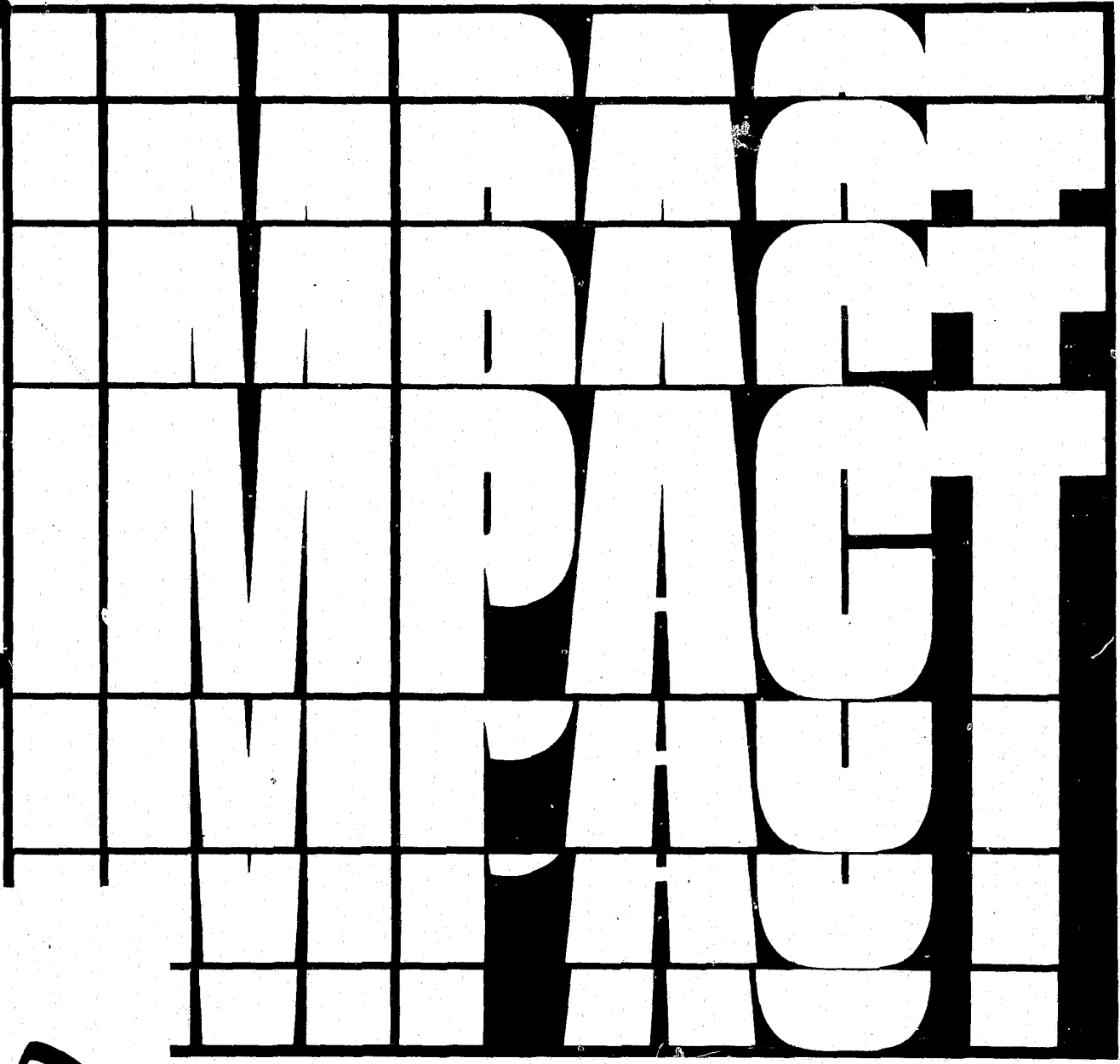


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ARY OF SELECTED COMMUNITY JUSTICE SURVEYS
RED FOR THE AJL TRAINING INSTITUTE, "IMPACT,"
HOUSTON, TEXAS, DECEMBER 2-6, 1973, BY
ATIONAL COUNCIL ON CRIME AND DELINQUENCY



NATIONAL COUNCIL ON CRIME AND DELINQUENCY

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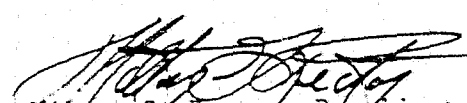
Dear Junior Leaguers and Friends:

As you so well know, the Junior Leagues in the United States, Canada and Mexico have effectively promoted volunteerism in numerous aspects of American life. Many juvenile courts, detention homes, jails, half-way houses and other criminal justice agencies have utilized the talents of Junior League women to enrich the services rendered to their clients.

"Impact," a project to promote more effective criminal justice systems and services, is a significant citizen effort. The response of Junior Leagues to this challenge is evidenced by the fact that 192 Junior Leagues in the United States and eight in Canada have completed comprehensive surveys of their local criminal justice systems. Thousands of hours have been contributed by hundreds of women to complete this task.

This report of their findings from a representative sample of 30 communities points the way to many needed changes which can be brought about only by an alert citizenry. The "Impact" Institute, to be attended by 650 Junior League delegates and "back-home representatives" chosen by them, is the next step in a series of events in which the Junior Leagues will act as catalysts in mobilizing citizens and officials to bring about more effective justice.

The Junior Leagues are to be commended for this tremendous investment of time, talent and resources, and the National Council on Crime and Delinquency is proud to be a part of this effort.


Milton G. Rector, President
National Council on Crime and Delinquency

This report was prepared under a subgrant from the Association of Junior Leagues which is the recipient of a grant from the U.S. Law Enforcement Assistance Administration.

THIS REPORT WAS PREPARED BY
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INTRODUCTION

In the Spring of 1973, the Association of Junior Leagues sought consultation from the National Council on Crime and Delinquency for the development of a project in the field of criminal justice. The project was designed to involve the various Junior Leagues in studying and stimulating action to bring about greater effectiveness in the criminal justice system.

A survey guide was developed by the National Council on Crime and Delinquency for the Junior Leagues to use in studying the criminal justice system in their communities. Information sought pertained to each part of the criminal justice system and the reports from each community contained more than 342 pieces of information. Between May and October, 1973, 192 Junior Leagues in the United States and eight in Canada conducted surveys and submitted reports for analysis.

The information was used by the representatives from these cities to develop a set of priorities for action in anticipation of the "IMPACT" Institute to be held in Houston, Texas, December 2-6, 1973. As far as is known, this represents the most extensive effort by citizens to systematically review criminal justice in their communities. This effort may well prove as a model for other organizations and citizen groups to concern themselves with the improvement of the process of justice.

Because of time and manpower limitations, surveys from 30 geographical representative communities of various sizes were selected, including one from Canada, for review and analysis. The results provide a general overview and trends in the status of criminal justice and identify a number of needs which must be met if there is to be a system of justice which is comprehensive, effective, and fair.

SUMMARY OF SELECTED COMMUNITY JUSTICE SURVEYS

LAW ENFORCEMENT

Tens of thousands of law enforcement agencies now exist throughout the United States. They operate at all levels of government, federal, state, county, city and township.

Excluding federal and private agencies, there were almost 675 separate law enforcement departments within the metropolitan areas of the 30 communities examined. More than 250 of these police departments operated their own jails. Again, such fragmentation of law enforcement is directly attributed to the large number of relatively autonomous local governments.

One of the primary problems of law enforcement today is the quality of its personnel. In recent years, minority groups have become alienated from law enforcement as a career. The removal of large segments of the population as potential police recruits drastically limits law enforcement resources. For example, of all sworn police personnel in the 30 cities surveyed, only 1.3 per cent were female. The personnel problem is compounded by the lack of opportunities for the career officer to transfer from one police department to another without beginning in the second department at the entry level. With the exception of police chiefs, directors, commissioners, and certain civilian personnel, most law enforcement officers must remain in a single police department in order to retain their rank, tenure for retirement, etc.

Height, weight, and age requirements, along with a predetermined level of physical prowess, eliminates large numbers of potential police officers who may possess a variety of skills that would enhance law enforcement.

As public servants, police officers are frequently called on to perform tasks that bear no direct relationship to crime detection or control. In over half of the cities examined for this report, sworn officers were expected to perform such tasks as chauffeur, escort, and bailiff.

"Victimless"¹ offense arrests were not reported to Junior Leagues in eight of the cities studied. Of the remainder, 20 per cent of all arrests were for the single offense of drunkenness (excluding drunk-related felonies such as driving while intoxicated). Drunkenness also accounted for over 40 per cent of all victimless crime arrests.

Clearly, these types of offenses consume the major portion of law enforcement activity. Eighteen of the 30 communities for which data are available have no plans locally or statewide for legislation or ordinances designed to decriminalize any of these offenses.

The time spent by various law enforcement agencies in apprehending and transporting persons accused of committing "crimes without victims" may also have a direct relationship to the relatively low percentage of

¹ Victimless in this context is limited to the following offenses: Drunkenness, prostitution, gambling, vagrancy, disorderly conduct, runaway, ungovernable, truancy, homosexuality, pornography, possession of marijuana, curfew and consensual sex acts.

crimes cleared by arrest. For example, of those offenses known to the police in 1972, only about 21 per cent were cleared by arrests. Despite this recognition, police authorities in nine of the 30 communities from which data was gathered were of the opinion that none of the presently recognized victimless offenses should be decriminalized. Twenty law enforcement authorities in the communities agreed that drunkenness should be decriminalized; six were of the opinion that gambling and prostitution should be removed from under the criminal sanction, and four indicated that drug use should be decriminalized. In one community, information was not available.

In 22 of the 30 communities, citizens were actively working with law enforcement departments in a variety of endeavors, ranging from participation in police reserve or auxiliary units to civilian police-community relations programs. In several cities, citizens were aiding law enforcement departments in rescue services and supervision of special events.

With increased recognition by law enforcement of the necessity for community relations and citizen involvement, 19 of the 30 major law enforcement agencies in the communities under study were utilizing foot patrols in specified areas of the city.

COURTS

As with law enforcement agencies, courts operate at every level of government. Unfortunately, there is no national information concerning the number of courts throughout the United States.

Designations of courts are also confusing. Depending on the state in which one lives, a given court may be termed the district court, circuit court, superior court, quarter sessions court, common pleas court, juvenile and/or family court, youth court, county court, county court at law, domestic relations court, municipal court, magistrate court, and/or justice of the peace ("JP") court.

As a general rule, trial courts are categorized into three basic groups:

1. Adult felony courts. In many states, these courts may handle criminal matters exclusively or may have both criminal and non-criminal or civil jurisdiction.
2. Misdemeanant courts. These courts are frequently referred to as lower or inferior courts, largely because they are not generally considered as a "court of record." Labeling notwithstanding, these courts are of major importance throughout the United States since over 90 per cent of cases involving criminal behavior first come to their attention. The misdemeanorant courts are responsible for adjudicating the majority of adult criminal cases, including most of the offenses in the "crimes without victims" classification.
3. Juvenile courts. These courts may be separate courts with original jurisdiction over children under the age of 18 (or 17, dependent upon the state) or a division of a trial court with general jurisdiction. They may also have jurisdiction over legal matters pertaining to children and/or the family which do not involve allegations of delinquency.

Information was generally unclear or unavailable in the Junior League Cities concerning the number of independent courts as compared with divisions of courts within a given city. Exclusive of federal, state supreme, and appellant court judges and referees, there were 1,262 judges in the 30 communities. Of these, only 102 were part-time.

Almost 90,000 felony offenses were filed in the felony courts of these communities. Though information was not available in a large number of instances, an estimated 45 per cent of the above judges were concerned with adult felony matters. The annual felony caseload for these judges approximated 155 cases each.

Twenty-seven of the communities had provisions for court appointed counsel; only 17 had a public defender. Though all communities had provision for probation services, only 15 were utilizing citizen volunteers in the delivery of these services.

Misdemeanant Courts

As is the case nationally, little valid information was available concerning the misdemeanor courts in the 30 cities surveyed.

Inconsistent or invalid information about drunk cases--second only to traffic offenses in these courts--was present in 15 of the 30 communities. In those for which information was available, drunkenness

and DWI (driving while intoxicated) accounted for an estimated 30 to 40 per cent of the misdemeanor cases.

Jail was the most popular judicial disposition for drunks in 12 of the 30 communities; a cash fine the most frequent in eight of the communities and probation in seven. Sixteen of the 30 communities indicated utilization of citizen volunteers in their misdemeanor courts. How these citizens were being utilized should be the subject of further study.

Juvenile Courts

Within the 30 communities, 48 juvenile or family courts were discovered. In 24 of the 30 communities, the juvenile court was operating as the division of another court, generally the court of general jurisdiction. In all juvenile courts, probation services were available. On the average, the juvenile judges devoted 2/3 of their time to delinquency matters.

Twenty-three of the 30 communities indicated that citizen volunteers were working with the court in a variety of activities ranging from volunteers in probation to general counseling, tutoring, and transportation of children.

It has been repeatedly asserted that the excessive delay between arrest and trial is a major problem in the courts of America. The trite phrase

of "justice delayed is justice denied", is most pertinent here. Unfortunately, however, no consistent and reliable information concerning backlogs in any of the courts was obtained in this study. The fact that this information was generally unavailable in a majority of the communities, is itself indicative of problems.

BAIL

The purpose of bail is to insure an individual's appearance at his trial or sentencing. Throughout the United States, the use of bail is a primary means of pre-trial release. Because many individuals do not have sufficient funds to make bail, however, those who are not released are generally those on the bottom of the economic and financial ladder. In recognition of the inequities in the application of bail, many communities have sought alternatives to bail as a means of pre-trial release.

Many communities have developed formalized release on recognizance (ROR) programs, whereby individuals with ties to the community are allowed pre-trial release without posting bail for their appearance. Where this has been utilized, it has been significantly more effective in assuring the accused's appearance for trial than the use of bail itself.

In 21 of the 30 cities, cash bail was the primary means of pre-trial release. Though Release On Recognizance (ROR) is available in every community at the option of the judge, only 14 of the 30 communities

reported the presence of formalized pre-trial release programs. Information was not available in ten communities, and six reported no ROR programs.

Fourteen of the communities reported that various law enforcement agencies were utilizing citation in lieu of taking the alleged offender into custody. Unfortunately, no further explanation was forthcoming. Doubtless, most citation programs in the reporting communities were limited to traffic offenses.

PROSECUTION

As with the courts, prosecutors are called by many names...district attorney, state's attorney, prosecutor, solicitor, etc.

Four of the 30 communities indicated that the prosecutor's position was of a part-time nature. Twenty-seven of the communities indicated that the office of prosecutor functioned as a temporary employment station for young and relatively inexperienced attorneys. Doubtless this is due in part to the inadequate salaries and high caseloads (averaging almost 270 per deputy prosecutor annually).

Only four of the communities indicated that they were using citizen volunteers in the prosecutor's office. When requested to indicate the nature of citizen employment in these offices, those interviewed responded that citizens were being utilized as "witnesses."

CORRECTION

"Correction" is a broad term generally used to describe those agencies in the criminal justice system charged with the reformation and/or rehabilitation of the public offender after his adjudication by the courts. The term encompasses both juvenile and adult, local and state correctional facilities (such as detention homes, jails, prisons, state training schools) as well as the various community-based correctional approaches such as juvenile and adult probation and parole.

As with most other elements of the justice system, very little information of a statistical nature is available concerning individuals served by the correctional system.

Juvenile Detention

Twenty-eight of the 30 communities had detention facilities designed especially for juveniles. Two of the communities held children in jail. Overall, the detention homes in the 30 communities were operating at 86 per cent of their rated capacity. The average length of stay for children in detention was 11 days.

Twenty-nine of the 30 communities indicated that children were detained routinely for offenses that would not be criminal for adults (such as truancy, runaway, ungovernable, etc.), despite recommendations generally that such cases be taken out of the juvenile justice system.

Twenty-three of the 30 communities indicated that citizens were actively being utilized in a voluntary capacity within the detention facilities. Their activities ranged from tutoring to general counseling. In several communities, citizen committees serve in an advisory capacity to the juvenile detention home, keeping careful watch over the general detention program, in addition to seeing that the children's basic nutritional and clothing needs were being met.

Adult Detention

Information concerning adult detention facilities (jails) was generally lacking in the 30 communities. Where such information was available, however, it was found that on the average, jails were operating at 91 per cent of their rated capacity.

Unfortunately, information was not available concerning the relative per cent of inmates in jail on a pre- or post-trial basis.

Fifteen of the communities indicated that no provisions were being made for separating the first offender from the older and more experienced offender. Again, information concerning the types of offenses for which the people were jailed was also largely unavailable.

Juvenile Probation

The most significant aspect of juvenile probation services in the 30

cities is the exceedingly high caseloads which characterized virtually every community. Though no information was available concerning the gathering of social histories prior to the child's court appearance, the average number of children on probation for each officer was 106. The generally accepted standard for caseloads is 35 per officer.

Approximately 1/3 of the caseloads in the 30 cities consisted of children under informal supervision by the probation officer.

Twenty-five of the probation departments in the 30 cities utilized group homes as an adjunct probation service. In another 25 of the departments, citizen volunteers were being utilized, primarily as volunteer probation officers.

Adult Probation

Caseloads of adult probation officers in the 30 cities were far in excess of recommended standards. Excluding pre-sentence activity, caseloads averaged 77 per probation officer, more than twice the standard.

In 17 of the communities, eligibility for probation as a judicial disposition was contingent upon the nature of the offense rather than the nature of the offender.

Volunteers were active in only 13 of the 30 probation departments with which this report is concerned. The nature of their activity was

generally unspecified.

YOUTH SERVICE BUREAUS

Many communities throughout the United States have developed Youth Service Bureaus designed to divert children from coming to the attention of the juvenile court. Additionally, YSBs also function to mobilize community resources in meeting the needs of delinquent youth. Generally, in communities where Youth Service Bureaus are operating, children who would ordinarily be referred to the juvenile court are funneled to the Youth Service Bureau which in turn refers the child to the appropriate non-judicial agency. In this manner, juvenile court caseloads in communities with YSBs are decreasing with concomitant decreases in juvenile detention populations, juvenile probation caseloads, and commitments to state training schools.

Youth Service Bureaus were operating in only 17 of the communities. While it was not the purpose of this survey to determine the effectiveness of these YSBs, it appears that they helped to reduce referrals to the juvenile court. Additional study of existing Youth Service Bureaus is called for to determine how their role in the community can be strengthened.

INSTITUTIONAL CONSTRUCTION/MODIFICATION

Institutional construction was pending in 22 of the communities from which data were collected. These institutions ranged from maximum security

prisons to so-called "community-based correctional centers." Construction cost estimate figures were available for 12 of the 22 surveys which included such information. One state accounted for about \$40 million of the reported total construction of nearly \$118 million. Serious study of possible alternatives is called for in these communities to determine if the planned construction is actually needed in light of new trends in the use of release on recognizance, community-based, non-institutional services, etc.

PUBLIC OPINION

In an attempt to assess community opinions about and knowledge of criminal justice, Junior Leaguers were requested to speak to various people within the community with reference to their opinions concerning criminal justice in their community. The data indicate diverse and often conflicting feelings depending upon the subject matter. Generally, those under the age of 24 seemed better informed about the local criminal justice system than the older, established segment of the population. The younger citizens seemed to be more critical about police practices and generally favored liberalization of marijuana and victimless crime laws, contrary to the opinions held by the older citizens.

In a number of communities, the police had a poor image across the board. In most communities, correction had little or no image. Respondents who offered opinions of relevance to the correctional situation apparently based their opinions on but a few cataclysmic events such as prison riots or mass murders and were generally quite harsh in their responses.

In terms of public opinion, one major theme cut across all 30 communities. Many Junior Leaguers reported that the greater the ignorance of the respondent with reference to justice in America, the more fixed and authoritarian their attitude toward the subjects about which they were questioned.

JUNIOR LEAGUE PRIORITIES

Several Junior League communities indicated the opinion that their criminal and juvenile justice systems were adequate. Others indicated an intense concern with juvenile delinquency, the juvenile court, and juvenile institutions in general. There was a strong feeling among some that citizens should become more involved as volunteer juvenile probation officers.

More than any other area, public education about criminal justice was seen as a top priority in 12 of the communities. The second highest priority, listed in seven of the communities, was the need for community-based correctional approaches. In all instances, these priorities were concerned with probation and aftercare services for juveniles and adults.

Diversiory programs, such as Youth Service Bureaus were seen as a first priority in six of the communities. Two communities supported the construction of new institutions within the state, while one named better planning as its chief priority. The remaining two communities had no clearly defined priorities.

SUMMARY OF MAJOR FINDINGS: THIRTY JUNIOR LEAGUE COMMUNITIES

Nature of Arrests

In those cities for which information was available:
50.5 per cent of all arrests (excluding traffic) were for
victimless crimes.

Over 20 per cent of all arrests were for the offense of drunkenness.

Drunkenness accounted for 40 per cent of all victimless crime arrests.

Eighteen of the 30 communities have no plans to decriminalize any
victimless offenses through legislation or administrative action.

Law Enforcement

675 separate law enforcement agencies were identified in the 30
communities.

More than 250 of the law enforcement agencies operated their
own jails.

In the 30 communities, only 1.3 per cent of all sworn officers
were female.

In over half of the cities examined, sworn officers were expected
to perform such non-law enforcement tasks as chauffeur, escort,
bailiff, etc.

Police authorities in nine of the 30 communities from which data
were gathered were of the opinion that none of the presently recog-
nized victimless offenses should be decriminalized.

Twenty law enforcement authorities in the communities agreed that
drunkenness should be decriminalized.

Six law enforcement agencies were of the opinion that gambling
and prostitution should be removed from the criminal code.

Four law enforcement authorities indicated that drug use should
be decriminalized.

In twenty-two of the thirty communities, citizens were actively
working with law enforcement departments in a variety of voluntary
endeavors.

Nineteen of the thirty major law enforcement agencies were utilizing
foot patrols in specified areas of the city.

Courts

In the 30 communities, there were 1,262 judges, only 102 of whom were part-time.

90,000 felony offenses were filed in the felony courts of the 30 communities.

Forty-five per cent of the above judges were concerned with adult felony matters.

The annual felony caseload for judges in the 30 communities approximated 155 cases each.

Twenty-seven of the 30 communities had provisions for court appointed counsel.

All 30 of the adult courts have provision for probation services.

Fifty per cent of the adult courts were utilizing citizen volunteers in the delivery of adult probation services.

Drunkness and DWI (driving while intoxicated) accounted for an estimated 30 to 40 per cent of the misdemeanor cases in those communities for which information was available.

The most popular judicial disposition for drunks in 12 of the 30 communities was jail.

In eight of the 30 communities the most popular disposition for drunks was a cash fine, and in seven probation.

Of the 30 communities, 16 indicated use of citizen volunteers in the misdemeanor courts:

Juvenile Courts

Forty-eight juvenile or family courts were noted in the 30 communities.

In 24 of the 30 communities, the juvenile court was operating as a division of another court.

Juvenile judges within the 30 communities devoted 2/3 of their time to delinquency matters.

Twenty-three of the 30 communities indicated that citizen volunteers were working with the juvenile courts in a variety of activities.

No consistent or reliable information concerning backlogs was available in any of the courts studied.

Bail

In 21 of the 30 cities, cash bail was the primary means of pre-trial release.

In 13 of the 30 communities formalized pre-trial release programs were operational.

Six communities reported no formal ROR programs.

Fourteen of the 30 communities reported that law enforcement agencies were using citation in lieu of taking the offender into custody.

Prosecution

Four of the 30 communities indicated that the prosecutor's position was of a part-time nature.

Twenty-seven of the communities indicated that the prosecutor's office provided temporary employment for young, inexperienced attorneys.

Deputy prosecutors in the 30 communities averaged caseloads of 270 annually.

Four of the communities indicated utilization of citizen volunteers in the prosecutor's office, when in reality such volunteers were actually witnesses.

Juvenile Detention

Twenty-eight of the 30 communities had detention facilities designed especially for juveniles.

Two of the 30 communities held detained children in jail.

Detention homes in the 30 communities were operating at 80 per cent of their rated capacity.

The average length of stay for children in detention in the 30 communities was 11 days.

Twenty-nine of the 30 communities indicated that children were detained routinely for offenses that would not be criminal for adults.

Twenty-three of the 30 communities indicated citizens were actively being used in a voluntary capacity within the detention home.

Adult Detention

In the communities for which information was available, jails were operating at 91 per cent of their rated capacity.

Information was not available concerning the relative per cent of inmates in jail on a pre- as compared to post-trial basis.

Half of the communities indicated that no provisions were being made for separating the younger first offender from the older more experienced offender.

Juvenile Probation

All 30 communities had juvenile probation services.

The average number of children on probation for each officer was 106.

It is estimated that juvenile probation officers in the 30 communities carry a caseload approaching three times the generally accepted standard of 35 units per officer.

One third of the caseloads consisted of children under informal supervision.

Twenty-five of the 30 probation departments utilized group homes as an adjunct to juvenile probation services.

Twenty-five departments utilized citizen volunteers, primarily as volunteer probation officers.

Adult Probation

Adult probation caseloads averaged 77 per probation officer, exclusive of pre-sentence activity.

In 17 of the communities eligibility for probation was contingent upon the nature of the offense rather than the nature of the offender.

Volunteers were active in only 13 of the 30 probation departments.

Youth Service Bureaus

Youth Service Bureaus were operating in only 17 of the 30 communities.

Institutional Construction

Institutional construction was pending in 22 of the communities.

Reported estimates of construction costs in 12 of the 22 communities amount to \$118 million.

Public Opinion

The younger people in the community are better informed and generally considered more "liberal" in their opinions of handling the public offender.

They were generally more critical in their attitudes towards the police.

The business community appeared to be against liberalization of victimless crime laws, while the younger community evidenced the reverse.

In a number of communities the police had a poor image in general.

In most communities, correction had little or no image whatsoever.

The major theme cutting across all 30 communities as reported by Junior Leaguers is that the greater the ignorance of the respondent with reference to justice in America, the more fixed their attitude toward the subjects about which they were questioned.

Priorities

More than any other, public education in criminal justice was seen as the top priority in 12 of the communities.

The need for community based correctional approaches, limited to probation and aftercare services for juveniles and adults, was the highest priority in seven communities.

The highest priority in six communities was for diversionary programs such as Youth Service Bureaus.