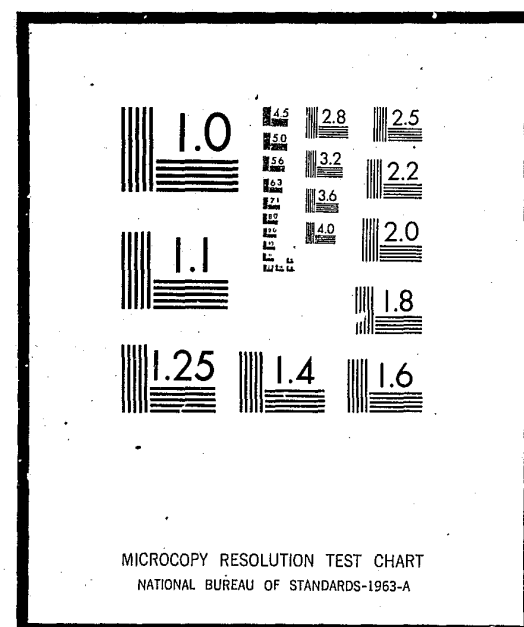


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JUVENILE COURT STATISTICS -

Review and Recommendations

by

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INTRODUCTION

The Institute for the Study of Crime and Delinquency, a division of the Bureau of Governmental Affairs at the University of North Dakota, operates under a grant from the North Dakota Law Enforcement Council. Its mission is to provide an inter-disciplinary research capability in the state of North Dakota to study various aspects of the criminal justice system in the state. This report is the result of one such inter-disciplinary research project.

The objective of the project was to ascertain what statistics are being collected in the area of juvenile offenses and juvenile courts in North Dakota; to measure their uniformity and comparability; and to evaluate the adequacy and accuracy of the statistics being gathered. Only two agencies in the state of North Dakota are currently gathering statistics in this area. The North Dakota Judicial Council publishes a semi-annual statistical report. The only reference to juvenile matters is a simple statement of the number of formal hearings held.

The other agency collecting such data is the Social Service Board of North Dakota. This agency has been publishing a yearly statistical report of data collected on juvenile delinquency, dependency and neglect, and special proceedings. The data is collected from across the state using a Juvenile Court Statistical Card. This card was developed by the Department of Health, Education, and Welfare and is in national use. (See Appendix for a copy of the card.)

The research team gathered copies of these various reports and reviewed them as to their usefulness, adequacy, and completeness. In addition, a letter of inquiry was sent to the 19 juvenile judges and 16 juvenile supervisors in the state, asking for their comments on the subject of juvenile court statistics. Eleven responses were received.

The four members of the team reviewed all data and arrived at the recommendations which follow based on their view as to the important areas of the juvenile justice system as seen from the perspective of their respective disciplines. It is hoped that the responsible authorities in the juvenile justice system in North Dakota will review these recommendations for their applicability and usefulness in improving the data collection system for juvenile offense and court statistics.

Boyd L. Wright, Director
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THE LAWYER'S VIEW

by

Professor W. Jeremy Davis

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Presently, statistics relating to the juvenile offender are being collected by means of the Juvenile Court Statistical Card supplied by the Department of Health, Education and Welfare. Data from these cards is compiled annually by the Social Services Board of North Dakota. The collection card itself is relatively thorough, and while I do have suggested additions to it, it is generally adequate. The analysis of the data supplied by means of this card, however, could be more comprehensive. The annual report of Juvenile Court Statistics published by the Social Service Board is little more than a compilation of reported data, without analysis of the inter-relationship of the various data. For example, using data from past years, a cross-reference of the number of prior referrals against prior specific dispositions may be helpful in determining whether a relationship exists between the number of juvenile offenders sent to the State Industrial School and the number of prior referrals. In other words, in sending a juvenile to the State Industrial School, do we increase or decrease the chance that he will return to the court on a subsequent referral.

I suggest that further and more extensive analysis of the data presently collected be performed to get the most benefit out of such effort.

Improvement of data collection areas.

The present data collection system is inadequate in some areas; following are my suggestions as to specific additions to improve these areas and reasons therefore.

1). Representation by counsel:

The most important consideration from the professional viewpoint of a lawyer as to the juvenile justice system is the role of the attorney in juvenile proceedings. Traditionally, the posture of the attorney in our system of justice is one of advocacy. Our system of law requires that the parties' opposing positions be vigorously presented by counsel before an impartial tribunal which is, theoretically, then able to balance the merits of each position and reach a just determination. This system requires highly partisan presentation by counsel in a criminal case. The proper role of an attorney in a criminal action is the subject of the following comment from the ABA Standards Relating to the Prosecution Function and Defense Function:

The lawyer's duty to investigate is not discharged by the accused's admission of guilt to him or by his stated desire to enter a guilty plea. The accused's belief that he is guilty in fact may often not coincide with the elements which must be proved in order to establish guilt in law. In many criminal cases the real issue is not whether the defendant performed the act in question but whether he had the requisite intent and capacity. The accused may not be aware of the significance of facts relevant to his intent in determining his criminal liability or responsibility. Similarly, a well founded basis for suppression of evidence may lead to a disposition favorable to the client. The basis for evaluation of these possibilities is the lawyer's factual investigation for which the accused's own conclusions are not a substitute.

The lawyer's duty is to determine, from knowledge of all the facts and applicable law, whether the prosecution can establish guilt in law, not in some moral sense. An accused may feel a sense of guilt but his subjective or emotional evaluation is not relevant; an essential function of the advocate is to make a detached professional appraisal independent of the client's belief

either that he is or is not guilty. (Stapleton and Teitelbaum, In Defense of Youth 123 (1972).)

Thus, the lawyer must not judge the guilt of his client in spite of all indications, including the client's own admission, of his guilt.

The juvenile justice system was designed to decriminalize antisocial behavior of young people to protect them from the "criminal process" and whatever stigma or psychological harm might attach from such association. The emphasis was not punishment or retribution, but a desire to help the child overcome whatever problems caused him to misbehave. In this climate, the traditional advocacy position of counsel was thought clearly to be a limitation. In fact, representation of a juvenile offender by an attorney has only recently been determined to be constitutionally required (In re Gault, 387 U.S. 1 (1967)), a right that adult defendants have had for many years. In any event, even now, with counsel present, the juvenile offender is subject to a different type of representation than his adult counterpart. The lawyer's role in representing a juvenile offender is less one of advocacy and more one of a friend of the court attempting to work out what is best for the child. This view is set out in the following explanation of the role by Judge McKesson in his article Right to Counsel in Juvenile Proceedings, 45 Minn. L. Rev. 843, 846-847 (1971):

The lawyer's function in juvenile court was very different from that of counsel in any other kind of court, civil or criminal, and that the informal juvenile "hearing" was to be clearly distinguished from the criminal "trial." . . . A lawyer could best serve his client's interest or that of the parents by helping to interpret the philosophy of the court to the ward . . .

Most lawyers were receptive to the idea that as officers of the court, they had a professional obligation to assist in the supervision, rehabilitation and treatment of the ward. Emphasis and exclamation added

This "amicus" (as opposed to advocacy) role has recently come under attack as working to the disadvantage of the juvenile. The argument presented is that with no one to adequately enforce his constitutional privileges, the juvenile offender becomes a pawn of the system. It must seem to him that all of the other players--juvenile supervisor, social worker, probation officer, judge, parents and even his own counsel--have conspired together to his disadvantage. His conclusion may be correct. Usually, because of the close working arrangements of all these people, administrative disposition is made without constitutional protections; those protections are waived because it is in "the best interests of the child" to do so.

The division within the legal profession and the juvenile justice system as to which posture an attorney representing a juvenile should take requires an analysis of actual occurrences and the particular attorney's action therein compared with other data gathered on that juvenile. For example, does the degree to which the attorney assumes the advocate position increase with the age, social status, or type of offense of the juvenile; is the "amicus" position assumed by the majority of counsel who are appointed by the court; and so forth. If this data can be collected and properly analyzed, perhaps a better understanding of the attorney's duty in a juvenile action could be reached.

In reference to the above, I suggest that an additional category of data be collected which indicates whether and from what source counsel was provided for the juvenile.

- a) Private attorney engaged by parent or guardian
- b) Private attorney appointed by the court
- c) Legal Aid
- d) Public Defender

- e) Law student
- f) Other _____
- g) No attorney representing child.

It would also be advantageous to know what motions were made by counsel and what defenses asserted. Such information would indicate the approach counsel has taken.

Types of motions made by counsel:

- a) Dismiss petition
- b) Suppress evidence
- c) Discovery
- d) Appeal
- e) Other _____.

Types of defenses asserted:

- a) Alibi
- b) Credible denial
- c) Analogy to adult proceeding
- d) Other _____.

Finally, and most difficult to gather, would be data pertaining to the attorney's advice to formally deny the allegations and put the State to its proof in spite of the child's admission of guilt to the attorney. I have no suggestions as to how this information could be obtained, but it would be very useful in defining how the attorney views his role and would be interesting to cross-reference with specific dispositions.

2). Constitutional Safeguards:

The Supreme Court's decision in In re Gault was clear in concluding that juveniles are entitled to counsel and to their exercise of the Fifth Amendment privilege against self-incrimination. In order to ensure that these rights are afforded juveniles and to analyze the effect of Gault on juvenile proceedings, I suggest gathering the following:

Right to Counsel:

When advised of right:

- a) not advised
- b) initial custodial event
- c) intake hearing
- d) transfer hearing
- e) informal proceeding
- f) petition hearing
- g) other _____

Waiver of right to counsel:

- a) initial custodial event
- b) intake hearing
- c) transfer hearing
- d) informal proceeding
- e) petition hearing
- f) other _____

g) on advice of counsel? _____yes, _____no

Invocation of the right:

- a) initial custodial event
- b) intake hearing
- c) transfer hearing
- d) informal proceeding
- e) petition hearing
- f) other _____

g) on advice of counsel? _____yes, _____no

Privilege against self-incrimination:

When advised:

- a) not advised
- b) initial custodial event
- c) intake hearing
- d) transfer hearing
- e) informal proceeding
- f) petition hearing
- g) other _____

Waiver of privilege:

- a) initial custodial event
- b) intake hearing
- c) transfer hearing
- d) informal proceeding
- e) petition hearing
- f) other _____

g) on advice of counsel? _____yes, _____no

Invocation of the privilege:

- a) initial custodial event
- b) intake hearing
- c) transfer hearing
- d) informal proceeding
- e) petition hearing
- f) other _____

g) on advice of counsel? _____yes, _____no.

3). Offenses:

The list of offenses reported presently is not sufficiently

comprehensive as to be meaningfully analyzed with the other data and compared with the juvenile justice statute. Following are some suggested additions to the "Reasons referred" section of the Juvenile Court Statistical Card.

Offenses applicable to juvenile only:

- a) Behavior injurious to self or others
- b) Attempted suicide
- c) Protective custody

Neglect; offenses against juveniles:

- a) Abuse (including battered child)
- b) Abandonment
- c) Lack of proper care--fault of parent or guardian.
- d) Lack of proper care--no fault of parent or guardian.
- e) Failure or refusal of parent or guardian to provide medical care.
- f) Failure or refusal of parent or guardian to provide for the child's education.
- g) Environment injurious to child's health, safety or welfare.

Special Proceedings:

- a) Adoption
- b) Consent to marry
- c) Paternity
- d) Consent to medical treatment
- e) Relinquishment/Termination
- f) Others

4). Holding period:

The Uniform Juvenile Court Act is permeated with the policy that a juvenile should not be detained pending disposition except in specific circumstances such detention must be based on specific findings. The Act emphasizes the necessity of immediate detention hearings. Consequently, I propose that the following be added to section "K" on the Juvenile Court Statistical Card to determine the reasons for, and length of, detention prior to disposition. Such information would be useful in determining consistent application of the Uniform Act.

- a) released to child welfare institution
- b) released to medical facility _____
- c) released to parent or guardian with condition to return when summoned
- d) number of hours from initial custodial event to detention hearing _____
- e) actual place of detention pending detention hearing _____
- f) if detained, date and time parents notified _____
- g) child alleged to be delinquent or unruly
- h) child alleged to be deprived

5). Referral:

Any study of the system's effectiveness must necessarily include how the juveniles get into the system. The Uniform Juvenile Court Act is specific as to the manner in which the system obtains jurisdiction of a child. To ensure consistency with the statute, the following should be included under section "I" on the Juvenile Court Statistical Card:

Law enforcement agency:

- a) Warrant
- b) Bench warrant pursuant to chapter 27-20--
- c) Warrantless apprehension
 - 1. Runaway
 - 2. Threat of immediate danger to safety, or illness of, the child
 - 3. Other (including normal warrantless arrest and subsequent transfer to juvenile court).

6). Disposition:

The Uniform Juvenile Court Act is specific in the permitted dispositions of juveniles adjudged to be deprived, unruly, or delinquent. I propose the following additions to the Statistical Card so that a more comprehensive analysis of various possible dispositions may be made.

Petition dismissed:

- a) petition withdrawn
- b) matter handled informally subsequent to filing of petition
- c) charges not proved
- d) other _____

Petition substantiated:

- a) dismissed with conditions (counseling, warning, etc.)
- b) deferred imposition of sentence.

Deprived child:

- a) public agency or institution _____
- b) private agency or institution _____
- c) county welfare board
- d) release to parents with conditions

Unruly child:

- a) public agency or institution _____
- b) private agency or institution _____
- c) County Welfare Board
- d) release to parents with conditions
- e) probation
- f) facility for delinquent or unruly children (except State Industrial School).

Delinquent Child:

- a) public agency or institution _____
- b) private agency or institution _____
- c) County Welfare Board
- d) release to parents with conditions
- e) probation
- f) facility for delinquent or unruly children (except State Industrial School)
- g) State Industrial School.

Change in status:

- a) termination of parental rights
- b) consent to marry granted
- c) consent to medical treatment granted
- d) dismissal.

7). Informal Adjustment - Police discretionary action:

It would be beneficial to know the number of cases where juvenile misbehavior is noticed by a law enforcement officer who then handles the matter informally by taking the child to the station, calling his/her parents, or merely advising the child of the implications of his acts. Gathering this information would be difficult only because it would appear to be another administrative task pressured upon police officers who may shun such time consuming reporting. Also, an officer is less likely to be lenient if he knows his action will be reviewed by superiors. Nonetheless, I think that data along this line would be helpful in analyzing the entire picture of juvenile delinquency.

THE PSYCHOLOGIST'S VIEW

by

Dr. Paul H. Wright

Psychology Department

University of North Dakota

Before examining the present Juvenile Statistical Card (SRS-NCSS Form 203) carefully and critically, I tried to envision the kinds of information that would be considered important by most psychologists. After deciding what kinds of information should be included on a data form, I tried to outline some specific, easily codable items. This outline was then compared with the present Juvenile Data Card. Some of the relevant items--in fact, most of them--were included in whole or in part in the form now in use. The crucial information, from my perspective as a psychologist, that is not dealt with adequately in the present format falls into three general areas: 1). contact and communication between the juvenile and his parents and between the juvenile's parents and the juvenile authorities at the time of referral and/or apprehension; 2). treatment of the juvenile between referral (or apprehension) and disposition of his case; and 3). psychological, medical and social assessments sought and/or obtained, including recommendations from the person or agency providing the evaluations.

1. Contact and communication at the time of referral or apprehension.

Was the parent or guardian of the juvenile available and notified at the time of referral or apprehension? If not, when was the parent contacted and notified, if ever?

One of the crucial factors influencing the effectiveness of any measure in the treatment of the juvenile offender is bound to be the concern and cooperation of his parents if, in fact, such concern and cooperation is forthcoming. While the availability and notification of the parent is no guarantee of his or her concern and cooperation, his unavailability and subsequent lack of notification is virtually a guarantee of the absence of his active involvement in the case. This item of information would be especially helpful in examining the problem of recidivism. Was the parent consistently available and/or informed or consistently unavailable and not informed? Such information could provide the juvenile authorities with some helpful guidelines on the most effective disposition of individual cases. As it is, there seems to be no record whatever of the concern, or even the interest, of adults responsible for the juvenile offender. One cannot even tell if they were aware of the referral or apprehension.

Beyond its implications for the handling and disposition of juvenile cases, it is almost inconceivable to me that parents or guardians would not be notified of referrals or apprehensions as a matter of course. Yet there is no record of whether they were or were not, or of efforts to contact them if they were not initially available.

2. Treatment of the juvenile between referral and disposition.

a. Unless the Date of Referral is always (or almost always) the same day the juvenile was taken into custody, there should be some readily accessible record of Date of Apprehension (or some equivalent phrase). The time lapse between referral and disposition is clear from the entries on the Statistical Card, but there is no way to determine the time lapse between apprehension and disposition.

b. In connection with (a), the present Statistical Card lists in Section K, "CARE PENDING DISPOSITION." This undoubtedly means "custodial care or means of retention from apprehension to disposition." The record should contain more detail concerning what was done and for how long while the juvenile was awaiting disposition. I cannot believe that a juvenile would be detained in jail for a month or longer while awaiting disposition. Yet one could conclude from the present records that this is sometimes--perhaps often--the case.

Thus, adding a Date of Apprehension and entries indicating the amounts of time spent in each option under "CARE PENDING DISPOSITION" would greatly enhance the usefulness of the Statistical Card.

3. Psychological, medical and social assessment.

In conjunction with DIAGNOSTIC SERVICES (Section Q), I would suggest recording information in some readily codable form concerning recommendations, if any, from the person or agency providing the diagnostic service. Such recommendations should be solicited with respect to any or all of the following: 1). Manner of Handling (see Section M of present Card); 2). Disposition (Section O); and 3). Rehabilitation Procedures (not presently itemized).

If the juvenile authorities actively solicit recommendations from different assessment and diagnostic agencies, they are likely to obtain them. This is particularly true if the juvenile authorities "educate" such agencies as to the specific kinds of recommendations that are viable from a legal and practical point of view. It would be my guess that psychological and social services often provide assessment results without making any specific or useful recommendations. This is not necessarily because they have none to make, but more likely

stems from the fact that they do not know what practicable options are available to make recommendations about.

4. A suggested deletion.

I would recommend deleting the subhead, "SUPPLEMENTARY DATA (for court's use)" from the present Statistical Card. Using this subhead seems to relegate the subsequent items to a minor status. From the viewpoint of the psychologist this section of the Statistical Card contains some of the most relevant information (see, e.g., Sections Q, R, S, V, W and X). If it is true that "Supplementary" is taken to imply "less crucial" then this section of the Card may be, at times, treated with less than desirable care in the records-keeping process.

5. A general comment.

The Juvenile Statistical Card, as revised along lines that may be suggested by representatives of relevant disciplines, is a potentially valuable research instrument. Any number of hypotheses, propositions or just plain hunches about the effective treatment of juvenile offenders could be tested and documented by obtaining the appropriate breakdowns of information. The key word here is "appropriate." The analysis of the data would have to be guided by some well-formulated proposition or question. With this in view, I feel that the present annual report, "Juvenile Court Statistics," is not a particularly useful document; it seems to try to answer questions without knowing what the questions are, or even whether any questions have been asked. It may be worthwhile to consider retaining specialists from relevant disciplines to formulate questions and extract the appropriate data from records based on the Statistical Card. Such analyses could well lead to some concrete, well-documented guidelines for the treatment of different kinds of juvenile cases.

THE SOCIAL WORKER'S VIEW

by

Professor Myrna Haga

Social Work Department

University of North Dakota

This report, like any, is based on certain assumptions. Primary among these is the assumption that the Juvenile Court system of North Dakota can and should be improved.

Statistics compiled by the North Dakota Social Service Board have been reviewed. On the basis of that review, I would make the following recommendations for modifications of the current statistical gathering system, which, hopefully, would be helpful to persons concerned about the state's juvenile court system.

1. Place of Care Pending Hearing or Disposition.

A. Upon apprehension and processing, some juveniles are returned to their homes or foster homes; others are detained in jails or other detention facilities. Is there a relationship between the act committed, and whether or not the juvenile is restrained in a formal detention center? To ascertain this, data on the place of care pending hearing or disposition should be gathered.

(Rationale: Are juveniles being detained to protect themselves and/or society, or are there other factors which affect the decision, i.e., refusal of parents to have the child returned to their home; lack of foster homes for emergency placement; lack of cooperation by agencies giving service to children, etc.)

B. Specify the length of time each child was detained in jail, or other formal detention center.

(Rationale: Are juveniles being detained for periods of time longer than necessary to process them, advise their parents, and arrange for the earliest possible appearance in court. And, if so, why?, i.e., shortage of court personnel, ad hoc punishment, no other physical resources, etc.)

II. Counsel.

A. Did the juvenile have the services of counsel? If so, specify at what point in the process was counsel made available. Also, specify whether counsel was privately retained or court appointed. For those juveniles who did not have counsel, indicate whether right to counsel was waived, or was simply not available.

(Rationale: Are juveniles exercising their right to counsel, and if not, why not? In those cases where the right to counsel is exercised, what has been the impact on length of detention and manner of disposition. Do juveniles seem to understand the role of counsel in the juvenile justice system?)

B. Is counsel's representation confined to the juvenile, or does it include, in addition to the juvenile, one or more members of the family.

(Rationale: Objectives and desires of the parents may conflict with those of the juvenile, leaving the attorney in an untenable position.)

III. Special Proceedings

A. Deprived child.

1. As to the above, specify the sources of referral in each case.

2. As to social, psychological, psychiatric and other evaluations and studies, state where such evaluations were completed and by whom; if not completed, state why.

(Rationale: It is conceivable that those very agencies that initiate the process in an accusatory fashion (petitioning) are subsequently being asked to provide what should be objective and unprejudiced evaluations and expert opinions.)

3. Specify whether the family and/or the juvenile had the services of counsel. If so, specify whether privately retained or court appointed. If not, indicate whether counsel was waived, or simply not available.

4. As to each case, indicate whether there was a transfer of legal custody. In each case of transfer that is not permanent, indicate the duration of each such transfer. In each case specify the grounds upon which the transfer of legal custody was based.

(Rationale: Does the presence of counsel have an apparent affect on disposition? Is there any correlation between the type of deprivation and the fact of transfer of legal custody? Do transfers of legal custody occur more often in cases involving certain ethnic, income or educational groups?)

5. In those cases where legal custody has been transferred, has the court made any provision for automatic periodic review? If so, specify in each case when such a review must take place.

(Rationale: The danger obviously present in indefinite and open-ended "temporary" custody orders is that children will grow up in foster care. If those circumstances initially prompting the change of legal custody have not been corrected within reasonable time,

serious consideration should be given to final termination of parental rights thereby freeing the child for adoption.)

B. Termination of parental rights.

1. As to each case of termination, specify the source of the petition. Also, as to each case specify whether voluntary or involuntary.

2. As to each case, specify whether the services of counsel were provided. In each of those cases where legal services were provided, specify whether privately retained or court appointed. In those instances where legal services were not provided, indicate whether they were waived or simply not available.

3. In those cases involving an involuntary termination, were psychological, psychiatric, social, medical and other evaluations conducted? In those instances where some or all of the previously mentioned evaluations were conducted, specify which of those were completed by the agency which initiated the termination process.

(Rationale: First of all, we again seek to determine the number of instances wherein the agency is placed in the impossible situation of first making the allegation and then, secondly, rendering an impartial and objective opinion as to the validity of the allegation. In addition, are parents and unwed mothers equipped to adequately present their case in an effective (insofar as the court is concerned) manner, or are they confused and baffled by the courtroom and its procedure.)

IV. Deprived, Unruly and/or Delinquent Children.

As to each deprived, unruly and/or delinquent child where legal custody was transferred, what rehabilitative attempts have been made to keep the child in the present situation before legal custody was transferred.

(Rationale: Each time a child is placed, a mourning and grief reaction will take place. This process occurs even if the relationship is essentially negative. In addition, it hurts just as much each time. A child will experience four stages before adjustment will take place.

Step # 1 - Shock

Affects

1. Affect is absent or very shallow.
2. If present, affect appears minimal and takes the form of soberness or false happiness.

Behavior

1. Behavior seems to reflect an automatic response without emotional involvement.
2. Behavior is quite conforming or docile.

Step #2 - Protest

Affects

1. Anxiety. 2. Anger. 3. Helplessness. 4. Weeping.

Behavior

1. Thought and behavior are directed.
2. There is an active effort to find the lost person and a craving.
3. Anger is expressed toward the lost person, others nearby and self.
4. There are appeals for help and rejection of this help.

Step # 3 - DespairAffects

1. Pain. 2. Depression. 3. Despair. 4. Hopelessness.

Behavior

1. Longing for the lost person continues but active efforts are given up.
2. The general state is apathy.
3. Few demands on the environment.
4. Activity is disorganized, purposeless, and restless.
5. Lack of goal direction and little ability to start activities.
6. Withdrawal is pronounced resulting in little change with external world.
7. There is a preoccupation with things, not people.
8. Regression is marked.

Step # 4Affects

1. Hope. 2. Sense of mastery.

Behavior

1. While thought of the lost person continues, this is reality based and not total.
2. There is seeking of new relationships and an emotional investment in them.
3. Behavior has been reorganized and is purposeful.
4. Reality testing has improved.

Possibly the most disturbing aspect is that research suggests that on the average, a child will take nine months to get to step 4. For children who are moved often, such is often the case for foster

children, a child may constantly be in a state of grieving with its behavioral implications.

V. Supplementary Data

This data should be available to those who are compiling any statistical study. Therefore, the heading "Supplementary Data" should be removed and all sections under this heading be completed.

(Rationale: More valuable cross referencing could be completed with the information already being compiled. For example, correlation between marital status of parents and delinquency and correlation between school functioning and delinquency, etc., could have important implications for prevention.)

Summary

It is this writer's opinion that we have an acceptable system of juvenile justice in the state of North Dakota. However, as one who has worked with the court professionally as a social worker, it is felt that much could still be accomplished. It would seem that a comprehensive evaluation of the system as it now exists, could lead to needed and valuable changes. Juvenile offenders are important, as from the manner in which they are processed in the juvenile justice system, comes each child's perception of the concept of "justice."

THE SOCIOLOGIST'S VIEW

by

Dr. James H. Larson

Sociology Department

University of North Dakota

In my evaluation of the present processes and procedures involved in the computation of the "Juvenile Court Statistics," I kept the following question foremost in my thinking: From my perspective what types of information would or could a judge utilize, in conjunction with the court's information, in any of his varied contacts with juveniles? The present publication "Statistics Juvenile Court and State Youth Authority" appears to be a rather adequate "after the fact" report, but its value for the judge and/or layman is very limited. However, it should not be construed that there is an absence of usable information in the present juvenile court statistic card. It does have its merits. The problem is in the presentation of the data; thus, my first recommendation:

1). The data processing procedures and resulting statistical analysis summary should be changed to provide greater information value to the juvenile court officials. The major processing unit in the present statistical report is the juvenile court case. It would appear to me that the major unit should be the juvenile offender. Let me illustrate this point. A table that provides the cross-classification of age, sex, and offenses for first time offenders within the state and counties would be extremely useful. In conjunction, a table presenting

the first offenses, sex, and age of first offense for second and third time offenders could be of crucial interest to the parties concerned. The changes should focus in on the processing units and the cross-classification presented in table form.

The above mentioned cross-classification would provide some insights into the trends or patterns of juvenile behavior. Delinquent behavior appears to be a "quasi predictable" type of behavior from past research. In other words, a person could state that there was a certain degree of probability of a juvenile committing delinquent acts under specified conditions. Methodologically and theoretically constructed cross-classification could provide the information.

In addition, a longitudinal study could be easily developed and executed if the major processing unit were the offender or juvenile delinquent. This study could provide valuable information on recidivist rates, long-term involvement (i.e., juvenile delinquent acts, probation, and subsequent incarceration) with law enforcement officials and other deviant behavior patterns.

2). It is recommended that the present material titled "Supplementary Data" (for court's use) become a required part of the record-keeping activities. This type of delinication invariably leads to incomplete and/or erroneous information. In this case, this would result in the loss of highly important information. The items listed in this section have been (and will be) included in prominent delinquency research in the field of sociology. They provide the linkage between the official referral account and the individual's social and psychological background. The social aspects of delinquency have been acknowledged

as important factors in the explanation and prediction rates of delinquency. Therefore, this material must be included in the required statistical recording.

3). I recommend that the data found under "diagnostic services" be elaborated and extended in the additional space. The diagnosis and prognosis of the offenders would provide certain insights as to the types of expected future behavior, the response to treatment from the institution and other psychologically related aspects. In addition, it would provide evidence on a local level as to the patterning of certain offenses by persons who are/or may be suffering from certain mental illnesses.

4). The data developed from categories "I" and "J" should be further refined. In category "I," there should be a greater specification of the referral action taken by the law enforcement agency. The mobilization of the police is largely dependent upon either citizen complaint or the actual police parole duties. Contemporary research has pointed out some dramatic differences between these two activators of the police action. In terms of the police parole activities, the officers paroling the various areas have numerous encounters with juvenile suspects, but only fifteen percent (15%) of these encounters result in the juvenile being arrested. The officer may informally warn the juvenile that a repeated offense will be followed by arrest. The utilization of the informal sanction process is usually dependent upon the juvenile's deference toward the police officer and the seriousness of the offense. The emphasis is usually on the former than on the latter aspect. However, a repeated offense by the juvenile may not lead to arrest, because a different officer encountered the

juvenile or the officer decided to give the juvenile another chance.

Compare the above situation with the following one in which a police officer responds to a complaint by a citizen. The police officer must change his manner of handling the case because the complainant (citizen) participates in the situational action with the juvenile. Now, there are two or more parties involved in the action. The probability of detention and related contact with the juvenile court is very high. The complainant usually demands action and the juvenile is brought into the court. I feel that it is important to differentiate between these two situations involving juveniles and the manner of handling by the law enforcement agencies. Hypothetically, one juvenile may have committed several offenses and finally end up in juvenile court. Whereas a juvenile involved in action resulting from a citizen complaint may have been involved in collective action by a group and had no previous involvement in delinquent acts.

This refinement should also be reflected in category "J," prior delinquent referrals. It could provide information as to the number of informal sanctions given by a law enforcement official to a juvenile.

5). In conjunction with recommendation number four and related material, I recommend that the types of delinquent activities be differentiated by the number of juveniles involved in the incident. In other words, was the individual involved in a group or individual action that resulted in referral to the juvenile court? This has been related to the reasons referred and could be utilized to distinguish between a juvenile prank and a delinquent act. It would also provide some insights into the juvenile's reason for participating in certain acts (i.e., the juvenile may be easily led or coerced into action).

6). I recommend that the reason referred (category "L") be evaluated to determine the adequacy of the listed offenses. My main concern is that certain offenses become "catch-all categories" that disguise the actual delinquent act or delinquent behavior. A more specific classification system would have greater correspondence to delinquent acts and would provide accurate information about delinquent behavior. In addition, it is impossible to break down these present general classifications. One can always move from more specific to general categories if it is thought desirable by interested parties.

In conjunction, the above recommendation would require the criteria that the law enforcement and other personnel use to identify and process youth as "incorrigible, sex offender, and vandal" become standardized across the state. This would greatly increase the validity and reliability of the data.

7). An additional item of information that should be included is the juvenile's "self-concept" as measured by a standardized set of items. This one variable (self-concept) has been proven very useful in the explanation of delinquent behavior. Numerous studies in the social sciences have found self-concept to be strongly related to deviant behavior. It would be a valuable addition to the present statistical card.

Lastly, I am concerned about the accommodation of the juvenile and the juvenile court officials in the conviction or admission of guilt process. Most persons, in particular individuals in the lower class, plead guilt or accept guilt (80%-90%) in their particular case. In the case of the middle class family, a lawyer is usually available and the juvenile is represented by the lawyer in the juvenile

proceedings. The statistical card does not reflect this information or the attribution of responsibility to the juvenile, except in the cases where the individual is bound over to adult criminal court. This could be added very simply by indicating the presence or absence of a lawyer (retained by the family or court-appointed) acting on the behalf of the juvenile.

In conclusion, I recommend that the appointed or delegated persons, that fill out the statistical card, attend a training session on the proper techniques of interpreting the juvenile act, coding the particular act, and entering the appropriate code on the card. These sessions clear up systematic and random error in the data collection process. This is usually a standard procedure in any data collection endeavor.

APPENDIX

Form SRS-NCSS-203
OMB NO. 83-R0123

National Center for Social Statistics, Social and Rehabilitation Service,
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, Wash. D.C. 20201

JUVENILE COURT STATISTICAL CARD

A. COURT

B. CHILD'S NAME OR NUMBER

(Last) (First) (Middle)

C. ADDRESS

Area code or census tract

D. DATE OF BIRTH

E. AGE AT TIME OF REFERRAL

F. SEX: 1 Male 2 Female

G. RACE: 1 White 2 Negro 3 Indian 4 Other

Enter only one code in the designated code box for each major category from "H" to "O"

I. DATE OF REFERRAL

I. REFERRED BY

- 1 Law enforcement agency
- 2 School department
- 3 Social agency
- 4 Probation officer
- 5 Parents or relatives
- 6 Other court
- 7 Other source (specify)

J. PRIOR DELINQUENCY (excluding traffic) REFERRALS

a. This calendar year - 0 1 2 3 4 5 or more referrals

b. In prior years - 0 1 2 3 4 5 or more referrals

K. ARE PENDING DISPOSITION

- 00 No detention or shelter care overnight
- 01 Detention or shelter care overnight or longer in:
- 02 Jail or police station
- 03 Detention home
- 04 Foster family home
- 05 Other place (specify)

In this category ("K") if more than one code is applicable, add the appropriate codes and enter total sum in coding box.

L. REASON REFERRED

Offenses applicable to both juveniles and adults (excluding traffic)

- | | |
|--|--|
| 01 Murder and non-negligent manslaughter | 11 Larceny: Shoplifting |
| 02 Manslaughter by negligence | 12 Larceny: All except shoplifting |
| 03 Forcible rape | 13 Weapons-carrying, possessing, etc. |
| 04 Robbery: Purse snatching by force | 14 Sex offenses (except forcible rape) |
| 05 Robbery: All except purse snatching | 15 Violation of drug laws: Narcotic |
| 06 Assault: Aggravated | 16 Violation of drug laws: All except narcotic |
| 07 Assault: All except aggravated | 17 Drunkenness |
| 08 Burglary-breaking or entering | 18 Disorderly conduct |
| 09 Auto theft: Unauthorized use | 19 Vandalism |
| 10 Auto theft: All except unauthorized use | 20 Other (specify) |

Offenses applicable to juveniles only (excluding traffic)

- | | |
|------------------------|-------------------------------------|
| 31 Running away | 34 Ungovernable behavior |
| 32 Truancy | 35 Possessing or drinking of liquor |
| 33 Violation of curfew | 36 Other (specify) |

Traffic offenses

- | | |
|------------------------------|--------------------------------|
| 41 Driving while intoxicated | 44 Driving without a license |
| 42 Hit and run | 45 All other traffic (specify) |
| 43 Reckless driving | |

Neglect (abuse, neglect, inadequate care, etc.)

- 51 Abuse
- 52 All other neglect (specify)

Special proceedings (adoption, consent to marry, etc.)

61 Specify

M. MANNER OF HANDLING

1 Without petition 2 With petition

N. DATE OF DISPOSITION

O. DISPOSITION

00 Waived to criminal court

Complaint not substantiated
01 Dismissed: Not proved or found not involvedComplaint substantiated
No transfer of legal custody
11 Dismissed: Warned, adjusted, counselled
12 Held open without further action
13 Probation officer to supervise
14 Referred to another agency or individual for supervision or service
15 Runaway returned to
16 Other (specify)Transfer of legal custody to:
21 Public institution for delinquents

22 Other public institution

23 Public agency or department (including court)

24 Private agency or institution

25 Individual

26 Other (specify)

99 Inapplicable - Special Proceedings

SUPPLEMENTARY DATA (for court's use)

P. PRIOR TRAFFIC AND NEGLECT REFERRALS

a. Total No. of prior traffic referrals 0 1 2 3 4 5 or more

b. Total No. of prior neglect referrals 0 1 2 3 4 5 or more

Q. DIAGNOSTIC SERVICES

Need for Diagnostic Services
Indicated Indicated but Not in- and provided not available dicated

a. Psychological 1 2 3

b. Psychiatric 1 2 3

c. Medical 1 2 3

d. Social 1 2 3

R. ESTIMATED MENTAL CAPACITY

1 Below average 3 Above average
2 Average 4 Not determined

S. SCHOOL ATTAINMENT & ADJUSTMENT

a. Years of schooling completed: 00 01 02 03 04 05 06 07 08 09 10 11 12 or more

b. Grade placement in relation to age:
1 Retarded 3 Accelerated
2 At expected level 4 Inapplicable (not in school)c. Serious or persistent school misbehavior
1 Yes 2 No 3 Inapplicable (not in school)

T. EMPLOYMENT AND SCHOOL STATUS

	Out of School	In School
Not employed	1	5
Employed		
Full time	2	6
Part time	3	7
Inapplicable (pre-school)	4	

U. LENGTH OF RESIDENCE (of child) IN COUNTY

- 0 Not currently resident of County
- 1 Under one year
- 2 One but less than five years
- 3 Five years or more

V. LIVING ARRANGEMENT OF CHILD

- 01 In own home:
- 02 With both parents
- 03 With mother and stepfather
- 04 With father and stepmother
- 05 With mother only
- 06 With father only

- 06 In home of relatives
- 07 In foster family home
- 08 In institution
- 09 In independent living arrangements
- 10 In other place (specify)

W. MARITAL STATUS OF NATURAL PARENTS

01 Parents married and living together

One or both parents dead:

- 02 Both dead
- 03 Father dead
- 04 Mother dead

Parents separated:

- 05 Divorced or legally separated
- 06 Father deserted mother
- 07 Mother deserted father
- 08 Other reason (specify)

09 Parents not married to each other

10 Other status (specify)

X. FAMILY INCOME (Annual)

1 Receiving public assistance at time of referral

Not receiving public assistance at time of referral

- 2 Under \$3,000
- 3 \$3,000 to \$4,999
- 4 \$5,000 to \$9,999
- 5 \$10,000 and over
- 6 Unknown

Y. LOCATION OF RESIDENCE

- 1 Rural
- 2 Urban - predominantly residential
- 3 Urban - predominantly business or industrial area
- 4 Suburban

ADDITIONAL SPACE FOR USE OF COURT

END