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The Assistant Attorney General, Office of Justice Programs, coordinates the criminal and juvenile justice activities of the following program Offices and Bureaus: National Institute of Justice, Bureau of Justice Statistics, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.

# **PROMISES TO KEEP**

**The Fifth Report to the President,  
the Congress, and the Administrator  
of the Office of Juvenile Justice  
and Delinquency Prevention**

by

**The National Coalition of State  
Juvenile Justice Advisory Groups**

as required by

**Sections 241 (f)(2)(C)(D) and (E)  
of the Juvenile Justice and  
Delinquency Prevention Act of 1974  
as amended**

**May, 1989**

**Reports of the National Coalition  
of State Juvenile Justice Advisory Groups**

*The First Report to the President, the Congress and the Administrator of the Office of Juvenile Justice and Delinquency Prevention.* April, 1986: Printed report regarding needed reorganization of the Office of Juvenile Justice and Delinquency Prevention.

*Report on the 1986 National State Juvenile Justice Advisory Group Conference.* November 19, 1986: Typed report on conference findings and recommendations—limited distribution to the President, the Congress and the Administrator of the Office of Juvenile Justice and Delinquency Prevention—program document rather than policy recommendations.

*An Act of Empowerment.* December, 1987: Printed report on the recommendations of the Spring conference, 1987, dealing with legislative changes in the Act that would enhance the rights of juveniles.

*A Delicate Balance.* January, 1989: Printed report on the issue of differential incarceration in the juvenile justice system, the focus of the 1988 Spring conference.

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**NATIONAL COALITION  
OF  
STATE JUVENILE JUSTICE ADVISORY GROUPS**

May 10, 1989

To: The President, the Congress, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention

From: The National Coalition of State Juvenile Justice Advisory Groups

We applaud the President's decision to engage the nation in a major effort to reduce, and ultimately eliminate, drug abuse. But, we would also like to call the President's attention to our previous reports and recommendations calling for a major program of prevention. We believe that such a program will, in the long run, contribute more to eliminating the causes of drug abuse and delinquency than interdiction and crime suppression efforts emphasized thus far. We would like to again stress our strong support and commitment to prevention and treatment as major components in any national program to reduce drug abuse.

In May of 1989 the National Coalition, by previous decision, inquired into the conditions of confinement for juveniles detained or held in training schools throughout this nation. Consistent with our previous conferences, we selected a special topic for careful examination while also paying attention to contemporary issues like drug abuse and the problems of gangs. The nature of our review permitted us to re-examine the basic arguments considered by Congress when implementing the Juvenile Justice and Delinquency Prevention Act of 1974, arguments that made promises, some of which have been kept, but many which have not. We have examined our own successes and failures in keeping the promises made and have concluded that our responsibilities for achieving the reforms promised have been enhanced by the actions of the Congress in 1988. It is clear that the Coalition has both a shared interest and responsibility with the Office of Juvenile Justice and Delinquency Prevention for bringing about the reforms promised fifteen years ago. As representatives of the states and localities, we in the Coalition are in a unique position to serve as a bridge between the interests and concerns of the communities of this nation and the federal government. It is a role we accept with pride and determination.

Congress has been extremely responsive to our past recommendations. This Report, like those that preceded it, is intended to be timely and relevant to state and local concerns about juvenile delinquency and prevention. Though some of our observations may be controversial and at odds with current national policy, we believe this Report and its recommendations reflect the objectives the Congress mandated to the National Coalition and are relevant to the formulation of national policy.

Sincerely yours,



Allen Button, Chair  
National Coalition of State  
Juvenile Justice Advisory Groups

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## EXECUTIVE SUMMARY

The 1989 conference of the National Coalition of State Juvenile Justice Advisory Groups, as with each previous conference, focused on a single issue of critical concern—this year, the problems associated with conditions of confinement for juveniles. The nature of the inquiry permitted us to re-examine the basic arguments considered by Congress when implementing the Juvenile Justice and Delinquency Prevention Act of 1974, arguments that resulted in promises, some of which have been kept, but many which have not.

The 1984 amendments to the Act gave the National Coalition, a non-partisan citizen organization composed of professionals and volunteers concerned with juvenile justice and delinquency prevention, the unusual and important role of advising the President, the Congress, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention about the operations of the Office and federal juvenile justice policies. To the best of our knowledge, no similar organizational relationship exists in government at the federal level. The 1988 amendments to the Act recognized that shared interests are also shared responsibilities. They provided the National Coalition with the opportunity to serve as a bridge between the states and territories and the federal government in matters intended to improve juvenile justice.

The recommendations included in this Report are intended to consolidate gains and progress made through amendments to the 1974 Act. The Report, like the recommendations themselves, is designed to enhance the opportunities for the Office and the Coalition to work together cooperatively for greater progress. This Report represents another commitment to keeping the promises made in the Juvenile Justice and Delinquency Prevention Act of 1974.

New recommendations appear in **bold face type**. Recommendations previously made appear as regular type.

### *To the President*

**That the President take immediate action to appoint a qualified Administrator for the Office of Juvenile Justice and Delinquency Prevention, thereby offering a stability that the Office has seldom enjoyed (p. 31).**

### *To the Congress*

**That the Congress continue its support and increased funding for the Juvenile Justice and Delinquency Prevention Act of 1974 and the work of the National Coalition (p. 32).**

### *To the Administrator*

**That the Administrator work with the Steering Committee of the National Coalition of State Juvenile Justice Advisory Groups to establish a work plan and budget to support work mandated by the 1988 amendments (p. 32).**

**That the Office of Juvenile Justice and Delinquency Prevention work with the Coalition to strengthen the Coalition's Regional structure, thereby enabling the Coalition to carry out its technical assistance, and accumulation and dissemination of information mandates (p. 32).**

**That the Office, in cooperation with the Coalition, rededicate itself to programs and activities that address the original purposes of the Act, such as inappropriate confinement, overcrowded institutions, inappropriate conditions of confinement, and improved courts, probation, classification, and the promulgation of and use of any one of the four sets of professional standards developed through funding by the Office (p. 33).**

**That the Office substantially increase its support for and activity for advocacy for juveniles held in unacceptable conditions of confinement (p. 33).**

**That the Office undertake an initiative to determine to what extent former status offenders are being diverted to psychiatric hospitals and chemical dependency units in lieu of juvenile justice programs (p. 34).**

**That the Office, in cooperation with the Federal Coordinating Council, propose and initiate a major delinquency prevention demonstration effort (p. 34).**

**That the Office implement our recommendations, made in earlier Reports, relating to jail removal, identification and promulgation of information on alternatives to confinement, new program approaches for handling overcrowding, classification, promising new programs utilized in the states and territories, and the differential incarceration of minorities (p. 35).**

We recognize that many of these recommendations reflect the original Act—the promises made. They are bridges to our past, and they are a reminder of our interests, responsibilities, and promises that have yet to be fulfilled.

## ACKNOWLEDGEMENTS

The State Advisory Group Chairs would like to thank the many people who contributed to this Report: State Advisory Group members, State Juvenile Justice Specialists; the more than 375 participants at the National State Advisory Group Conference in May, 1989; The (Acting) Administrator and Division Chiefs of the Office of Juvenile Justice and Delinquency Prevention; Congressional staff persons; and other friends and experts throughout the country.

We gratefully acknowledge the generous contributions of the many volunteers, who donated their time and talents to make this Report possible, and the public and private agencies which assisted in providing the necessary resources. In particular, we would like to thank the members of the National Steering Committee, or their representatives, for their work in compiling, reviewing and editing this Report: Allen Button, Chair; Dr. Robert Hunter, Chair Elect; Allison Fleming, Vice Chair; Kathie Stansell, Vice Chair; Richard Gardell, Immediate Past Chair; Doreitha Madden, Chair, Northeast Coalition; Vicki Neiberg, Chair, Midwest Coalition; Prof. Robert E. Shepherd, Jr., Chair, Southern Coalition; and Farrell Lines, Chair, Western Coalition. We would also like to thank Marion Mattingly, our Washington Representative, for her valuable assistance.

Special recognition is due to Robert L. Smith, our consultant in the drafting of this Report, and to the following persons who contributed data and information that would not have otherwise been available: David Lambert of the National Center for Youth Law; Ira Schwartz and Martha W. Steketeer of the Center of Youth Policies, University of Michigan; Dr. Barry Krisberg, Executive Director of the National Council on Crime and Delinquency; Elaine Duxbury of the Department of the California Youth Authority; Susan Klein of the Bureau of Justice Statistics; and David West, John Wilson and Jeff Allison of the Office of Juvenile Justice and Delinquency Prevention.

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## PROMISES TO KEEP

The woods are lovely, dark and deep,  
But I have promises to keep,  
And miles to go before I sleep,  
And miles to go before I sleep.

"Stopping By The Woods On A Snowy Evening"

Robert Frost

The Office of Juvenile Justice and Delinquency Prevention is now fifteen years old. The National Coalition of State Juvenile Justice Advisory Groups was formed ten years ago, but it was not until 1984 that Congress gave the Coalition the responsibility to report to the President, the Congress, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention on the operations of the Office and federal policies affecting juvenile justice. In this short time, both the Office and the Coalition have made promises that have been kept, but they have made many others that have not. This report addresses some of the promises that the Office and the National Coalition have yet to keep.

### A Look Back

There are special times in the history of all organizations when they need to assess their failures and their successes in achieving the objectives for which they were established. This is just such a time in the history of the National Coalition. And, although our review will be limited, it is intended to lay the foundation for our continuing commitment to be strong advocates for juvenile justice reform during the next decade. We are particularly concerned about our nation's failure to commit itself to programs of prevention as one method of solving problems associated with delinquency, drug abuse, unnecessary confinement and overcrowded correctional facilities. We are equally concerned with the lack of national leadership committed to the development of treatment programs that are fair, humane, and safe for those who must be in some form of formally controlled and/or structured program.

When the National Coalition was first organized in 1979, few of the participants in that enterprise appreciated the importance of their future role at the national level. Even fewer anticipated the unique role the Congress would assign the Coalition in 1984 when it abolished the politically appointed National Advisory Committee (NAC) and replaced it with the National Coalition of State Juvenile Justice Advisory Groups, a voluntary, non-partisan organization of individuals representing juvenile justice and delinquency prevention in their own home states and territories. The Congressional mandate required that the National Coalition advise the President, the Congress, and the Administrator on matters of juvenile justice and delinquency prevention, a responsibility of the former National Advisory Committee with a budget of \$500,000 per year. The 1984 mandate failed to include any resources or budget to assist the National Coalition of State Juvenile Justice Advisory Groups to carry out the tasks called for in the amended Act, however.

Given this unusual circumstance, it is with considerable satisfaction that we present this Fifth Report of the National Coalition to the President, the Congress, and the Administrator. In the preceding four Reports, a total of thirty-seven (37) separate recommendations were made. Of the thirty-seven (37), nineteen (19) recommendations have been acted upon affirmatively by the Congress and/or the Office. That, in itself, is remarkable and speaks to the National Coalition's commitment to the principle that a shared interest is also a shared

responsibility—a responsibility that the Congress has encouraged by supporting our recommendations. We, the Coalition, continue to see our role as a bridge between the federal government and the interests of the states in matters of juvenile justice and delinquency prevention. It is a role we accept with pride, a role that we will continue to honor to the best of our abilities.

A number of the affirmative responses by the Congress and the Office to recommendations made in our earlier reports will shape national programs now and into the next century. Those we feel particularly worthy of note include Congress' continuing mandate to get juveniles out of jails; the requirement for the Federal Coordinating Council to review Federal agencies' compliance with Section 223 (a)(12)(A), (13) and (14) of the Juvenile Justice and Delinquency Act of 1974, in order to hold federal agencies to the same standards required of the states; the new annual report requirements for the Office; the increased allocation of funds to the states; amendments designed to focus on minority issues; the mandated study of conditions of confinement; the Government Accounting Office study of the use of the valid court order; and a renewed emphasis on prevention and advocacy. These are some of the issues that will drive our Agenda for the 1990's into the 21st Century. We have, with the support of the Congress, achieved a great deal, but we still have many more promises to keep.

### **And Miles To Go Before We Sleep**

The National Coalition has committed itself to removing *all* juveniles from jails, but as current evidence reveals, we are still a long way from fulfilling this promise even though we have achieved one hundred percent jail removal, monitoring reports of the Office of Juvenile Justice and Delinquency Prevention reveal that participating states had reduced the numbers of juveniles held in adult jails and lockups by sixty-three percent (63%) by the end of 1986. Juveniles in contact with adult inmates had fallen from 102,959 in 1981 to 15,517 in 1986—a drop of almost eighty-five percent (85%). Thirty states have passed jail removal legislation. In 1986, fifteen states accounted for eighty-four percent (84%) of all juveniles held in adult jails and lockups. Three of those states recently have passed strong legislation to remove juveniles from adult jails and lockups.

While we have closed places in which juveniles were held that should be described as dungeons, we still have much to accomplish. As an organization we believe that there is no such thing as a "good adult jail or lockup for juveniles." We will continue to support the development of alternative programs that provide treatment and ensure the protection of the public.

We have worked diligently to keep status offenders out of secure custody. Participating states have decreased the number of status offenders and non-offenders held in secure custody by almost ninety-four percent (94%) since 1979. While we have made progress, we must continue to resist the impulse of some to use custody as an "expedient excuse" for not providing appropriate programs for troubled and troublesome youth.

We take considerable pride in having raised the issue of the large numbers of minority youth in secure detention and custody in our First and Third Reports with the result that preliminary research into this problem has been undertaken by the Office of Juvenile Justice and Delinquency Prevention. Likewise, we have raised issues of conditions of confinement with the result that the Office has recently released a request for proposals on the issue, an action that we strongly support.

Prevention, a recurring theme in all of our previous reports, remains an option for reducing crime and for avoiding the unnecessary construction of more juvenile correctional facilities. Our knowledge of and experience with more effective prevention programs have increased remarkably in recent years as was demonstrated at our conference in May of 1989. The question is how can we, as a National Coalition, convince the Administrator to exercise

leadership in conjunction with the Federal Coordinating Council to take on what, in effect, will be a complex and rigorous cooperative effort. We know the effort will be difficult since it must bridge the traditional segregation of information by professional, academic, political and bureaucratic boundaries. It requires a recognition that complex, intertwined problems like delinquency and drug abuse cannot continue to be sliced into manageable but trivial parts. It is an effort and project requiring the full attention of the Federal Coordinating Council and the Office of Juvenile Justice and Delinquency Prevention.

Finally, we will once again address the role of the National Coalition in relation to the Office of Juvenile Justice and Delinquency Prevention, particularly as that relationship was altered by the 1988 amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. We will present specific suggestions to the Administrator as to how these mandates can be implemented in a meaningful fashion, including recommendations regarding the resources required to respond responsibly to our shared interests.

### **Helping To Keep Our Promises**

The 1988 amendments to the Juvenile Justice and Delinquency Prevention Act of 1974 required that the Administrator of the Office of Juvenile Justice and Delinquency Prevention provide technical and financial assistance to the National Coalition of State Juvenile Justice Advisory Groups to fulfill its mandated functions under Sec. 241.(f)(2)(C)(D) and (E) of the Act. The Coalition's functions include: 1) conducting an annual conference for State Advisory Groups; 2) disseminating information, data, standards, advanced techniques, and program models developed through the Institute of Juvenile Justice; 3) reviewing federal policies regarding juvenile justice and delinquency prevention; 4) advising the Administrator with respect to particular functions or aspects of the work of the Office; and 5) advising the President and the Congress with regard to State perspectives on the operation of the Office and on Federal legislation pertaining to juvenile justice and delinquency prevention.

The 1988 amendments to the 1974 Act recognized that the previous mandate of having a conference in alternate years was not adequate to accomplish the tasks assigned to the National Coalition. Of the five mandated activities, some lend themselves to being mixed and matched, but others do not. Overly simplified, the 1988 amendments require that, in addition to making a yearly report to the President, the Congress, and the Administrator of the Office, the National Coalition must be involved in program review. These are three separate activities which cannot reasonably be accomplished through the mechanism of a single conference. Thus, the change in law has also changed expectations regarding how the National Coalition should carry out its revised mandate.

The National Coalition is a voluntary organization of locally appointed citizens, volunteers, professionals, and public officials concerned with improving juvenile justice at the state and local levels. Its membership is representative of national and territorial interests. The power and value of the Coalition lie in its independence and its ability to reflect alternative opinions from those representing any current national administration when it believes it appropriate to do so. While it has been able to hold a Conference each year, even prior to the 1988 amendments, and develop an annual report to the Administration and the Congress, this has been done with considerable difficulty and sacrifice by individual Coalition members. To fulfill the new demands, the Coalition needs to develop a stable support base, both financial and structural—a firmer base than it has at present, particularly in view of the unstable leadership provided by the Office of the Administrator of Juvenile Justice and Delinquency Prevention during its fifteen (15) year history: eleven (11) administrators—five (5) presidential appointees and six (6) acting administrators.

The new mandates require an increased capability and structure for the National Coalition, including a permanent office in Washington, D.C., to serve the needs of the National Coalition in the continuing responsibilities of program and policy review. While it would be

convenient to assume that the additional support should come entirely from federal sources, such a circumstance would make the Coalition dependent on federal monies and, hence, would jeopardize the very integrity and independence of the Coalition's oversight responsibilities. Some balance is required if the National Coalition is to fulfill its expanded responsibilities. We recognize the need for full support from the federal government for our conference activities and for technical assistance and dissemination of information requirements. How we go about meeting the oversight responsibilities and accomplish the staffing requirements for a permanent office raises other questions of concern to the Coalition which must be resolved during early planning and development efforts undertaken in 1989-1990.

Beginning in 1990 the National Coalition requires a budget appropriate to carry out the following statutory mandates: 1) a yearly conference, 2) an annual review and comment on federal juvenile justice policy and programs, and 3) a capacity to provide technical assistance and to accumulate and disseminate information to National Coalition members and states. In addition, the budget would permit the Coalition to expand the extensive communication network required to submit our Report to the President, the Congress, and the Administrator. Consequently, this budget item should be a regular part of the submission by the Office of Juvenile Justice and Delinquency Prevention. Oversight is not something that any Administrator or Office seeks; nevertheless, that is precisely the task assigned to the National Coalition. This shared interest and responsibility is something the Steering Committee of the National Coalition, in cooperation with the Administrator of the Office, will resolve in 1990.

### **An Unkindled Flame**

The 1988 amendments recognize that State Advisory Groups represent an unkindled flame in organizing the resources and interest of the nation in matters of juvenile justice and delinquency prevention. The National Coalition is the vehicle by which this energy, information, and interest can be effectively used by the federal government.

Clearly the Congress views the State Juvenile Justice Advisory Groups as prime participants in planning for juvenile justice and delinquency prevention at the state and local level. They are seen as something more than a group who allocates federal funds. But, there are others who see things differently. They believe state advisory groups do little comprehensive planning, have little or no real political clout, are often buried deep in some state agency, and exist primarily to capture the small amount of federal monies to which the state is entitled. Like all blanket indictments, there is some marginal truth in the criticism.

While it is true that some states have not exercised the powers they have, others have done so with remarkable results. We believe that the National Coalition is a means by which juvenile justice reform can be nurtured and encouraged during the course of carrying out the mandates of Congress. It is a means by which some of the criticisms noted can be addressed and overcome. With adequate support, the National Coalition will directly involve its four Regional Coalitions in matters of program and policy review, training, and the dissemination of information. Not only would this enable the National Coalition to accomplish more, but the role of the state juvenile justice groups would be strengthened as well. Helping all of the states to recognize the importance of their comprehensive plans in determining national policy for juvenile justice is an important endeavor. Recognizing the role of the state's comprehensive plan in maintaining the independence of local juvenile justice policy is a critical, but often overlooked, contribution made by state juvenile justice advisory groups. Finding new ways to involve the National Coalition's Regional Coalitions to work with the Office to shape new program efforts will be a high priority on the National Coalition's agenda for 1990 and beyond.

Technical assistance is an arena in which the states frequently have more to offer than is expected. The federal government is generally viewed as having a monopoly on the information or techniques needed to improve juvenile justice or prevent delinquency by the

states. There are states which have successful programs and innovative approaches that are unknown, or unrecognized, by the federal government. The National Coalition intends to develop, through its regional structure, an increased ability to collect this information and share it with the President, the Congress, and the Administrator of the Office, as well as with its own constituent groups. We envision this form of technical assistance taking place through regional workshops and/or learning laboratories. We also see these regional workshops as places where members of state advisory groups can learn from each other how to ask the right questions about their own state juvenile justice systems so that this information can enhance that already available to the Office.

Precisely as intended, the new Congressional mandates permit the National Coalition to work with interested states to increase their capacity to comprehensively plan for juvenile justice and delinquency prevention. In part, this process could occur through policy study groups. The National Coalition could create such groups to critically evaluate a given area of juvenile justice or delinquency prevention such as differential incarceration, racism, conditions of confinement, or incarceration, the major subjects addressed in subsequent sections of this Report. Members of Regional Coalitions would serve on study groups and would develop policy papers for consideration by the National Coalition when meeting in general session. Study groups would examine, in some detail, the critical issues in given states for the purpose of focusing on a problem warranting the full attention and energy of the National Coalition. Members of the National Coalition would serve on the study groups on their own time, but funding would be required for travel and per diem expenses for participants.

The National Coalition can strengthen its existing structure and expand its capacity to meet the expectations of the Congress provided it has a stable funding. We look to the Office, in cooperation with the National Coalition, to provide the technical and financial assistance mandated in the 1988 amendments to assure a stable budget and organizational structure for Coalition responsibilities. We remain committed to the improvement of juvenile justice and delinquency prevention. We can, with the help and support of the Office, effectively pursue our shared interests—and in doing so, together we can kindle the flame for juvenile justice reform and delinquency prevention among all our members.

### **The Continuing Agenda**

History is prologue, hence, a reminder of earlier commitments that have been forgotten or ignored in our rush toward the new and innovative. In this spirit, a re-examination of the findings of the Juvenile Justice and Delinquency Prevention Act of 1974 is very much in order, for they were the logic behind earlier promises made.

In brief, Section 101. (a) of the Act found that juveniles accounted for disproportionate numbers of arrests; understaffed and overcrowded juvenile courts, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities were not able to provide individualized justice or effective help; services for delinquents were, in general, inadequate; responses to drug and alcohol abuse were neither successful nor adequate; schools were inadequately staffed and employees untrained to cope with young people with serious behavior or learning problems; states, localities and neighborhoods did not have the expertise or resources to deal comprehensively with the problems of juvenile delinquency; and existing federal programs had not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency. All of this added up to enormous annual costs and immeasurable loss of human life, personal security, and human resources requiring comprehensive action by the federal government. Government, at the national level, was becoming serious about helping the states address these problems.

The promise of the original Act was grand in scope, perhaps too grand, but the issues raised are precisely those that plague us today. The findings of the Act were on target in 1974, and they are on target in 1990. The litany of issues in 1974 read like an agenda for today and the

future: overcrowded juvenile institutions, inadequately trained staff, overworked probation officers, lack of compliance with national standards, need for new and creative alternatives to traditional correctional programs, treatment in lieu of brutality and abuse, and adherence to state and federal standards for health, education, and safety, etc. States and local communities still need technical assistance and training in all of these and many other areas. They still need assistance with programs for gang control and treatment or prevention programs for drug abuse. But even more desperately, they still need practical assistance with overcrowded juvenile detention and correction facilities that are discriminatory in consequence, if not intent. Rather than desperately hanging on to old solutions that continue to fail, like the construction of correctional facilities as our primary approach to reducing crime, we need to implement some of the new and innovative solutions proposed by those outside of the formal justice system. In our concern to catch up with our past mistakes, we often fail to develop the capacity to look ahead to seek alternative solutions which are preventative as well as corrective. The following examples were taken from the *Oakland Tribune* of May 11 and 12, 1989.

#### **Bush Preparing to Declare Crime Crisis, Crackdown**

Washington—In his first major domestic policy initiative, President Bush is considering declaring a national crime emergency and plans to propose a combination of prison construction, a crackdown on criminal gun users and wider use of the death penalty to cope with the lawlessness, government sources said yesterday. One billion dollars is the estimated price tag.

This news item appeared on page one (1). The following articles were buried in the paper.

#### **Panel Calls for New Welfare Policy**

New York—A prestigious Ford Foundation panel, painting a disturbing picture of problems facing the United States, will call for sweeping changes in the social welfare system from prenatal through nursing home care in a report to be made public today in Washington.

This report suggested that there are divisions in American life which threaten the quality of life, peace of mind and our economic future. Panel members called for public service employment for welfare recipients for specific periods of time, prenatal care for all pregnant women, well-baby clinics, expanded Head Start programs, school retention programs, programs for the reduction of teenage pregnancy, and payment of displaced workers to enable them to move to alternative employment markets, training, etc. The report concluded that "Economic, demographic, and social conditions have changed, but our social policies have not adapted to, nor even recognized, these changes."

On the following day Louis Harris released findings of a poll on *Public Myths About The Black Underclass*.

Contrary to what some believed to be public opinion, the poll found that "Despite abject poverty and extreme deprivation, hope has not been snuffed out." When asked to name the most important changes that might improve their lives, members of black communities offered these top three responses: "better job opportunities," "more schooling available," and "more job training." More direct help from government, including handouts, was far down the list. When asked what they wanted for their children, they said their top four hopes are: "learning to stay in school," "getting proper training to hold down good jobs," "earning enough money to be able to move into decent housing," and "being respected by other people."

The same survey went on to say that nine (9) in ten (10) Americans are prepared to help America's poor fulfill their hopes. They support special school programs for children who are underprivileged, beginning at age eight (8). These classes would be designed to motivate

youth to stay in school and to convince them that they can extricate themselves from poverty. Similar numbers of Americans favor starting a Youth Corps program, with camps which would teach both minority and nonminority youngsters to read and write and to be able to organize themselves to function productively in society. Respondents also suggested that workplaces be in areas where the poor live, that new parks and play areas be developed, that drug and alcohol prevention and rehabilitation facilities and programs in the inner cities be established and, where they do exist, be expanded.

Harris concluded with the following observation:

There is great irony in our findings. The expressed needs of the black... turn out to be precisely what society is willing to provide: education, job training, child care, etc.

The central question remains: Why doesn't the establishment, public and private, move promptly to alleviate the lot of the underclass, which costs us so much and is so inhumane?

The proposal by President Bush may address a few of the special results associated with current public policy about crime, but it will have virtually no short or long term impact on reducing "street crime." The approaches suggested in both of the other news articles, on the other hand, will not immediately impact crime, but both, in their longer view of the world, propose programs that would have important consequences for delinquency and crime rates in the future. The latter are also in harmony with the original findings and promises of the Juvenile Justice and Delinquency Prevention Act of 1974. They are certainly consistent with recommendations made in both our Third and Fourth Reports to the President, the Congress, and the Administrator, and they contain elements of continuing commitments by the National Coalition, one of which will be to change further the focus of our national agenda for juvenile justice and delinquency prevention.

The preceding material summarizes some of the continuing concerns for the agenda of the National Coalition. The section that follows takes up a specific concern, the conditions of confinement for juveniles and youth who are vulnerable to harm and abuse because of their age and status. Like the preceding section, it suggests that we have made progress, but still have a long way to go in fulfilling the promises of the 1974 Juvenile Justice and Delinquency Prevention Act. Most important, it recognizes that our success in keeping those promises is dependent on our shared responsibility and interest that we hold with the Office of Juvenile Justice and Delinquency Prevention.



## A SHARED INTEREST

When I see I am doing it wrong there is a part of me that wants to keep on doing it the same way anyway and even starts looking for reasons to justify the continuation.

*Notes to Myself*  
Hugh Prather

The number of juveniles incarcerated is a political choice—not the inevitable consequence of an uncontrolled force like crime rate. It is our laws and their administration that determine how many juveniles we lock up. The conditions of confinement are the consequences of moral decisions—that is, the conditions we want or are willing to tolerate for those we confine after making a political choice. Our choice to use incarceration as our primary response to crime carries with it a high resource cost, a cost that rarely produces the effects we desire, safe streets and less crime. What it does produce are conditions of confinement that rarely meet recognized standards for health, education, and safety for either the keepers or the kept in juvenile correctional institutions. If these two propositions are true, and we believe them to be based on the best available data, then our current morality with regards to the incarceration of juveniles can be questioned.

The 1989 Conference of the National Coalition of State Juvenile Justice Advisory Groups focused on three major issues facing juvenile justice in the country: 1) the quality of institutional care for juveniles, 2) the continued use of inappropriate confinement of juveniles by some states and regions, and 3) the reasons behind both of these confinement issues. While our efforts were preliminary, perhaps even tentative, we did begin to look at the sources of some of our problems like inadequate health and mental health services, the quality of education, disciplinary abuses, and deficiencies or weaknesses in other treatment programs appropriate to the delivery of services for adjudicated delinquents. What we found is deeply disturbing and demands more attention than could be given in a three-day Conference. The conditions of confinement will continue to be a major interest for us in 1990 and beyond since it is clearly a shared interest for which both the National Coalition and the Office need to demonstrate greater responsibility. The subject is of sufficient importance to warrant an annual report by the Office of Juvenile Justice and Delinquency Prevention on the conditions of confinement for juveniles in this country. It is a project worth of the attention by the Office and the National Coalition.

### **Don't Confuse Us With the Facts**

The Juvenile Justice Act of 1974 missed the crest of the deinstitutionalization movement by two years. When the federal agenda focused on emptying detention centers and state training schools, states were responding to a perceived increase in youth crime and getting tougher with penalties for juvenile delinquents. The impact of these developments increased the rate of juvenile detention by more than 50 percent between 1977 and 1985. The rate of juvenile incarceration in state training schools jumped by 16 percent during this same period. The increase was not due to a wave of new delinquents; instead, it was accomplished by judicial decree and administrative choice. The increases experienced during this period were the result of juveniles being sentenced to detention centers, a new form of judicial intervention, and increasing the length of stay for offenders in state training schools.

The Center for the Study of Youth Policy, University of Michigan, reports that in 1987 there were seventy-six (76) overcrowded detention facilities located in twenty-six (26) states. Six thousand two hundred and thirty-three youth were detained in these overcrowded facilities. The data on increased commitments to detention facilities since 1977 are startling: 4,084 in 1977 and 24,883 in 1987. In spite of an 80 percent reduction in the numbers of status offenders detained, and partly as a result of judicial decisions to commit juveniles to detention facilities, the numbers of total admissions to public detention facilities remained relatively constant, 489,236 in 1977 and 467,623 in 1987. Fourteen (14) states and the District of Columbia contributed 73.5 percent of all of the detention overcrowding in the United States on any given day. Ranked in priority order, they are the District of Columbia, California, Nevada, Florida, Washington, Georgia, Arizona, New Jersey, Michigan, Ohio, South Dakota, Virginia, Delaware, Colorado, and Utah. Issues such as sanitation, quality of food, ventilation, fire safety, and corporal punishment are frequently linked to problems of overcrowding. And, sadly, in some instances litigation is directed at the loss of life or serious physical injury sustained by a juvenile confined in an institution that does not comply with professionally accepted standards for confinement standards called for in the Juvenile Justice and Delinquency Prevention Act of 1974 that were developed but never promulgated or used by the Office.

Things are not a great deal better for public training schools. In the fifty (50) states and District of Columbia there are eighty (80) public training schools that have populations exceeding their rated capacities. The eighty (80) public facilities are located throughout thirty (30) separate states and affect 14,108 detained and committed youth.

In 1977 there were 66,015 youth detained or committed to public training schools for a rate of 227 per 100,000. In 1987, the numbers had declined to 61,399, but the rate, because of changes in the youth population, had gone up to 236 per 100,000. Of those committed in 1987, contrary to popular belief, only 41.4 percent had committed a serious Part I crime. Of that number only 12.1 percent were held for crimes of violence, with another 29.3 percent being held for serious property crime. The balance, 58.6 percent, had committed minor offenses (53%) or were status offenders (5.6%).

Beginning in the late 1970's, a significant consequence of the "get tough" measures was their impact on the racial composition of juvenile detention and correctional facilities. For example, in 1977 minorities accounted for 43 percent of those incarcerated. In 1985 the percentage had jumped to 50 percent. By 1987 the percentage had risen to 53 percent and was continuing to climb. Minorities were staying longer in custody while non minorities were being diverted to less secure programs or facilities. It was the minorities who would bear the consequences of changing court and administrative practices, and it was the minorities who would be held in deteriorating conditions of confinement.

One important measure of unacceptable conditions of confinement is the number of juvenile correctional departments/institutions under court order or in litigation because of conditions of confinement. Unlike its adult counterparts, however, juvenile litigation, historically, is limited. In 1984 there was one state in which the entire juvenile department was under court order and another in which one institution was under court order. By 1985 the entire departments of three states were under court. In 1987 four states were under court order, involving their entire departments, and the number rose to five states in 1988. Except for the American Correctional Association, no organization, including the Office of Juvenile Justice and Delinquency Prevention, attempts to keep a written record of the amount and nature of juvenile litigation, and the American Correctional Association's work dates back only to 1984.

While the number of states and facilities involved in juvenile litigation has not kept pace with the reality of overcrowding and its consequences for individual rights, programs, and conditions of confinement. The explanations offered by child advocates for the lack of litigation in the area of juvenile facilities is the assumption that juveniles have no rights, an attitude often shared by juveniles themselves. In addition there are the factors of expense, the relative short term detention or commitment of juveniles (when compared to adults), and the decrease in the number of attorneys, ombudsman, and legally trained persons working in this area. Legal resources for incarcerated juveniles have decreased significantly since the mid 1970's.

Given the above circumstances, it would seem that the issues associated with the quality of care and the conditions of confinement for juveniles would be of paramount interest to the Office of Juvenile Justice and Delinquency Prevention. Early in the history of the Office, youth advocates were the respected recipients of grants to redress grievances of youth caught up in the juvenile justice system. Today, while they are still held in respect, their success in obtaining federal funding for their work has drastically diminished. Obviously, legal advocacy for juveniles confined in detention or correctional facilities is not a priority of the Office at this time, a time when the problem of quality of care and conditions of confinement for juveniles has reached critical proportions. Recognizing this, the Congress, in 1988, amended the Act to add Sec. 261 (a)(3) which calls for:

Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles impacted by the juvenile justice system, including services which encourage the improvement of due process available to juveniles in the juvenile justice system, which improve the quality of legal representation of such juveniles, and which provide for the appointment of special advocates by courts for such juveniles.

We would encourage the Administrator of the Office of Juvenile Justice and Delinquency Prevention to aggressively pursue programs and activities described in this section of the Act as one of several promising approaches to improving the conditions of juvenile confinement.

### **Youth Crime, Myth and Reality**

What happened after the enactment of the Juvenile Justice and Delinquency Prevention Act of 1974? Were things getting better? In the minds of some, the answer was a resounding no; youth crime was clearly out of control. But was it? In 1982 the Center for the Study of Youth Policy at the University of Minnesota's Humphrey Institute of Public Affairs commissioned a national public opinion survey on public attitudes toward juvenile crime. The survey, conducted by the Opinion Research Corporation of America, found that:

... 87 percent of adults living in the continental United States believed that the country was in the midst of a serious juvenile crime wave.

Yet, the facts did not support the public's opinion. Available evidence indicated that the rates of serious juvenile crime rose significantly during the late 1960's and early 1970's. The rates stabilized during the mid- to late 1970's, declined between 1979 and 1984, and increased for the first time in six years in 1985.

Were things changing? The answer to this question is yes. Juvenile delinquents were being locked up for longer periods under increasingly questionable conditions, in less space and with fewer programs. Had the problems identified in the original Act been resolved?

Evidence suggests the answer to this question is a decided no. The public policy on confinement for juveniles which evolved has led to dramatic consequences for young people held captive in our private and public correctional facilities. But the issue of conditions of confinement for juveniles, which was of great concern during the early 1970's, faded and did not reappear as a significant concern in the literature under the mid 1980's.

Another important factor which should not be overlooked when assessing the degree to which problems identified in the Juvenile Justice and Delinquency Prevention Act of 1974 have been resolved is the frequency of change in administrators within the Office of Juvenile Justice and Delinquency Prevention, along with the resulting changes in interests and priorities.

The Juvenile Justice and Delinquency Prevention Act of 1974 was a reform Act, one that presented arguments for change and policies and programs to guide that change, and yet each newly appointed Administrator has entered the office of Juvenile Justice and Delinquency Prevention late in the Presidential term. Each has come to the office with a specific agenda and interest that sometimes did, but frequently did not, coincide with the objectives of the original Act. Absent any consistent policy direction and absent any real administrative review process, the Office and its staff have floated from one interest to another. We believe that a substantial portion of the failure to keep the promises of the original Act rests directly with the failure of a new administration to promptly appoint a professionally qualified Administrator, and we encourage this administration to do so without further delay. Administrative instability is not conducive to the success of any program, particularly one that has been subjected to more instability than most.

### **The Conditions of Confinement**

Allen F. Breed, in his closing remarks to our Conference in May of 1989, reminded us that juvenile corrections has not evolved from a set of rational or planned responses to explicit goals. Instead, it is formed through a process of spurts of abuse followed by reform.

Since the founding of the New York House of Refuge in 1825, the history of juvenile corrections has been governed by a repetitive cycle of institutional abuses, scandals, public exposure, and spurts of reformist activity, followed by renewed cycles of abusive practices.

Reformers have attempted to break this tragic cycle through the promulgation of professional standards, federal legislation, such as was enacted in 1968 and 1974, and through litigation as early as *Ex parte Krause* in 1838, through *Gault*, *Morales*, and a host of similar law suits. Once again juvenile corrections is in the midst of a cycle of abuse and scandal. Nationally there is a staggering array of reports of incidents of mistreatment of incarcerated juveniles, of deteriorated professional practices, and of overcrowded facilities. The current conditions of confinement for many juveniles in this country cannot meet professional and legal standards set by the states or the federal government.

The 1974 Juvenile Justice Act was a reform measure and was committed to the substantial improvement of juvenile justice services throughout this nation. It was seen as an approach to break the tragic cycle of abuse and scandal outlined in the previous paragraphs. Research and the acquisition of new knowledge were seen as useful support for demonstration and the delivery of new program ideas, but they were not seen as the singular road for improvement in the system. Indeed, demonstration projects, practical assistance, encouragement, and leadership were the cardinal principles detailed by the Act. For a variety of reasons, some of which we have detailed in this Report and others, these principles did not guide substantial portions of the Office's program activities. Such was the case in the matter of conditions of confinement. The horror stories of 1974 regarding the confinement and treatment of juveniles

are as familiar now as they were then—a responsibility we can both share, much to our chagrin. Perhaps it is time that our interest be galvanized into action.

The following headline and news report are from the *San Francisco Chronicle* of June 2, 1989:

#### **Crowded S.F. Juvenile Hall—Study Urges Releases**

The juvenile jail in San Francisco has become so overcrowded that court workers should consider releasing youths who normally would be kept in confinement, a city commission said yesterday...

The aging detention center on Twin Peaks has been plagued by chronic overcrowding since innercity teenagers discovered crack cocaine in 1987, and in recent days the population has topped 160—with beds for only 118. The crowding violates state codes and is blamed for a rash of escapes and assaults on workers and for creating a rebellious, demoralized staff...

In Portland, Maine, April 24, 1989, the *Evening Express* reported the following:

#### **Problems Plague Youth Center—Staff Morale at All-Time Low as Population Registers High**

South Portland—Administrators and former staff members at the Maine Youth Center in South Portland say it is an overcrowded, physically deteriorating facility that is suffering with some of the worst staff morale problems in its history.

Even before a recent incident in which a staff member staged the hanging of an 11-year-old murder suspect's teddy bear, signs of strain at MYC were beginning to show...

Overcrowding has aggravated all the center's troubles, according to officials.

Ideally, the facility should house about 200 youngsters, but the population has been at about 260 during most of the past year, Corrections Commissioner Donald Allen says.

The article goes on to report physical abuse, unprofessional incidents like tying youth in a spread eagle position on their beds for control purposes, lack of safety for staff and incarcerated youth, failure to meet professionally recognized standards, inadequate programming for female offenders and a number of other allegations normally associated with old, deteriorating institutions that are overcrowded.

The following was reported in an unprecedented series in the *San Francisco Examiner* of May 14 through May 16, 1989. The series illustrated many of the unacceptable conditions of confinement generated by overcrowding. The series was entitled:

#### **Crime Punishment and CYA**

The California Youth Authority population has doubled in the last decade, and the average length of stay has soared from 12 to 25 months.

Now the CYA crams 8,550 youths into 18 high-security institutions and camps designed for 5,900.

The result: Nonviolent offenders routinely intermingle with violent lawbreakers. Gang rivalries transform "rehabilitation" centers into turf battlegrounds. Incidents of violence are rising.

The article goes on to report that sexual attacks are a fact of life, that nighttime assaults occur when youth armed with socks filled with batteries attack one another. To protect themselves the violent and non-violent offenders join gangs as a ticket to safety and survival. The article concludes with an observation by the Chief of Security at the Preston School of Industry, who reports that Mace is sprayed into the eyes of youths to break up fights once or twice a day. "We don't want staff to get hurt."

California and Maine are not alone in facing the problems associated with the confinement of juveniles. The decade of the 1980's is replete with similar reports and incidents.

### **Welcome to the 1980's**

Earlier in this decade Federal District Court Judge James Burns visited the MacLaren School for Boys in Oregon and found:

The cells were dirty and unsanitary. Students testified that the cells were infested with silverfish, cockroaches, flies and spiders, as well as body lice, and that the walls were covered with food, spit, blood, toilet paper and feces. The rooms smelled of urine (*Gary v. Hegstrom*, 1984).

Solitary confinement was used excessively for minor infractions. The court also found that "physical restraints, including handcuffs, leg irons and leather straps were used as a substitute for adequate programming and adequate psychiatric services."

In a law suit against Florida's training schools, allegations were put forth that staff members beat and kicked children while they were shackled or hogtied. It was also reported that children were left in isolation cells on concrete beds, sometimes without sheets or mattresses, hogtied or shackled to the four corners of their beds for extended periods of time (*Bobby M. v. Graham*, 1983).

In Orange County, California, a suit was filed against the detention center alleging:

Plaintiff Matt X is 15 years old, and has never been adjudged guilty of anything more serious than malicious mischief. Since he was first interned at the Juvenile Hall on or about April, 1985, Matt X has been assaulted, beaten, and tortured by the guards more times than he can remember (*Matt X. v. Orange County*, 1986).

The National Youth Law Center, on behalf of five parents of children confined in the Pine Bluff State Training School in Arkansas, is currently conducting an investigation on a series of allegations associated with disciplinary practices. Pine Bluff is a 200-bed facility that holds children as young as seven years of age. The children are committed by the local judges. Allegations include using an enforcer system for institutional control, that is, the use of committed youth to enforce institutional rules. In one case, discovery has already supported a gang rape that resulted in anal warts for the victim. Program activities are also under scrutiny. The disciplinary cottage utilizes a forced work program of hard labor from 8:00 a.m. to 7:00 p.m., allowing for only one hour of education. Even the youngest of the committed youth is subject to assignment there. Discovery has shown the school has no established program for treatment and no system to carry out a program if one did exist.

The current Governor of Arkansas has made a commitment to improve the entire juvenile justice system. He has set in motion a process for developing a comprehensive plan for juvenile justice that prohibits the jailing of juveniles, establishes a new juvenile court system, re-writes and establishes new standards for juvenile detention, and establishes criteria for the screening of youth held in youth service centers.

Arizona is currently involved in litigation. *Johnson v. Upchurch* is a case alleging disciplinary practices that permit the four-posting of a youth (hands and legs tied or handcuffed to four corners of bed) up to eighteen (18) hours in twenty-four (24) hours, strip-cell confinement in a dungeon-like atmosphere, a lack of classification procedures, a lack of treatment programs, failure to provide mental health services, etc. Arizona's problem was exacerbated by reliance on one program approach. The primary program offering for those incarcerated was patterned after the military, uniforms, discipline, drill, and physical activity. Violations of rules resulted in youth being stripped of first their privileges, then their personal possessions, and finally their clothing. Self-mutilation was common place. Confined youth engaged in self-mutilation which, in turn, resulted in restrictions which resulted in more self-mutilation. Mental health services were no seen as relevant to such behavior, but four-posting was.

The Arizona case, scheduled for a court hearing in August of this year, has been continued to February of 1990 on the basis of the state's recognition that juveniles have a right to treatment provided in the least restrictive environment appropriate. The Governor has appointed a blue ribbon task force to prepare recommendations for reform.

*Lo v. McKenzie* concerns detention practices in Hannibal, Missouri. It is in discovery at the present time. The local detention center received funds from the state for detained youth. It is alleged that self-interest motivated the center to follow unusual practices to maintain a full daily population. Lo was an example of one of the practices questioned by the National Youth Law Center. Suspended from school, Lo was told to report daily to the detention center for his education. He did and he was placed in 24 hour custody. It is alleged that while detained he was subjected to discipline on the strap-board (a seven-foot long, two-foot wide board upon which youth are strapped, turned upside down, and leaned against the wall).

*Danny O. v. Bowman* was tried in 1985. The case involved Idaho's state training school which held 185-200 youth in the early 1980's—down to an average of eighty-eight (88) juveniles in 1988. The original allegations concerned the disciplinary practices of standing-wall (requiring the juvenile to stand with toes against the wall, hands behind back, nose against the wall) and sitting-chair (a more humane form of the above in which the youth is permitted to sit), improper use of straight jackets, and abuse of psychotropic medications. The charge of improper use of restraints resulted from a finding that some youth were restrained by handcuffs and shackles and/or a straight jacket and then hung upside down for a period of time. Handcuffs were routinely used to shackle youths to pieces of furniture, fences, plumbing, etc. Solitary confinement was used extensively for periods of five days or longer. These periods were often extended to 30-60 days. Even though many of these practices were corrected during litigation, the court's final decision found it necessary to prohibit the use of standing-wall and sitting-chair, the use of restraints without immediate administrative review, and the extended use of isolation as punishment.

In 1982 the Oklahoma case of *Terry D. v. Rader* resulted in the prohibition of the practice of hogging by juvenile correctional personnel. Virtually every court in which this practice has been reviewed has held hogtying (with wrists tied behind the back and ankles shackled, the youth is placed stomach down on the floor with the handcuffs on the wrists and the shackles on the ankles tied together) is degrading, dangerous, and unconstitutional.

Public facilities, because they are subject to greater scrutiny, are the objects of considerable litigation about conditions of confinement. Private correctional and treatment facilities are less subject to public view, but there is growing evidence that they too engage in unacceptable practices of confinement. The case of *Milonas v. Williams* in 1983 is one such example. Provo Canyon, a private school in Utah, was alleged to have required students to subject themselves to a polygraph examination about their sexual dreams directed at or concerned

with their teachers; the findings were then used to punish the students. Hair-stands (pulling a student off his feet by pulling his hair during interrogation) was used as an interrogation technique when the polygraph findings raised questions about the nature of the student's dreams.

Much of the information on conditions of confinement stem from sensational accusations about brutality and abuse. Less sensational cases relating the failure to provide appropriate treatment and education to children and youth evidencing emotional disturbance, learning disabilities, and other handicapping conditions are of equal concern to the National Coalition.

Despite the importance of education for all children, many institutions have deficient educational programs, with unqualified teachers, ill-equipped classrooms, and inadequate supplies of books and other appropriate teaching resources. Moreover, although it is estimated that fifty (50) to eight (80) percent of the children in juvenile justice institutions are "handicapped" within the meaning of the federal Education for All Handicapped Children Act, few institutions provide the special education services required by federal law and corresponding state statutes. Two important cases of many are *Green v. Johnson*, Mass. 1981 and *Willie M. v. Hunt*, 4th Cir, 1981. Willie M. is worth reporting in brief.

Emotionally disturbed children involuntarily committed to various North Carolina training and treatment facilities were found to have the right to appropriate treatment and a free appropriate education, arising under the fourteenth amendment and various state and federal statutes. Each plaintiff was ordered to receive habilitation, including medical treatment, education, training and care, suited to his needs, which afforded him a reasonable chance to acquire and maintain those life skills that enable him to cope as effectively as his own capabilities permit with the demands of his own person and of his environment and to raise the level of his physical, mental and social efficiency.

A critical examination of most of our current correctional programs and facilities would show a substantial failure to meet the objectives laid out for juvenile corrections in the above case. It is unfortunate that these cases do not receive the same media attention as do the more sensational ones, for it is this type of case that sets the standards by which we should be measuring *major program components* of juvenile detention and corrections. Quietly, these cases call our attention to the needs of children and youth. The child, not the failures of the organization, become the focus of our attention. These are the cases about which we should be informed since they permit us to hold our own states accountable for meeting legal standards of care and treatment for confined youth. Improving these conditions is a promise that we reaffirm and intend to keep.

### **The Choices We Make**

We began this section with two propositions: 1) the numbers of juveniles we lock up is a political choice, and 2) the conditions under which we hold juveniles represent moral choices in that either we permit them to exist or we change them. To examine these assumptions we present the following case history on youth corrections in California. While we might have picked any one of several large states, California documents its public policies with reliable data and information better than most. The availability of these data permit us to objectively examine the consequences of public policy choices over time.

The state publicly committed itself to a policy of incapacitation in the late 1970's. Begun by a Democratic administration the commitment continued under a Republican one. The assumptions of an incapacitation strategy are simple and direct: 1) incarceration reduces crime by incapacitating the offender and discouraging other potential offenders; 2) it is alleged to be cost effective; and 3) it is believed to protect the public.

The California Youth Authority is the **primary state** correctional agency for committed juveniles and youth between the ages of eight (8) years and twenty-one (21) years at the time of apprehension. The length of jurisdiction varies in relation to which court make the commitment, i.e., the juvenile, municipal or superior court. During the decade 1978-1988 the average age of first admission remained constant at about seventeen (17) years of age. Sixty-seven percent (67%) of all first admissions to the Authority are commitments from the juvenile courts.

Consistent with its declared policy, California imprisons a higher percentage of its youth than any other state. The high level of incarceration is attributed to: 1) changes in sentencing procedures by the courts and 2) an independent seven-member Youth Offender Parole Board, which determines how much time a juvenile or youth will serve.

The Youth Offender Parole Board members have publicly stated that they believe the citizens of California want them to crack down on offenders under their control regardless of whether this action results in overcrowding. They liken overcrowding to the young family who must sleep the baby in the dresser drawer until things get better. They believe their policies reflect public attitudes and public policy directed at dealing with delinquents who habitually fail to abide by society's laws.

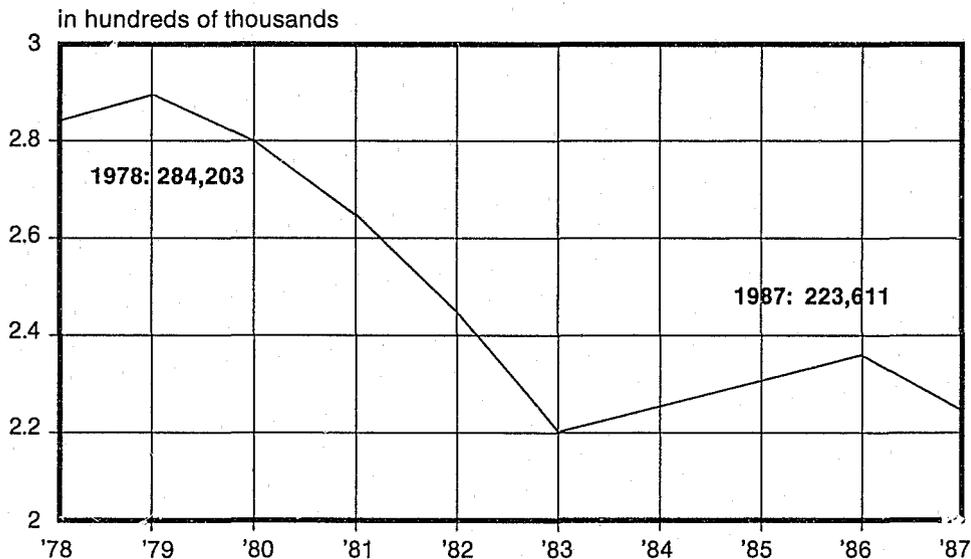
The consequences of California's commitment to incapacitation is clearly illustrated in the exhibits that follow.

Exhibit #1

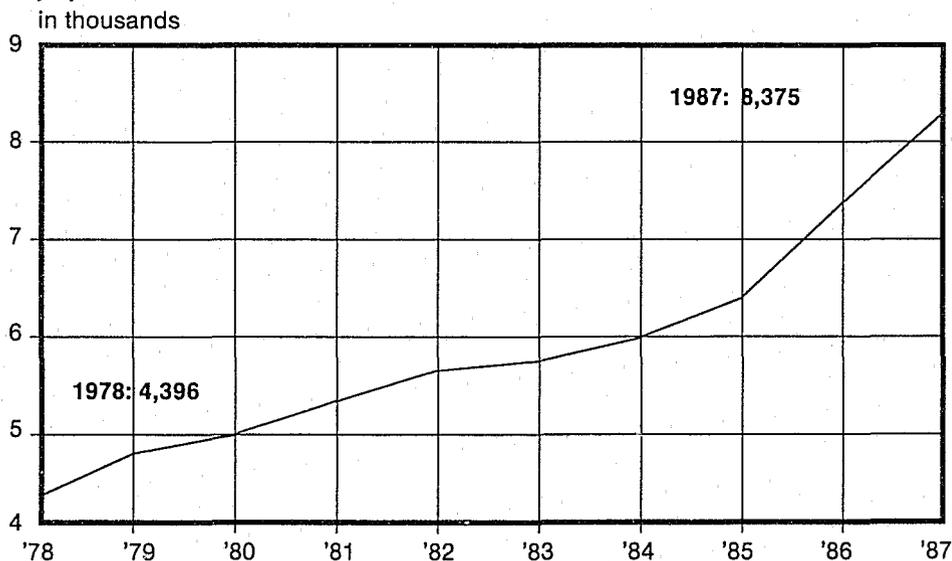
### More Juveniles in CYA

While the number of California youth ages 10-17 has dropped from 3,041,156 in 1978 to 2,910,557 in 1987, and fewer of them are being arrested, the number in California youth institutions is up.

#### Youth arrests



#### CYA population



SOURCE: California Youth Authority

Exhibit #2

**Length of Stay in California**

**CYA vs. state prisons**

Average number of months in 1988 parolees spent in California Institutions

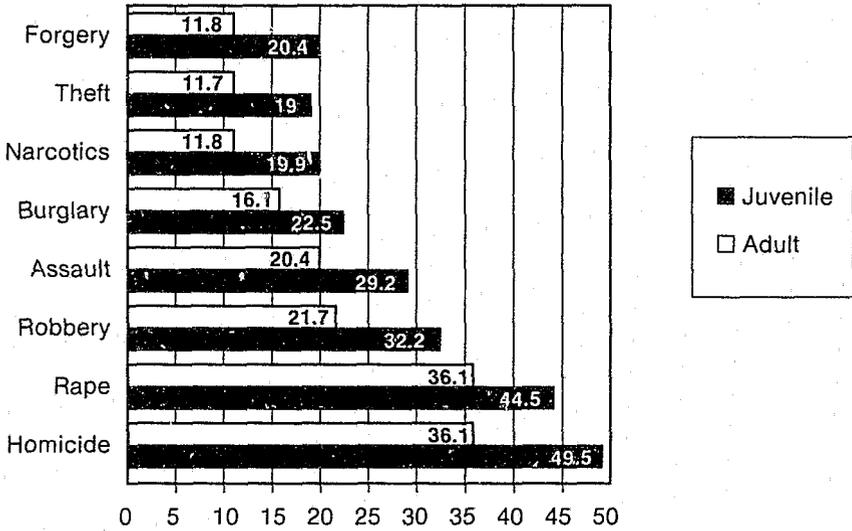
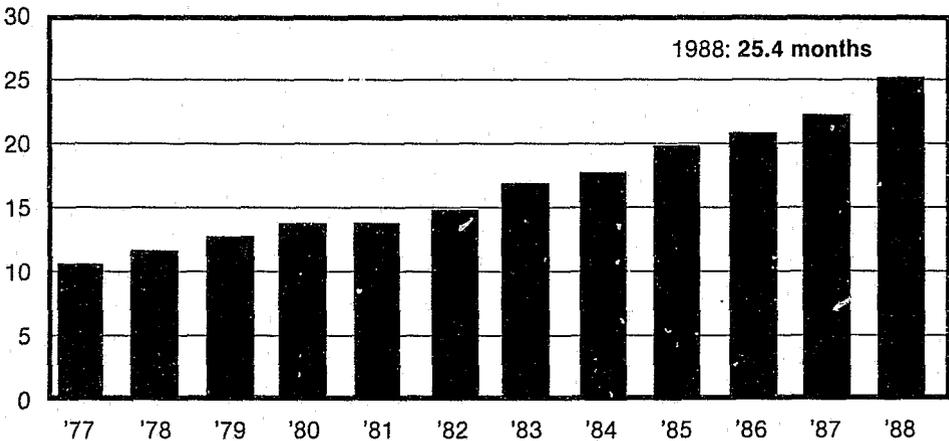


Exhibit #3

**Average in CYA**

Average stay for first commitments, 1977-1988



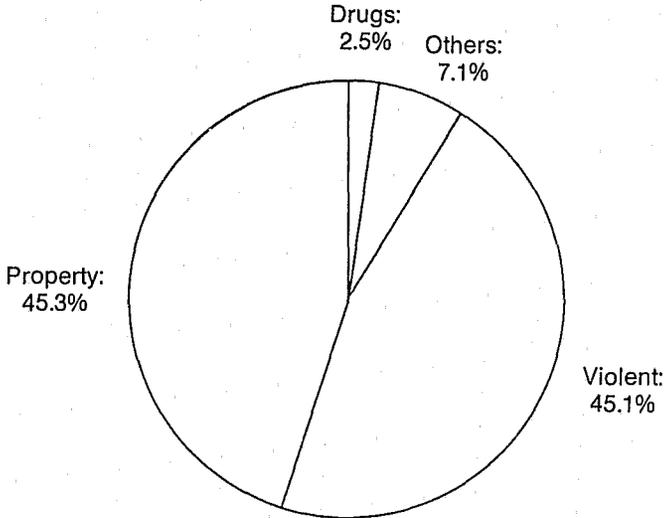
SOURCE: California Youth Authority

Exhibit #4

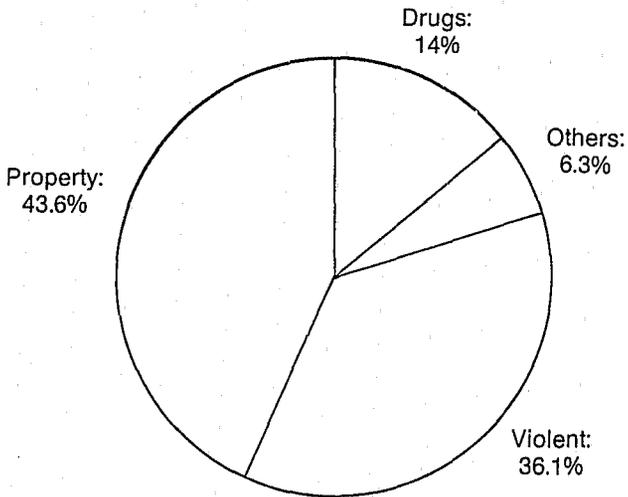
**Type of Crime**

Offenses committed by those entering CYA institutions for the first time.

**1977**



**1988**

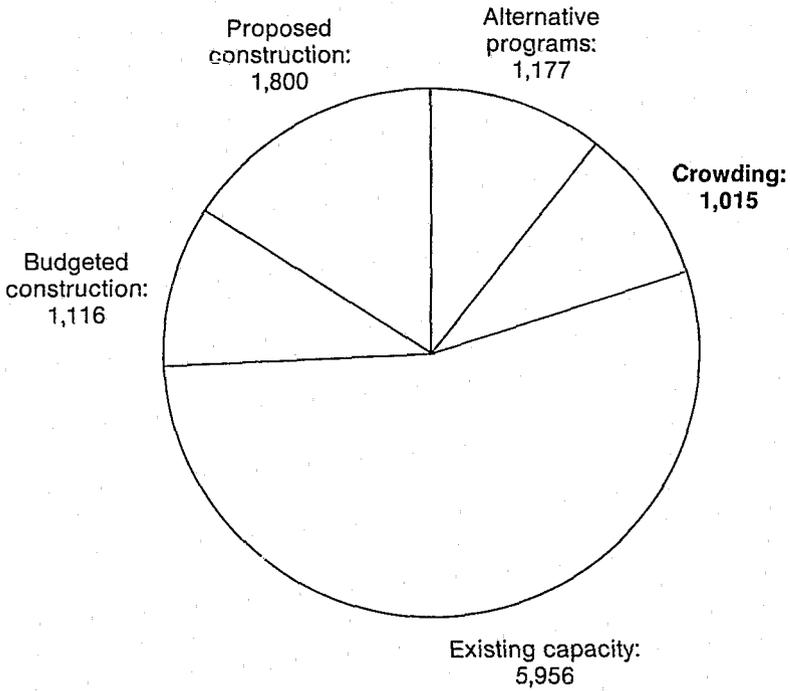


SOURCE: California Legislative Analyst and CYA

Exhibit #5

**CYA's Future**

Figures are number of beds. Total wards by 1992-93: 11,064.



SOURCE: California Youth Authority

Exhibit #6

**Parole\* Violations for First Commitments**

1976-1985 24-Month Parole Performance Follow-up

Year	% Violations	Months Served
1976 .....	43.1	12.7
1977 .....	42.4	10.9
1978 .....	41.0	11.3
1979 .....	42.5	12.0
1980 .....	43.6	12.9
1981 .....	48.8	13.1
1982 .....	47.5	14.2
1983 .....	49.1	15.0
1984 .....	52.0	16.1
1985 .....	58.7	17.1
1986 .....	60.0	17.8
1987 .....	**	18.9

\*Parole is sometimes known as aftercare or conditional release in states other than California.

\*\*Rate not available.

SOURCE: California Youth Authority

The first exhibit clearly demonstrates that during a period of decline youth population and youth crime the population of the state's primary correctional resource for juveniles and youths increased. California's current rate of incarceration is twice that of the national average—498 per 100,000. The second and third exhibits show that Youth Authority wards received longer sentences for the same types of crimes than did adults, and that the average length of institutional stay more than doubled over a ten year period. The fourth and fifth exhibits demonstrate that while the percent of youth being committed to the Youth Authority became less violent, a greater percent of the juveniles were involved with drugs. The final exhibit on the Youth Authority's future outlines the dilemma faced by most states that elect to follow incapacitation as a primary strategy. California will have to continue to overcrowd even if the Youth Authority receives money for new construction, something the Legislature has refused to provide this year. Finally, the concluding exhibit raises some fundamental questions about the outcome of increased sentences on recidivism—an outcome that does not suggest safer streets or reduced crime.

The California State Legislature no longer accepts the incarceration policies of the past. In fact, the legislature pressured the Youthful Offender board to bring its parole practices into line with its own guidelines or face a loss of one-third of its annual budget. As a result, current projections show that resulting changes in the Board's practices will reduce the need for 1,500 new beds by the end of 1989, thereby reducing some of the need to overcrowd in the future. Changes in policy, not crime rate or increased budget achieved these reductions in population.

The data from our case example strongly support the two propositions set forth at the beginning of this section: 1) the number of juveniles incarcerated is a political choice, and 2) the condition we keep them in is a moral choice. The previous data also outline the basis questions responsible citizens must ask if they are to seriously inquire into the conditions of confinement: 1) the real cause(s) of overcrowding (political or crime rate), if it exists, 2) the relation of incarceration to arrest or crime rate, 3) the conditions that we generate and

tolerate for those we confine, 4) the success or failure of our approach in resolving the problems of delinquency, and 5) the options or alternatives we might want to consider if we are not satisfied with our earlier decisions. Answers to these questions permit the development of strategies based on fact and experience rather than belief and prejudice.

### Principles That Can Guide Our Action

The phrase, "the best is the enemy of the better," reflects an attitude that prevents one from changing earlier positions or ideological stances. In holding out for "our ideal of the perfect," we often are unwilling to make small and important changes that may make things better. Examples are limitless. Some of the more salient examples include the following: the prison moratorium argument that says "do not make improvements because they will further an already excessive tendency to incarcerate;" abolish parole because it does not always work and is sometimes unjust to individuals; do not use guidelines, base expectancy scores, or other predictive devices that are mechanical and unable to be 100 percent accurate; do not use any predictive technology about future behavior, because it unquestionably will be unfair to some individuals; do not set absolute capacities or limits on programs or institutions beyond which administrators are not permitted to go without additional resources; do not use accreditation processes that are not absolutely objective and perfect in operation even though they may improve programs; do not take positions on bad public policy that affect operations, because corrections is simply the repository within which society's rejects are dumped for containment; and, most important, do not continue any vestige of a program that smacks of being rehabilitative since we have been told by some writers that rehabilitation is expensive and does not work anyway. The concept of self-imposed limits to those who are interested in juvenile corrections is dangerous and has led to the unacceptable conditions that prevail in many of our juvenile detention and correctional facilities today.

The difficulty with the incapacitation strategy that has led to many of our current problems is that it is a singular and costly policy that has only one end, imprisonment. Since this is our most expensive sanction, it raises difficult questions about whom and how many we do lock up. No one questions the validity of imposing sanctions on delinquent behavior; indeed, the message here is consistent and clear. The question remains, however. Does an increased level of sanctions have any deterrent effect beyond the specific person sanctioned? The preponderance of evidence suggests that it does not. In light of this, the Coalition continues to be committed to community-based alternatives that provide effective treatment and reduce inappropriate confinement.

In *Corrections: an Update of the 1967 Presidential Task Force Report on Corrections*, published by the National Institute of Corrections in 1982, the point is made that corrections, juvenile or adult, is the end product of a long investigative and judicial process that culminates in a sanction, and, because of the lengthy process, it is doubtful that any relationship can be established between the final sanction and the reduction of crime other than the effect on the individual offender (specific deterrence). Thus, the task of corrections is to punish and to rehabilitate, not one or the other—but both. The principles identified as appropriate to this action are these: 1) the least restrictive sanction possible without depreciating the seriousness of the crime, 2) the parsimonious use of incarceration, 3) the avoidance of escalating the cost of the sanction imposed, 4) an environment that is safe, humane and fair while also being legal, and 5) facilitative programs, i.e., ones that provide opportunities for practical assistance in areas like education, housing, employment, health, and where needed, other social and emotional problems. As the *Update of the 1967 President Task Force Report on Corrections* states, the key to the successful application of these principles is a principle itself, "**No coercive disposition should be imposed unless the resources necessary to carry out the disposition are shown to exist. If services required as part of a disposition are not available, an alternative disposition no more severe should be employed.**" Traditionally this principle is ignored, making it impossible for the other principles to apply. Failing to appropriate funds to pay the cost of the coercive dispositions we want is the primary reason for the unsatisfactory conditions of confinement that concern

us. The costs of coercion can be calculated; hence, there is no excuse for the unsatisfactory conditions of confinement we create and permit to exist unless it is by choice.

From our brief inquiry into the conditions of confinement for juveniles, it becomes obvious that very few existing detention and correctional programs for juveniles are governed by the positive principles outlined. Yet to focus only on the quantitative, physical aspects of the current situation will cause us to examine only the problem rather than its causes. The case study presented illustrates the consequences of a singular public correctional policy for youth like incapacitation. Millions of dollars will have to continue to be spent on institutions that will always be overcrowded, hence, unable to meet reasonable standards and conditions established for confinement. At the same time, public protection and reduced recidivism, two goals of this strategy, will continue to go unmet. The case study also presents the data and facts necessary for informed public inquiry into public policies of this nature. Our collective interest, as a National Coalition and as the Office of Juvenile Justice and Delinquency Prevention, needs to take us beyond the identification of the problem to a shared responsibility for addressing the causes of our concern.

### **The New Hidden Closet**

In 1975, Allen F. Breed, the then Director of the California Youth Authority, released a study entitled *Hidden Closets: A Study of Detention Practices in California*. It was an eye-opening account of detention practices showing how we find creative ways to hide provocative children and youth. We are still creative in this endeavor and would be remiss to end this discussion on conditions of confinement in the juvenile justice system without taking a look at our new "Hidden Closet."

There is a growing concern by many experts in the field of juvenile justice that status offenders, covered by third party health insurance (and generally non minorities), are being relabeled as mentally ill in order to qualify for inpatient care in psychiatric and chemical dependency units in private hospitals. A lucrative industry has sprung up to provide mental health services to teenagers that are both costly and, in many cases, ineffective. Some private hospitals have developed slick advertising campaigns and initiated aggressive recruiting practices in neighborhoods and schools to target troubled or troublesome youth. Their treatment often parallels that in juvenile correctional facilities, including solitary confinement and strip searches. Unlike correctional facilities, however, youth confined in private mental hospitals have little or no right to due process. In most states, youth may be "voluntarily" committed to these facilities against their will by their parents. Sadly, there is also a stigma associated with this kind of commitment, more insidious perhaps than in corrections, for it may not surface until the youth, as an adult, applies for insurance, or a loan or seeks public office.

The extent to which this phenomenon of relabeling occurs is difficult to determine because data are incomplete and/or not readily available. According to information from the National Institute of Mental Health, 16,735 adolescents were admitted to private psychiatric hospitals in 1980. The National Association of Private Psychiatric Hospitals estimates that the number had grown to 35,000 by 1985. Even though incomplete, this information suggests that juveniles receiving inpatient psychiatric care in private hospitals more than doubled in a five-year period—an astounding increase. One of the few people in the field of juvenile justice conducting research into this subject is Ira Schwartz, former Administrator of the Office of Juvenile Justice and Delinquency Prevention. He attributes the trend of relabeling, to the extent it exists, to three factors: 1) the lack of community-based alternatives and services for status offenders, who can no longer be locked up in juvenile institutions; 2) an excess of hospital beds due to shorter average hospital stays for general medical and surgical care; and 3) health insurance policies that provide fiscal incentives for inpatient over outpatient treatment.

This new trend warrants the same interest and responsibility the National Coalition has accepted for conditions of confinement in public juvenile facilities. In our efforts to keep status offenders out of secure custody, we must be diligent to assure that they are not being relocated into a similar environment under another title and with less protection. Further, we would encourage the Office of Juvenile Justice and Delinquency Prevention to inquire into this trend for the purpose of improvement national policy.

The main theme of the 1989 National Coalition of State Juvenile Justice Advisory Groups Conference was conditions of confinement, one of the basic issues that the Juvenile Justice and Delinquency Prevention Act of 1974 was intended to address. As we have reported, the promises made in this area turned out to be temporary and short-lived even though problems identified then, persist to the present time. We see our responsibility as one of working with the Office and the individual states, through our Regional coalitions, to address, once again, some of the causes underlying the problem.

We have no illusions that the task of improving conditions of confinement for juveniles will be simple or short-lived. We do recognize it as important to our credibility as a Coalition seriously committed to juvenile justice reform. We also see it as important to the credibility of the Office of Juvenile Justice and Delinquency Prevention. It is an area in which our interests and responsibilities coincide, and it is an example of a problem that requires the states and the federal government to work together. We can and will provide the bridge that will permit this to happen.



## A SHARED RESPONSIBILITY

Time has taught me that it is not enough to look, condemn or praise—to be an observer... If, when I see these things happening, nothing happens inside me, I will know I have touched bottom.

*Gordon Parks*

Photographer, Writer, Director and Composer

We began this Report with a commitment to review the progress of the Office and the National Coalition in terms of the original Juvenile Justice and Delinquency Prevention Act of 1974. We reported considerable progress and achievement, and we detailed promises that still need to be kept. In that spirit, this section will reaffirm some of those promises in the form of recommendations. Other recommendations will target areas of new commitment. But, whether they are old promises being reaffirmed or new ones being offered, they are all recognized as a shared responsibility between the Office and the National Coalition. Hopefully, this Report represents the bridge that we referred to earlier, a bridge to the original Act and to the Office from the communities and states we represent.

As in past reports, recommendations made previously, but not acted upon, are shown in regular type. new recommendations are shown in **bold face**.

### RECOMMENDATIONS TO THE PRESIDENT

**1. We recommend that the President take immediate action to appoint an Administrator of the Office of Juvenile Justice and Delinquency Prevention and that the appointee be qualified by both administrative and juvenile justice experience.**

#### **Discussion**

As pointed out in the first section of this Report, the Office has had eleven Administrators in the history of the Act. Six of those Administrators have been acting, while only five have been Presidential appointments. We have criticized the fluctuating policies of the Office and its failure to adequately address some of the basic commitments of the original Act, but, in fairness, this criticism would have been less telling had each elected President moved quickly to appoint a qualified person to this post.

This problem was discussed in our First, Third, and Fourth Reports to the President, the Congress and the Administrator. Continuity of programs, compliance with established public policy, and attainment of original Act purposes are all dependent upon administrative stability. Without question, the Office has suffered from a lack of stability with Acting Administrators, however good, outnumbering those who genuinely bear the mantle of Presidential blessing. It is time to allow the Office to perform what it was intended to do, namely, to improve juvenile justice and prevent delinquency. It is time for the President to act.

## RECOMMENDATIONS TO THE CONGRESS

**2. We recommend that the Congress continue to support the Juvenile Justice and Delinquency Prevention Act and the work of the National Coalition of State Juvenile Justice Advisory Groups in providing advice and oversight to the Office.**

### Discussion

Unlike previous Reports where a significant number of the recommendations were directed at the Congress, this Report focuses on recommendations to the Office and, by implication, to the National Coalition itself. What is needed at this time is not further improvements in the Act but improvements in the performance of those responsible for carrying out the intent of the Act. This Report makes it apparent that the Office and the Coalition still have many promises to keep. The Congress has done more than its share to support the program over the years, something that we in the states have not ignored or forgotten. For that support and encouragement, we are grateful and express our appreciation. It is time that we in the states, in cooperation with the Office, take more aggressive action to ensure that prevention occupies a high priority at the national and state levels, status offenders do not return to custody either officially or informally, that juveniles are not held in adult jails, and that our juvenile justice systems at the state and local levels meet reasonable standards of human dignity, care or treatment, and control for those who cannot be handled in alternative programs.

## RECOMMENDATIONS TO THE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

**3. We recommend that the (Acting) Administrator of the Office of Juvenile Justice and Delinquency Prevention work with the Steering Committee of the National Coalition of State Juvenile Justice Advisory Groups to develop, and achieve funding for, an appropriate budget to carry out the activities mandated for the Coalition by the 1988 amendments, including, but not limited to, the annual conference, federal policy study groups, oversight responsibilities, technical assistance, and the dissemination of information to the states.**

### Discussion

The 1988 amendments substantially changed the responsibilities of the National Coalition by mandating an action role in the delivery of technical assistance and the dissemination of information to the states. By strengthening the Coalition's oversight responsibilities for the Office and federal juvenile justice policy, the Congress made it clear that the Coalition was no longer to be a passive participant in the mandated activities of the Act. Coupled with a stipulation that the Office provide it with financial support and technical assistance, the amendments have paved the way for the coalition to assume a collaborative role in matters of juvenile justice policy by building a bridge between the states and localities and the federal government. To accomplish this, the Coalition needs a stable funding base, a base that is more certain than that provided by procedures previously followed by the Office. A clearly established budget, similar to that carried within the Office for the former National Advisory Committee, is an obvious and necessary step that needs to be taken immediately. It is a task that the Steering Committee of the Coalition and the Office should address without further delay—a task that the Coalition is ready to explore, now.

**4. We recommend that the Office of Juvenile Justice and Delinquency Prevention work with the National Coalition to strengthen the Coalition's regional structure as a two-way mechanism by which training, technical assistance, and information dissemination can be carried out from the state to the federal level and from the federal to the state and local level.**

### Discussion

The National Coalition, with its regional structure, is a natural pathway for the exchange of information and ideas between the federal and state levels of government. Developing and improving this existing structure is a simple way by which the Office can involve the states and local communities in its planning processes. In turn, such involvement becomes a

method by which the office can inform Coalition members about its programs, policies, needs, and goals. The better informed the Coalition, the better will be its ability to advise those to whom the Coalition is responsible. Of equal importance is the opportunity this involvement affords the Office to be well informed about what is going on in the states. The point has been made in this Report, and others, that federal policies frequently follow state programs, rather than lead them, by two to four years. By improving and using the Coalition's regional structure, the Office could facilitate the adoption of contemporary programs of interest. It could complement current activities and could consider policies that might enhance improvements in juvenile justice operations now rather than at some time in the future. It is a specific example of how the shared interests and responsibilities of the Coalition and the Office could bridge historical differences.

**5. We recommend that there be a rededication by the Office to the original purposes of the Juvenile Justice and Delinquency Prevention Act of 1974 and that such rededication address the issues of inappropriate confinement, overcrowded institutions, inappropriate conditions of confinement, inadequately trained probation, court, and institutional staffs, the commitment to and support of professional standards, classification, and the promotion and demonstration of program options, and alternatives that redress problems in these areas.**

#### **Discussion**

This Report has documented in some detail how some of the original purposes of the Act have been lost in the rush to identify the obvious and prove the unlikely. The original Act described conditions in 1974 that parallel those in 1990 almost exactly. The proposed remedies were straightforward and uncomplicated—find programs that work, develop them as demonstration projects, and transfer that knowledge through technical assistance and training. Research was to be practical and informative, not indefinite and theoretical. The Act called for the Office to identify what worked and why and then share this information with the states, territories, and localities; also it was to provide block grants to the states and territories that permitted them to test programs that appeared appropriate for their own locale. This still seems a reasonable approach for the Office and for the states. We encourage the administration to seriously recommit itself to solving some of these serious and continuing problems in a reasonable, understandable, and helping way. We strongly believe that recommendation four (4) above is a natural method by which some of these objectives could be attained efficiently.

**6. We recommend that the Office of Juvenile Justice and Delinquency Prevention substantially increase its activity and interests in advocacy for juveniles held in conditions of confinement that do not meet professional standards and/or safe and humane conditions.**

#### **Discussion**

It is clear from the information presented that there are increasing numbers of public and private detention and correctional institutions that offer unacceptable, if not illegal, conditions of confinement. Unfortunately, reform is not something usually initiated without some prodding or encouragement from outside—in the case of corrections, generally from litigation. Most of the improvements that have occurred in the adult area have followed litigation or the threat of it. As the reader can see from the information contained in this Report, litigation, even an accurate record of it, is not something that has had a priority for a number of years. We need advocates to encourage change; such advocacy will not happen if it is not encouraged by the Office that is charged with being the National Advocate for the improvement of juvenile justice in this country. For example, the Office of Juvenile Justice and Delinquency Prevention might want to develop a demonstration program for litigating institutional conditions of juvenile confinement in several different states. The goal might be to develop permanent legal access for youth, parents, advocates, and others for redress of wrongs. An office of attorneys, volunteers, and support staff, all trained specialists in conditions of confinement and right to treatment issues, would be made available. The scope of the project would be subject to negotiation; it could include all public and private post-adjudication placements, but it might also address detention and diversion programs as well.

It is clear that Sec. 261 of the Act encourages the Office to support a broad range of advocacy activities, including legal advocacy, training, public education, ombudsman, work with public defenders, etc. The opportunities are limitless if the office chooses to emphasize this part of the Act and this area of concern.

7. We recommend that the Office undertake an initiative to determine the extent to which former status offenders are now being diverted to psychiatric hospitals and chemical dependency units in lieu of juvenile justice programs, and further, whether or not the conditions of confinement raise legal and/or constitutional issues.

#### Discussion

There is a growing concern that status offenders, covered by third party health insurance, are being relabeled as mentally ill in order to qualify for inpatient care in psychiatric and chemical dependency units in private hospitals. Their treatment often parallels that in juvenile correctional facilities but without the protections of due process offered by the juvenile justice system. The extent of the problem, if any, and appropriate remedies are questions about which the Office should be informed and can direct national policy.

8. We again recommend that the Administrator of the Office of Juvenile Justice and Delinquency Prevention, in cooperation with the Federal Coordinating Council, propose and initiate a major delinquency prevention demonstration effort—one that addresses, at least in part, the problem of child and youth development in America's underclass.

#### Discussion

The National Coalition has demonstrated a long and continuing interest in delinquency prevention. There is now a convergence of research findings which demonstrates that virtually every one of the kinds of child and youth behavior that Congress has recognized as a social problem shares the same antecedent social risk factors. These factors have been detailed by J. David Hawkins and others along with programs of interdiction in numerous writings. (See "Delinquency and Drug Abuse: Implications for Social Service," *Social Service Review*, June, 1988, or "Delinquents and Drugs: What the Evidence Suggests About Prevention and Treatment Programming," *NIDA Technical Review*, July, 1986.) Any meaningful effort to ameliorate these different kinds of adolescent problem behaviors, including delinquency, must target the same factors. Unfortunately, funding for programs of prevention and control of troublesome youthful behavior is distributed across a variety of federal agencies and their state counterparts without coordination of policy or practices—a problem recognized by the Congress when creating the Federal Coordinating Council.

In Lisbeth Schorr's *Within Our Reach in America in Transition, The International Frontier, Report of the Task Force on Children*, National Governors' Association, Washington, D.C., 1988, the problem is stated thus:

The gap between knowledge and action springs from traditions which segregate bodies of information by professional, academic, political and bureaucratic boundaries. Complex, intertwined problems are sliced into manageable but trivial parts. Efforts to reduce juvenile delinquency operate in isolation from programs to prevent early childbearing or school failure. Evaluators assess the impact of narrowly defined services and miss the powerful effects of a broad combination of interventions.

The Coalition recognizes that prevention, in any meaningful sense, is a monumental task calling for the development of a national policy on child and youth development. However, the time may be ripe for such an undertaking. The recent *Report of the Task Force on Children*, produced by the National Governors' Association, sets forth an agenda for state action of precisely this scope. The recent *Carnegie Report on Education* calls for similar leadership and action. Clearly, it is time for the Federal Coordinating Council and the Office

to assume their national role in this field. A national program to prevent delinquency and assist children to grow up healthy and responsible will never be more timely nor more needed. The opportunity is now; the needed ingredient to take advantage of that opportunity is leadership at the national level.

9. We recommend that these previous suggestions for the Administrator of the Office of Juvenile Justice and Delinquency Prevention continue to receive major attention and support by the Office:

- a. Jail Removal
- b. Identification and promulgation of information on alternatives to confinement, new program approaches for handling overcrowding, classification, and promising new programs utilized in the states and territories
- c. Differential incarceration of minorities.

### **Discussion**

Recommendations contained in number nine (9) above are a reminder that our previous Reports have taken strong positions on each of these subject areas. We continue to await some action in response to our concerns beyond recent requests by the Office to determine if there is a problem. We regard the three areas defined in the above recommendation as critical issues, real and immediate, that remain on our collective agenda. Additional information will not make them go away. They will not disappear until we, because of our shared interest, assume the responsibility for change.

The National Coalition of State Juvenile Justice Advisory Groups is more than an advocacy group. It is a national organization representing all the states and territories with people, information, and resources that, traditionally, have been used sparingly by the Office of Juvenile Justice and Delinquency Prevention. We are constituents and supporters of the Act. As a National Coalition, we believe we can be a bridge for the Office to the state and local level. The National Coalition is mandated to provide oversight responsibilities and advise the President, the Congress, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention. In order to be effective in this role, we, the Coalition, need to be informed on the operations of the Office and federal juvenile justice policies. This can best be accomplished through a cooperative working relationship. We intend to fulfill our mandated responsibilities. We recognize that together the Office and the National Coalition have many promises to keep in our continuing effort to improve justice for juveniles in this country—promises too long held, promises left unkept.

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