to the probation officer to commence proceedings in the juvenile court, such application shall be in the form of an affidavit . . . alleging that a minor committed an offense described in Section 602 . . . and setting forth facts in support thereof . . . The probation officer shall immediately make such investigation as he deems necessary to determine whether proceedings in juvenile court shall be commenced."²⁷ This investigation determines which cases will go to court, and which will be screened out.

In Minneapolis, Minnesota, the staff of court intake, which consists of juvenile probation officers, performs this function. "The primary factors considered are the seriousness of the alleged offense, the age of the child, and the child's prior court records. In addition, the attitudes of the child and the parents, the child's environment, and whether restitution has been made may be considered."²⁸ With regard to detention policy, the following guidelines are laid down by Florida's Department of Health and Rehabilitative Services. "As general

guides, the following should be considered:

- Detention is not to be used as punishment or as treatment since it is not designed to accomplish either one.
- Delayed decisions for the purpose of detention therapy are not to be employed.
- Petitions for convenience as used by many agencies while they seek some other solution are prohibited. Many children are held in detention on a minor charge while their counselor seeks a placement. The intent is to recommend dismissal of a petition at the time of the hearing.
- Detention is not to be used as a last resort for lack of resources in the community. Children who are emotionally disturbed, mentally retarded, and physically handicapped are the primary targets of this misuse."²⁹

In New York City, New York, it is the intake division of the Office of Probation which screens the cases. "The Office of Probation is authorized under Family Court Act Section 754 to attempt to 'adjust' cases, i.e., to settle the matter without a petition being filed against the child. If the case is adjusted, the matter is never brought to trial."³⁰ However, under New York State's Juvenile Justice Reform Act of 1976, juveniles taken into custody for certain designated felonies may not be referred to probation for possible adjustment, but must be referred to the assistant district attorney who will decide if there is enough evidence to prosecute. These are the more serious juvenile offenses.

Detention Hearing

Sometime within the legal time limit allowed for the temporary detention of juveniles in each state, the juvenile will make an appearance before the court for the detention hearing. This is a brief and often quite informal hearing for the purpose of deciding whether there appears to be justification for continued detention. In the case of the serious juvenile offender, the chances are very good that the judge will so order.

Discussion

When boys or girls come into the detention hall, they are in temporary detention through an administrative order of the

probation department. In almost every state there is a stated limit to how long a minor can be held in this type of custody before being given a hearing before the court.

The California law requires that "Whenever a minor is taken into custody . . . such minor shall be released within forty-eight hours after having been taken into custody, excluding non-judicial days, unless within said period of time a petition . . . has been filed . . ." ³¹ In California, there is an additional twenty-four hour period, once the petition is filed, before the minor must appear before the judge. "A minor taken into custody . . . shall be brought before a judge or referee of the juvenile court for a hearing (which shall be referred to as a 'detention hearing') to determine whether the minor shall be detained, as soon as possible but in any event before the expiration of the next judicial day after a petition . . . has been filed." ³² If not, the juvenile is released.

Minnesota law provides that ". . . within thirty-six hours of a child's being taken into custody, excluding Saturdays, Sundays and holidays, a hearing shall be held to determine whether the child should continue in detention." ³³ Thus, within thirty-six judicial hours, the juvenile will appear before the juvenile court for a detention hearing.

"In Florida, the juvenile laws provide "that within three days of the time the child is taken into custody, a supplemental report containing sufficient information to establish the jurisdiction of the court and to support a finding by the court that the child is delinquent . . . shall be submitted to the appropriate intake officer." ³⁴ Also in Florida, "No child taken into custody . . . shall be detained longer than forty-eight hours, excluding Sundays and legal holidays, unless a detention order so directing is made by the judge following a hearing by the Court." ³⁵

The Wisconsin Statutes, Section 48.29 (2), provide that detention hearings must be held as soon as possible after a boy or girl is admitted into detention, and must be held within twenty-four judicial hours. In Milwaukee, the detention hearing is conducted by the commissioner of the juvenile court.

The detention hearing itself is a brief, informal procedure and may be conducted by the juvenile court judge, a commissioner, or a referee. Sometimes this task is rotated or shared. Sometimes it is assigned.

The juvenile court rules of Ramsey County in St. Paul, Minnesota, convey something of the informal flavor of the detention hearing.

"Where a child is held in detention, the Judge of Juvenile Court shall review the need for further detention not later than the next court day following the child's detention. Except as provided in this rule, such review may be informal and may be held at the detention facility. The Judge or Referee may interview the child, but shall not interrogate him as to the alleged offense, and may consider such facts as the alleged offense, the child's record with any law enforcement or welfare agencies, and such other facts as bear reasonable relation to the question of whether the child, if released, would (a) be dangerous to himself, (b) be dangerous to others, (c) not return for a hearing, or (d) not remain in the care and control of his lawful custodian. The judge or Referee shall in writing either order the child released from detention or held for initial hearing."³⁶

The likely result of the detention hearing for the more serious juvenile offender will be court ordered detention until the time of the adjudicatory hearing.

Detention

The juvenile now may be placed, by court order, in an institution designed for temporary detention. It may be called juvenile hall, the detention home, or something else, but it is usually run by the county, staffed by probation officers, and typically has fifty to one hundred beds. The serious juvenile offender stays here while waiting to appear before the court.

Discussion

"The primary function of detention is to provide secure, temporary confinement of juveniles deemed to be dangerous to themselves or others.³⁷ "In California, there are forty-five county operated juvenile halls . . . for juveniles arrested or for whom detention has been ordered subsequent to the filing of a petition . . . Counties which have no juvenile hall often contract for placement of juveniles in other counties."³⁸

Some states detain juveniles in adult jails and lockups as well. Wisconsin is an example of a state which uses both juvenile detention centers and jails. According to a 1976 report published by the Wisconsin Department of Health and Social Services, in 1975 " . . . over one-half (58%) of the detentions of juveniles took place in county jails."³⁹

Ordinarily, the time spent in a detention hall is brief, a matter of a few days, or a week or so. The detention home in Milwaukee, Wisconsin, with a bed capacity of sixty-four is perhaps typical in this regard. In 1976, the average length of stay for boys was 7.8 days with a range of from one half to 158 days. The average length of stay for girls in the same year was 4.5 days with a range of from one-half to 55 1/2 days.⁴⁰

A dramatic example of how long "temporary detention" can sometimes become was cited by Judge John J. Purchio, of Oakland, California, where, in a major homicide case in 1977, in which the accused was a fifteen year old boy, the juvenile spent a total of 445 days in Alameda County Juvenile Hall in San Leandro, California, before a disposition was arrived at and he was committed to the California Youth Authority.⁴¹

Because the normal stay in a detention hall is brief, there are limits to what can be provided in the way of educational and rehabilitative programs. Even so, many of these facilities

have schools. The detention halls in San Leandro, California; Minneapolis, Minnesota; and Pompano Beach, Florida, all have schools with special teachers who try to achieve short range goals with their students. In the Pompano Juvenile Detention Center in Florida, the goal is "short term therapy awareness." In the words of Detention Superintendent, Alvin Rosenfarb, "While they are here, we try to provide some awareness of why they are here and try to make it a positive experience and prepare them for the next step in the process."⁴² The philosophy, here and in other detention halls, is to make some constructive use of the time the juvenile spends awaiting adjudication.

Prepare Petitions and Motions

Following intake and detention, the probation officer refers the case to the prosecuting attorney for the drafting of the petition to be presented to the court stating the charges to be made against the juvenile. Once the juvenile prosecutor has reviewed the case for legal sufficiency, a petition may be drafted.

If the nature of the alleged offense is very serious in nature, the prosecutor may also file a motion that the juvenile be transferred from the jurisdiction of the juvenile court to the adult criminal court.

Discussion

In California, with the advent of AB3121,⁴³ a major new piece of juvenile justice legislation, the district attorney files all petitions in delinquency proceedings, that is, in any case where the offense would be a law violation if committed by an adult.

Formerly the probation officer performed this function, and the district attorney's role was limited to insuring that the petition drawn up by probation was legally sufficient. If the prosecutor's office rather than the probation officer is making the final decision with regard to the petition, the case will tend to be considered more from a strict legal point of view and less from the standpoint of the social history and background of the juvenile. In addition, it is now required that

the prosecutor appear in most delinquency hearings. The intent of the law is to ". . . strengthen the prosecutorial function in order to prevent the juvenile from remaining free of consequences for his behavior."⁴⁴

Florida has a provision in its juvenile laws which have special relevance for the most serious of juvenile offenders, those who are accused of offenses punishable by death or life imprisonment. Florida law provides that in such cases the assistant district attorney can seek a direct grant jury indictment.⁴⁵ This may be done regardless of the age of the boy or girl so charged. There have been instances where eleven, twelve, or thirteen year olds have been indicted by grand juries, although usually those for whom indictments are sought are older teenagers, typically in murder cases.

The use of the grand jury indictment procedure varies a great deal from one county to another in Florida. It is used rarely in Dade County (Miami), for example, and much more frequently in Broward County (Fort Lauderdale). Juvenile court judges and many others associated with the court tend to have serious reservations about the use of this procedure because it completely bypasses the juvenile court. Florida judges and attorneys say that so far as they know, no other state in the country permits this practice.

Waiver is the more usual procedure when the juvenile prosecutor decides that the case is so serious that it should not be handled within the juvenile court. Again, AB3121, the new law of California, has made the situation more stringent for the serious juvenile offender. If the juvenile is sixteen or seventeen years old, the presumption now is that he will be remanded to the adult court if the alleged offense is murder, rape, armed robbery, aggravated assault, kidnapping, or arson of an inhabited building. The juvenile will also stand for a fitness hearing in order to determine whether they are a ". . . fit and proper subject to be dealt with under the juvenile court . . ." ⁴⁶

In New York, under the Juvenile Justice Reform Act of 1976, the more serious juvenile offenders are now referred to the assistant district attorney. If there is sufficient evidence, a designated felony petition may be filed which will be heard in a special part of the family court. These are cases in which the youth is accused of certain serious felonies such as murder, armed robbery, and aggravated assault.

In Boston, the more serious cases are now referred to the assistant district attorney who will prosecute the case if a petition is filed. Formerly police prosecutors handled this, but now the district attorney deals with the more serious juvenile offender.

As specific attention is given to the serious juvenile offender, the juvenile prosecutor takes a more active role, beginning with the filing of petitions and motions.

Waiver Hearing

In the course of considering the evidence in a case, the prosecuting attorney may arrive at the opinion that it is so serious it should be waived to the adult court. If so, a motion asking for waiver is presented. The juvenile court then decides whether or not to waive its own jurisdiction over this young person.

Discussion

The waiver hearing is usually divided into two parts. The first part decides whether there is probable cause to believe that a specific offense was committed and that this juvenile was involved in it. If that is established, the second part of the hearing decides whether the court will waive its jurisdiction.

The guidelines regarding waiver vary from one state to another, but those youths who come before the court in a waiver hearing tend to be ones accused of the more serious offenses, such as murder, rape, armed robbery, aggravated assault, and repeated burglaries.

The terminology used for the waiver hearing varies considerably from one state to another, perhaps more so than for other procedures in the juvenile justice system. Figure 4 below shows the terms used in connection with this procedure in the six states.

FIGURE 4
TERMS USED IN SIX STATES FOR WAIVER HEARING

STATE	NAME OF HEARING	RESULT OF HEARING
California	Fitness Hearing	Remand to Adult Court
Florida	Waiver Hearing	Transfer to Adult Court
Massachusetts	Transfer Hearing	Transfer to Adult Court
Minnesota	Reference Hearing	Certify to Adult Court
New York	None	None
Wisconsin	Waiver Hearing	Waive to Adult Court

Massachusetts and Minnesota use the procedure sparingly. Florida, California, and Wisconsin, more frequently. It is difficult to determine how often waiver is used. As one researcher, John Conrad, has put it, ". . . we have no firm data on the number of bind-overs(waivers) which occur or even whether there is a trend to use this option more frequently."⁴⁷ New York does not have a provision for waiver, since at the age of sixteen a young person in that state is treated as an adult.

If the outcome of the waiver hearing is that the court denies the motion, the juvenile then will go to arraignment in the juvenile court. If the outcome is waiver, that young person will then be dealt with as an adult. It is an important decision as a Florida juvenile court judge expressed it, "What we say when we waive a child is that the community has used all its resources on the kid and it hasn't worked, so we turn him over to the adult system to be punished."⁴⁸

A description of a waiver hearing held in a juvenile court in Milwaukee, Wisconsin, will illustrate some of the issues involved in these hearings.

A seventeen year old youth, Wayne A., was accused of three burglaries while absent without leave from the U.S. Army. In the waiver hearing it was established that there was probable cause to believe that Wayne was involved in the offenses alleged. The judge then had to decide whether to waive the jurisdiction of the juvenile court and transfer him to the adult criminal court.

After hearing the arguments of the juvenile prosecutor and the public defender, the ruling of the court was to deny the motion to transfer the case to adult court, to dismiss the charges of burglary, and to deliver Wayne into the custody of the military police.

The judge commented that in this way the youth would avoid having both an adult felony conviction and a dishonorable discharge on his record. He would get one more chance with the Army. At the same time, it was the judge's opinion that Wayne would probably serve more time confined in the Army stockade than would have resulted from a sentence in adult criminal court.

The waiver hearing is of strategic importance for the serious juvenile offender.

Arrest Hearing

The juvenile will appear for arraignment in the juvenile court if he has not been waived to the adult court. At the arraignment hearing, the judge will read the charges and ask whether the juvenile admits or denies them. The judge will also inform juveniles of their rights, including the right to an attorney, and will in many cases appoint a defense counsel for the youth at the time.

Discussion

When the juvenile is informed of the charges against him or her, the judge of the juvenile court will take special pains to insure that the young person understands the nature of the charges

and the consequences which may result if it is found that the charges are true. This is important because--

- the charge(s) in such a case is liable to be quite serious and the possible deprivation of liberty extended
- juveniles may have a confused or limited understanding of the situation and what might happen to them.

The judge will then explain to the juveniles what their rights are, specifically, the right to counsel and the right to remain silent. The defense counsel may be a private attorney if the youths or their families can afford such, but in most cases, this will not be the case and the court will appoint a public defender or, if there is no public defender for juveniles, some other counsel who may be available for such purpose. New York State uses the term law guardian for the court appointed defense counsel, and in New York City, this attorney usually is on the staff of the Legal Aid Society of the City of New York. This organization has seventy-five attorneys in its juvenile rights division. They maintain a strong adversarial role in the family courts of New York City. For use in training their lawyers, this group has developed a comprehensive manual which is called, "Practice Manual for Law Guardians."⁴⁹ It is a model of its kind and well worth study by anyone interested in the legal rights of juveniles.*

A jurisdiction in which defense counsel is appointed by the court from a list of individual attorneys is Ramsey County, (St. Paul) Minnesota. The juvenile prosecutor in Ramsey County has characterized this system as follows, "There are three kinds of appointed defense counsels--

- just out of law school, who may be bright and can do a good job

*For further information concerning this publication, which is cited in Appendix C, contact the Legal Aid Society of the City of New York, Juvenile Rights Division, 189 Montague Street, Brooklyn, New York 11201, phone: (212) 858-1300

- experienced, capable, lawyers who want to do some trial work to stay in touch, and
- hacks."⁵⁰

Massachusetts and Minnesota are states which permit the posting of bail for juveniles.⁵¹ In Boston, Massachusetts, bail may be set at the arraignment hearing. The amount is usually twenty-five to fifty dollars, or as much as two hundred dollars in the more serious cases. Bail is set in about 10 percent of the cases which come before the Boston Juvenile Court.

The public defender, or other defense counsel, may be already present at the arraignment, or it may be necessary to have a continuance until counsel can be present. The juvenile then is asked to admit or deny the charges given in the petition. Ordinarily, the parents or legal guardian will also be present. In the Hennepin County Juvenile Court, Minnesota, juveniles will proceed to a pretrial conference if they deny the charges. They will proceed to an immediate disposition or to a later disposition hearing if they admit the charges. But if the youth wants a trial, an adjudicatory hearing, he will get one.

Adjudication

Following the admission or denial of the charges in the petition, the juvenile will proceed either to a disposition of the case by the court or to the adjudicatory hearing. The adjudicatory hearing is similar to the trial in an adult criminal proceeding and is sometimes called a trial. Except for the right to trial by jury, the young person will generally receive the same rights as they would in an adult court. The outcome of the hearing for the serious juvenile offender will be--

- *adjudication as a delinquent, or*
- *the petition is not sustained.*

Discussion

It is important to realize that many, if not most, cases which come before the juvenile court do not come to trial.

That is, they do not reach the adjudicatory hearing. Consider what happens, for example, in Hennepin County, Minnesota. If the juvenile denies the allegations of the petition, i.e., if he says he did not commit the offenses, his case will be referred to a pretrial conference. At the pretrial conference, also known as an omnibus hearing, ". . . counsel will be prepared to summarize the testimony of all intended witnesses and the contents of all intended exhibits at the hearing . . ." ⁵² The outcome of this procedure may be that--

- a trial is set
- a new arraignment hearing is set as the result of a charge being admitted
- the case is dismissed.

In 1976, there were 2,732 arraignment hearings, 443 pretrial conferences, and 284 delinquency trials in Hennepin County.

But most young people in arraignment hearings admit to the truth of the petition and do not go through either a pretrial procedure or an adjudicatory hearing. In the words of the Hennepin County Bench Book, "If the child admits that the petition is true, he is telling the court that he broke the law and is ready for the court to decide immediately how he should be handled." ⁵³ The court then has the power to commit the child to a county or state correctional institution.

Although only a relatively small number of cases reach the formal adjudicatory hearing, it is important to understand what happens in that procedure. Essentially, this is a fact finding hearing. The judge hears evidence and decides whether or not he thinks the juvenile committed the offense(s) described in the petition. The juvenile prosecutor's role in this hearing is to present the evidence and to try to prove his case "beyond a reasonable doubt." In California, it is now required that the prosecuting attorney shall appear in court on behalf of the

people of California in any case of law violation. The defense counsel, who will in most cases be a public defender, will give the accused juvenile the benefit of a full legal defense and in more serious cases, there may be a series of motions and counter motions by the prosecutor and the defender which render the adjudicatory hearing in the juvenile court very similar to the proceedings of the adult criminal court. This will be especially true in the more serious cases.

New York State, through a new law which became effective February 1, 1977, provides for special procedures for handling designated felony cases involving fourteen and fifteen year old youths. The Juvenile Justice Reform Act of 1976 stipulates that juveniles charged with these offenses will be heard in a special designated felony part of the family court. The new law also requires that the same judge must preside at all hearings of the case and that the assistant district attorney (presumably with more criminal trial experience) act as the prosecutor rather than the corporation counsel as was formerly the case.

Adjudicatory hearings are ordinarily held without juries. One exception is Wisconsin, where jury trials are held in the juvenile court.⁵⁴ These hearings are generally not open to the public. "The court shall exclude the general public from these hearings and shall admit only those person who, in the discretion of the court, have a direct interest in the case or in the work of the court."⁵⁵

At the conclusion of the adjudicatory hearing, the court will determine whether there is sufficient evidence to sustain the petition or not. This is the equivalent of finding whether the accused is guilty or innocent in an adult court. The serious juvenile offender will then remain in detention pending disposition of his case.

Prepare Predisposition Report

After a charge against a juvenile has been admitted or proven, the court will order a predisposition report. This report will present a social and behavioral history of the juvenile and recommend a treatment plan. The judge will consider the report carefully in reaching a disposition.

Discussion

"The court report must be done only after a thoughtful and thorough investigation by a person trained in social analysis . . . It should require at least four or five hours of conversation and discussion, and the discussions should be entirely designed to discover the four basic types of information--

- the causation for the conduct that brings the child to court
- the weaknesses to be overcome
- the strengths to build on
- the interrelationship, communication, physical, emotional, psychological problems to be resolved.

The background data can be assembled from records, the relationships must be sensed . . . The treatment plan must be related to the individual needs of the particular child, and it must be shown how it will satisfy those needs. The facilities and services it proffers must be available."⁵⁶

The predisposition report is known by many names including court report, social history, behavioral investigation, probation report, and others. Nomenclature notwithstanding, it is essentially the same from one state to another. In Madison, Wisconsin, it is prepared by the caseworkers of the county department of social services. In Florida, it is prepared by a state division of youth services intake counselor. In California, Massachusetts, Minnesota, and New York, it is prepared by juvenile probation officers, which is the more usual situation.

In Hennepin County, Minnesota, the work of the probation department is supplemented by an innovative arrangement in which the office of the county public defender participates. Members of the public defender's staff, called dispositional advisors, research positive treatment plans for their clients, and the recommendations become part of the report the judge has before him at the time of disposition.

In New York City, there are two dozen trained social workers on the staff of the juvenile rights division of the New York Legal Aid Society. In addition, the attorneys are given training in the social sciences. This is because, "Although the issue at the dispositional state is a legal one, with findings to be made by the court, the language is clearly that of the social and behavioral sciences."⁵⁷ The purpose of this is to enable the defense attorney to propose specific plans for treatment at the time of disposition.

The dispositional advisors in Minneapolis and the social workers of the Legal Aid Society of New York City perform similar functions, but there are differences. Both provide valuable dispositional alternatives for the court to consider. But, while the dispositional advisors in the public defender's office in Minneapolis are employees of the county, the social workers of New York Legal Aid are not on the public payroll. Quite often the attorneys from New York Legal Aid find themselves in sharp disagreement with the New York City Probation Department and their recommendations.

The quality, brevity, and clarity of the predisposition report is very important. It may be the only information the judge has regarding the social background and prospects for successful treatment of the young person before him. Therefore, the predisposition report is a key in arriving at a proper disposition in the case of the serious juvenile offender.

Disposition

After the juvenile has been adjudicated as a delinquent and the predisposition report has been completed, the judge is ready to make a disposition in the case. In the light of the offense, the safety of the public, and the welfare of the juvenile himself, the court will order dismissal of the case, probation, or commitment to a state juvenile correctional agency.

Discussion

In the words of a widely respected juvenile court judge--

"The disposition hearing in the juvenile court may be the most complicated process of the entire Anglo-American judicial system. It is not simply the sole domain of the legal profession. Social workers have at least an equal input . . . It is not merely a judicial reaction to a criminal's anti-social conduct. It is a participation by all interested persons in the diagnosis of a child's problems. It is not the mechanical nicety of matching a statutorily fixed punishment to a statutorily defined offense. It is, rather the matching of needs of a complicated human being to every available facility and talent of the court and community which might best answer one particular individual child's needs, and the public's safety."⁵⁸

Whereas due process is more strictly observed during the adjudicatory hearing or trial, the procedures are more informal at disposition. In New York, "At the dispositional hearing, the court can listen to opinion, evidence, and hearsay. Thus, the probation officer can state his opinions, can quote from intake records, and can testify to interviews with school officials or social workers."⁵⁹

Then there is the question of speedy trial. The Family Court Act of New York State, " . . . directs that when a child is in detention, the dispositional hearing should be held within ten days of the fact-finding hearing. In fact, dispositional hearings are rarely, if ever, held within ten days. Whether a child is in detention or at home, the dispositional hearing is likely to take place weeks or even months after the fact-finding."⁶⁰

DRAFT

The discretion and power of the juvenile court judge will vary from one jurisdiction to another. In Florida, the judges tend to think of their power as somewhat limited because they can not order that a juvenile be committed to a specific juvenile institution. They must either dismiss the case, order probation, or commit the young person to the Florida Division of Youth Services. The Division of Youth Services may in turn place the youth in a community-based treatment program or a training school. Yet in California, Massachusetts, and New York, this is also true. The judge makes the commitment to the state juvenile correctional agency and the agency decides where to send the youth and for how long.

There are marked differences between states with regard to the degree of physical security at the facility and the average length of stay for the youth in these facilities.

California institutions are all secure facilities with an average stay of nearly a year for the wards. The institutions in Florida, New York, and Wisconsin are of medium security with variations within each of these states. In Minnesota, the training schools are open facilities with relatively small populations. In Massachusetts, there are forty-nine secure beds in the state.

Generally speaking, there is a great difference in the dispositional alternatives which may be available to a juvenile court judge. There tend to be more alternatives in the major urban areas. Los Angeles County has eight camp programs and dozens of community-based resources. Ramsey County, Minnesota, has forty-five group homes under the supervision of the juvenile court. The Hennepin County (Minneapolis) Bench Book contains a section with descriptions of some three dozen community treatment programs used by the court.⁶¹

Under New York State's designated felony proceedings in the family court, there is now special handling for youths age fourteen or fifteen who are found to have committed certain offenses. For the offenses of murder, arson, and kidnapping, the court can impose a five year placement with at least the first year in a secure facility. This time can be lengthened at the discretion of the New York Division for Youth. This is in itself a dispositional alternative not previously available to the family court.

Beyond the availability of dispositional resources, which is a favorite topic with juvenile court judges, there is undoubtedly an art to making an appropriate disposition. Some judges are noted for their skill in this field. Nevertheless, it is a skill difficult to measure. Knowledge of not only the law, but of available and effective treatment programs and institutions is required. There is a particular balance that must be found between the individual young person's needs and the public safety. This is extremely difficult to find -- and especially so in the case of the serious juvenile offender.

Evaluation

Evaluations of court procedures for the serious juvenile offender are not numerous. There are several sets of standards and goals which outline desirable practices in the operation of the juvenile court. These describe such things as the training and qualifications needed for judicial officers, the manner in which adjudicatory and dispositional hearings should be conducted, the roles of probation, prosecutor, and defense counsel, and a host of other subjects. But evaluations of such procedures and performances are almost non-existent. None were found in any of the states visited as part of this assessment.

Perhaps the closest to an evaluation of a judge is the occasional bar poll. One of these was done by the Minneapolis Star and published May 5, 1975.⁶² This newspaper poll asked 175 lawyers

in Hennepin County, Minnesota, to rate nineteen judges, one of whom as the juvenile court judge. The judges were rated on knowledge of the law, diligence, fairness, lack of bias, courtesy, clarity of opinions, promptness of opinions, and other qualities.

The three evaluations or studies which did come to light in the states visited were done by probation departments and two of them concerned recidivism. One was a 1973 study done at the Children's Court Center in Milwaukee, Wisconsin, entitled, "The Prediction of Recidivism as a Rationale for the Disposition Decisions of Probation Officers in a Juvenile Court Setting."⁶³ The second was, "A Study of Juvenile Multiple Recidivists,"⁶⁴ carried out by Hennepin County Court Services in August 1977. The third was an evaluation of the Hennepin County Beta Program⁶⁵ which is designed primarily for first time juvenile burglars.

Comments

There is no question that the nature of the juvenile court is undergoing change. The challenge of what to do with the serious juvenile offender is one of the main reasons for the change. Many judges will tell you that the juvenile court was never meant to deal with the serious and sophisticated type of young criminal increasingly seen today.

The change is primarily in the direction of an adversary system, ". . . of changing the nature of the juvenile court from a place where kids can get help, to a court of law, pure and simple,"⁶⁶ to quote a respected veteran of the juvenile bench.

Professor Samuel M. Davis has written an excellent book entitled Rights of Juveniles: The Juvenile Justice System⁶⁷ which systematically and thoughtfully addresses the impact of the Gault decision and other landmark U.S. Supreme Court decisions on the juvenile process. This is a helpful reference work on due process in the juvenile court.

This change affects the juvenile prosecutor, the defense attorney, and the probation officer as well. What is happening as there is more attention being given to the serious juvenile offender is that the role of the prosecutor becomes more important. The prosecutor files the petition, where before it may have been the probation officer. The district attorney's office enters the picture, where before it may have been a corporation counsel or a police prosecutor. The intent is that these more serious juvenile offenders will receive more vigorous prosecution. At the same time, the role of the probation officer tends to be diminished as the prosecutor's role increases. The defense attorney, on the other hand, also takes a more active role. With the serious case, a public defender will devote more time and attention than in minor cases. In some localities, it is the defense attorney who may know the most about the juvenile code. With the recent emphasis on due process, and the presence of well trained attorneys on both sides, a proceeding in the juvenile court often takes an adversarial tone it had not known before.

Another response to the greater number of serious juvenile offenders is the use of the waiver to the adult court, whether this is specifically mandated by new legislation, as in California, or whether it is a matter of greater utilization of an already existing option, as in Florida. Florida even goes so far as to bypass the juvenile court altogether through direct grand jury indictment of juveniles in capital and life felony cases. Minnesota, on the other hand, regards waiver or certification to the adult court as a drastic measure and is clinging more steadfastly to the rehabilitative goals of the juvenile court as originally conceived. Massachusetts is also sparing in its use of the waiver procedure. New York has no waiver procedure, but has a maximum age of fifteen for the juvenile and a new law, the Juvenile Justice Reform of 1976 which provides for stricter handling of serious juvenile offenders.

At the time of disposition, the availability of sufficient dispositional alternatives remains crucial. Minnesota, with its emphasis on treatment, rehabilitation, and community corrections, and its lower crime rate, certainly does one of the better jobs in this regard. St. Paul, for example, has forty-five group homes at disposal of its juvenile court. Florida finds itself in a dilemma. Having brought off a major reorganization and reform of its juvenile correctional system, it now finds itself with political resistance and inadequate resources to implement all of its ambitious goals. California underwrites an extensive institutional program, and at the same time, boasts some advanced community programs.

In the context of the change in the juvenile justice system being noted, the phenomenon of plea bargaining is worth mention. It isn't supposed to happen in the juvenile court. The National Advisory Committee on Criminal Justice Standards and Goals recommends that "plea bargaining in all forms should be eliminated from the delinquency adjudication process."⁶⁸ Yet it does exist and juvenile court judges, probation officers, defense attorneys, and prosecutors are divided in their opinions about it. Some judges and prosecutors, for example, will say that the courts would be swamped if it were not possible to negotiate pleas. Others say it prevents justice. The resolution to this dilemma is not simple, but it can not be denied that plea bargaining does take place in the juvenile courts.

The juvenile court is changing. Most judges and others who work with the court, including police officers, hope that the essential goal of individualized justice for juveniles will be preserved.

* * *

There is an important group of youthful offenders who are under eighteen years of age but who nevertheless are treated as adults.

DRAFT

Many of these youths have been waived from the juvenile court to the adult criminal court because of particularly serious offenses. What happens to them after that? Sometimes they are sent to adult prisons for more youthful offenders. Sometimes they are sent to regular adult prisons or jails. Sometimes there are other dispositions. But these youthful offenders tend to drop through the cracks. The question of what to do with and for them needs further attention.

DRAFT

IV. STATE PROGRAMS FOR THE
INSTITUTIONALIZED SERIOUS
JUVENILE OFFENDER

Once the die has been cast at the disposition hearing and the juvenile has been committed to the department of corrections, the state is charged with the responsibility of protecting society from the adjudicated offender, and at the same time, changing the behavior of the juvenile and preparing them for eventual re-entry into society. To accomplish this in the context of increased emphasis on due process, short term incarcerations, and the right of a juvenile to refuse treatment, the correctional portion of the system is presented with major challenges at the points of reception, institutional programming, and supervision during parole.

The system is changing and the change process is a major element in the present state of the art. From interviews with operational people, correctional planners, and managers in all states, it becomes clear that this is a period of transition and struggle for everyone - including the public.

The most obvious example of system turmoil is that of the Department of Youth Services in Massachusetts where they are working to recover some stability subsequent to the deinstitutionalization revolution of 1972. The present daily average of juveniles in three Massachusetts secure treatment centers has been reduced from 465 in 1971, to 49 as of February 1, 1978.

Massachusetts is not alone. California juvenile correctional institutions house approximately 4,000 juveniles in secure facilities with all of the attendant problems related to security.

Corrections in Wisconsin is being reorganized with new personnel in leadership positions being brought in. Florida, New York, and Minnesota are attempting to reduce the population of their juvenile institutions and move into community oriented programs. In every one of the six states, professionals in corrections seem to be in general agreement that the best environment for the rehabilitation of juveniles is in the community. At the same time, each state has experienced resistance when attempting to introduce correctional programs into local communities, particularly when the housing of juveniles is at issue.*

All six states agreed that the purpose of their departments of corrections as the protection of society and the rehabilitation of youth committed to their custody in that order. The Minnesota Department of Corrections, for example, in its report to the 1977 legislature,¹ describes its mission as follows:

"The mission of the Minnesota Department of Corrections is the community's protection; to accomplish this, the Department is committed to the development and provision of programs that will both control offenders' inappropriate behavior and assist offenders in functioning as law abiding citizens."

In California, the purpose of the Youth Authority as stated in the Youth Authority Act of 1941² is:

"To protect society more effectively by substituting for retributive punishment methods of training and treatment directed toward the correction and rehabilitation of young persons found guilty of public offenses."

*It is of interest to note here that there has been resistance by groups in the City of Ocala, Florida, to the tentative proposal that the Alyce McPherson School for Girls be closed.

Wisconsin, in the Six Year Master Plan,³ outlines the goals of the Wisconsin correctional system as to:

"Utilize the least restrictive form of incarceration for the offender while maintaining public safety; involve the offender and community in the identification of critical individual needs and the provision of the resources necessary to achieve reintegration."

New York, Florida, and Massachusetts recognize the responsibility through their respective state correctional agencies to protect the public. As additional documents available from each state agency are reviewed and compared, and key people in the juvenile justice system are interviewed, there appears to be consistency in the philosophic goals they are trying to accomplish through their institutional programs--

- to protect society or the community
- to reserve incarceration for juveniles whose needs are beyond community resources
- to utilize the least restrictive forms of incarceration and substitute rehabilitation for retributive punishment
- to identify offender needs and provide resources which are necessary for them to accomplish their reintegration into the community
- to provide basic human rights to the degree that it does not violate the rights of others.

The State of Minnesota, which appears to be moving rapidly in the direction of community corrections, has clearly outlined a set of beliefs within which the department of corrections operates to carryout its stated goals⁴--

- The Minnesota Department of Corrections believes that correctional sanctions imposed on convicted offenders serve a multiplicity of purposes which may vary with the type of offender . . .
- The Minnesota Department of Corrections believes that crime and delinquency are symptoms of failure and dis-organization, not only of the offender, but also of society. All too frequently, the person convicted of a crime has had limited contact with the positive

DRAFT

forces that develop law abiding conduct (i.e., good schools, gainful employment, adequate housing, and rewarding leisure time activities). . .

- The Minnesota Department of Corrections accepts the premise that prisoners should retain all the rights of free citizens except those expressly or by necessary implication taken from them by law. The offender is entitled to basic human rights to the degree that this does not violate the rights of others.

The latter belief also appears to have a consensus among the remainder of the states visited. Documents reviewed and discussions in each state highlighted the priority on the juveniles' right to basic human rights and access to due process. Inevitably this transition, or this changing focus in the state departments of corrections, has had some negative as well as positive impacts on system operation. as The following examples indicate:

- grievance procedures may take up an inordinate amount of an administrator's time because of the accumulation of trivial complaints
- group treatment programs may suffer because of a minor's right to choose not to be involved
- lack of funding to meet changing requirements may be brought about by the shift to a due process posture
- management problems may be created by confined juveniles who have become sophisticated in the manipulation of the system through due process.

Emphasis in all six states is placed on the achievement of the above goals through the use of fair, humane and just procedures, with fairness being the context of the correctional system.

THE SERIOUS JUVENILE OFFENDER IN CORRECTIONS

All states studied are in the process of reducing their juvenile institution populations through diversion of status offenders at the court level and deinstitutionalization of this group from state facilities. The extent to which this

effort has been accomplished differs in each state because of political, economic, and practical reasons. Massachusetts and California have been leaders in this effort to reduce the numbers of status offenders in their state juvenile institutions.

Without exception, responsible corrections' managers in each state accepted the fact that there appears to be a relatively small group of juveniles whose criminal activity and behavior are considered serious enough to warrant their separation from the open community. However, labeling juveniles as serious offenders appeared to be simpler when discussing individual cases than the development of criteria for the group generically. In general, institutional commitment was reserved for the small portion of serious juvenile offenders who were viewed as persistent in their criminal activity, dangerous, and who posed a threat to the community.

Two groups of serious juvenile offenders were identified during the study. Both are alleged to have violated a law of the United States, or of the state, or of a local jurisdiction which would be a misdemeanor or a felony if committed by an adult. These were the--

- youthful offenders, or juveniles, who as a result of waiver or certification procedures, have been tried and sentenced in an adult court
- serious juvenile offenders who have been adjudicated in the juvenile court.

This latter category has been the object of this assessment. These are the juveniles, male and female, who at the point of court disposition, are committed to their respective state juvenile correction's agency for custody and care. At the time of our study, the size of this institutionalized group varied in the six states from approximately forty-nine in

Massachusetts in three security treatment centers, to approximately four thousand in eight secure juvenile institutions in California.*

Although the organization, philosophy, procedures, emphasis, and the number of juveniles processed may vary, the steps involved in processing the juvenile from court disposition to eventual discharge from parole are similar in all six states. These steps are outlined below and state differences noted:

- Court Disposition - juvenile court judges commit the juveniles to the state correctional agency (Commissioner of Corrections in Minnesota)
- Commitment Review**- before the juvenile is actually placed in a state training school, or secure treatment facility, the case is reviewed in--

California at one of the four reception centers, where, based on a study of his case, the juvenile may be given board approval for immediate parole or recommended for transfer to an appropriate institution for treatment.***

*At the time of the field work, 1977-1978, Minnesota's juvenile population numbered 200 in two non-secure institutions; New York had 480 in two training schools and two secure centers; Wisconsin had 750 in two training schools (one secure, one minimum security); and Florida had 1,081 in four moderately secure institutions.

**Space is given to these differences here in the attempt to show the transition that is taking place in procedures from disposition to program placement, their impact on court decisions, and the continued effort by the system to screen and further deflect juvenile penetration into the system. Although the above noted options are available, the percentage of committed juveniles released on probation or parole is usually low.

***California is presently moving in the direction of case management similar to the pattern of Massachusetts and New York

Florida in the reception unit of the institution to which the commitment was made. After staffing, the juvenile may be granted probation, parole, or programmed in the institution.

Massachusetts by an aftercare caseworker who is assigned to the case and responsible for following the juvenile through commitment to the Department of Youth Services from disposition to release from parole. Three options are open - probation, parole, or recommendation for transfer to a secure treatment center. To qualify for this transfer, the caseworker must convince a panel of experienced caseworkers, representative of the seven state regions, that the juvenile is a threat to himself, others, and the community.

Minnesota in the reception unit of the State Training School in Red Wing, Minnesota. Options are probation, parole, or institutional transfer.

New York by case service worker in a pattern of continuity of care similar to that described above in Massachusetts. Options of probation, parole, or institutional transfer are the same.

Wisconsin by the Child Monitoring Unit which determines the type of program and placement best suited to the care and rehabilitation of the juvenile and the security of the public (experimental program operating on a grant from the Law Enforcement Assistance Administration).

- Institutional Programming - the programs of the serious juvenile offender in a juvenile institution are planned generally, by a staff team and it may include the juvenile himself. The program is tailormade to meet the overall needs and the limitations of each individual. Participation by the juvenile in the program development phase is becoming more and more the case as each state moves in the direction of individual rights for inmates.
- Preparole Experience - preparation for leaving the security of the training school and returning to the community involves planning for parole, increased freedom and opportunity for weekend or holiday visits with parents, time spent in employment and school interviews, and group process oriented to readjustment problems.

- Parole - release to the community with a plan of objectives to be accomplished under the supervision of the parole officer or case manager, juveniles are provided individual and family counseling, community services, employment opportunities, and assistance in his school program until he is discharged from parole, reaches the age of eighteen, or parole is violated.

The task of describing a synthesized version of what is taking place in all six states has proven to be challenging, particularly because of the fluidity existing in the day to day planning, managing, and operation of the juvenile justice system. Although there are elements of stability and a basic structure within which the system operates, there may be a considerable amount of inconsistency among--

- what people report during structured interviews
- what is written in documents
- what is actually happening.

This factor, clearly related to the reliability of data upon which this report is based, is an overriding condition. It is one of the major descriptors of the present state of the art. The juvenile justice system is struggling to make sense as it deals with the serious juvenile offender each day. At the same time, it is required to be responsive to the very controversial issues of right to treatment, rehabilitation or retribution and institutional or community corrections, to name a few.

The remainder of this chapter will deal specifically with programs provided for the serious juvenile offender and the extent to which these programs involved in the treatment of the serious juvenile offender are being evaluated. These areas will be subsumed under the three major headings of--

- Reception Services and their Evaluation
- Institutional Programs and their Evaluation
- Parole Programs and their Evaluation

RECEPTION SERVICES

Male and female serious juvenile offenders who have been adjudicated by the courts and referred to their respective state juvenile corrections agency for institutional commitment have, with few exceptions, qualified for the referral. They have survived the efforts by the juvenile justice system to minimize their penetration into the system at the police and court levels and lost their opportunities for entrance to programs available to them as alternatives to commitment.

If the decisions to commit by judges are based on a knowledge of the goals of the state juvenile correctional agencies quoted above, then the assumption can be made for the most part, that juvenile institutional populations are made up of juveniles who are persistent and dangerous offenders, threatening to public safety, and whose needs are beyond community resources.

As would be expected; however, observations in the field indicate that these populations are not made up of a pure culture of serious juvenile offenders who were considered serious because of the nature of the crimes they have committed. Here again the definition problem comes into focus. There are those minors whose history of anti-social behavior, failure to respond to treatment programs made available to them, and their general incorrigibility has led them to institutions - not because of the crimes they have committed but because of a general lack of resources for referral. Special provisions for this small group appear to be lacking in all states. It is possible that the answers available through the social sciences are unnecessarily complex and perhaps not as applicable to this group as the practical approach presently utilized by judges (commitment) when all other avenues have been tried without success.

One more chance remains for them to escape, or at least minimize their stay in an institution. That chance is embedded in the re-

DRAFT

ception process in each state as the minor and his records move from the court to the juvenile correctional agencies in each state.

Each state juvenile corrections agency has an opportunity to review each case record* and to accept or reject the recommended commitment. If the juvenile is rejected, it is usually because of the lack of institutional programs in the system appropriate to the needs of the person. The use of this review process may vary again in each state. The availability of this procedure is important however, since it is another method of screening available within the system. It provides yet another opportunity to stop further penetration of the juvenile into the system because of serious emotional instability (psychosis), physical disability, mental retardation or pregnancy.

The number of juveniles processed, the sophistication of diagnostic procedures used, and the philosophy and objectives may differ at each unit but the goal of the reception process remains the same:

- individual assessment for individual programming.

Juveniles committed to their state juvenile corrections agency are usually placed in a secure reception unit upon their arrival at a designated location in the state. This place may be a separate facility providing services for a number of institutions (e.g., Northern Reception Center and Clinic, Perkins, California), a combination facility where the reception unit is located at

*Statutes in each of the states describe information required in case histories prepared by probation and the courts. Florida, for example, requires that a case history be prepared and transmitted to their Health and Rehabilitative Services Department that includes (1) sociopsychological history; (2) medical history; (3) educational and homelife history including school transcript and (4) other information deemed necessary by the Department.

but independent from an institution and serves other institutions (e.g., Ventura School for Girls, Ventura, California), or a unit within an institution serving the needs of that particular facility (e.g., Alyce D. McPherson School for Girls at Ocala, Florida; Lincoln Hills School, Irma, Wisconsin).

The Reception Process

In order to minimize the dead time and the frustration of confinement during this period of assessment, some opportunity for involvement in educational, religious, and some recreational activities are made available. Participation in these programs for the most part, requires a level of motivation significantly above the level of these newly committed juveniles who are sensitive to the tentative nature of the reception process and aware of the short period they expect to remain in the reception center. Security constrains both the opportunity to participate and the kind of activities available to juveniles.

Individual Assessment

Committed juveniles upon their arrival at the reception unit are temporarily assigned to a secure cottage or dormitory for a specific period of from three to five weeks. During this period, they may be given physical examinations; interviewed by social workers, psychologists, teachers and parole officers; attend a limited school program; and they may become a member of a positive peer culture (PPC) group. Their performance, behavior and habits are observed daily by institutional personnel and assessed at staffing sessions prior to program planning to meet their individual needs.

Discussion

The objectives of the individual assessment aspects of the reception process in each state are virtually the same as those described in Florida's Standards and Goals Report of 1976:⁵

"There should be a program plan for each child based on diagnostic evaluation; assessment of current needs, priorities, and strengths; and the resources available within both the program and the correctional system. The plan should specify use of specific activities; for example, individual, group and family therapy. Need for medication, educational and occupational approaches and recreational therapy should be identified.

DRAFT

The plan should be evaluated through frequent interaction between diagnostic and treatment staff."

Using the predisposition report and materials available from the court at commitment as a foundation, a diagnostic study of each juvenile is completed. The California assessment is probably closest to the classical approach in most respects and will serve as an example in this discussion.

California Reception Centers

The four reception centers are located geographically to distribute caseloads (Northern Reception Center and Clinic at Perkins and Southern Reception Center and Clinic at Norwalk) and to meet special requirements (Ventura School for Girls at Ventura and Youth Training School for youthful offenders at Ontario, California). All centers employ a staff of full-time professional psychologists, educators, and social workers, who with the consultation of part-time medical doctors, dentists and psychiatrists, carry out a case by case diagnostic study.

The study involves a complete physical and dental examination, psychiatric screening, the administration of a battery of educational, psychological, vocational, aptitude and interest tests. During the four week period scheduled for the juvenile to spend in reception status, he or she will be interviewed by staff to validate information in the file, to screen for emotional problems, or to gather further information relative to security risk or special requirements.

This diagnostic and evaluation process is scheduled to be completed within four weeks after the juvenile's arrival. This process is based on information gathered relative to the juveniles documented mental and physical condition; California Educational Cumulative Record and complete school transcript; performance on the test of adult basic education, the Jessness Inventory and

for those who score 6.0 or above in reading comprehension and who are sixteen years or older, the General Aptitude Test Battery. Juveniles with reading comprehension and vocabulary scores below 3.8 are referred for psychological evaluation.

The above information is frequently supplemented by a parole officer's investigation and report on a home visit conducted, when the probation officer's report is deemed to be inadequate. Additional data is accumulated through social worker evaluative interviews with the juvenile.

At the point of case staffing, staff members initiate a plan for the individual's program with recommendations for immediate parole or institutional transfer. Special program needs, in addition to the "regular" or mainstream program, are identified in the following specific areas:⁶

- drug and alcohol treatment
- psychiatric treatment
- intensive counseling
- supportive environment
- developmental
- highly structured
- sexual reorientation
- forestry camp
- vocational/work experience
- higher education
- short term entry

The final case summary report, compiled from the above data, is submitted to the Youth Authority Board for their action on the case within a period of one week or five weeks from the date the juvenile entered the reception center. Final action usually rests not only on the needs of the juvenile, but upon the availability of recommended programs and space in the institution to which transfer is recommended.

The organization of the California Youth Authority and the number of institutions available, offers a variety of program

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opportunities by specific age groups and thus provides the reception center staff with what seem to be numerous options for individual juveniles.

The Youth Training School at Ontario, California, for example, emphasizes vocational training as well as the "regular program" for older (average age twenty) more sophisticated male juveniles, many of whom have been convicted in adult courts. The O.H. Close School for Boys on the other hand, is primarily for younger (average age sixteen) juveniles with heavy emphasis on educational programming. For juveniles transferred to the Ventura School for Girls, opportunities exist for college level courses, on and off campus, in a co-educational environment. Reception center staff in California may also be able to consider factors of physical size and maturity levels at different juvenile institutions when recommending their transfer for rehabilitation.

This centralized system is a more efficient way of accomplishing the reception process because of the size of California and the number of serious juveniles processed through the system. At the same time, it is likely to be more impersonal, less knowledgeable about the local communities and conditions under which individual juveniles developed their delinquent behavior and therefore, less likely to be able to adequately plan for the total needs of these serious offenders during their stay in the institutions and on parole.

Recent proposals by the parole services branch of the California Youth Authority may sound the death knell for this approach. Pilot studies of their proposed approach to assessment in which the parole officer works up a case history at commitment (while the offender is still in detention), plans the overall individualized program and carries the case throughout the period the juvenile is within the jurisdiction of the Youth Authority may eliminate the need for the more traditionalized costly reception centers.

New York with its Youth Services Team approach and Massachusetts with its Mutual Agreement Programming (MAP) are similarly organized. Although the Minnesota Department of Corrections appears to have organized the participation of the juvenile into the development of his own program to a greater extent than other states visited, the concept is generally gaining acceptance.

The reception process in Florida, Minnesota, and Wisconsin is decentralized and located in each juvenile institution in these states. At first thought, this may appear to be inefficient and expensive. The number of institutions and the number of juveniles processed in each of these states, however, is far less than in California. Although figures were not available for Florida, the number of commitments in Minnesota and Wisconsin for 1976 were 482 and 609 respectively compared to the 1,525 committed in California. Where California had eight institutions and a population of approximately 4,000 in 1977, Minnesota had two institutions with a total population of 200, Massachusetts has three secure centers with only 49, and Florida was budgeted for a population of 1,081 housed in four institutions.

In the states where the reception function was housed at the institution in which the juveniles would be confined, there appeared to be an opportunity for greater continuity of planning for the individual from reception through institutional programming and finally on parole. It also appeared to provide greater opportunity for reception, institutional and parole staff to maintain a more personal relationship with individual juveniles and more frequent interstaff contacts relative to their progress.

The time available for processing each case was limited by statute in each state and time spent in reception status counted toward total time to be served. At the end of this period, (Minnesota, Wisconsin, Florida - three weeks; California, Massachusetts - five weeks) the case summary developed during

the period is submitted to a review board with recommendations for:

- transfer to a state mental hospital or facility for mentally retarded if appropriate
- transfer to another juvenile facility for special programming (e.g., drug abuse, treatment)
- transfer to specific cottage/dormitory related to the juvenile's particular needs.*
- educational coursework and remedial or special work required to deal with learning disabilities
- vocational experiences and job survival training
- medical/dental needs (plastic surgery and orthodontal work is frequently available)
- level of supervision based on juveniles history of running away or specific behavior patterns
- special programming in areas of treatment, recreation, interests, drug abuse
- length of stay in the institution
- specific school work and supervision programs for the juvenile when released on parole
- for immediate release on parole**

The state of Wisconsin, for example, is presently operating a "Child Monitoring Unit"⁷ in the reception centers of its juvenile institutions at Irma and Wales. This is a specific effort to reduce the populations at both institutions and to move the state closer to implementation of a more community corrections oriented program for juveniles.

*In all institutions visited, juveniles appear to be grouped and housed on the basis of common needs. For example, Lincoln Hills School in Irma, Wisconsin and the Alyce McPherson School in Ocala, Florida, put the immature physically and emotionally together, and at the Preston School of Industry in California, the Manzanita Cottage houses a selected group of drug offenders.

**All states in this study make this escape hatch provision available for juveniles in cases where the reception staff and the designated review board agree that the state institutional program is not appropriate.

This unit reviews the appropriateness of institutional placements, monitors progress of individuals in treatment programs and makes recommendations for alternative programming to the secretary of the Department of Health and Social Services. Initial efforts have been confined largely to the review of cases at both centers; however, it is intended that the Child Monitoring Unit functions will expand to monitor out-of-home alternate placements in other Wisconsin regions in the future.

The project was funded in June of 1976 and began operations in March 1977 with a primary objective of reducing institutional populations by 10% the first year. This was to be accomplished by increasing the number of youth kept out of institutions reception and shortening the stay of those who remained from the average of nine months to eight months.

Reports on the performance of the Child Monitoring Unit by the Urban and Rural System Associates, a private contractor, indicate that:

- ⊙ there was an absence of criteria for release during the early part of the program
- ⊙ there were communication and coordination problems
- ⊙ juvenile judges were concerned about this incursion into their area
- ⊙ there was staff resistance to the presence of the Child Monitoring Unit in the reception centers
- ⊙ there were communication and cultural differences between Child Monitoring Unit staff and minority groups at the Ethan Allen School
- ⊙ the release decisions by the Child Monitoring Unit were too cautious (monitors are more inclined to accept a recommendation for retention and to reverse a recommendation for release).

As a result of the two evaluation reports, recommendations were made for the refunding of the unit for the second year with the provision that:

"by March 1, 1978, the Unit will have achieved an overall 10% reduction of the average daily population of juvenile correctional institutions to a level of 675. . . . if it has not, the project shall demonstrate to the executive committee the reasons for its failure."⁸

In the state of Massachusetts, before the transfer of a serious juvenile offender can be made to one of the three secure centers, the case must be presented to the Secure Treatment Team for their approval. The priorities of this team are on keeping juveniles out of institutions.

Evaluation

Evaluation studies specific to the reception process did not surface in the states included in this study. Both California and Massachusetts however, are taking steps to build internal evaluation elements into their proposed plans to assess and develop plans for the serious juvenile offender as he enters the correctional portion of the juvenile justice system.

Comments

Discussions with a variety of professional staff and managers of the reception (and parole) units in the various states and a review of available documents, have crystallized the following generalizations and impressions:

- States appear to be making serious attempts to assess the juveniles needs and potential at commitment through application of known assessment techniques.
- The concept of reception as a one step diagnostic process appears to be losing ground to the less expensive and practical "continuity of service" approach involving the parole agent early as a case manager responsible for a program of individualized treatment from commitment to release.
- The reception process is organized to minimize further penetration of juveniles into the system but the nature of juvenile group being committed disqualifies the majority of them for release at this point.
- Specific efforts are being made by correctional managers to reduce the length of the commitment period usually decided during the reception process.

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INSTITUTIONAL PROGRAMS

State institutions appear to be moving more and more in the direction of replacing retributive punishment with programs geared to the retraining of offenders. In recent years, these programs have been continually revised to meet the needs of an offender who is older and more experienced than in the past. Programs both in institutions and in the community are designed to help juveniles in every way possible to become law-abiding and productive citizens.⁹ Permeating the total institutional and parole programming effort is the program guaranteeing the juvenile's right to due process through formal grievance procedures.

Programs for the institutionalized offender have been developed through experience in the assessment of their needs based on the values of the culture. The educational, vocational, and treatment programs have long been given priority and funding, as have religious and recreation. Institutional drug and alcohol programs appear to have peaked in the early seventies and are relatively low profile now. Special programs for minorities (female, ethnic) are discussed but were found to have little priority expressed through funds or planning at the state level. The use of volunteers in all programs appears to be suffering from some of the same problems.

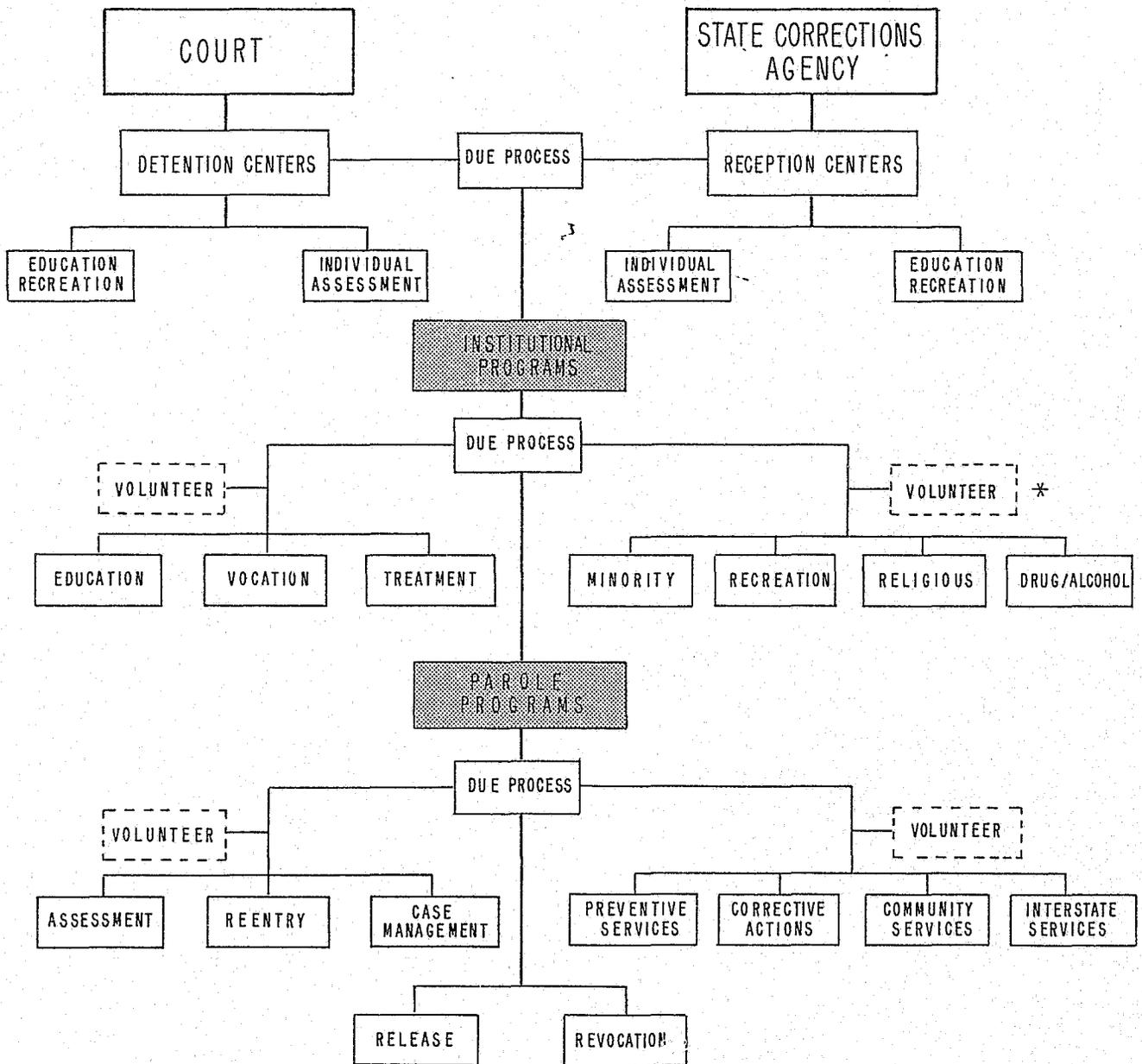
The greatest growth and impact on the system as a whole has come through due process programs such as the Ombudsman in Minnesota and New York, and the formalized grievance program in California. The traditional center presently used in California may soon be a thing of the past as the proponents of "continuum of treatment" concept move the system to a more case management oriented approach with parole officers involved in individual assessment at the detention centers.

Figure 5, (p.107) portrays the nature and the availability of the above programs from the time of court disposition to release from parole. While these programs continue to make up a definable curriculum in all institutional settings, there are major differences not only among states, but among different applications of the same programs within different or the same institutions in the same states. The problem of effectively meeting the needs of this very specific group of adolescents lies not in the overall provisions of the traditional institutional programs, but rather in the extent to which the department philosophy of rehabilitation is clear, in the methods used, in the quality and training of the staff and (most important of all) in the interest and self motivation of the student.

Evidence of a shift in the direction of expecting the juvenile to participate with some degree of self motivation, was obvious in the discussions with institutional staff about programs. This may be a secondary gain for the system resulting from the right to treatment controversy. Individual juveniles may get some insight into their need for programs offered, once they no longer have compulsory requirements to submit to treatment. Hopefully so, since it would have a positive impact on the programs offered, institutional staff morale and the juvenile himself. It may, however, be optimistic to believe that these serious juvenile offenders, so lacking in the quality of long range planning, will recognize and take advantage of program opportunities now being offered them in each state.

Many of the programs (although presented under the inescapable impact of an institutional setting) use methods and equipment superior to many public school systems. Program planning and implementation emphasize individual learning philosophy, operate on a much reduced ratio of teacher to students (usually 1:10 or less) and are handled by certified teachers and professional behavioral scientists (unless institutional philosophy believes in para-professionals).

FIGURE 5
PROGRAMS AVAILABLE TO SERIOUS JUVENILE OFFENDERS



NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER

* VOLUNTEERS MAY BE UTILIZED IN ALL PROGRAMS AND FREQUENTLY WORK AT INSTITUTIONAL ADMINISTRATIVE AND CLINICAL TASKS

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Approaching the description of programs specifically for the serious juvenile offender in the states other than California*, could be hazardous if the position were to be taken that the state departments have:

- agreed upon a definition of the serious juvenile offender
- agreed that the serious juvenile offender has special needs and hence, must be provided with special programs to meet these special needs.

In a research report on "Alternative Definitions of 'Violent' or 'Hardcore' Juvenile Offenders: Some Empirical and Legal Implications," published by the Minnesota Governor's Commission on Crime Prevention and Control¹⁰ in January of 1971, they concluded after a review of the literature that:

- "There does not appear to be any existing evidence that one statutory definition is any better than another in predicting or identifying the most serious juvenile offender."
- "There is little evidence which support the success of a separate facility for the violent or hardcore juvenile."
- "There is little evidence which supports the success of separate treatment programs for violent or hardcore juveniles."
- "Legislation which defines, places and treats violent or hardcore juvenile offenders must be promulgated with an eye toward the statutory and constitutional limitations found in recent court decisions."

Mann¹¹ supports the above findings by stating "We did not encounter any programs concentrated exclusively on serious juvenile offenders." This assessment tends to agree with the Minnesota findings and those of Mann except in the State of California.

The California juvenile institutional program for serious juvenile offenders appears to be a stable part of the philosophy

*The serious juvenile offender in California is viewed as a juvenile confined in one of California's eight secure juvenile institutions.

of that state's juvenile justice system. The other states are in the process of reducing their institutional populations and/or shutting down their juvenile institutions. In other states, the "seriousness" factor was ambiguous and staff appeared to reflect that ambiguity in discussions relative to programming. In Minnesota, for example, the Minnesota legislature, key members of the University of Minnesota Law School faculty, and management officials in the juvenile justice system including those of police, probation, courts and corrections, are engaged in a struggle to clarify basic definitional, custodial, and programmatic issues as they move toward a program of community corrections. The States of Florida, Massachusetts, New York, and Wisconsin are also experiencing a similar struggle as they attempt to replace their traditional institutional response to the serious juvenile offender, with a more community oriented approach.

Various differences in funding, emphasis, success and effectiveness did exist among and within the six states but each was making an effort to cover all areas. This report does not address the question of whether or not individual programs are successful. It attempts to assess:

- what programs are presently available for the purposes of changing the behavior of the serious juvenile offender
- what is being done to evaluate the effectiveness of these programs
- what conclusions can be drawn from the accumulated information gathered during this study.

Each of the following program categories is based on information gathered from structured interviews with key officials in state department and division level offices in the six states, administrative and treatment staff in one or more state juvenile institutions housing each state's most serious juvenile offenders, and documents and raw data made available during field visits to these states from October 1977 through February 1978.

Due Process Programs

*"A formal procedure to insure that offenders' grievances are fairly resolved should alleviate much of the existing tension within institutions. The first amendment requirements protecting the right of persons to petition their government for redress speaks eloquently of the importance attached to a government responsive to the complaints of its citizenry. Peaceful avenues for redress of grievances are a prerequisite if violent means are to be avoided. Thus all correctional agencies have not only a responsibility but an institutional interest in maintaining procedures that are, and appear to offenders to be, designed to resolve their complaints fairly."*¹²

Discussion

The spirit of the above quote is alive in all states and is in evidence in annual reports, current standards and goals documents, and in state comprehensive plans being submitted to the Law Enforcement Assistance Administration. Implementation of these procedures range from just getting started to revise and develop procedures (Florida, Massachusetts, Wisconsin) to those already functioning (California, Minnesota, New York).

Three basic types of grievance mechanisms have been identified by the Center for Correctional Justice¹³ in their 1975 Prescriptive Package as: Ombudsman, grievance procedures and inmate councils. No inmate councils were observed in this study. The California Youth Authority model is one of formalized grievance procedures; the Minnesota Ombudsman and his staff work to resolve the grievances of both adult and juvenile inmates in the system; and the Ombudsman's function in New York is regionalized and handled by a full time attorney in each region. Their function is primarily to monitor the system and attend hearings on individual juveniles.

Discussion in this section will focus primarily on the Minnesota and New York Ombudsman models and the grievance procedures as practised in California.

Minnesota Ombudsman

On November 15, 1971, a proposal was presented to the Minnesota State Legislature to establish an experimental Ombudsman for the Minnesota Department of Corrections. He would serve as an appointive official under the auspices of the Governor and would be funded by private sources. The office would have the power to investigate complaints without the power to reverse administrative actions. He would have the power to investigate only those complaints which deal with matters within the Department of Corrections. He would not have jurisdiction over any other governmental agency.¹⁴

The need, to which the appointment of an Ombudsman is only one response, is one commonly understood by anyone associated with the criminal justice system where personal liberty and legal authority are in almost continual conflict. Persons confined to institutions against their will experience a natural frustration because there is little opportunity to express their grievances and affect daily decisions which are crucial to his release or standing in the prison.¹⁵

In July, 1972, the Office of the Minnesota Ombudsman for Corrections was established and operated for a year as a federally funded project until May, 1973, when an act was passed by the Minnesota Legislature creating the Office of the Ombudsman for Corrections* as an independent state agency. This office dealt originally with the grievances of the adult and juvenile populations in the

*Further information on this program is available by calling or writing to: Ombudsman for Corrections, State of Minnesota, Saint Paul, Minnesota 55101, (612) 296 - 4500

state correctional institutions. His jurisdiction has since been expanded as a result of legislation to include regional corrections or detention facilities and those county programs or facilities operating under the Community Corrections Act.¹⁶

The method for handling a grievance through the Ombudsman is relatively simple. In the case of incarcerated serious juvenile offenders, they may file a complaint by mail, telephone, or have someone else file in their behalf:

When corrections internal procedures result in an action which is contrary to law or regulation; unreasonable, unfair, oppressive, or inconsistent; mistaken in law or arbitrary in the ascertainment of facts; unclear or inadequately explained when reasons should have been revealed; or inefficiently performed.

Once contacted, an investigation into the complaint is initiated to provide an external grievance mechanism.

The Ombudsman; however, may also initiate action to investigate the activities of any division, official or employee of the Minnesota State Department of Corrections, Corrections Authority or the Board of Pardons. His services are available to all persons in correctional institutions, on probation or parole under the supervision of the Commissioner of Corrections.

The Ombudsman's activities result primarily from individual contacts related to the following categories as reported in the 1975-76 Annual Report of the Ombudsman;¹⁷

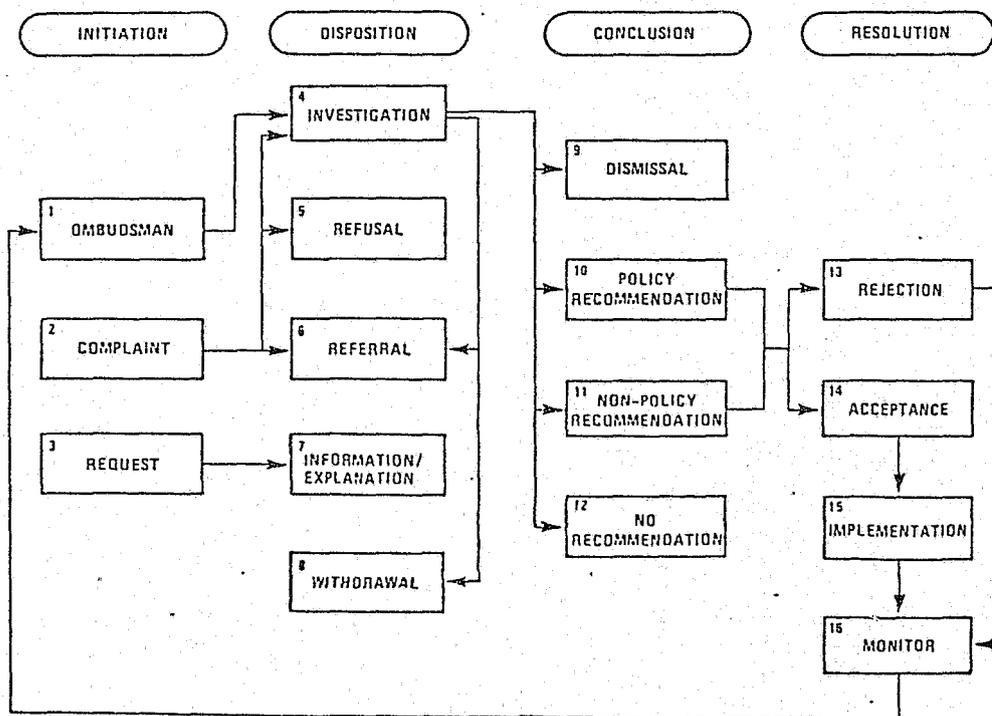
- Parole, medical, legal, placement, property, program discrimination, records, rules, threats, and other contacts not covered in the previous categories.

During the period of the above report from July, 1975 - June, 1976, one hundred twenty-seven contacts were handled from the State Training School at Red Wing. These represented about 11.2% of

the total office caseload. Twenty-nine percent of these contacts were program related, 26% involved rules and 10% had to do with placement and parole problems. The remaining 25% were distributed among the other categories.

Figure 6 below, provides a flow diagram of the complaint processing procedure.

Figure 6
COMPLAINT PROCESSING PROCEDURE¹⁸



The Office of the Ombudsman is geared to responding quickly to complaints. According to statistics provided in the 1975-1976¹⁹ Annual Report, 90.4 percent of the complaints had a response time of one to six days - 57.3 percent of which were made the same day. 69 percent of these complaints were resolved in thirty days while only 7 percent were delayed beyond sixty days.

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The following is an example of a placement problem experienced by juveniles at the State Training School and handled through the Ombudsman:

During the latter part of December, 1975 and early January, 1976, the Ombudsman received several inquiries, both written and verbal, from juveniles at the State Training School (STS) regarding treatment of youth on lockup status. They raised questions concerning the procedure by which individuals were placed in lockup, the length of time served, and the privileges afforded those on lockup status.²⁰

Resolution of specific problems raised by individual juveniles proved difficult because of the absence of a general institution policy governing the use of lockup. Therefore on January 29, 1976 the Ombudsman in a letter written to the acting superintendent stated that, "it will be extremely beneficial to all parties concerned if STS can develop policies and procedures governing placing youth or groups on restrictions or lockup."

On February 10, 1976, the program director at the State Training School responded that "the concerns expressed . . . are very understandable and the need for the guidelines is clear." He indicated that his staff was developing a policy for the use of lockup. That policy, finalized in May 1976, contains the following preamble:

"The use of lockup for juveniles is not seen as a desirable practice; however, experience indicates that at times, physical restraint is necessary. In fitting with the philosophy of PPC, juveniles should be locked up only when the group is unable to deal with problem behavior. It follows then, that when lockup is deemed necessary, it should be non-punitive and as humane as possible. Every attempt should be made to safeguard the rights and the physical and mental well-being of the juvenile. For purpose of this policy, lockup is defined as any time a student is confined to his room."

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New York Ombudsman

The Ombudsman program* in the New York Division for Youth (DFY) also began as an experimental program in 1972 funded by the New York State Division of Criminal Justice until October in 1974. It has, since then, been paid for by the Division for Youth.²¹

Although the general goals of the office of the Ombudsman are the same, the program in New York differs from that of Minnesota in the following respects:

- The program is regionalized with an Ombudsman in each of the four DFY regions responsible to the Director of Ombudsman at the state level.
- All of the Ombudsmen are full time attorneys licensed to practice in the state of New York.
- The Ombudsman is responsible for monitoring DFY institutions' compliance with laws governing their operation.
- An Ombudsman is responsible for the regular visitation of all juvenile institutions, under the auspices of the DFY, having fifty or more beds. He will also post office hours at each institution and periodically visit residents in their cottages and on the grounds.
- On hearing complaints, the Ombudsman is restricted to investigate only those involving possible violations of legal rights. Complaints involving purely program matters are outside his jurisdictional purview.²²
- The Ombudsman is required to be present at all hearings involving transfers of juveniles from a facility of a lesser to a greater degree of security, state or private.

The Division for Youth publishes a handbook called the New York State Youth Legal Rights Handbook²³ that is provided to each resident in the system. It is a simply written document organized around questions and answers that relate to the family court, rights in the institution, special hearings, aftercare, the Ombudsman and miscellaneous information. Resident juveniles from state institutions have contributed illustrations found throughout the handbook.

*Further information concerning this program can be obtained from the Director of Ombudsman, New York Division for Youth, 84 Holland Avenue, Albany, New York, 12208. Telephone (518) 474-8751

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California Grievance Procedure*

In 1973, a year after the Minnesota Ombudsman was established, the California Youth Authority implemented a ward grievance procedure in the Karl Holton School located in Stockton. This procedure was developed as a result of a grant from the Rosenberg Foundation and in consultation with the Center for Correctional Justice. The procedure, with modifications resulting from its use, is now a part of the operational procedures of all juvenile institutions and is being continually monitored and evaluated at the state level. In 1976 it was one of 20 programs to earn the National Institute of Law Enforcement and Criminal Justice "Exemplary" label.²⁴

The California procedure is based on the industrial model of negotiation and mediation. It operates within the following set of guiding principles,²⁵ defined by the task force during the development of the model, considered essential to the success of the program:

- Active participation by elected wards and by staff in the design, development and operation of the grievance procedure adopted in each program unit;
- An available course of action to provide immediate redress to a ward with an emergency grievance or problem;
- Levels of review, kept to a minimum but ideally corresponding to the major decision-making levels of the program unit's organization. Any party to a grievance, ward or staff, may appeal a decision;
- A full hearing at some level which affords all parties to a grievance, the opportunity to be present, and to participate in the hearing;

* Further information relative to the development, operation and evaluation of this procedure may be obtained by writing or telephoning the Administrator, Wards Rights Services, California Youth Authority, 4241 Williamsborough Drive, Sacramento, California, 95823. Telephone (916) 445 - 4763

- Representation of grievants in any informal conferences, hearings, or reviews by a representative selected by the ward from other wards, staff or volunteers regularly participating in the program unit;
- Reasonably brief time limits on all responses and any actions which must be taken to put a response into effect. Reasons for action taken must be documented in writing. Lack of a written response or failure to complete action within the required time periods will entitle the grievant to proceed to the next level of review;
- The right of appeal or independent review by a party or parties outside the institution or Youth Authority;
- Use of the grievance procedure itself to determine whether a specific complaint falls within the procedure;
- Guarantees against reprisals for anyone using or participating in the grievance procedure;
- Constant monitoring and evaluation of all procedures, their operation and their decisions; and
- Referral of grievances that may result in punitive action against institutional employees directly to the Superintendent for investigation and prompt written responses to all concerned parties.

These principles are in agreement with lists published in the Prison Grievance Mechanisms Manual developed by the University Research Corporation²⁶ and the report on Grievance Mechanisms in Correctional Institutions, completed by the Center for Correctional Justice.²⁷ Both of these reports were prepared for the National Institute of Law Enforcement and Criminal Justice.

California has purposely defined the term grievance in broad general terms as "a complaint about a substance or application of any written or unwritten policy of the California Youth Authority or any of its program units, or a complaint about any behavior or action directed toward a ward by staff or other wards."²⁸ Complaints

* A rationale for each of these principles can be found in the appendix of the above document.

about actions or policies of other agencies exercising jurisdiction over wards are also eligible for consideration under this procedure.

Two issue categories are excluded from the grievance procedure.

- Rule infractions and law violations.
- Actions and policies of the Youth Authority Board.

The rationale behind these exclusions related to the statutory responsibility of the Youth Authority especially where parole decisions are involved and the fact that a system already exists for appealing Board decisions.

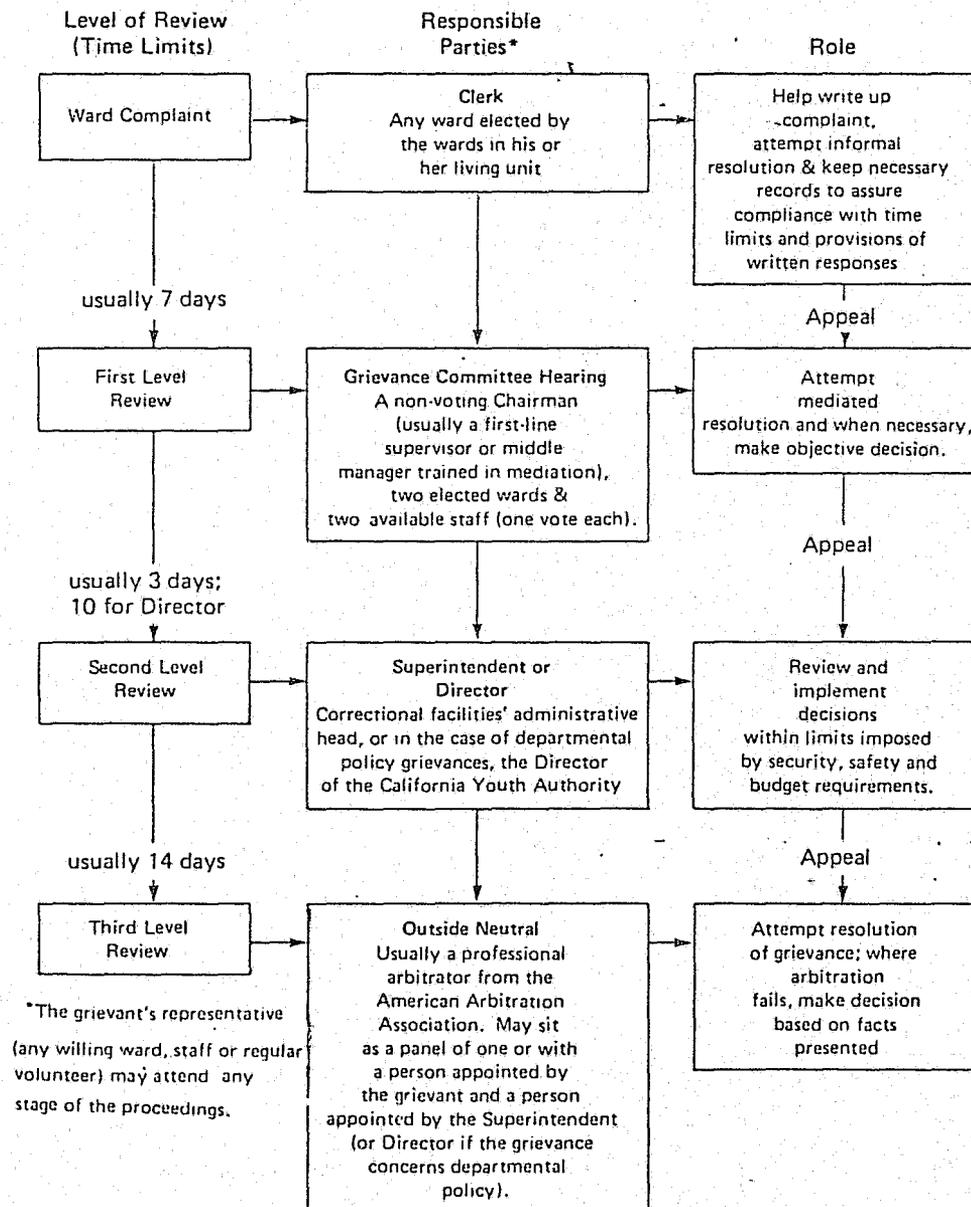
Except for the two above exclusions, experience in the system has evolved five basic complaint categories broad enough to include the variety of grievances encountered since the procedure was initiated.²⁹ These include complaints related to:

- A specific departmental or institutional policy which a ward finds objectionable.
- The specific application of a departmental or institutional policy which does not contest the policy itself but questions its interpretation in relation to a specific instance.
- The behavior and actions of institution employees.
- The behavior and actions of other wards.
- The living conditions or environment within the institution.

The procedure provides a formalized method for institutionalized juveniles in California to challenge staff policies and the actions of staff and wards. Responsibility is placed on the juvenile to decide on the seriousness of the grievance to him and whether or not he wants to pursue it through the steps outlined in the following figure. Three critical levels of review are presented in Figure 7 (p. 120). These are also similar to the procedure used by the United States Bureau of Prisons.

Of the 7,124 grievances dealt with through February, 1976, more than 40% have been sustained for the grievant and over 2,124 were settled at the grievance committee hearing*.

FIGURE 7
BASIC STRUCTURE
CYA WARD GRIEVANCE PROCEDURE 30



*Information presented here draws heavily on the document Controlled Confrontation, published by the National Institute of Law Enforcement and Criminal Justice and available through the National Criminal Justice Reference Service.

The California Youth Authority publishes a Ward Rights Handbook³¹ that is distributed to all newly received juveniles as they enter their respective reception centers. This handbook, written for the Youth Authority by Heather Scott Cissna, (University California Los Angeles Law School) and Michael Margosian, (McGeorge School of Law), describes what the juvenile's rights are and how to exercise them, who makes decisions, how they effect the ward and finally where to go for resources on how to get things done. In addition, the grievance procedure is discussed during early orientation sessions. In this process, special emphasis is given to:

- protection from reprisal
- importance of filing when there is reason
- being sensitive to the time limits working for the ward
- penalty for intentional misuse of the procedure
- lack of immunity under the procedure for violations of rules or laws.

The document also covers basic constitutional rights, other legal rights, the disciplinary decision making system, board hearings, transfers, parole decisions and community opportunities.

Once the juvenile is transferred to an assigned institution (or while at the reception center) they may avail themselves of the grievance procedure. The procedure itself operates on the principle that wards must participate in the settling of disputes, cooperate with staff to resolve problems and when they can not agree, both must seek the aid of an independent party for an unbiased view.

The state of Florida is presently updating their grievance procedures. Their present system is not; however, as formal in operation as that in California, but it does guarantee the juvenile written response within time limits and freedom from reprisal.

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The states of Massachusetts and Wisconsin are presently developing improved and more formalized procedures for the handling of juvenile inmate grievances. Although Wisconsin has such procedures operational on the adult level, complaints by institutionalized juveniles are being processed in the more or less traditional manner. This process requires that the juvenile report complaints to a staff member who may or may not take action satisfactory to the grievant. Information on the routing and handling of these procedures is provided juveniles at reception.* The system appears to lack credibility with the institutional population because it does not have the guarantees of time limits, required response, inmate participation and the formalized operational structure of the Ombudsman or the formal grievance procedures already mentioned.

All states have written procedures protecting the serious juvenile offender from being put in a secure cell for any appreciable length of time as punishment for a violation of an institutional regulation. Without exception, when it is necessary to isolate inmates for their own protection or that of others, all states require that key staff be notified and that due process rights be maintained.

Evaluation of Due Process Programs

Evaluation elements were required in the grants of the California,³² Minnesota,³³ and New York³⁴ due process programs described above. Monitoring and evaluative mechanisms to collect data for analysis and feedback were also included and are being continued since these states have taken over the costs of the program.

*The two page "Appeal Process for Students" provided at the Lincoln Hills School, Irma, Wisconsin, and the "Institutional Rules and Procedures" given to all students at the Ethan Allen School in Wales, Wisconsin, are examples of these procedures.

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The Minnesota evaluation for the period of 1973 - 1974 analyzed and reported on three aspects of the program - program effort, program analysis and effect of program. Their conclusions in these areas were that:

- Data available strongly suggested that the Ombudsman and his staff may well be unusually dedicated and hardworking.³⁵
- The Ombudsman is using the formal recommendation procedure infrequently but when necessary with a high degree of success.³⁶
- The Ombudsman's recommendations are being implemented. (55.5%)
- Satisfaction with services varies widely with those initially least enthusiastic (administrators, guards) now most satisfied and those initially most enthusiastic (inmates) now least satisfied.³⁷

In the 1975 evaluation³⁸ of the California grievance program, the final report assessed the nature of complaints, resolutions reached, compliance with procedural guidelines and adherence to time limits. Further evaluation included analysis of a selected sample of ward and staff responses to structured interviews and written questionnaires.³⁹ This process was designed to be repeated at six month intervals. The following material is based on a synthesis of data from the above report and focuses on the assessment of:

- operation of the procedure in the institution
- impact of the procedure on the institutional environment.

The conclusions of this study based on data from the Karl Holton School and the Youth Training School in California indicate that:

- Wards will continue to use this procedure but the nature of the complaints may vary with time, cottage and ward. The system has developed credibility although many wards are not convinced that staff support the system. Experience with the procedure has shown that the principles governing the procedure are workable.

In New York, two evaluative studies of the Ombudsman Program were completed in 1974 - one by the Council of State Governments and

another by the Center for Correctional Justice. Only summaries of these studies were made available to us in the document, The Ombudsman, in the New York State Division for Youth Facilities. The findings of these two groups although not totally in agreement, did lead to the following conclusions:

- The presence of the Ombudsman in the state institutions on a regular basis has helped make the incidence of child abuse a rarity in the system and improved their protection.⁴⁰
- The Ombudsman Program provides an ongoing evaluation mechanism which monitors treatment programs in the institutions.
- The Program has improved communication with the inmates, but has developed conflicts and hindered communication between the Ombudsman, administrators and staff.
- Although the purposes of the program are limited, the program is considered successful.⁴¹

Treatment Programs

Most state institutions have either a basic treatment modality (positive peer culture, behavior modification or psychotherapeutic) available and common to all of the juveniles to participate in or a variety of treatment approaches in the cottages or dormitories that reflect the specific skills and styles of the youth counselors in these living units. If a trend can be described on the basis of the data available at the time of this study, it is in the direction of guided group interaction programs providing role models through staff and away from the traditional approaches utilizing the medical model. State mental hospitals are not receptive to referrals from correctional facilities.

Discussion

Treatment programs in the traditional sense of the medical model appear to be the exception rather than the rule in institutions where serious juvenile offenders are confined. The focus on diagnosis based on categories of mental illness and prescriptive treatment emphasizing individual therapy is being rapidly replaced for the majority of committed juveniles by group work of the

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positive Peer Culture, Guided Group Interaction or Transactional Analysis posture. Treatment for those serious offenders whose lives are further complicated with obvious mental health problems continues to perplex correctional administrators:

One major treatment thrust that appears to be emerging is that of the selection and training of staff capable of providing good role models. People who have a background of both street experience and college training in the behavioral sciences are preferred, but if a choice is to be made, when all other things are equal, it is often in favor of the street person. Many institutional superintendents and program managers are carefully screening new staff by providing these candidates with part-time work during which they are evaluated for hiring by permanent staff.

Another factor considered to be of importance from a treatment standpoint is the undocumented staff identification with a willingness to take risks* - to provide increasing opportunities for self control by the juvenile. These are obviously, judgment calls by staff particularly as the serious offender approaches his date for release to aftercare or parole.

Assignments to the small institutions in Massachusetts where fifteen to twenty serious juveniles are in a one building institution or to individual cottages within the larger institutions of California, Florida and Wisconsin are based on individual needs and program recommendations worked out in reception centers or by case managers. Staff are particularly sensitive to avoid assignments that provide opportunities for the manipulation of passive inmates by the more aggressive.

* Staff are constrained by institutional rules and the performance of the juvenile in this area.

No umbrella statements could be made about the use of a single treatment model in any state. The state of Wisconsin, for example, probably comes the closest to providing institutional services in the clinical posture. However, in the cottages of the Lincoln Hills School (boys and girls) in Irma, or in the Ethan Allen School (boys only) in Wales, Wisconsin, a visitor would find a variety of different approaches being employed in the different cottages or even in the same cottage. This eclectic approach is also common in institutions in the states of California, Minnesota, New York, Florida, and Massachusetts.

The Karl Holton School in Stockton, California operates in this fashion but under the overall institutional theme of a formal behavior modification structure.

Institutional Programs

Many of the institutions visited are using what was generally termed a "modified" Positive Peer Culture or a "limited" Behavior Modification as the context for all inmate activities.

The Karl Holton School⁴² mentioned above, is an example of a structured behavior modification institution - wide treatment mode. The Behavior Modification System relies on three organizational methods including a:

- classification system - used as a basis for assigning wards to a living unit based on program needs and to a counselor on the specified living unit based on his I-level.*
- integrated treatment team - all staff who work with the ward, including the ward himself, participate in the total treatment program and strategies for the ward.

* The I-level is a classification system which focuses on the ways a delinquent is able to see himself and the world, especially in terms of emotions and motivations. It is also related to his ability to understand what is happening between himself and others, as well as between other people. The reason for the use of I-level in casework assignments is to simplify the treatment process since it identifies wards who think similarly and who behave similarly.

- modified therapeutic community - a twenty-four hour treatment milieu employing open communication and confrontation techniques where wards eat, sleep, work, and meet together on a regular schedule for the purpose of using this experience as a basis for improved parole performance.

Within a few hours of the serious juvenile offender's arrival at the institution, they are introduced to the treatment program and by means of a matrix, informed of the number of Behavior Change Units (BCU's) they must accumulate before they can be referred to parole. The units are rewards given for appropriate hall convenience behaviors, school convenience behaviors, and improvement in educational and critical behavior deficiencies.

After six weeks, they participate in the initial care conference where the treatment team establishes a behavior prescription based on areas of deficiency. Goals and strategies for the accomplishment of behavior change are outlined.

As juveniles participate in the total experience and move toward goals, they accumulate an amount of units equal to or in excess of the number prescribed. With the inner institution economy based on one BCU - one dollar, a ward with acceptable behavior and an adequate number of Behavioral Change Units can purchase special reinforcing events such as telephone calls, pool, late TV shows, or trips to the local community.

Ideally, when treatment objectives specified by prescription are performed and verified, the ward is deemed as having learned the behaviors required by the community. Payoffs have been based on performance, not time, and the only remaining reinforcer is parole. The ward's readiness for parole is the result of decisions made that have changed his behavior. These decisions, via contracting, have taken him through a series of successive approximations where the next logical step is parole.⁴³

DRAFT

Both training schools in Wisconsin as well as those in Florida, New York, Minnesota and Massachusetts have all adopted the principles of rewards for appropriate behavior to a lesser extent and with less structure.

The Minnesota training School at Red Wing, Minnesota provides a therapeutic milieu based on the Positive Peer Culture (PPC)⁴⁴ approach introduced there in 1968. Juveniles are assigned to groups based on an assessment of their needs, where they live, work, play and study as a group - twenty-four hours a day. Interaction is confrontive and may occur any time during the day but particularly during the one and one-half hour group meetings conducted five evenings a week. No point system is involved. The primary thrust of this program is to:

"Change the attitudes, values and behavior of those youths committed to our care, that they may be returned to the community to live with dignity and feeling of self worth."⁴⁵

The group format is problem centered. It does not rely on the exposure of historical events leading to psychological interpretations of individual behavior now. Concern of the group centers around providing help for individual group members who need to solve one or more of the nine basic problems defined before they are ready for parole. These "nine problems" alphabetically listed include problems related to - authority, drinking, aggravation, need to impress others, being misled or misleading others, lack of consideration, light fingering, lying, small feelings.

As the individual moves closer to time for release from the school, the group plays an important role in evaluating readiness to return to the community.

Professionally trained and experienced group leaders are critical to the success of this program. Also critical is the fact that

DRAFT

this approach must permeate the total institutional environment and be consistently applied through the cooperative efforts and behavior of administrative, educational, vocational, cottage parents and group leaders on the campus. These people are constantly observed role models.

Although the program continues to function on a modified basis, its success is being threatened by the increasing emphasis on the justice or due process model in Minnesota. Similar comments were heard among staff at the Ventura School for Girls in Ventura, California.

Individual Counseling

Counseling on a one to one basis appears to be a basic tenant in all states and in all institutions. It may be accomplished by a well trained consultant, a minister, a volunteer Big Brother, a groundskeeper or an adult felon doing time in another institution. The nature of the individual problems discussed run the gamut of human suffering. It is available to all inmates and most recently efforts are being made to provide family counseling for the parents of confined juvenile offenders, particularly as their release time nears.

Treatment for Seriously Disturbed Offenders

Programs for serious juvenile offenders whose behavior patterns are complicated by mental illness and/or especially assaultive tendencies appear to be considered as generally outside the domain of the various state juvenile correctional agencies. The Massachusetts Task Force on Secure Facilities⁴⁶ for example, states what appears to be the concern of other states visited:

The Task Force found that there were many Division of Youth Services (DYS) youths in need of Department of Mental Health (DMH) Services...that the DYS does not have the resources or expertise to address nor should it seek to become a "mini DMH." DMH should be responsible for providing these services on a coordinated, cooperative basis.

DRAFT

Representative treatment programs for the disturbed serious juvenile offenders are presently being provided at the Atascadero State Hospital⁴⁷ in California, Bronx State Psychiatric Center⁴⁸ in New York, and Danvers State Hospital⁴⁹ in Massachusetts. These programs involve small numbers of juveniles and are very expensive with costs in New York running as high as \$37,500 to \$50,000 per youth per year for:

A highly qualified clinical staff which offers a full range of psychiatric and rehabilitative services such as individual psychotherapy, group therapy and family therapy. Residents are provided whatever combination of these services best meets their individual needs. A full scale in-house educational program is offered through which the Long Term Treatment Unit further equips residents with skills necessary for a successful transition to community life. In addition, recreational, vocational and arts therapy programs are provided.⁵⁰

The New York Division for Youth through the development of Enriched Residential Centers,⁵¹ is presently attempting to meet the needs of juveniles committed to them who are "too aggressive and disruptive" to be served by the Department of Mental Hygiene and the Division for Youth has previously not been able to provide the kind of highly sophisticated, individualized mental health services they demand.

Intensive treatment programs for emotionally disturbed serious offenders in the state of California are being conducted by the California Youth Authority at the Northern and Southern Reception Centers and Clinics, and at the Ventura School for Girls.⁵² The treatment approach varies in these centers and may include intensive psychotherapy, para professional counseling, positive peer culture groups and transactional analysis.

Evaluation of Treatment Programs

Evaluation of treatment services has tended not to keep pace with the implementation of new modes of treatment and the changes brought about by shifts in the overall operation of the system.

DRAFT

Deinstitutionalization and the rather abrupt movement from a posture of treatment to one of due process in corrections has disrupted operations.

The disenchantment with the medical model as a basic approach to changing delinquent behavior and the growth of group process where the confrontation of reality replaces individual psychotherapy has impacted heavily on the foundations of correctional treatment programs. Martinson's^{52a} controversial report on the effectiveness of treatment in corrections has also contributed to the instability of the system's treatment programs. Four states in particular are making a concerted attempt to develop and improve a state wide information data bank from which evaluations of system programs will flow. California, Florida, New York and, most recently, Massachusetts are building into their treatment and other programs data elements that will make the monitoring and evaluation of the effectiveness of juvenile corrections programs possible.

Reports on the evaluation of treatment programs available during this study were minimal. A follow-up study⁵³ was conducted by the Minnesota Department of Corrections Research Unit in 1972, of the Positive Peer Culture program. This study was conducted to study parolee revocation in a sample of 845 juveniles released on parole who had been through the group program. It was not a study of program effectiveness per se. The research staff also conducted a study⁵⁴ comparing performance of parolees who had had not participated in the Positive Peer Culture program. Their findings were sufficient to reduce the institutional stay of serious juvenile offenders to the present three months for crimes against property and five months for those who were committed for crimes against persons.

Research on institutional programming in the California Youth Authority falls into three categories⁵⁵ - - intensive short-term

DRAFT

programs, individual and group counseling programs, and differential treatment in institutional settings.

There have been two major Youth Authority programs involving short-term intensive treatment in a residential setting in lieu of long-term assignment in an institution. These were the Fremont Program and the Marshall Program, undertaken with male wards at the Southern Reception Center-Clinic. Both of these programs demonstrated that short-term intensive programs with male youthful offenders tend to be as effective as institutional programs involving longer periods of stay.

Three rather rigorous evaluations have been conducted of individual and group counseling programs for wards confined in institutions. Two of these studied psychiatric treatment programs at the Preston and Nelles Schools. The third studied group counseling at the Paso Robles School and at the Youth Training School.

The findings of the Psychiatric Treatment evaluation were mixed and contradictory. At the Nelles School, the experimentals had a lower violation rate than did their controls, whereas at the Preston School, the experimentals had a higher violation rate.

The evaluation of Group Counseling programs was carried out through two experimental studies at two institutions. At Paso Robles, three forms of group counseling were studied - - community meetings held five times a week, small group sessions held once weekly, and a combination of the two. The three groups showed no significant differences in parole violations when compared with a control group, nor did any of the three differ from each other.

Two studies have focused on differential programming in institutional settings. The Preston Typology Study classified offenders by I - level subtype and randomly assigned the subjects to one of six living units according to their classification (experimentals), or to one of five living units that did not take account of personality type (controls). Each living unit to which offenders were assigned by I - level subtype dealt only with a specific subtype. The staffs of these units received special training on the characteristics and treatment of the particular subtype that was the responsibility of each treatment team.

Although almost all the evidence of behavior and psychological changes favored the experimental group, parole data indicated the performance of the two groups to be the same. Overall, 54% of the controls and 54% of the experimental subjects had violated parole on or before the fifteenth month after their release.

The Youth Center Research Project compared the effectiveness of two different treatment procedures - - behavior modification and transactional analysis. The study was carried out at the Northern Youth Center, with the Karl Holton School operating the behavior modification approach and the O.H. Close School the transactional analysis model. Wards were randomly assigned to the two schools.

The findings were that both programs had a positive impact on the majority of the wards. There were interesting differences in the impact of the two programs on various types of delinquents, although the original expectation that behavior modification techniques would be most effective with lower maturity types and that transactional analysis would be more effective with the higher maturity types was not supported.

DRAFT

Educational Programs

Correctional institutions are making a maximum effort to make it possible for serious juvenile offenders to improve their educational level and skills during incarceration. Course-work is available at all levels of school from elementary through community college, remedial work in basic learning skills is encouraged, certified teachers are the rule rather than the exception, classroom methods are primarily individual and the student/teacher ratio is usually less than ten students to one teacher.

The student group is characterized by their prior school failure, excessive truancy records, lack of interest in school and/or respect for the authority figures at the school, measured achievement 1 - 5 grades behind their age group, possession of learning disabilities and available for classroom work for a relatively short time.

Discussion

Except in rare cases where juveniles are unable to participate in the school program because of medical, off campus work or disciplinary reasons, all state juvenile institutions offer a highly individualized educational program five days a week. In most states, e.g., New York, Massachusetts, and Florida, a one half day educational and one half day vocational program is provided. In Minnesota, the school program runs from 8:15 A.M. to 3:30 P.M., Monday through Friday. A concerted effort is made to coordinate class hour requirements, curricula offerings and even grading standards with those of the local school districts closest to the institution.

Actual descriptions of the educational philosophy, objectives and goals for various state curricula in juvenile institutions are difficult to find. The most succinct and articulate description of educational programming available at the time of this study was the Florida Educational Plan for 1977 - 1978.⁵⁶ Florida is involved in a major effort to implement competency-based education in its training schools where the emphasis is on presenting students with clear-cut and measureable objectives. The attainment of these objectives leads to competency in educ-

DRAFT

ational and vocational course work. The document describes the offerings in terms of objectives of each course, strategies for helping students reach the objectives and suggested areas for the evaluation of courses.

Teachers

In every state studied, teachers were certified according to state criteria and the attempt was being made to select teachers whose interests, personalities and capabilities were appropriate to the characteristics of the serious juvenile offender population at each training school. Classroom instruction was generally supplemented through the use of teacher aides provided by CETA, hired directly or recruited from student body. All teachers were expected to work closely with treatment staff and participate in staffing and student evaluation for overall as well as educational progress.

Students

The characteristics of these serious juvenile offenders have been too frequently described to repeat in detail here. To say the least, they present a special challenge. Most of them have been unsuccessful in school and many have developed deep seated feelings of hostility toward teachers (as authority figures) and the educational process. Although of average intellect, they are from one to five grade levels below their peers in the community, frequently have serious learning disabilities, and their lack of interest or motivation for learning is generally masked by their acting out behavior.

Methods

Management and staff are well aware of the above characteristics and the need these juveniles have for individual programming.

DRAFT

This awareness is reflected in the early efforts in all states to assess their overall needs and more specifically - those that are educational in nature.

The diagnostic process upon which educational programming for the serious juvenile offender is based, starts with the accumulation of school data as a part of the predisposition report. This material is passed to state correctional agencies at commitment and supplemented during the reception process in California, Florida and Wisconsin or during the initial step of the case management process in the states of Massachusetts, New York and Minnesota.

While the concept of diagnosis and prescriptive treatment from a therapeutic standpoint is not a universally accepted concept in corrections, diagnosing the educational needs of these juveniles is seen as necessary. Educational programs were highly individualized and based on school transcripts, student self report information, records of testing and results of case worker interviews with parents, school administrators and teachers. The purpose of these visits is to collect information relevant to the serious juvenile offender's school history to supplement test results and, to provide a basis for planning the educational program before the juvenile is confined.

Diagnostic testing was utilized in all six states, for example:

- Minnesota⁵⁷ was using the Lorge Thorndike Intelligence Test, the Justak Wide Range Achievement Tests, the General Aptitude Test Battery and such personality measures as the Minnesota Multiphasic Inventory, Shipley-Hartford Scale and the Sentence Completion Test.

The remaining states utilized similar test batteries. All supplemented these tests with additional individual tests as appropriate. Tests selected usually reflect the preferences of the clinical and educational staff. Individual programs based

DRAFT

on all information available and tailormade to the total needs of the individual are the rule rather than the exception.

Instruction

The Tryon School (New York) utilizes a "cluster system" approach⁵⁸ where instructors, utilizing the high interest and motivational core areas of Food Services and the Career and Occupational Shop, taught as a team with reading and math instructors. Similar combinations of vocational and basic skill courses were observed in other states in their training schools.

One of the most interesting and practical arrangements identified during the study was the Board of Cooperative Educational Services (BOCES) Continuing Education program⁵⁹ in New York state. This program was based on the concept of reciprocity of course offerings and use of facilities between the local school districts in the Division for Youth, Region I (Western New York State). The Industry School near Rochester, New York, was making agricultural land at the institution available for use by local high school students and unused space in one of the institutional buildings available to the school district. The district in return provided classrooms and instruction for selected juveniles from the institution.

Classroom instruction usually involves a teacher-student ratio of less than 1:10, supplemented by teacher aides and in some cases inmate tutors (e.g., Tryon School, New York). This ratio approaches one-to-one in remedial laboratory work in the critical areas of reading and math. Maximum focus is on allowing students to progress at their own speed, accomodating to their short interest spans, appealing to their interests and above all, trying

to relate to them as human beings through instructional techniques that make sense.*

New to the educational scene in the Minnesota Training School is the PLATO⁶⁰ computer based education system made available through a Law Enforcement Assistance Administration grant in 1976. Although preliminary reports indicate that computer assisted instruction and particularly the Programmed Logic for Automatic Teaching Operations (PLATO) system is seen by instructors as a very positive motivational force, it has not proven itself as yet. During the past year, for example, the courseware used by inmates/students was found to be limited in the coverage it affords in the areas of mathematics and reading. Many topics were not covered at all, some were partially covered or were presented in a manner not appropriate for students in correctional institutions.

Course Offerings

School curricula offerings are generally geared to the kindergarten through high school levels. Three California Youth Authority training schools (Youth Training School in Ontario, Karl Holton School in Stockton, and the Ventura School for Girls, Ventura) have made arrangements with their local community colleges. Selected students capable of benefiting from college level work may enroll in classes offered by instructors who come to the institution or they may participate at the college (Ventura only).

*One excellent example of this combination of concerns was observed at the Ethan Allen School for Boys in Wales, Wisconsin, where the history instructor had the total attention of a class of fifteen boys. In one of the best coordinated and creative audio-visual presentations experienced by the writer (in or out of institutions) he was making it possible for his students to experience history in the making during the 1940s without the benefit of a lecture or a long reading assignment.

DRAFT

A full schedule of courses is available. Course work usually found in public elementary and secondary schools topically includes English, math, social studies, science, physical education and drivers education. Job survival training involving consumer math, writing job applications, job interviews, comparison shopping, insurance and income tax computation are also offered. California and Florida have particularly well thought-out programs in this area.

Special interest courses vary with leadership provided at the state level and the capabilities and interests of institutional staff. One such program "Arts in Corrections"⁶¹ provides an example of what can be done with a specific idea. Operating under a philosophy that "beauty will save the world" this program was started with a \$7,800 grant from CETA to the Minnesota Department of Corrections for three part-time positions to serve inmates in their correctional system. The overall purpose of this program is to raise the offender's self esteem, train them for jobs and to make the institutions more humane through art. It has been well received on both the adult and juvenile level because of its unstructured approach to whatever creative talent the individual may have.

Also, in the area of special interest education, which in many cases is directly related to overall treatment objectives, are the wilderness survival programs in Minnesota, New York, Florida and Wisconsin; the forestry and fire fighting camps in California.

Highest on the educational list of priorities for the serious juvenile offender are the compensatory educational courses emphasizing the development of basic skills in language, reading and math. All states are utilizing funds made available under Public Law 89 - 750 which places the responsibility for the administration of Title I Elementary and Secondary Education Act (ESEA) under the various state departments of education.

DRAFT

In California for example, this department then regulates the use of these funds through the review and approval of all Title I programs in the California Youth Authority institutions. Instructional components defined by the California Department of Education and similarly in other states include:

- Reading - comprehensive and interpretation of written language
- Language - development of oral language facility
- Mathematics - development of concepts and skills related to numbers, operational and measurement.
- Multicultural Education - development of human dignity and respect for the diversity of all people
- Career Awareness - development of career awareness, exploration, preparation, guidance and placement.

This program also includes a component for the pre-service and inservice training and development of staff and a requirement that all programs be evaluated.

Preparation for passing the General Educational Development Test and taking the test is encouraged for those testing high on the initial tests administered during reception and evidence of interest and progress in coursework. Passing the tests in this battery results in the granting of a certificate signifying, for the most part, that the student has an adequate understanding of materials in the normal high school curricular areas.

Evaluation of Educational Programs

In spite of the general acceptance that achievement in education is a basic requirement to adequate survival in the present culture, particularly for the serious juvenile offender, very few evaluation studies were available in the six states in this study. In most of the institutions visited, some informal efforts were made to determine coursework achievement by pre and post testing of

DRAFT

students. This was however, mainly in the remedial areas of reading, language and math. These evaluations have probably been stimulated by the requirements of the ESEA Title I program for funding.

Impressions gained through visits to the six states indicate a trend toward the development of the state level corrections agency computerized information base through which all programs can be monitored and in time, evaluated. California, New York, Florida and Minnesota appear to be on the leading edge of this effort. Most systems appear to be suffering from a lack of criteria based on specified educational program objectives, by which to measure program impact on the behavior of the serious juvenile offender. Equally difficult is attempting to evaluate program efforts in education where the class size is small or one to one, instructional methods are highly individualized and student programs are fitted to the needs of individual students.

The California Youth Authority, Division of Program Evaluation,⁶² is presently implementing a planned evaluation system for all violent offender programs in Youth Authority institutions.

Vocational Programs

Vocational programs geared to the introduction of the serious juvenile offender to the world of work are given high priority in each state. Focus tends to be practical rather than idealistic with an emphasis on entry level job exploration and how to survive on the job. Training for journeyman level skills is not available because of the relatively short period the juvenile remains incarcerated.

Discussion

Vocational programs for juvenile offenders, considered to be serious enough to be removed from the community, generally reflect the pre-vocational pattern of courses offered at local high schools. The goals of these courses are not usually related to actual training for a career occupation. They do attempt to provide a "hands

DRAFT

on" experience in a variety of entry job areas that can be considered as practical work opportunities when the juvenile returns to the community. For the most part, vocational offerings become a function of the size and facilities at each local institution. The larger and newer institutions (Trenton in Florida, Karl Holton and Youth Training School in California, Tryon in New York) tend to have more program variety and equipment than those that are older or smaller although age or size are not always the best criteria for effective programs.

The concept of job exploration experiences for the serious juvenile offender is not always possible because security restrictions generally limit mobility. Many of the training schools visited were; however, attempting to provide opportunities to explore work situations related to the building trades, distributive and clerical work, auto body and mechanical repair work, building maintenance, small engine repair, cosmetology, printing and landscaping jobs at the institution. Exposure to these experiences helps juveniles crystallize their interests, check job requirements and find out what may be available upon their return to the community.

Some institutional administrators have sought ways to expand these opportunities into the community. For example, selected girls and boys from the Alyce D. McPherson School for Girls in Ocala, Florida, are employed in local restaurants and motels. The Tryon School in New York and the Karl Holton School in California are other examples of this expansion into the community. Needless to say, most of these limited opportunities to get paid for work in a local business or industry are given to those who have proven over a period of time that they are ready for this chance. Criteria for their selection are security and maturity rather than job skills oriented. Risk taking by staff appears to favor the juvenile in these decisions.

In addition to actual experience in a variety of job situations, training schools are including course work related to how to get a job, surviving on the job, and the relationship between personal behavior, expectations and personal employability. In Florida and California training documents based on need assessments completed in both states, have been published. The Florida program materials⁶³ "Applying for a Job" are adult oriented, printed in at approximately the fifth grade reading level. The package includes a participant's guide for in-service workshop training of staff, an instructor's guide and a student workbook. The documents are in a format that requires very little reading, has a generous amount of interesting illustrations and encourages students to think in terms of their own vocational objectives.

The California "Job Survival Skills"⁶⁴ program involves a modularized curriculum whose objective is to teach job seeking and job keeping skills which will hopefully impact on the high unemployment rate of those released to parole. The development of these materials involves three phases:

Phase 1 - needs assessment

Phase 2 - development and implementation of the curriculum

Phase 3 - follow-up of a cohort having completed the curriculum.

The program is now in Phase 2 of its development and is being funded by the United States Office of Education.

The needs assessment phase of this study, based on a representative sample of one hundred forty-six Youth Authority parolees, pointed to the following areas of difficulty for this group:

- jobs tended to be low paying (mean - \$2.98 per hour) unskilled or semi-skilled

DRAFT

- after four months on parole, 85% had worked on at least one job but less than half of that percentage were still working after the four months
- half of the jobs had been located through family or friends
- about 30% interviewed in the sample had been fired from at least one job in the past and usually for reasons other than not having the technical skills needed for the job
- about 66% had quit at least one job; most common reasons were not liking type of work and having difficulties with co-workers and bosses
- problems with co-workers and responding inappropriately to such problems were the factors most clearly related to job losses
- very few parolees had received systematic cover counseling or were aware of the step-by-step processes needed for occupational betterment.

In addition, many jobs were lost because of such violations of the work routine as tardiness, abusing sick leave, skipping work or failure to accept responsibility on the job.

In the main, vocational/educational staff appear to view the rehabilitation of these serious juvenile offenders as a matter of overall programming (educational, vocational, attitudes and ethics). While for some of the younger students in the training schools, a full time educational program is the order of the day, there appears to be an increasing effort to combine educational and vocational courses into an integrated curriculum (all states) with a focus on practical opportunities for employment and survival on the job.

Evaluation of Vocational Programs

No follow-up evaluative studies of vocational programs were encountered in any of the states visited. There may be some valid reasons why this has not been a part of the current state-of-the-art, for example:

DRAFT

- There may be a minimum of direct relationships between job sampling experiences and the objectives of institutional programs and the unskilled jobs the juvenile finds on his release.
- Because of the mean age of this group, most of the job opportunities are limited to unskilled and frequently undesirable or low status jobs.
- Vocational program impact can almost be predicted as low because the emphasis is on the ambiguities of job sampling and survival skills rather than the learning of measurable technical skills.
- Validating the effectiveness of vocational programs on the basis of lowered recidivism rates is of limited value.

Studies similar to the Phase 3 effort mentioned above in the California study, where outcomes are measured in terms of program objectives will prove helpful in the future evaluation of vocational programs for the serious juvenile offender.

Minority Programs

Programs specifically organized to meet the special needs of females, blacks, American Indians, or other minority groups were not generally available.

Discussion

The question of whether or not there is a need for programs specifically addressing the needs of minority offenders in the state juvenile institutions has not been resolved. Discussion in the field related to the need for these special programs, generally dealt with political reasons for the program and justification for the lack of these programs based on the requirement of equal opportunity for each individual.

Based primarily on discussions with staff and on observations (since no documented descriptions of such special programs could be found) if a need for a particular program is expressed by a minority group that comes

DRAFT

within the bounds of security, statutory limits, and the policies of the juvenile corrections agency, an effort will be made to provide it. Recourse to pressure for the development of these programs in each state, if necessary, is available to individuals and groups through either the Ombudsman or grievance procedure.

Opportunities for participation exist in all educational, vocational, treatment, recreational, drug/alcohol, and religious programs in all states. These programs were open to male and female and juveniles of all ethnic backgrounds at approximately the same level of opportunity as presently exists in the community. The cultural pattern moving in the direction of equal opportunity was apparent in the co-educational nature of institutions in all states and to some extent, in the crossing of traditional vocational lines by males interested in home economics offerings and females requesting training in auto mechanics and the construction trades.

The Massachusetts State Department of Youth Services with funds from the Office of Juvenile Justice and Delinquency Prevention, has recently appointed an Assistant Commissioner - Girls Services. Under her leadership a needs assessment was completed in April, 1977 by the Task Force on Department of Youth Service Girls most in need of service. The department is now in the process of creating and implementing a network of girl's programs statewide.

The American Bar Association, 1977, in its report 'Little Sisters and the Law' praised the Massachusetts project as "the first special project focusing on the needs of the female juvenile offender to be funded by the federal government, and to date...the only project of its kind."⁶⁵

DRAFT

Evaluation of Minority Programs

No evaluations of minority programs specific to the serious juvenile offender were available.

Recreational Programs

Every juvenile correctional facility visited has attempted to provide a variety of recreational opportunities to counter the boredom and frustration of institutional life. These activities range from snowmobiling and hiking in Red Wing, Minnesota, to individual and group athletic competition in excellent sport facilities in Stockton, California. Opportunities to work in the arts and handicrafts are encouraged and a variety of social events within and outside the institution are available but always within the requirements of security. In most institutions, staff are encouraged to participate in off-campus recreational activities.

Discussion

Determination of recreational interests is initiated during the casework process in each state. Juveniles are asked about their preferences and past recreational experiences and there is an attempt to build some form of leisure time activity into the program plan for each individual.

In each state a specific staff member has the primary responsibility for planning and organizing the overall recreational programs in each institution. In Florida, there is a recreation specialist who, at the present writing, is operating the program on a ratio of 1:100 juveniles. Improvement on this ratio is 1:50 is being urged through the Florida Bureau of Criminal Justice. In California, the responsibility for these programs rests with the instructor in recreation and physical education in the school program. In the smaller institutions of Wisconsin and Minnesota, a staff member with dual responsibility in another program area plans and organizes these activities.

Recreational activities vary with the size of the institution and its geographical location. In the small non-secure State Training School located at Red Wing, Minnesota, the seasons provide dif-

ferent opportunities. During the visit at that school, ten to fifteen snowmobiles were being prepared for use during the coming winter. Three horses were available for care and riding. During the more moderate months, hiking and fishing with staff members was possible for those who were not escape risks. The rather idyllic setting of this old school just outside the town of Red Wing makes these things possible. Juvenile institutions at Ocala, Florida, and Irma, Wisconsin, also provide an atmosphere in which outdoor recreational pursuits flourish.

California institutions are for the most part larger and more secure than the other states. As a result, they present a more formalized program of recreational opportunities which include:

- Major Sports: football, basketball, volleyball, track softball, swimming and soccer (tournaments included)
- Minor Sports: golf, badminton, table tennis, boxing, wrestling, tumbling, trampoline, distance running, distance swimming, handball, weight lifting, and racquet ball (tournaments included).
- Miscellaneous Activities: model building, pool, dominoes, card games, chess, checkers, arts and crafts, entertainment films, television, and Presidential physical fitness programs.

Institutional staff provide opportunity for serious offenders to celebrate national and ethnic holidays as well as special days like Halloween and Valentine's Day. Attempts are made to involve as many as possible in the planning, decoration and any special arrangements for food necessary to these occasions. Dancing may be a part of these functions with local youth of their own age coming to the campus to participate.

The extent to which cultural programs (plays, musicals, talks) presented either in the institution or in the community are available depends primarily on location and security of the institution

DRAFT

since most institutions are not usually located in cultural centers and transportation to these centers involve escape risk and staff time. Very little opportunity is available unless an artist who is particularly interested makes a special effort.

Because of the proximity of the Ethan Allen School to Milwaukee, Wisconsin, free tickets to professional football, baseball, and basketball games are available through staff effort to promote this opportunity and through local service club members.

Participation at the varsity sports level has been organized at the Fred C. Nelles School in California and the Ethan Allen School in Wisconsin. The teams are coached by a regular staff member, provided with appropriate uniforms and play a normal schedule of games in the local high school league.

Visiting privileges are available on a generally liberal basis and in suitable surroundings in all states particularly with reference to family. Parents are encouraged to come to the institution unless the relationship is an undesirable one. The philosophy prevailing in the six states is to build family and personal relationships and maintain them as much as possible as a bridge over which the juvenile can travel on his way back to the community. Some restrictions do exist, for example, California requires that persons under eighteen must be accompanied by an adult and a visit from the opposite sex must have the confined juvenile's parents approval. Special arrangements to visit at other than regularly specified hours are easily arranged if there are reasonable circumstances.

Telephone calls, with a minimum of monitoring, are also allowed to appropriate individuals, particularly in times of stress. For example, while visiting the campus at Ocala, Florida, the Assistant Superintendent was interrupted and notified (as required) that one of the girls there had requested lockup and an opportunity to

DRAFT

call her mother because she was afraid she was about to run away. The incident was especially well handled.

One day and week-end passes for family visits under appropriate conditions are almost a pattern in all states especially as the juvenile's release date approaches. In some cases, volunteers of the Big Brother organization are allowed to take an institutional protege on a week-end trip or to spend a night in their home.

In all institutional settings visited, recreational activities were encouraged and at the same time, closely associated as rewards for good behavior and progress in personal program achievements.

Evaluation of Recreational Programs

No documented evidence of formal evaluation of these recreational programs was available. Three of the six states studied: New York, Florida and California, are in the process of developing computerized information processing systems to monitor and eventually evaluate all programs in their respective state juvenile corrections agencies.

Religious Programs

Each institution has a Catholic and a Protestant chaplain who are for the most part, full-time. In addition to providing religious services, these clergymen act as counselors, conduct intensive treatment groups, organize recreational activities and arrange for volunteer contacts in and outside of the institution. Other denominational services are usually provided by resources from the local community.

Discussion

The opportunity for the serious juvenile offender to worship and have access to religious counseling is available in all six states. Based on the concept that freedom of religion is traditionally a basic right in this country, full-time Protestant and Catholic chaplains were employed in the larger institutions in Wisconsin,

DRAFT

Florida, and California. Services are held on each Sunday for the two above denominations and arrangements are made to have clergymen from Jewish, Moslem and other faiths come to the schools when the need exists. Opportunities to attend church services in local communities are based on personal capabilities of the youth to handle this type of freedom.

There appears to be a trend in the direction of institutional chaplains moving out of their offices and into the institutional program. Father Robert Riedmueller⁶⁶ is one such example. A Catholic chaplain at the Lincoln Hills School in Irma, Wisconsin, he is also a part of the "D" cottage treatment team on that campus. He works with the cottage group as a counselor focusing his approach to the group on the total responsibility concepts of Yokelson's⁶⁷ book, "The Criminal Personality." Others offer group and individual sessions in marriage counseling and organize recreational and volunteer activities. In some institutions, they also assumed Ombudsman roles.

Participation in the religious offerings of juvenile institutions varies from one institution to another. In general, only a few attend services or use the counseling time available - unless the chaplain has enough charisma, is actively involved in some part of the overall programs of the institution or is able to relate to the juvenile population as well as provide religious services.

Evaluation of Religious Programs

Evaluation of religious services and activities were not available. Data relative to juvenile participation in religious offerings will soon be assessed in states now developing computerized programs for the monitoring and evaluation of all institutional programs.

Volunteer Programs

The success of volunteer programs for juveniles in state institutions is clearly a function of individual volunteer interest and motivation. Although there is usually a person at the state level coordinating these programs, they generally have a limited staff and budget.

Discussion

Implementation and continued support of volunteer programs in juvenile institutions does not appear to have a high priority at the state or institutional level. There appears to be a variety of reasons for this as observed in the field. The volunteer programs:

- depend first on locating appropriate groups and individuals who are willing to provide free services.
- depend on group and individual volunteers who are motivated and involved enough to serve over a long enough period of time to provide program continuity.
- have experienced limited participation of juveniles. This may be based on motivation more related to continuing their own life style than the objectives of the specific program. (e.g., a volunteer may invite a juvenile into a home over the weekend to provide a model of positive family relationships. The juvenile appears anxious to go but only to avoid confinement of the institution)
- failures can be attributed to poor planning, absence of specific objectives, vaguely outlined procedures and a generally poorly organized effort.

The 1976 Florida State Standards and Goals⁶⁸ clearly outlines the steps that should be taken after planning for the overall program has been accomplished and budget provided:

- Standard JD 26.01 - Volunteer Status Defined
- Standard JD 26.02 - Volunteer Recruitment
- Standard JD 26.03 - Volunteer Screening
- Standard JD 26.04 - Job Matching
- Standard JD 26.05 - Commitment

Standard JD 26.06 - Volunteer Orientation and In-Service Training
Standard JD 26.06 - Orientation of Staff to Volunteers

These standards are offered as a means to avoid the ratio of three volunteer program failures of every four attempted reported by the U.S. Labor Department and quoted in the above document. The need for a well-planned program and an active recruitment effort was described as critical to program success in all states.

Program objectives are defined in terms of the needs of the institution and those of serious juvenile offenders. These must be realistic in terms of community resources. Volunteers have assisted the inadequate public relations efforts of local institutions to communicate their purpose and programs. They have been able to deal with the offender's difficult period of transition from institution to community through personal contacts leading to entry level employment opportunities and liaison with churches and schools. Their potential for providing activities and services is limitless. The following areas of effort were most visible during the course of this study. This list is by no means exhaustive:

- personal counseling - clinical, drug, religious, vocational
- social activities - parties, community events, visitation in volunteer homes
- institutional service - clerical or administrative work in the institution
- educational - personal tutoring, remedial help, educational counseling, community contacts
- role modeling - personal friendship with appropriate peer or adult, adoption by local family during confinement
- values orientation - ethical and religious models, discussions
- drugs and alcohol - education and self-awareness counseling

- employment - provides jobs or makes personal contacts to open opportunities for work
- family service - providing transportation for families, counseling

The success of these programs has been evaluated with results showing both very positive and limited success. The next section discusses the findings of the California Youth Authority in their study of thirteen programs in California, 1974-1976, three of which were juvenile institutions.

Evaluation of Volunteer Programs

During 1975, volunteer involvement in corrections for the eighty-six programs surveyed in California, nearly 6,200 volunteers provided over 56,000 hours of service a month.⁶⁹ The major portion of the growth of these services has occurred since 1959.

The California evaluation study identified four major project objectives:

- to determine the characteristics of volunteer programs, clients, volunteers and staff.
- to determine the nature of services delivered.
- to determine the impact of the volunteer on the client.
- to determine the extent to which program goals had been achieved.

A total of 478 of a possible 1,083 volunteers responded to the questionnaire. Table 5 (p.155) summarizes the characteristics of those responding volunteers. Subjective observations of volunteer impact on the institutionalized juveniles based on field observations, interviews, records and volunteer activity reports indicate the volunteers:

- relieved the boredom and tension in the institution.

TABLE 5
CHARACTERISTICS OF VOLUNTEERS

<u>Category</u>	<u>n</u>	<u>%</u>	<u>Category</u>	<u>n</u>	<u>%</u>
<u>Age</u>			<u>Education Completed</u>		
13-17	6	1.3	Less Than High School Diploma	7	1.5
18-19	40	8.4	High School Diploma	191	40.0
20-21	73	15.3	Two Years College	139	29.0
22-23	59	12.4	Bachelors Degree	80	16.7
24-26	43	9.0	Graduate Study	49	10.3
27-30	56	11.7	No Response	12	2.5
31-35	36	7.5	TOTAL	478	100.0
36-42	35	7.3	<u>Volunteers in College</u>	267	55.9
43-50	24	5.0	<u>Marital Status of Volunteers</u>		
51-60	19	4.0	Single	244	51.0
61 and over	18	3.8	Married	173	36.2
No Response	69	14.5	Divorced	39	8.2
TOTAL	478	100.0	Widowed	16	3.3
<u>Sex</u>			No Response	6	1.3
Male	174	36.4	TOTAL	478	100.0
Female	301	63.0	<u>Ethnic Background</u>		
No Response	3	.6	Mexican-American	54	11.3
TOTAL	478	100.0	Black	56	11.7
<u>Ethnic Background</u>			White	336	70.3
Mexican-American	54	11.3	Asian-Oriental	17	3.6
Black	56	11.7	Other	5	1.0
White	336	70.3	No Response	10	2.1
Asian-Oriental	17	3.6	TOTAL	478	100.0
Other	5	1.0			
No Response	10	2.1			
TOTAL	478	100.0			

(blank)

DRAFT

- tended to "normalize" the setting and provided an opportunity for the juveniles to have contact with other than a peer or an authority figure.
- provided substantial assistance to education programs.
- improved institutional physical setting by, e.g., providing a playground and supervision for the children of married inmates while their wives visited them.

The majority of staff (84%) viewed the one-to-one relationship between volunteer and staff as positive and at least half felt the volunteer program had the support it needed from staff and administration. However, organized staff training in the utilization of volunteers is rarely performed nor do most programs have standardized procedures for evaluating volunteer performance. Most volunteer coordinators felt that their role was that of a hustler, salesperson, and public relations.

In summary, evidence suggests that volunteer programs have differing impact on the serious juvenile offender. Some programs show minimal effects and other programs show highly significant effects in number of arrests, level of dispositions, official status, and severity of offenses committed after contact with volunteers on a one-to-one basis.

Drug-Alcohol Programs

Programs specific to serious juvenile offenders whose present incarceration is directly or indirectly related to a drug or alcohol abuse problem do not appear to be of high priority. Although there are some (Manzanita Cottage, Preston, California; Minnesota State Reformatory, St. Cloud, Minnesota) experience in the field appears to indicate that the use of drugs is generally viewed as another expression of behavior problems (e.g., running away, aggression, isolation) and as such can be dealt with through peer groups, counseling and education.

Discussion

A survey⁷⁰ of drug use among serious juvenile offenders (male) conducted at the Minnesota State Training School for Boys in

November of 1972 indicated that more than four-fifths of the 114 boys studied had at least experimented with non-prescription drugs, had friends who have used drugs, and 80% responded that they knew someone who has or has had a drug problem. The study concluded that there is a need for drug education programs for institutionalized youth. The California Youth Authority in a ten year summary published in 1977, however, showed a decrease in narcotic commitment offenses from 11.5 percent in 1968 to 2.2 percent in 1977.^{70a}

Dealing with juvenile drug and alcohol abuse in state juvenile institutions is not generally accomplished through programs specifically for users. The use of drugs is looked upon by state level planners and institutional managers generally, as another expression of behavior problems (e.g., running away, aggression, isolation, and as such they feel that it should be dealt with through the overall treatment programs.

Information about drug abuse, for example, may be presented during educational coursework (although some educators felt this is also suggestive). The relationship between delinquent behavior and use of drugs is also an ever surfacing topic of discussion during positive peer culture group sessions -- especially for offenders who abuse drugs or alcohol. The function of the peer group is seen, in this situation, as similar in its approach to that of Alcoholics Anonymous.

The various institutions in the six states appear to be using one or a combination of the following approaches in dealing with this rehabilitation for confined juveniles.

- Services purchased through contracts with private consultants. Funds were available in all states studied for contracts with private consultants available to come to juvenile facilities and provide programs for juvenile drug abusers. Very little use is apparently being made

of funds for this type of program however. Only in the Ventura School for Girls, Ventura, California, where they involved two private contractors, were funds actually earmarked for private services of this kind.

- Group work (guided group interaction, positive peer culture) and treatment through transactional analysis techniques. Apparently the heavy emphasis on confronting the problem of the drug and alcohol abusers in juvenile institutions is waning. Drug and alcohol programs specifically for abusers were difficult to find. Juveniles with these problems were being helped through group discussions in treatment programs, education coursework in health and science and throughout the overall institutional program.
- Direct approach to the problems through programs designed to get at the causes of drug/alcohol abuse. The California Youth Authority⁷¹ has maintained a drug program utilizing the "family" concept at the Preston School of Industry for the last seven years. Entry to the program is controlled by the membership of the program, who screen personal requests and referrals of serious offenders in other institutions and from staff at the four reception centers.

Once accepted, the candidate is introduced to the family concept and the high degree of trust necessary to remain in the program. After thirty days of probation and observation by the family, they may be screened out or accepted for the total program. The program involves three stages of increasing family responsibility and ability to successfully complete furloughs in the community. Center House, a separate parole unit in the community of Sacramento is used as an integral part of the continuum of service from the institution back to the community.

Minnesota was the only other state reporting a specific drug abuse program. Serious juvenile offenders with drug abuse problems in that state may be transferred from the Minnesota State Training School for juveniles in Red Wing to the St. Cloud Reformatory for Youthful offenders only if the program is deemed critical in individual cases. This is seldom recommended.

Evaluation of Drug-Alcohol Programs

Except for the St. Cloud program, the Preston Program⁷² was the only institutional drug abuse program for serious juvenile offenders encountered during the study. Staff of the research section of California Youth Authority completed a three and a half year evaluative study of this program in June 1975. The report listed the following conclusions:

- The feasibility of the family model in a youthful offender correctional setting (institution and parole) has been clearly demonstrated.
- The family engenders a positive social climate which tends to counteract the institutional delinquent subculture.
- The program Center House serves as an important link between the Preston family and the community.
- There is a fairly high percentage of members who are discharged or resign from the family because they fail to adjust to the intense interaction or are unable to adopt nondelinquent behavior.
- Family members have a lower arrest rate than the comparison group used in the study and members released to Center House have a lower rate than those released to regular parole.
- Parole adjustment appears to be more positive for family members than for those in the comparison group.
- Family program was not as cost-effective as the regular Preston program due largely to longer average stay in the family than for the comparison group.⁷³

Comments

Changing the delinquent behavior patterns of the serious juvenile offender to those less threatening to the community has become an urgent matter. While the incidence of juvenile crime over all does not appear to be increasing, the violence and the assaultive nature of the crimes is increasing.

The response of the juvenile justice systems in the six states of this study has been to provide a stable pattern of institutional and aftercare programs emphasizing the educational, vocational, treatment, recreational and religious needs of the serious offender. With the cultural changes of the sixties, programs for juvenile drug and alcohol abusers were added, volunteers from the community were recruited to assist staff and to add a new dimension to overall programming.

There have been some attempts to respond to the needs of the various institutionalized minority groups: females and the variety of ethnic groups. Most recently, recognition has been given to the fact that incarcerated juveniles should be afforded certain human rights and be allowed to maintain their personal dignity. To accomplish this, formal grievance procedures and ombudsman programs have been developed and given support by institutional procedures designed to eliminate physical or psychological abuse by staff or other inmates.

There appears to be little doubt, considering the small proportionate number of serious juvenile offenders in need of institutional care, that a considerable amount of money for staff and programs is being allocated to their rehabilitation. It is also apparent that differences exist in the quality of individual staff, and hence their programs.

Much remains to be accomplished. Particularly in the area of accountability for program effectiveness defined in terms of impact and behavioral change in the serious juvenile offender, but always within the reality of the constraints posed by the assessed potential of the serious offenders to benefit from programs available.

DRAFT

PAROLE SERVICES

In its 1977 session, the California Legislature, in Section 3000 of A.B. 476 (Boatwright), provided the following definition of parole:

*"The Legislature finds and declares that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the state to provide for the supervision of and surveillance of parolees and to provide education, vocational, family, and personal counseling necessary to assist parolees in the transition between imprisonment and discharge."*⁷⁴

Discussion

Parole or aftercare services in all states reflect the change, reorganization and new directions evident throughout the juvenile justice system. While the italicized description above is a recent (1977) legislative perception of the parole function, it is still couched in terms of the traditional concept of parole focusing on "that period immediately following incarceration . . . the transition between imprisonment and discharge."

Nothing could be further from the role current juvenile justice parole managers and planners are visualizing for the agents of the future. The quote does serve as an example of the distance frequently found between legislative and operational conceptual levels which often lead to misunderstanding and confusion among themselves and among the public.

Nature of Services

In the states of New York, Massachusetts, Florida, and most recently, California, the shift has been away from the parole officer picking up the responsibility for the serious juvenile offender as he is about to leave the institution. Present emphasis is toward the parole officer (aftercare worker, youth services team worker) having responsibility from commitment through discharge. In some cases (Florida⁷⁵), the parole officer may be asked to participate in the development of the pre-disposition

report. The purpose of this newly defined role of the traditional parole officer is to provide continuity throughout the serious juvenile offender's designated period with the correctional agency in each state. The terms describing services rendered, the degree to which program implementation has been completed and the effectiveness of the ongoing program may vary in each state. The current organized attempts to provide continuity to usually fragmented service has however, found general acceptance among all states visited.

A number of elements common to all state programs were identified during the review of state documents and discussions with parole managers including the parole officer's:

- early involvement (at commitment) in the assessment process of the individual serious juvenile offender.
- contribution to, or responsibility for, the development of the total treatment plan for the juvenile from disposition to discharge.
- continual required visitation and casework with family and community while the juvenile is incarcerated.
- participation in institutional staffing with reference to the individuals progress according to the treatment plan.
- coordination of pre-parole planning with the institution and the community.
- responsibility for a maximum level of supervision for the critical period of thirty to ninety days immediately after the juvenile's release from an institution.
- responsibility for direct and brokerage services to the juvenile as a caseworker and an evaluation of progress during the period of parole.
- prevention of further criminal behavior on the part of the juvenile while on parole.
- responsibility for taking corrective action when youth is in violation of parole contract or the law.
- involvement in services to the community and other elements of the criminal justice system.

DRAFT

- responsibilities for the Interstate Compact on Juveniles under which the states and territorial districts serve as each others' agents in cooperative correction activities.

The California Youth Authority, in response to an increased awareness of the need to reorganize and improve its direct services to youthful offenders, has clearly articulated a description of the services to be provided by the parole branch in their Budget Change Proposal for Fiscal year 1978-79.

The following brief description of the process, presented here as a model, appears to bring together, at the concept level, the best features of programs found in the five other states but not adequately documented for purposes of this report.

The California Youth Authority has approved the program and the Department of Finance has given its tacit approval.

Some budget details remain to be worked out as the parole branch moves ahead to the implementation of the program in July 1978.

The California Program

The objectives for the total program are stated in the following measurable terms replacing those formerly described as providing surveillance, assisting parolees in finding employment, providing counseling and developing community acceptance.

- Reduce average length of stay on parole from 19.6 months to 12 months within two years.
- Decrease from 22% to 17-20% the proportion of wards discharged.
- Decrease from 19% to 15-17% proportion of wards receiving public financial assistance.
- Maintain the percentage of work eligible wards unemployed at time of discharge at no more than 52% above the unemployment rate of a comparable group in the general population.
- For all discharges, increase from 43% to 45-50% the proportions of wards who have only one institutional stay and also receive a non-violational charge.

- Decrease the monthly conviction rate of 4.5 per one hundred cases on parole during the 1976 calendar to 4.2 - 4.3 per one hundred cases.

In order to accomplish the above objectives, seven programs have been described in which direct services, and all formerly special programs, are included. Figure 8 below shows the extent to which these programs overlap in time. Each program will be briefly described.

- Assessment/Assignment
- Re-Entry
- Case Management
- Preventive Services
- Corrective Actions
- Services to Community Organizations
- Interstate Services

A critical aspect of this program is that in the planning and development phase, performance standards were included that prescribe the level of activity for the program and provide a means by which staff performance can be monitored. In addition, indicators of effectiveness describe the outcome measures to be used to assess the effectiveness of the seven programs.*

FIGURE 8
TIME LINE SHOWING PROGRAM EMPHASIS
AND PERIODS OF OVERLAPPING ACTIVITIES

PROGRAM	TIME PERIOD	
Assessment/Assignment	-----	
Re-Entry	-----	
Case Management	-----	
Preventive Services	-----	
Corrective Services	-----	
Services to Community	-----	
Interstate Service	-----	
MONTH	1 2 3 4 5 6 7 8 9 10 11 12	13 14 15 16 17 18 19 20 21 22 23 24
PHASE	INSTITUTIONAL	PAROLE

*These standards and indicators of effectiveness are not included in this document. They are described, however, in the Budget Change Proposal referred to in this section.

Assessment/Assignment

The initial step of this more global process in which the services of the parole officer provides the continuity from disposition to the juvenile's discharge from parole, is the development of an indepth community assessment and program plan.*

Once assigned to a specific case, the agent works closely with the clinical staff at one of the four California reception centers developing the individualized program plan and supplementing their diagnostic findings with information gathered through interviews with parents, friends, neighbors, school personnel, employers and criminal justice agencies about the juveniles functioning in the community.

If on the basis of information gained during the development of this report, it appears that the juvenile would benefit from a community based program, the agent would begin to develop plans for direct release to parole (this is usually not the case where the juvenile is considered a serious offender).

Subsequent to the assessment and development of the program plan, the agent participates in the staffing of the case at the reception center where program and goals are established for the youth. While the ward is in an institution, the agent maintains an ongoing contact with the institutional staff, the juvenile, his parents and family and other relevant community people.

Re Entry

The re-entry program in California begins with a re-entry conference of institutional and parole staff ninety days before the

*Pilot studies will be conducted to determine whether or not this assessment can be totally conducted in the community. If it is practical it may eliminate the need for the clinical processing at the reception centers.

institution release date as determined by the Youth Authority Board. This date has been set based upon the ward's positive program performance.

Beginning with this conference and during the ninety day period prior to the youth's release, the combined staff work out an individual plan of intensive services to be provided by institution and parole staff and supplemented by resources in the community. This plan includes provision for:

- housing arrangements (parents, foster home, group home, relatives or even independent living)
- major program activity (school, job training, vocational rehabilitation, employment, armed forces)
- specialized services (substance abuse, mental health, medical, volunteer help)
- community orientation (community atmosphere, police attitudes)
- survival training (occupational, financial, sex and family planning)
- parole orientation (conditions of parole, access to file, ward's rights, parolee expectations, agent and community expectations and resources)

The re-entry plan presented to the board represents the best staff judgment based on information accumulated in each case from commitment to release on parole. This report is then forwarded to the field parole agent, who is required to arrange for the youths community re-entry and contact each ward within forty-eight hours of his release.

Case Management

Intensive services to the youth in the above areas are provided (if need be on an almost daily basis) and case conferences are held at the end of thirty, sixty and ninety days. If the ward's progress is adequate, the re-entry phase will be concluded with appropriate follow-up planning to be carried out during the Case Management Program phase.

DRAFT

The purpose of this program is to assist parolees achieve and maintain responsible behavior that will lead to their emancipation from the juvenile justice system. Essential to the successful handling of this program is the agent's ability to relate positively to sensitive youths and to carry out (within reason) the plan developed for their return to the community.

This is an extremely demanding task since it is difficult to predict the day to day response of the community to the released serious juvenile offender -- and his response to the community. Although the agent does have the benefit of case information and reports on the ward's progress during his institutional stay, it is his job to make all facets of the plan come together and work in the real world so that in the end the parolee will realize freedom from parole.

While the agent is a key person theoretically, to whom the ward on parole can turn for personal counseling or family counseling, a major task is that of acting as a broker of services provided in the community. Making the initial contacts, introducing the juvenile to key people and following up on relationships between the ward and educational, vocational, medical, financial aid and transportation agencies are crucial to the serious juvenile offender's adequate transition from institution to self-realization in the community.

Nine performance standards for parole agents and five indicators of program effectiveness are listed with this program description.

Prevention Services

Purpose of this program is to protect the public and to decrease the incidence of criminal behavior of Youth Authority parolees through early detection and systematic utilization of a range of protective actions.

DRAFT

The preventative actions taken by the agent are seen as a function of the quality of the information available to him through the initial assessment report developed at time of commitment, the updated re-entry report, results of continuing case conferences with institutional and parole staff and his knowledge of the parolee based on his personal experience with him. Two major areas are deemed as critical in this preventive program -- surveillance/observation, and intervention.

Surveillance and observation of the ward on parole is seen as much for his protection as it is for the protection of the community. Through continual contacts with the youth, his parents, friends, schools and community agencies, it is his job to sort out and objectively evaluate situations with the potential for acts that may result in criminal behavior or violation of his parole or both. In order to accomplish this he must be constantly aware of his ward's whereabouts.

Timely intervention in many cases saves wards from further criminal activities and possible return to an institution. A variety of strategies are listed as available to resolve developing problem situations:

- providing limits and controls based on the law and conditions of parole
- utilizing community resources and services at critical times in the juvenile's program
- manipulating the juvenile's environment by change of placement, temporary detention
- early identification of return to use of drugs/alcohol and emergency or long term treatment through community services.

Eighteen performance standards for parole agents and six indicators of program effectiveness are included for the monitoring and evaluation of this program.

DRAFT

Corrective Action Program

Purpose of this program is to assure that serious juvenile offenders are held accountable for their behavior through corrective action taken by parole agents.

Compliance with conditions of parole results in an honorable discharge at the end of the parole period. Failure to comply can result in a simple admonition and review of the contract terms or a forfeiture of freedom. In more serious cases, a violation process has been established to protect the public and to provide due process for the juvenile.

Once a juvenile violates the conditions of parole, the parole officer may recommend that parole be revoked. A violation investigator (not the youth's parole agent) is utilized to investigate the alleged violation and the youth may be placed in detention during the investigative process, probable cause, detention and disposition hearings. A disposition report is prepared by the agent with recommendations for appropriate action to be taken.

If it is determined that the juvenile's behavior in the light of the violation presents a serious threat to the community or himself, he will be returned to an institution. If this is the case, then the program planning process described in the paragraphs above is initiated again through the agent's contact with institutional staff responsible for programming. If the decision is made to continue offender on parole, the conditions of parole may or may not be modified.

Performance standards for both the violation investigator and the parole agent are associated with the program as well as indicators of the program effectiveness.

DRAFT

Community Services Program

The purpose of this program is to assure an effective linkage between the Parole Services Branch of the Youth Authority, local criminal justice agencies and community organizations providing case-related services.

Success of the youth on parole is dependent on the availability of community resources and the relationship the agent has with the local criminal justice system and organizations in the community. It is from these schools, law enforcement agencies, courts, businesses, social agencies, and rehabilitation services that information is initially gathered in the assessment phase of parole services. It is also these agencies that, for the most part, provide the resources available to the serious offender upon his release from an institution.

This program attempts to involve line, managerial and regional staff in a coordination and communication with local groups and agencies through:

- notification of local agencies when juvenile reenters the community, particularly in sensitive cases.
- rapid response in investigating arrests of juveniles on parole.
- improvement of parole services through training and supervision of staff.
- feedback to law enforcement agencies when juveniles are detained on new charges.
- provision of emergency services available twenty-four hours a day.
- program of public education and public relations
- liaison with the prevention and community corrections agencies in the community.
- increased involvement in community volunteer organizations providing services to parolees.

DRAFT

Sixteen performance standards and five indicators of program effectiveness are associated with this program to provide the basis for the monitoring of parole agent performance and program effectiveness.

Interstate Services Program

Purpose of this program is to assure effective implementation of Interstate Compact Laws in California by placement of Youth Authority wards and juveniles from other states and by facilitating the apprehension and speedy return of runaways, probation and parole absconders and escapees. These compacts are legally binding agreements under which the fifty states and certain territorial districts serve each others' agents in cooperative correctional activities.

The Interstate Services Unit of the Parole Services Branch functions as a regular parole unit for Youth Authority wards paroled to other states. Its responsibilities include the preparation and submission of required reports to the Youth Authority Board including placement reports, progress reports, violation and disposition reports of Youth Authority institutions and parole units on matters of an interstate nature.

The unit arranges for the authorized interstate placement of California juveniles on probation or parole in other states and receives such cases from other states for placement in California. The compacts require that these cases be referred through the Interstate Unit of the receiving and sending states in each case in order to provide assurance to the court of jurisdiction that the placement is in the best interest of society and the individual.

Performance standards are described for both the Interstate Services Unit and parole units staff with six indicators of program effectiveness included.

Evaluation of Parole Services

Parole, in the traditional sense of providing supervision for serious juvenile offenders upon their release to the community, is being phased out in the six states of this study. During the past few years, the shift has been to an aftercare model emphasizing a "continuum of service" from court disposition to release from parole. This continues to be a period of experimentation and reorganization within the six state juvenile correctional agencies visited. It appears also to be a time when the evaluation of emerging aftercare programs has been difficult to accomplish because of their instability.

No evaluative studies were found that related the objectives of the programs, carried out under the umbrella of aftercare of parole, directly to the changes in the behavior of the serious juvenile offender. A review of the literature did reveal a number of evaluative studies based on the traditional parole model. The focus in these studies was generally related to the revocation and recidivism rates and success of the released offenders on parole. There were, however, studies such as the one completed by the research and evaluation section of the Wisconsin Division of Corrections⁷⁶ in 1975.

"Boys on . . . aftercare completed supervision successfully in seven out of ten instances. . . Boys who were not enrolled in school while on aftercare were more often successful than those participating in educational programs. Non-students of course tended to be boys who were older and more fully employed."

"Girls successfully terminated from aftercare were successful in eight out of ten cases. There seemed to be little relationship between enrollment in school and success on aftercare supervision."

There were no studies that relate the success of programmatic efforts directly to changes in the behavior of the serious juvenile offender. The inclusion of indicators of effectiveness and performance objectives, as discussed above in the California

example, in the state plans and program designs, allows hope for the future evaluation of all programs. The development and continued improvement of information systems accumulating stable information about the indicators and objectives should make feedback on programs and personnel effectiveness more available.

Comments

The question of whether or not parole services have been effective in reintegrating juveniles into their rightful place in the community remains unanswered generally. Because divisions of parole in state systems have been unable to document their effectiveness in this ambiguous task, changes based on logic are taking place. The term "parole" is being replaced by the word "aftercare." Instead of services provided after release from institutions, services begin at commitment and theoretically continue throughout the period the state has jurisdiction of the juvenile. Although the specific services themselves appear to be changing very little, the organization of these services and the implementation of the "continuity of service" concept may serve to provide a more stable role model for confined juveniles to identify with when released into the community.

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V. MAJOR SYSTEM ISSUES RELATED
TO THE SERIOUS JUVENILE OFFENDER

Acceptable answers to the question of how to rehabilitate the serious juvenile offender and thus relieve the community and its people of the threat to their lives and property are difficult to find. Simplistic answers seldom, if ever, work but rather tend to further confuse and delay even partial resolution to this complex problem.

The purpose of this chapter is to briefly describe the major issues or controversies and debates surrounding the handling of the serious juvenile offender. These issues have been identified through a study of the literature, field visitations and discussions with key representatives of the juvenile justice system in six states. The format for the presentation of these issues will follow that of Chapters Three and Four. Local and state issues will be highlighted and followed by a brief discussion of the individual issues related to these two major sections of the system. Comments and impressions by staff will follow.

LOCAL ISSUES

In order to identify issues on the local level, law enforcement officials, probation directors, prosecuting and defense attorneys, and judges were interviewed. Issues were also identified in the "fugitive literature" gathered on site. This included special reports and publications, standards and goals for local jurisdictions, and criminal justice plans. These combine to give a perception of local issues as perceived at the operational level.

Law Enforcement

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Issue

Police officers see youth whom they have arrested for serious offenses quickly returned to the streets. Some of these are individuals with a long history of repeat offenses. This has sometimes been called "turnstile justice."

Police officers commonly feel a sense of frustration because of the apparent leniency or lack of accountability of probation departments and courts and correctional authorities regarding serious juvenile offenders. Sometimes such youths are released on their own recognizance. Sometimes they are sent to training schools for relatively brief periods. As a Minneapolis police captain put it, "It does not make any sense for a kid who has killed somebody, nearly killed somebody, or robbed ten gas stations to be sent away for only six months".¹ Police feel that such lack of accountability within the system results in hardcore youth "laughing at justice".

Issue

The increase in serious and violent offenses by juveniles presents a dilemma to the officer working with juveniles. Are these young people to be treated as wayward children or as criminals?

The intent of the juvenile justice system, including law enforcement, has been to deal with juveniles as children in need of help and guidance rather than to think only in terms of the offense committed. That is why juvenile units of big city police departments have names like youth aid bureau. Today, however, juvenile officers are faced with sophisticated youth who repeat serious offenses and avail themselves of competent legal defense to avoid any consequence to themselves. This places a great strain on the notion of handling the juvenile as a child in need of help. As one juvenile unit commander expressed it, "You can't have both. The kid is a child or he is entitled

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to adult protections. It has got to be one or the other. Just tell us what to do and we'll do it."²

Issue

It is a fact that a very small number of juveniles are responsible for a disproportionate number of offenses, especially serious ones. This group has been called the "hardcore". The issue is how they should be handled.

There is wide agreement that the "hardcore" group of juveniles is very strategic. As one officer put it, "The hardcore are a small group, five percent or six percent. If we can concentrate on them, we can cut known crime by fifty percent."³

Should special attention be given to them? Some police departments, as in Los Angeles, California, think so and devote specific efforts to remove the "hardcore" juveniles and gang members from the community by keeping track of who they are, following up on petitions filed against these juveniles, and seeking legislative changes to bring about stricter handling for the serious juvenile offender. New laws in California and New York reflect legislative response to this point of view.

Court

Issue

When a young person comes before the juvenile court charged with a heinous crime or crimes and/or perhaps a long history of serious offenses combined with a like history of failure in rehabilitative programs, the question of waiver is raised. When and under what circumstances should the juvenile court waive its jurisdiction over a child and transfer him to the jurisdiction of the adult criminal court?

The question of when and how to use waiver varies a great deal from state to state. For example, California and Florida use it frequently, Minnesota and Massachusetts use it rarely, and New York, where a juvenile becomes an adult at age sixteen,

has no provision for waiver. Yet even in states which rarely use the procedure, great pressures are built up over this question. On the one hand juvenile courts do not want to be burdened with the exclusive jurisdiction over youths who may not be able to be rehabilitated within the juvenile system. On the other hand, if all serious juvenile offenders are to be transferred to the adult system, does not that undercut the purpose of having a juvenile court in the first place? The juvenile court is reluctant to abandon hope for the individualized treatment of troubled youth. Yet the community needs to be protected against dangerous juveniles. The judicious use of the waiver procedure is of strategic importance in the resolution of this dilemma.

Issue

"It has been argued that adversary procedures and formalities of the criminal law are inimical to the goals of the juvenile proceedings which are to ascertain what is wrong with a child and to devise the most appropriate cure."⁴ In fact, there are some who argue that the survival of the juvenile court as we have known it is threatened by the current emphasis on due process in juvenile proceedings.

In recent years, the U.S. Supreme Court has made several landmark decisions regarding the necessity for due process in juvenile proceedings. At the same time, more youngsters are appearing in juvenile courts for offenses which would be serious felonies if committed by adults. The combined result of these two factors has been to put great pressure on a court which originally was meant to protect and not punish, and which was conceived of as a civil and not a criminal court. Those who want to preserve the traditional juvenile court argue for informality and flexibility in the proceedings. They contend that the intrusion of sophisticated attorneys with their motions and countermotions will be the end of the juvenile court. Those who support the development of due process for juveniles contend

that any attempt to help a child must be based first on a careful determination of what took place, according to the usual rules of evidence and procedure. Or, as one defense attorney has put it, "Before you begin fooling around with the kid, be sure you have the right kid."⁵

Issue

How long should a serious juvenile offender be placed in a secure facility? Are there adequate and effective programs and facilities for the youngster who is considered to be a dangerous or "hardcore" offender? These are often points of dispute between juvenile courts and state youth correctional agencies.

Especially in states where the average or maximum stay in a correctional institution is six months or less for juveniles, there can be strong opinion on the following points:

- The state youth correctional agency lacks effective programs to treat the more serious juvenile offender.
- There are not enough beds in secure facilities for the "hardcore" youth.
- Violent and dangerous youth are too often released back to the community before they are ready.

In addition, juvenile court judges in some states would like to have a greater say in the matter of disposition and sentencing which is often at the practical discretion of the state youth correctional authority.

Issue

The juvenile justice system was meant to provide treatment for young people under a certain age. This is often guaranteed by statute and is sometimes called the "right to treatment". When this "right to treatment" refers to violent or "hardcore" youth who have already failed in a number of treatment and rehabilitation programs, however, the issue becomes more complex and difficult. For example, does the "right to treatment" extend to the sixteen year old habitual armed robber who does violence to his victims?

The case of "J.E.C.,"⁶ a seventeen year old youth in Minnesota accused of aggravated robbery, highlights the issue of right to treatment. "J.E.C." was transferred to the adult court and his attorney appealed the decision on the basis that processing within the adult system would deny him his right to treatment within the juvenile system. Furthermore, if adequate programs and facilities did not exist in the juvenile system, they should be created. The Department of Corrections disagreed and the matter is still unresolved, awaiting action by the state legislature. Similar right to treatment issues are found in other states.

COMMENTS

The issues which have been described here in very brief and summary fashion are the primary larger issues which were encountered with regard to the serious juvenile offender in the six states studied.

The issues, three for law enforcement and four for courts and probation, are interrelated in various ways. When police agencies feel that "hardcore kids" are right back on the street again, and judges complain that state correctional agencies hold serious offenders too briefly or perhaps not at all, that is essentially the same issue at different points in the system. When police are in a quandry as to whether to handle serious delinquents as wayward children or criminals, that is basically the same dilemma faced by courts and probation in questions of waiver to the adult court. When juvenile officers ponder how to handle hardcore juveniles who seem hard to reach and cause most of the crime, they are grappling with the same kind of problem as the judges who wonder if the juvenile system has adequate programs and facilities for the serious juvenile offender.

The similarity of concern between law enforcement and court segments of the juvenile justice system is sometimes quite striking.

For example, it is not only judges but police juvenile division commanders who express concern regarding the survival of the juvenile court and its philosophy of individualized treatment for the juvenile. And in the final analysis, no one really feels they know quite what to do with and for the serious juvenile offender. But these are the kinds of issues the states are struggling with. New laws are being passed and implemented. New programs are being tried. New organizational and procedural patterns are being attempted. Answers are in short supply, but the only certain mistake is not to try. In the states studied, the search for how to handle the serious juvenile offender is vigorously being carried on.

STATE ISSUES

Since the serious juvenile offender is likely to become the responsibility of the state juvenile correctional agency, major issues are related to rehabilitation and confinement in a juvenile institution and re-entry into the community through a program of aftercare. The following pages briefly describe those institutional and aftercare issues identified during this study.

Institutional

Institutional care and treatment is rapidly losing its credibility as the best way to rehabilitate the serious juvenile offender. On the other hand, the community corrections approach has not been totally accepted by the public. The state and its institutional staff is faced with the difficult responsibility of changing the behaviors and attitudes of this volatile group in a short period of time in institutional settings usually not equipped to handle the necessary security.

Issue

Juvenile institutions are viewed as generating and reinforcing negative attitudes and behavior in the serious juvenile offender and serve to strengthen the offender's resistance to personal change.

Institutional confinement and its negative impact on the behavior of juveniles has long been a subject of discussion. It has also been the forerunner of state's actions to eliminate the use of county jails as places for the detention of juveniles and finally the deinstitutionalization brought about by the Juvenile Justice Act of 1974. The accepted need to separate the serious offender from the community and at the same time to protect him from the contamination of the institutional environment continues to present state planners with an, as yet, unresolved dilemma.

Issue

As the need for placement in a secure facility with individualized programming increases for serious juvenile offenders, so do the costs for rehabilitation increase for the state.

The costs for maintaining and treating one serious juvenile offender in the state hospital at Atascadero, California, is approaching \$20,000 per year. Other states (New York and Massachusetts) are presently financing special programs for disturbed serious offenders with costs as high as \$35,000 to \$40,000 annually. In the Massachusetts Department of Mental Health, costs have been reported as high as \$58,000 a year per individual where treatment involves the use of psychiatric services in hospital settings. To what extent can the state continue to pay for services at this level of expense?

Issue

Many proponents of treatment for the serious juvenile offender would recommend that it be accomplished in small separate units not in excess of twelve to fifteen juveniles in a group. Others suggest the use of small institutions for their treatment.

Program developers for the rehabilitation of delinquent juveniles have recognized the desirability of a balance between the youth's individual needs, needs for social interaction and the need

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for a variety of program opportunities to make use of capabilities and to stimulate interest. With the recent emphasis on the deinstitutionalization of juveniles on the one hand and the recognition that some serious juvenile offenders still need to be retained in a secure facility, the optimum size and nature of this facility has become an issue. Does the small self-contained single unit offer the greatest opportunity for treatment or is the small institution with its individual cottages and greater variety of program opportunities closer to the answer?

Issue

Federal and state agencies are making concerted efforts not only to provide a variety of programs to meet the needs of the incarcerated juvenile but to continually seek gaps in programming for the purpose of supplementing those already existing.

During the visitation of the six states involved in this study and the continual review of operational reports and field program descriptions, it became obvious that all juvenile institutions had programs in all of the recognized categories (educational, vocational, recreational, religions, drug/alcohol, volunteer, treatment and procedures for handling grievances). There were no gaps. There were differences however in security, facilities, interest of students, quality of staff and programs and administrative support that impacted on some programs enough to make them appear as not existing. Failure to close out wasteful or detrimental programs may present a greater problem than failure to recommend new programs based on the assessment of needs.

Issue

Qualified and well-trained staff have the direct responsibility for the accomplishment of program objectives -- the actual priority given to the training of staff, however, does not reflect the importance of their work.

Discussions with institutional managers and staff, and the review of the literature attest to the need for resolution of this problem. Frequently, staff were not knowledgeable about the major concepts upon which the institutional treatment program was based.

Issue

Changing the well-established patterns of delinquency of the serious juvenile offender is generally accepted as requiring long-term treatment. Pressure to minimize the length of confinement and the introduction of the justice model has reduced the time available and the motivation required of the juvenile to accomplish this change.

Studies conducted in Minnesota, New York, California, and Florida, have all resulted in the reduction of time the serious juvenile offender spends in an institution prior to his release to parole. Periods of parole are also being reduced. On the other hand, emphasis on the legal rights of inmates appears to be having some negative effect on their motivation to participate seriously in rehabilitation programs. Program staff find themselves in the difficult position of being expected to effect change under the almost impossible constraints of time and lack of inmate interest.

Issue

The daily relationship between treatment staff and the serious juvenile offender in the context of treatment programs is an intense emotional experience for the majority of staff members, many of whom "burn out" and leave their positions.

The intensity of the personal relationships and the demands made upon treatment staff members, as they work as role models within institutional constraints, to effect changes in the behavior of confronting juveniles, was a concern consistently expressed by staff and agency managers in all states. Suggestions for the resolution of this problem, however, were not identified during the study.

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Issue

As the number of juvenile offenders in secure treatment facilities declines, the ratio of staff to inmate increases to almost one on one. Unless there is more strong positive evidence of program effectiveness, state juvenile correctional administrators may be hard pressed to justify the maintenance of these ratios for treatment reasons.

Minnesota training schools have been cited as an example of the one to one ratio (p. 13). The ratio points only to the tip of the iceberg since it does not include the number of administrators, planners, supervisors, and parole agents employed at the state and regional levels with responsibility for the retraining and reintegration of the serious juvenile offender. Massachusetts with 49 juveniles in secure treatment centers, New York with 480, Wisconsin with 750, Florida with 1,081, and even California with more than 4,000 confined serious juveniles, may soon be facing the need to justify the overall system's ratio of staff to juvenile on the basis of effective treatment programs, rather than job security for staff.

Issue

Organizing resources for the treatment of the mentally ill serious juvenile offender continues to puzzle state juvenile correctional agency managers.

Although a relatively small number of serious juvenile offenders fit in this category, they do present serious behavioral and management problems. Departments of mental health and state hospitals have the professional staff, but are ill equipped generally to handle the security problem presented by these juveniles. Correctional agencies on the other hand may be able to handle the security aspect, but lack an adequate staff or program suitable for these disturbed juveniles.

Parole

The past has seen the parole officer as a lonely supervisor of a caseload of juveniles too large to handle. The tendency to

think less in terms of caseload (numbers) and to think more in terms of workload (program) may improve the quality of parole services generally.

Issue

The need for continuity of treatment from disposition to release from parole has always been evident. The pressure to reduce the serious juvenile offender's length of confinement has accentuated this fact and is bringing about major changes in parole services.

The issue of program continuity has been an overriding theme throughout this study of state programs for the serious juvenile offender. State comprehensive plans, proposals from state parole agencies, juvenile justice standards and goals documents, and manuals of procedures throughout the six states studied, all point to the ferment and movement taking place as the traditional parole officer's role changes from that of the individual supervisor to that of the case manager on a youth services team.

COMMENTS

The issues described above provide only a partial list of those encountered during this study. They are representative of the difficult elements that serve to complicate the day to day operation of institutional and parole programs for the juvenile offender. Where the inability to hire minority staff may be detrimental to one program, coordination of resources between departments of corrections and mental health may hurt another. Programs for females may be more important in a given setting than equal opportunity to participate in all programs in another setting. Certainly accommodating to legislative changes is a universal issue in all states in these days of change. The list is endless. Each issue needs to be identified in the local context and confronted -- especially in areas of accountability.

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APPENDIX A
NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER
ADVISORY GROUPS AND STAFF

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APPENDIX B
GLOSSARY OF TERMS

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GLOSSARY OF TERMS

This glossary presents a selected list of terms which pertain to the serious juvenile offender and the juvenile justice system. The list is not meant to be exhaustive, but is designed specifically to aid the reader of this report.

With one exception, all of the terms used here are taken, sometimes with minor adaptations, from the working list of definitions of the Office of Juvenile Justice and Delinquency Prevention¹ and from the Dictionary of Criminal Justice Data Terminology by SEARCH Group, Incorporated.²

AFTERCARE - The status of an offender conditionally released from a confinement facility prior to the expiration of his sentence, and placed under the supervision of a parole agency. Synonym: parole

ARREST: Taking a juvenile into custody by authority of the law for the purpose of initiating juvenile proceedings. Synonym: taking into custody

ADJUDICATION - The juvenile court decision terminating an adjudicatory hearing, that the juvenile is either a delinquent, or that the allegations in the petition are not sustained.

ADJUDICATORY HEARING - In juvenile proceedings, the fact finding process wherein the juvenile court determines whether or not there is sufficient evidence to sustain the allegations in a petition. Synonyms: trial, fact finding hearing

COMMITMENT - The action of a judicial officer ordering that an adjudicated delinquent who has been the subject of a juvenile court disposition hearing, be admitted into a correctional facility.

DELINQUENCY - Behavior of juveniles that is in violation of a statute or ordinance in the particular jurisdiction and which would constitute a crime if committed by adults.

DETENTION - The legally authorized holding in confinement of a person subject to juvenile court proceedings, until the point of commitment to a correctional facility or release.

DETENTION HEARING - In juvenile proceedings, a hearing by a judicial officer of a juvenile court to determine whether a juvenile is to be detained, continue to be detained, or released, while juvenile proceedings are pending in his case.

DISPOSITION - The decision of a juvenile court, concluding a disposition hearing, that a juvenile be committed to a correctional facility or placed in a care or treatment program, or required to meet certain standards of conduct, or released.

DISPOSITION HEARING - A hearing in juvenile court, conducted after an adjudicatory hearing and subsequent receipt of the report of any predispositional investigation, to determine the most appropriate disposition of a juvenile who has been adjudicated a delinquent.

JUVENILE - A person charged with an offense, over whom the juvenile court has original jurisdiction. The juvenile court's jurisdiction is determined by the age of the person who must, in most states, be under 18 years of age.

INTAKE - The process during which a juvenile referral is received and a decision is made by an intake unit either to file a petition in juvenile court, to release the juvenile, to place him under supervision, or to refer him elsewhere.

PETITION - A document filed in juvenile court alleging that a juvenile has committed certain offenses and asking that the court assume jurisdiction over the juvenile or asking that the juvenile be transferred to a criminal court for prosecution as an adult.

PREDISPOSITION REPORT - The document resulting from an investigation undertaken by a probation agency or other designated authority, which has been requested by a juvenile court, into the past behavior, family background, and personality of a juvenile who has been adjudicated a delinquent in order to assist the court in determining the most appropriate disposition. Synonyms: court report, probation report, social history, behavioral investigation

RECEPTION CENTER - A facility that screens juvenile court commitments and assigns them to appropriate treatment facilities.

REVOCATION - An administrative act performed by a juvenile parole authority removing the juvenile from parole in response to a violation of the conditions of parole or aftercare.

SERIOUS JUVENILE OFFENDER - A juvenile adjudicated in the juvenile court who, because of a pattern of characteristics, criminal and behavioral, continues to penetrate further into the juvenile justice system and who at disposition, is committed to a state training school because of his threat to himself, to others, or to the safety of the community. (Note: This is the definition developed in this report)

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TRAINING SCHOOL - A residential facility in which access and egress are controlled by the staff, and which is used exclusively for the placement of juveniles adjudicated pursuant to the jurisdiction of the family court over delinquency. The training school is usually characterized by physically restrictive construction or location, by procedures which are intended to prevent the juveniles placed therein from departing at will, and by the provision of a range of academic, vocational and treatment services.

UCR - An abbreviation for the Federal Bureau of Investigation's Uniform Crime Reporting Program.

UCR PART I OFFENSES - Crimes most likely to be reported, which occur with sufficient frequency to provide an adequate basis for comparison, and which are serious crimes by nature and/or volume.

Crimes Against Persons:

Murder
Non-Negligent (voluntary)
Manslaughter
Negligent (involuntary)
Manslaughter
Forcible Rape
Aggravated Assault

Crimes Against Property:

Robbery
Burglary
Larceny - Theft
Motor Vehicle Theft

WAIVER OF JURISDICTION - Waiver of jurisdiction by a juvenile court is the process whereby the court relinquishes its jurisdiction over a child and transfers the case to a court of criminal jurisdiction for prosecution as in the case of an adult.³

YOUTHFUL OFFENDER - A person, adjudicated in criminal court, who may be above the statutory age limit for juveniles but is below a specified upper age limit, for whom special correctional commitments and special record sealing procedures are made available by statute.

Note: Within the above category of youthful offender are included two main groups of youths under 18 years of age. They are:

- those who have been waived from the juvenile court to the adult criminal court
- those who live in states, such as New York and Massachusetts, where the maximum age of jurisdiction for juveniles is lower than 18.

These youthful offenders, although no longer in the juvenile justice system, are under 18 and include many serious offenders.

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APPENDIX C
METHODOLOGY

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METHODOLOGY

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This report on the serious juvenile offender in the United States is intended for the general reader. Perhaps those most interested in it will be those who are concerned with policymaking, implementation, administration, and the delivery of direct services within the juvenile justice system.

In preparation for this report, the following steps were carried out:

- ① Resource Centers - National resource centers of information, including Federal agencies and private research institutes, were contacted.
- ② Literature Review - Major books and publications pertaining to the serious juvenile offender and the juvenile justice system were reviewed.
- ③ State Selection - Through a careful process, six states were selected for specific study and visitation with regard to the handling of the serious juvenile offender.
- ④ Data Collection - Data in the six states was gathered in the form of local and state documents, statistics, and field interviews. These types of information regarding the serious juvenile offender were collected in California, Florida, Massachusetts, Minnesota, New York, and Wisconsin.
- ⑤ Data Analysis - The information from the six states was organized and analyzed in a manner to facilitate comparisons and general observations regarding procedures, programs, and evaluations for the serious juvenile offender.
- ⑥ Report Preparation - The information from the six states was synthesized and written in a way which would present to the reader a state of the art report on what is happening in the field regarding the serious juvenile offender.

Now, for a more specific description of the kinds of resources used and contacts made.

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Resource Centers - National resource centers of information which were visited included the following:

- National Criminal Justice Reference Service, Law Enforcement Assistance Administration, Washington, D.C.
- PROFILE, Law Enforcement Assistance Administration Grant Information File, Washington, D.C.
- National Institute of Juvenile Justice and Delinquency Prevention, Washington, D.C.
- Law Enforcement Assistance Administration Library, Washington, D.C.
- Inter-Agency Panel in Childhood and Adolescence, George Washington University, Washington, D.C.
- Center for Studies in Crime and Delinquency, National Institute of Mental Health, Rockville, Maryland
- National Council on Crime and Delinquency, Hackensack, New Jersey
- Vera Institute of Justice, New York, New York
- Center for Knowledge in Criminal Justice Planning, New York, New York

Literature Review - Some of the publications reviewed in order to gain an overview of literature pertaining to the serious juvenile offender included:

- Intervening with Convicted Serious Juvenile Offenders, by Dale Mann
- Violent Delinquents, by Paul Strasburg
- Delinquency in a Birth Cohort, By Wolfgang, Figlio, and Snellin
- Rights of Juveniles, by Samuel M. Davis
- Brought to Justice? Juvenile Courts and the Law, edited by Rosemary Sarri and Yeheskel Hasenfeld; Time Out, edited by Robert D. Vinter
- Juvenile Justice and Delinquency Prevention, National Advisory Committee on Criminal Justice Standards and Goals

- ⊙ Papers presented at the National Symposium on the Serious Juvenile Offender, Minneapolis, Minnesota, September 10-20, 1977
- ⊙ The juvenile justice textbook series of the National Council of Juvenile Court Judges

Whenever possible, the authors of these and other studies were contacted by telephone and/or in person, affording the chance to discuss their findings.

State Selection - The process for selecting the states to be studied consisted of several steps:

- ⊙ Criteria were determined for use in selecting the states. For example, does a state show evidence of a budget priority in juvenile justice programming?
- ⊙ The 1977 state criminal justice plans for all fifty states were briefly reviewed for evidence of juvenile justice priority.
- ⊙ Fifteen states were selected on the basis of the criteria which had been developed.
- ⊙ A panel of persons with broad knowledge of the juvenile justice scene in the United States was selected and asked to choose six states worth special attention from the list of fifteen states previously selected by staff.
- ⊙ The panel, with broad overall agreement, selected California, Florida, Massachusetts, Minnesota, New York, and Wisconsin as states worth study, because of the attention being given to the juvenile justice system and also to the serious juvenile offender.

Data Collection - Once the six states were selected, the visits to each of the states began for the purpose of data collection.

The first kind of information gathered consisted of local and state documents, sometimes referred to as "fugitive literature." The quality of these documents, reports, manuals, and studies carried out on the local and state levels was often excellent.

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Outstanding documents of this type are cited throughout the body of this report.

The second type of information gathered consisted of statistics. Data was gathered in the following categories:

- arrests and arrest characteristics
- juvenile court intake caseload characteristics
- detention caseload characteristics
- institutional caseload characteristics
- parole caseload characteristics.

It was found that there was very little reliable data on the serious juvenile offender, and that the data which was available, was not comparable from one state to another. Only one state, California, had a combined, centralized source of juvenile offender data.

Information in the six states was provided by the following state agencies:

- California - Bureau of Criminal Statistics, California Youth Authority
- Florida - Department of Criminal Law Enforcement, Department of Health and Rehabilitative Services
- Massachusetts - Department of Public Safety, based on tabulations from the Federal Bureau of Investigation (FBI)
- Minnesota - Department of Public Safety, Department of Corrections
- New York - Division of Criminal Justice Services
- Wisconsin - Department of Justice, Department of Health and Social Services

The third type of data collected was through the structured interviews which were conducted in the field. In each of the

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six states, a similar set of persons with special knowledge about the serious juvenile offender was interviewed, typically consisting of the following:

- ① commander of juvenile unit of police or sheriff's department
- ① chief probation officer
- ① juvenile prosecutor
- ① juvenile public defender
- ① juvenile court judge
- ① directors of state division of youth services and key staff
- ① directors of research in state agencies
- ① managers of criminal information bureaus.
- ① university professors of law and criminology
- ① program and evaluation managers in state planning agencies
- ① superintendents and staff of state training schools

The structured interviews provided information on procedures and programs used with the serious juvenile offender, on local studies and evaluations, and on current issues concerning the handling of the serious offender in the juvenile justice system. The interviews were standardized enough to permit some comparability of information and informal enough to develop at least some sense of operational reality regarding the topic at hand.

* * *

The information from the field interviews, the statistics gathered, and the local and state documents were organized and sorted to yield state by state comparisons and also

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overall generalizations regarding procedures, programs, and evaluations concerning the serious juvenile offender. The result is presented as a state of the art report on that topic.

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APPENDIX D
FOOTNOTES

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LIST OF REFERENCES

I. NATURE OF THE PROBLEM

1 U.S. Department of Justice, Law Enforcement Assistance Administration, Office of Juvenile Justice and Delinquency Prevention, National Institute for Juvenile Justice and Delinquency Prevention, Intervening with Convicted Serious Juvenile Offenders, by Dale Mann (Washington, D.C.: Government Printing Office, July 1976), pp. 1-2.

2 Massachusetts Department of Youth Services, The Issue of Security in a Community-Based System of Juvenile Corrections: The Final Report of the Task Force on Secure Facilities to Commissioner John A. Calhoun (Boston, November 1977), p. 54.

3 Group discussion of the serious offender with six serious juvenile offenders, Atascadero State Hospital, Atascadero, California, August 12, 1977.

4 Interview with Reuben Magallanez, Northern Reception Center and Clinic, Perkins, California, August 24, 1977; interview with Morrie Heilig, Eastern Parole Office, St. Paul, Minnesota, October 11, 1977.

5 Interview with the Hon. Leonard Ginsburg, Judge of the Superior Court of Tulare County, Visalia, California, August 15, 1977.

6 Massachusetts Department of Youth Services, The Issue of Security in a Community-Based System of Juvenile Corrections: The Final Report of the Task Force on Secure Facilities to Commissioner John A. Calhoun, p. 50.

7. California Youth Authority, The Youth Authority in the Criminal Justice System (Sacramento, April 1977), p. 3.

8 Minnesota Department of Corrections, Past Effort 1970-1977, Future Directions 1978-1981: Report to the 1977 Minnesota Legislature (Minneapolis), p. 7.

9 Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, Delinquency in a Birth Cohort (Chicago: The University of Chicago Press, 1972).

10 U.S. Department of Justice, Law Enforcement Assistance Administration, Office of Juvenile Justice and Delinquency Prevention, National Institute for Juvenile Justice and Delinquency Prevention, Intervening with Convicted Serious Juvenile Offenders, by Dale Mann, pp. 1-2.

DRAFT

11 Paul A. Strasburg, "Violent Delinquents: A Report and Recommendations to the Ford Foundation" (New York: Vera Institute of Justice, April 1977).

12 Thorsten Sellin and Marvin Wolfgang, The Measurement of Delinquency (New York: Wiley, 1964).

13 Charles F. Wellford and Michael Wiatrowski, "On the Measurement of Delinquency," The Journal of Criminal Law and Criminology 66 (Northwestern University School of Law, 1975).

14 Interview with Richard Clendenen, professor of law, University of Minnesota, Minneapolis, Minnesota, October 12, 1977.

15 Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, Delinquency in a Birth Cohort, p. 243.

16 Frank R. Scarpitti and Richard M. Stephenson, "Juvenile Court Dispositions: Factors in the Decision Making Process," Crime and Delinquency (April 1971) pp. 142-151.

17 Florida, Florida's 1978 State Comprehensive Plan for Criminal Justice Improvement (Tallahassee: Bureau of Criminal Justice Planning and Assistance, 1976) p. 259.

18 R.S. Tennyson, "Aftercare and the Serious Delinquent," paper presented at the National Symposium on the Serious Juvenile Offender, Minneapolis, Minnesota, September 1978, p. 13.

19 New York State Division for Youth Services, Companion Living, by Larry Dye (Albany).

20 Minnesota, Minnesota Comprehensive State Criminal Justice Plan: 1978 (St. Paul: Governor's Commission on Crime Prevention and Control), Sec. IV, p. 116.

21 John Conrad, "When the State is the Teacher," paper presented at the National Symposium on the Serious Juvenile Offender, Minneapolis, Minnesota, September 1978, p. 26.

22 Wisconsin, Criminal Justice Improvement Plan Action Summary: 1977 (Madison: Wisconsin Council on Criminal Justice), p. 101.

23 Raymond L. Manella, The Hard-Core Juvenile Offender (Reno: National Council of Juvenile Court Judges, 1977), pp. 15-18.

24 Interview with Joyce Robertson, superintendent, Alyce D. McPherson School for Girls, Ocala, Florida, November 15, 1977.

DRAFT

25 U.S. Department of Justice, Law Enforcement Assistance Administration, Office of Juvenile Justice and Delinquency Prevention, National Institute for Juvenile Justice and Delinquency Prevention, Intervening with Convicted Serious Juvenile Offenders, by Dale Mann, p. x.

II. CHARACTERISTICS OF THE SERIOUS JUVENILE OFFENDER

1 Wisconsin Department of Justice, Division of Law Enforcement Services, Crime Information Bureau, Wisconsin Criminal Justice Information: Crime and Arrests 1976 (Madison).

2 California Department of Justice, Division of Law Enforcement, Bureau of Criminal Statistics, Crime and Delinquency in California 1976 (Sacramento, July 1977)

3 California Department of Justice, Bureau of Criminal Statistics, special report: Statewide Arrest Register - Offense by Age, Sex, and Race, 1976 (Sacramento).

4 California Department of Justice, Bureau of Criminal Statistics, special report on California juvenile court dispositions and caseload characteristics 1976 (Sacramento).

5 Ibid.

6 Ibid.

7 California Youth Authority, Division of Research, "Parole Performance After 24 Months Followup: 1974 Parole Research Cohort" (Sacramento).

8 Minnesota Department of Corrections, Division of Research, special report on juvenile commitments to and releases from correctional institutions, calendar year 1976, by selected characteristics (St. Paul, December 1977)

III. LOCAL PROCEDURES FOR THE SERIOUS JUVENILE OFFENDER

1 National Advisory Committee on Criminal Justice Standards and Goals, Juvenile Justice and Delinquency Prevention: Report of the Task Force on Juvenile Justice and Delinquency Prevention (Washington, D.C.: U.S. Government Printing Office, 1977), p. 245, Standard 7:1.

2 Ibid., p. 258, Standard 7:7.

3 Los Angeles Police Department, "Manual of Juvenile Procedure" (Los Angeles, California, June 1974).

4 Minneapolis Police Department, "Juvenile Division Procedures" (Minneapolis, Minnesota).

DRAFT

5 Office of Criminal Justice Planning, "Survey of Law Enforcement Juvenile Operations in Alameda County, Part I: Overview," by John M. Clayborn and Sharon Gregory (Oakland, California, February 1975), p. 5 (draft).

6 St. Paul Police Department, "Juvenile Procedures" (St. Paul, Minnesota, April 1974), Sec. 437.05A.

7 Office of Criminal Justice Planning, "Survey of Law Enforcement Juvenile Operations in Alameda County, Part II: Agency Profiles," by John M. Clayborn and Sharon Gregory, p. 201.

8 Los Angeles Police Department, "Manual of Juvenile Procedure," Sec. 400.10.

9 Ibid., Sec. 420.05.

10 St. Paul Police Department, "Juvenile Procedures Department Manual," Sec. 437.04.

11 Madison Police Department, "Juvenile Procedures" (Madison, Wisconsin, November 1976), Sec. 4-1110.

12 Los Angeles Police Department, "Manual of Juvenile Procedure," Sec. 300.50.

13 Interview with Lieutenant George Roscoe, San Francisco Police Department, August 24, 1977.

14 Clyde L. Cronkhite, "Juvenile Crime Crisis Cause and Remedy," The Police Chief December 1974, p. 44.

15 St. Paul Police Department, "Juvenile Procedures," Sec. 437.05.

16 Marion C. Katzive, A Caseworker's Guide to the New York State Juvenile Justice System (New York: The Vera Institute of Justice, 1976), p. 11.

17 Miami Police Department, "Operational Order No. 3" (Miami, Florida), Chap. 1, Sec. I-D.

18 Ibid., Sec. II-F1.

19 Los Angeles Sheriff's Department, "Juvenile Procedures" (Los Angeles, California, August 1973), Chap. 2, Sec. 5-02/035.15.

20 Los Angeles Police Department, "Manual of Juvenile Procedure," Sec. 700.40

21 Interview with Lieutenant Richard Witt, Miami Police Department, Miami, Florida, November 15, 1977.

DRAFT

22 San Jose Police Department, "Juvenile Procedures"
(San Jose, California), Sec. 1653.10.

23 Los Angeles Police Department, Petition Control Unit,
"Research of 100 Hardcore Arrestees: Fourth Study" (Los Angeles,
California, April 1976).

24 The Police Foundation, "Assessing Juvenile Police Units:
A Concept Paper for a Phase I Evaluation Study Under the National
Evaluation Program submitted to the National Institute of Law
Enforcement and Criminal Justice, Law Enforcement Assistance
Administration, U.S. Department of Justice" (Washington, D.C.,
February 13, 1976).

25 National Assessment of Juvenile Corrections, Brought to
Justice? Juveniles, the Court, and the Law, eds. Rosemary Sarri
and Yeheskel Hasenfeld (Michigan: The University of Michigan,
August 1976), p. 39.

26 Miami Police Department, "Operational Order No. 3,"
Chap. I, Sec. II-F.

27 California, Welfare and Institutions Code, Sec. 653.

28 Minnesota, The 1978 Hennepin County Criminal Justice
Plan (Minneapolis: Office of Planning and Development, August
1977).

29 Florida Department of Health and Rehabilitative Services,
Manual for Intake for Delinquency and Dependency Juvenile
Programs (Tallahassee), p. 13, Sec. 5.5.1.

30 Jonathan S. Dick, David J. Lansner, and Irene M. Rosenberg,
Practice Manual for Law Guardians in the Family Court of the State
of New York: An Expansion and Revision of Manual for Attorneys
(New York: The Legal Aid Society, 1976), p. 9.

31 California, Welfare and Institutions Code, Sec. 631.

32 Ibid., Sec. 632.

33 Minnesota, Juvenile Court Act, Sec. 260.172.

34 Florida, Juvenile Laws 1975-1976, Chap. 39.03, Sec 3a.

35 Florida, Florida Rules of Juvenile Procedure, Rule 8.050.

36 Minnesota, Ramsey County Juvenile Rules (St. Paul), Rule
3.05.

37 Minnesota, The 1978 Hennepin County Criminal Justice Plan,
p. IV-8.

38 California, California State Plan for Criminal Justice
1977 (Sacramento: Office of Criminal Justice Planning), p. 287.

DRAFT

39 Wisconsin Department of Health and Social Services, Juvenile Detention in Wisconsin: Final Report 1976 (Madison).

40 Milwaukee County Department of Public Welfare: 1976 Facts and Figures (Milwaukee, Wisconsin), p. 46.

41 Interview with the Hon. John J. Purchio, Alameda County Superior Court, San Leandro, California, May 25, 1977.

42 Interview with Alvin Rosenfarb, Detention Superintendent, Pompano Juvenile Detention Center, Pompano Beach, Florida, November 16, 1977.

43 California, Assembly Bill No. 3121 (January 1977).

44 "Assessment of the Impact of AB3121 on the Juvenile Justice System," grant proposal submitted to LEAA by the University of Southern California (February 1977).

45 Florida Department of Health and Rehabilitative Services, Manual for Intake for Delinquency and Dependency Juvenile Programs (Tallahassee), Sec. 5.2.1. (c).

46 California, Welfare and Institutions Code, Sec. 707.

47 John Conrad, "When the State is the Teacher," paper presented at the National Symposium on the Serious Juvenile Offender, Minneapolis, Minnesota, September 1978.

48 Interview with the Hon. Alcee L. Hastings, Seventeenth Judicial Circuit, Fort Lauderdale, Florida, November 18, 1977.

49 Jonathan S. Dick, David J. Lansner, and Irene M. Rosenberg, Practice Manual for Law Guardians in the Family Court of the State of New York.

50 Interview with Ms. Jeanne L. Schleh, assistant county attorney, Ramsey County, St. Paul, Minnesota, October 13, 1977.

51 Mark M. Levin and Rosemary C. Sarri, Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States (Michigan: National Assessment of Juvenile Corrections, 1974), p. 29.

52 Minnesota, Bench Book: Hennepin County, Minnesota: Juvenile Court, Rule 3.3.

53 Ibid., p. 60.

54 Mark M. Levin and Rosemary C. Sarri, Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States, p. 49.

55 Minnesota, Bench Book: Hennepin County, Minnesota: Juvenile Court, p. 23.

56 Lindsay G. Arthur and William A. Gauger, Disposition Hearings: The Heartbeat of the Juvenile Court (Reno: National Council of Juvenile Court Judges, 1974), p. 1.

57 The Legal Aid Society, Juvenile Rights Division, "Law Guardian Services in the Family Court of the City of New York: A Description of the Work of the Juvenile Rights Division of the Legal Aid Society of New York City" (Brooklyn, New York, June 1975).

58 Lindsay G. Arthur and William A. Gauger, Disposition Hearing: The Heartbeat of the Juvenile Court, p. 54.

59 Marion C. Katzive, A Caseworker's Guide to the New York State Juvenile Justice System.

60 Ibid., p. 27.

61 Minnesota, Bench Book: Hennepin County, Minnesota: Juvenile Court, pp. 75-108.

62 Gwenyth Jones, "District Judges Rate Above Average," The Minneapolis Star, May 5, 1975, p. 1.

63 U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, "The Prediction of Recidivism as a Rationale for the Disposition Decisions of Probation Officers in a Juvenile Court Setting," by Stephen B. Chess and Frank P. Besag (Mimeographed).

64 Hennepin County Court Services, "A Study of Juvenile Multiple Recidivists" (Minneapolis, Minnesota, August 1977).

65 County Home School, Evaluation Research, "Evaluation of CHS Beta Program: Outline of Research Plan" (Minneapolis, Minnesota, August 1976).

66 Interview with the Hon. John J. Purchio, Alameda County Superior Court, San Leandro, California, May 1977.

67 Samuel M. Davis, Rights of Juveniles: The Juvenile Justice System (New York: Clark Boardman Company, Ltd. 1974, 1977 supp.).

68 National Advisory Committee on Criminal Justice Standards and Goals, Juvenile Justice and Delinquency Prevention: Report of the Task Force on Juvenile Justice and Delinquency Prevention (Washington, : U.S. Government Printing Office, 1977), p. 409.

IV. STATE PROGRAMS FOR THE INSTITUTIONALIZED SERIOUS
JUVENILE OFFENDER

1 Minnesota Department of Corrections, Past Effort 1970-1977, Future Directions 1978-1981: Report to the 1977 Minnesota Legislature (Minneapolis), p. 3.

2 California Youth Authority, California Laws Relating to Youthful Offenders (Sacramento, 1977), p. 122.

3 Wisconsin State Building Commission, Six Year Master Plan: Wisconsin Correctional System (Madison, 1977), p. 5.

4 Minnesota Department of Corrections, Past Effort 1970-1977, Future Directions 1978-1981: Report to the 1977 Minnesota Legislature, p. 3.

5 Florida, Florida's 1978 State Comprehensive Plan for Criminal Justice Improvement (Tallahassee: Bureau of Criminal Justice Planning and Assistance, 1976) p. 538.

6 California Youth Authority, "Long Range Plan - 1978" (Sacramento) (draft).

7 Wisconsin Council on Criminal Justice, First Interim Evaluation Report: Child Monitoring Unit (Madison, June 1977), pp. 22-36.

8 Ibid., p. 8.

9 California Youth Authority, Annual Report: Program Description and Statistical Summary (Sacramento, 1976).

10 Minnesota Governor's Commission on Crime Prevention and Control, Alternative Definitions of "Violent" or "Hardcore" Juvenile Offenders: Some Empirical and Legal Implications (St. Paul, January 1977), pp. 11-12.

11 U.S. Department of Justice, Law Enforcement Assistance Administration, Office of Juvenile Justice and Delinquency Prevention, National Institute for Juvenile Justice and Delinquency Prevention, Intervening with Convicted Serious Juvenile Offenders, by Dale Mann (Washington, D.C.: Government Printing Office, July 1976), pp. 1-2.

12 Edgar May, "Prison Ombudsman in America . . . They Listen to Both Sides," Corrections Magazine January/February 1975, pp. 45-60.

13 U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, Grievance Mechanisms in Correctional Institutions, by J. Michael Keating, Jr. et al. (Washington, D.C.: Government Printing Office, September 1975), p. 7.

14 University of Minnesota, "A Proposal to Establish an Experimental Ombudsman for the Minnesota Department of Corrections" (November 1971), p. 4, (mimeographed).

15 Ibid., p. 24.

16 Office of the Ombudsman for Corrections, Ombudsman for Corrections: 1975-1976 Annual Report (St. Paul, Minnesota, September 1976), p. 7.

17 Ibid., p. 7.

18 Ibid., p. 8.

19 Ibid., p. 23.

20 Ibid., p. 13.

21 New York State Division for Youth, The Ombudsman in the New York State Division for Youth Facilities (Albany, May 1974), p. 15.

22 Ibid., p. 16.

23 New York State Division for Youth, Legal Rights Handbook for Division for Youth Residents (Albany).

24 U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, Office of Technology Transfer, Controlled Confrontation: The Ward Grievance Procedure of the California Youth Authority, by Abt Associates, Inc. (Washington, D.C.: U.S. Government Printing Office, Washington, D.C., August 1976), Frontispiece.

25 Ibid., pp. 13-14.

26 U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, Office of Technology Transfer, Prison Grievance Mechanisms Manual, by J. Michael Keating (Washington, D.C.: The Center for Community Justice, 1977), pp. 9-12.

27 U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, Grievance Mechanisms in Correctional Institutions, by J. Michael Keating, Jr. et al., p. 33.

28 U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, Office of Technology Transfer, Controlled Confrontation: The Ward Grievance Procedure of the California Youth Authority, by Abt Associates, Inc., pp. 38-39.

29 Ibid., p. 37.

30 Ibid., p. 23.

31 California Youth Authority, Ward Rights Handbook, by Heather Scott Cissna and Michael Margosian (Sacramento, November 1976).

32 California Youth Authority, Research Division, Right To Be Heard: An Evaluation of the Ward Grievance Procedure in the California Youth Authority (Sacramento, July 1975), pp. i-ii.

33 Minnesota Governor's Commission on Crime Prevention and Control, Minnesota Ombudsman for Corrections: An Evaluative Report (St. Paul, November 1974), p. 1.

34 New York State Division for Youth, The Ombudsman in the New York State Division for Youth Facilities.

35 Minnesota Governor's Commission on Crime Prevention and Control, Minnesota Ombudsman for Corrections: An Evaluative Report, p. 1.

36 Ibid., p. 1.

37 Ibid., p. 3.

38 California Youth Authority, A Program Monitoring and Evaluation System for the CYA (Sacramento, July 1975).

39 Ibid., p. 5.

40 New York State Division for Youth, The Ombudsman in the New York State Division for Youth Facilities, p. 18.

41 Ibid., p. 31.

42 California Youth Authority, "Karl Holton Introductory Manual" (Sacramento, 1976), p. B-1 (mimeographed).

43 Ibid., p. 7.

44 Minnesota Department of Corrections, Follow-up Study of Boys Participating in the Positive Peer Culture at Red Wing State Training School (St. Paul, April 1974), p. 1-2a.

45 Minnesota Department of Corrections, A Comprehensive Treatment Program for the Delinquent Adolescent (St. Paul), p. 4.

46 Massachusetts Department of Youth Services, The Issue of Security in a Community-Based System of Juvenile Corrections: The Final Report of the Task Force on Secure Facilities to Commissioner John A. Calhoun, pp. 91-92.

47 California Youth Authority, Parole and Institutions Research Section, Psychiatric and Intensive Treatment Programs: Population Movement and Ward Characteristics Through June 1975, by James K Turner (Sacramento), p. 2.

48 New York State Department of Mental Hygiene, Special Projects Research Unit, The Bronx Court Related Unit: Evaluation and Recommendations* (Albany).

49 J. Docerty et al., "Centerpoint: Serving the Impossible Adolescent," paper presented at the Twenty-Ninth Annual Meeting of the American Association of Psychiatric Services for Children, Washington, D.C., November 1977.

50 New York State Division for Youth, Long Term Treatment Unit 1978-1979 Budget Request (Albany).

51 New York State Division for Youth, Enriched Residential Centers 1978-1979 Budget Request (Albany).

52 California Youth Authority, Parole and Institutions Research Section, Psychiatric and Intensive Treatment Programs: Population Movement and Ward Characteristics Through June 1975, by James K. Turner.

52a Robert Martinson, "What Works? Questions and Answers About Prison Reform," Public Interest 35 (Spring 1974), pp. 22-54.

53 Minnesota Department of Corrections, Follow-up Study of Boys Participating in the Positive Peer Culture at Red Wing State Training School, p. 3.

54 Minnesota Department of Corrections, Research and Information Systems, Short Term Research Project: Preliminary Report - An Experimental Study of the Effects of a Five Week Program at Two Juvenile Institutions (St. Paul, January 1977).

55 California Youth Authority, A Review of Accumulated Research (Sacramento, May 1974), pp. 1-6.

56 Florida Department of Health and Rehabilitative Services, Educational Programs: Plan for 1977-1978 (Tallahassee, 1977).

57 Minnesota Department of Corrections, Pupil Centered Learning: Walter H. Maginnis High School, Red Wing, Minnesota.

58 New York State Division for Youth, Tryon School: Summer Education Proposal July - August 1977 (Johnstown, June 1977).

59 Board of Cooperative Educational Services, Continuing Education: 1977-1978 Cooperative Program (Fairport, New York).

60 Minnesota Department of Corrections, Education Section, Application for Action Grant for Project entitled "CAI Course Development for Inmate/Students and Educational Staff." (St. Paul, March 1977).

61 Michael W. Fedo, "New Focus for Youth Lawbreakers," American Education (Washington, D.C.: U.S. Department of Health, Education, and Welfare), pp. 30-33.

62 California Youth Authority, Program Monitoring and Evaluation System (Sacramento, 1977).

63 Florida Department of Education, Applying for a Job (Tallahassee, 1977).

64 California Youth Authority, Job Survival Skills: Report of Needs Assessment Research Among California Youth Authority Parolees (Sacramento, June 1977).

65 Massachusetts Department of Youth Services, Needs Assessment: Summary of Findings: Report by the Task Force on DYS Girls Most in Need of Services (Boston, April 1977).

66 Interview with Father Robert Riedmueller, Lincoln Hills School, Irma, Wisconsin, October 21, 1977.

67 Samuel Yochelson, The Criminal Personality 2 Vols., (New York: Jason Aronson, 1976).

68 Florida Department of Administration, Division of State Planning, Florida's Standards and Goals for Juvenile Justice and Delinquency Prevention (Tallahassee, November 1976), pp. 618-631.

69 California Youth Authority, Citizens in Corrections (Sacramento, May 1974), p. 4.

70 Ibid., p. 14.

70a California Youth Authority, A Comparison of Characteristics of Youth Authority Wards in Institutions and on Parole: June 30 each year, 1968-1977 (Sacramento, September 1977), p. 6.

71 California Youth Authority, The Preston Drug Abuse Program: Presentation to the Youth Authority Board January 1977 (Sacramento).

72 California Youth Authority, Assessment of Preston Family Drug Treatment Project June 1975 (Sacramento).

73 Ibid., pp. 81-83.

74 California Youth Authority, Budget Change Proposal - 1978-1979 Fiscal Year submitted to the California Department of Finance for program entitled, "Rehabilitation Services - Parole Services Branch" (Sacramento, August 1977).

75 Florida Department of Health and Rehabilitative Services, Probation and Aftercare Manual (Tallahassee, November 1977), Chapter II, p. 1.

DRAFT

76 Wisconsin Department of Health and Social Services, Division of Corrections, 1975 Probation and Parole Terminations (Madison, March 1977), p. 4-5.

V. MAJOR SYSTEM ISSUES RELATED TO THE SERIOUS JUVENILE OFFENDER

1 Interview with Captain Donald Arnison, Commander, Juvenile Division, Minneapolis Police Department, Minneapolis, Minnesota, October 11, 1977.

2 Interview with Lieutenant Henry G. Kelley, Juvenile Unit Commander, San Diego Police Department, San Diego, California, August 16, 1978.

3 Interview with Lieutenant George Roscoe, Juvenile Division, San Francisco Police Department, San Francisco, California, August 24, 1977.

4 Temporary State Commission on Child Welfare, "Testimony of Charles Schinitzky, Attorney-in-Charge of the Juvenile Rights Division, New York City Legal Aid Society" (New York, June 1976).

5 Interview with Charles Schinitzky, Attorney-in-Charge, Juvenile Rights Division, New York City Legal Aid Society, Brooklyn, New York, January 26, 1978.

6 In re Welfare of J.E.C. v. State, Minnesota, 225 N.W. 2nd 245 (1975).

APPENDIX B - GLOSSARY OF TERMS

1 U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, list of working definitions of terms used in the Juvenile Justice and Delinquency Prevention Act of 1974 (Washington, D.C., September 1977).

2 U.S. Department of Justice, Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, Dictionary of Criminal Justice Data Terminology, by SEARCH Group, Incorporated (Washington, D.C.: U.S. Government Printing Office).

3 Samuel M. Davis, Rights of Juveniles: The Juvenile Justice System (New York: Clark Boardman Company, Ltd., 1974, 1977 supp.).