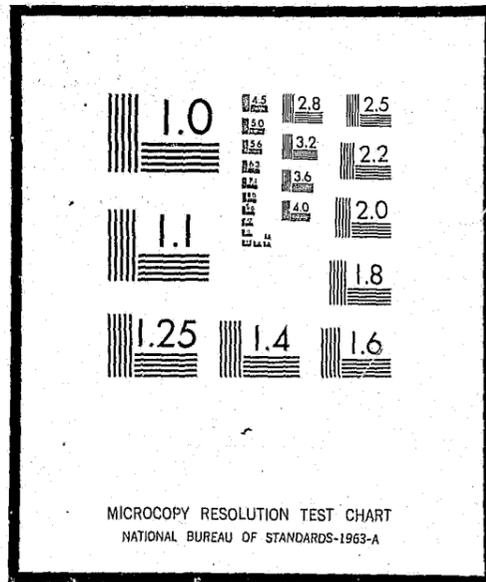


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ATTENTION

TO THE TREATMENT

OF

JUVENILE OFFENDERS

LEAGUE OF WOMEN VOTERS OF OHIO  
65 S. FOURTH STREET  
COLUMBUS, OHIO 43215

SEPTEMBER 1971

## FOREWORD

AT ITS STATE CONVENTION IN MAY 1971 THE LEAGUE OF WOMEN VOTERS OF OHIO ADOPTED A NEW ITEM, "A STUDY OF OHIO'S PENAL SYSTEM WITH PARTICULAR ATTENTION TO THE TREATMENT OF JUVENILE OFFENDERS AND REHABILITATION OF ALL OFFENDERS." FOR THE SAKE OF BREVITY, THE STUDY IS KNOWN AS ADULT AND JUVENILE JUSTICE. DELEGATES AGREED TO BEGIN THE STUDY BY PROBING THE TREATMENT OF JUVENILE OFFENDERS IN OHIO.

AS THE STATE COMMITTEE BEGAN ITS SEARCH FOR RESOURCE MATERIALS, THE DESIRE WAS EXPRESSED FOR A BOOK OR BOOKLET PROVIDING INFORMATION BASIC TO THE TOTAL JUVENILE SECTION OF THE STUDY. THE MOST PERTINENT PUBLICATION DEALING SPECIFICALLY WITH OHIO SEEMED TO BE OHIO'S JUVENILE CORRECTION SYSTEM, STAFF RESEARCH REPORT No. 83, PUBLISHED BY THE OHIO LEGISLATIVE SERVICE COMMISSION IN FEBRUARY 1967. TWO PROBLEMS AROSE: (1) COPIES OF THE REPORT ARE NO LONGER AVAILABLE IN QUANTITY AND (2) MUCH OF THE INFORMATION THAT WAS TRUE IN 1967 IS NO LONGER VALID.

THEREFORE, WITH THE PERMISSION OF DAVID A. JOHNSTON, DIRECTOR OF THE OHIO LEGISLATIVE SERVICE COMMISSION, THE LEAGUE COMMITTEE REVISED THE REPORT WHICH APPEARS HEREIN. NONE OF THE ORIGINAL TABLES HAS BEEN USED. THE FIGURES AND TABLES PROVIDED ARE TAKEN FROM INFORMATION PUBLISHED BY THE OHIO YOUTH COMMISSION IN ITS 1970 ANNUAL REPORT. ANY ERRORS IN THE FOLLOWING MATERIAL ARE THE RESPONSIBILITY OF THE OHIO LEAGUE OF WOMEN VOTERS ADULT AND JUVENILE JUSTICE COMMITTEE AND SHOULD NOT BE ATTRIBUTED TO THE RESEARCH STAFF OF THE OHIO LEGISLATIVE SERVICE COMMISSION.

## INTRODUCTION

JUVENILE DELINQUENCY HAS BEEN DIFFERENTIATED FROM ADULT CRIME, AND THE PROCEDURES FOR HANDLING THOSE ACCUSED OF DELINQUENCY AND DISPOSITION OF THOSE ADJUDGED DELINQUENT DIFFER SIGNIFICANTLY FROM THOSE INVOLVING ADULT OFFENDERS.

JUVENILE DELINQUENCY DIFFERS FROM ADULT CRIME IN TWO IMPORTANT RESPECTS. FIRST, IT INVOLVES PERSONS UNDER EIGHTEEN YEARS OF AGE (IN OHIO). SECONDLY, IT INCLUDES ACTIONS WHICH WOULD NOT BE CRIMINAL IF PERFORMED BY AN ADULT. (IT ALSO INCLUDES ACTIONS WHICH WOULD BE CRIMINAL IF COMMITTED BY AN ADULT.) THESE FACTORS ARE RESPONSIBLE FOR DIFFERENCES IN THE PROCEDURES THAT ARE FOLLOWED IN CASES INVOLVING JUVENILES AND IN THE METHODS OF CORRECTION WHICH ARE APPLIED TO JUVENILE OFFENDERS.

BECAUSE THE JUVENILE OFFENDER IS ASSUMED TO BE WHAT HE OFTEN IS -- AN IMMATURE INDIVIDUAL WHOSE CONDUCT DEFILES TOLERABLE COMMUNITY NORMS -- SOCIETY TREATS HIM AS A CHILD AND PROVIDES, IN THE FORM OF A JUVENILE COURT, FOR INDIVIDUALIZED TREATMENT OF HIS CASE. BY WAY OF CONTRAST, THE ADULT OFFENDER IS LARGELY HELD RESPONSIBLE IN A RELATIVELY FIXED MEASURE FOR EACH OF HIS ILLEGAL ACTS. CRIMINAL LAW DESCRIBES A CRIME AND SETS A PENALTY FOR THE OFFENSE. MANY JUVENILE OFFENSES ARE LESS CLEARLY PRESCRIBED AND THE DISPOSITION OF THE OFFENDER IS LEFT TO THE DISCRETION OF THE JUDGE.

THIS DIFFERENTIATION IN THE DESCRIPTION OF THE CRIME AND IN DISPOSITION OF THE OFFENDER HAS ITS COUNTERPARTS IN BOTH THE PROCEDURES FOLLOWED AND THE TYPES OF FACILITIES AFFORDED OFFENDERS. NOT ALL CONSTITUTIONAL GUARANTEES NORMALLY AFFORDED ADULTS ACCUSED OF CRIMES HAVE JUVENILE COURT COUNTERPARTS. TO A LARGE EXTENT, THIS FOLLOWS FROM THE NATURE OF THE RELATIONSHIP; THE JUVENILE COURT SERVES AS A SOCIETAL PARENT RATHER THAN AN EVEN-HANDED DISPENSER OF LEGAL JUSTICE. UNFORTUNATELY, THIS CONCEPT, WHICH IS USEFUL IN MANY CASES, IS SUBJECT TO BREAKDOWN IN A FEW CASES WHERE THE JUVENILE MAY RECEIVE AN ADULT'S PENALTY.

BECAUSE SUCH POSSIBILITIES ARE INHERENT IN THE PRESENT SYSTEM AND BECAUSE INDIVIDUALIZED TREATMENT CAN WORK ONLY WHEN DESIRABLE TREATMENT OPTIONS ARE AVAILABLE, THIS STUDY EXAMINES BOTH THE PROCEDURES FOLLOWED IN JUVENILE CASES AND THE TREATMENT FACILITIES AFFORDED JUVENILES.

THE STUDY DISCUSSES: (1) THE PROBLEMS OF DEFINITION OF DELINQUENCY AND THEORIES OF CAUSE, (2) STATISTICS CONCERNING THE EXTENT AND NATURE OF JUVENILE OFFENSES, (3) THE CORRECTION SYSTEM IN OHIO, INCLUDING PROCEDURES AND REHABILITATION RESOURCES, AND (4) RECENT DEVELOPMENTS IN JUVENILE CORRECTION.

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## CHAPTER I. THE NATURE OF THE DELINQUENCY PROBLEM

### DEFINITION OF DELINQUENCY

JUVENILE DELINQUENCY IS CHILD BEHAVIOR WHICH EXCEEDS THE LIMITS OF COMMUNITY TOLERANCE FOR DEVIATION FROM "NORMAL." LEVELS OF TOLERANCE VARY FROM ONE TIME TO ANOTHER, FROM ONE CULTURAL GROUP TO ANOTHER, AND FROM ONE CHILD TO ANOTHER. ONE OF THE MORE HELPFUL DEFINITIONS STATES THAT DELINQUENCY IS "...CONSIDERED AS SOMETHING THE COMMUNITY (RIGHTLY OR WRONGLY) WILL NOT TOLERATE... AND, MOST IMPORTANT AS, SOMETHING THAT HAS NOT SERVED THE SOCIAL OR PERSONAL NEEDS OF THE ADOLESCENT."

ACCORDING TO THE CONTEXT IN WHICH IT IS USED, DELINQUENCY MAY MEAN DETECTED DELINQUENCY, ALLEGED DELINQUENCY (COMPLAINTS OR REFERRALS MADE TO OFFICIAL AGENCIES OR ADJUDGED DELINQUENCY (THE VALIDITY OF THE ALLEGATION HAS BEEN ESTABLISHED BY THE JUVENILE COURT)).

THE LEGAL DEFINITION IS THE ONE MOST PERTINENT TO THE PURPOSES OF THIS REPORT. STATUTORY DELINQUENCY IN OHIO INCLUDES VIOLATIONS OF ALL THE LAWS AND ORDINANCES APPLICABLE TO ADULTS, AS WELL AS INDETERMINATE PATTERNS OF DISOBEDIENT CONDUCT AND INJURIOUS OR IMMORAL ACTIONS. SECTION 2151.02 OF THE OHIO REVISED CODE STATES:

AS USED IN SECTIONS 2151.01 TO 2151.54, INCLUSIVE, OF THE REVISED CODE, "DELINQUENT CHILD" INCLUDES ANY CHILD:

(A) WHO VIOLATES ANY LAW OF THIS STATE, THE UNITED STATES, OR ANY ORDINANCE OR REGULATION OF A POLITICAL SUBDIVISION OF THE STATE, WHICH WOULD BE A CRIME IF COMMITTED BY AN ADULT, EXCEPT AS PROVIDED IN SECTION 2151.021 OF THE REVISED CODE; WHO VIOLATES ANY LAWFUL ORDER OF THE COURT MADE UNDER THIS CHAPTER.

IN 1969, OHIO LEGISLATORS ADDED A SECOND PERTINENT LEGAL DEFINITION WHICH REFERS TO THE "UNRULY" CHILD.

Sec. 2151.022. AS USED IN SECTIONS 2151.01 TO 2151.54, INCLUSIVE, OF THE REVISED CODE, "UNRULY CHILD" INCLUDES ANY CHILD:

(A) WHO DOES NOT SUBJECT HIMSELF TO THE REASONABLE CONTROL OF HIS PARENTS, TEACHERS, GUARDIAN, OR CUSTODIAN, BY REASON OF BEING WAYWARD OR HABITUALLY DISOBEDIENT;

(B) WHO IS AN HABITUAL TRUANT FROM HOME OR SCHOOL;

(C) WHO SO DEPORTS HIMSELF AS TO INJURE OR ENDANGER THE HEALTH OR MORALS OF HIMSELF OR OTHERS;

(D) WHO ATTEMPTS TO ENTER THE MARRIAGE RELATION IN ANY STATE WITHOUT THE CONSENT OF HIS PARENTS, CUSTODIAN, LEGAL GUARDIAN, OR OTHER LEGAL AUTHORITY;

(E) WHO IS FOUND IN A DISREPUTABLE PLACE, VISITS OR PATRONIZES A PLACE PROHIBITED BY LAW, OR ASSOCIATES WITH VAGRANT, VICIOUS, CRIMINAL, NOTORIOUS, OR IMMORAL PERSONS;

(F) WHO ENGAGES IN AN OCCUPATION PROHIBITED BY LAW, OR IS IN A SITUATION DANGEROUS TO LIFE OR LIMB OR INJURIOUS TO THE HEALTH OR MORALS OF HIMSELF OR OTHERS;

(G) WHO HAS VIOLATED A LAW APPLICABLE ONLY TO A CHILD.

THE VAGUENESS OF THE TERMS "WAYWARD," "HABITUAL DISOBEDIENT," AND "HABITUAL TRUANT" AND THE REFERENCE TO INJURY OR DANGER TO MORALS OR HEALTH SERVE TO PLACE THE RESPONSIBILITY FOR SETTING BEHAVIOR LIMITS ON THE COMMUNITY. EXCEPT FOR SCHOOL POLICIES OR JUVENILE COURT-LAW ENFORCEMENT AGENCY UNDERSTANDINGS REGARDING THE CIRCUMSTANCES UNDER WHICH REFERRAL TO THE COURT IS ADVISABLE, SUCH LIMITS ARE NOT FORMALIZED BUT ARE EVIDENT IN THE TYPES OF BEHAVIOR REGARDING WHICH COMPLAINTS ARE MADE.

## JUVENILE JUSTICE, CHAPTER I, CONT'D

### SOCIOLOGICAL AND PSYCHOLOGICAL EXPLANATIONS

THE INABILITY OF SOME CHILDREN TO GROW UP WITHOUT SERIOUS ENTANGLEMENT WITH LAW ENFORCEMENT AGENCIES IS ATTRIBUTED TO INTER-RELATED SOCIAL AND PSYCHOLOGICAL INFLUENCES. INCREASED UNDERSTANDING OF THESE INFLUENCES IS INCORPORATED IN "COMMON SENSE" APPROACHES TO TREATMENT.

THE COMPLEXITIES OF PSYCHOLOGICAL, PSYCHIATRIC, SOCIOLOGICAL, MEDICAL, AND PHILOSOPHICAL THEORIES REGARDING THE CAUSES OF DELINQUENCY ARE PERTINENT INsofar AS THEY ASSIST IN EVALUATING METHODS OF PROCESSING AND DISPOSING OF CASES INVOLVING CHILDREN WHO HAVE BECOME ENTANGLED WITH THE LAW.

THE TWO MAJOR EXPLANATIONS FOR DEVIANT BEHAVIOR ACCEPTED TODAY ARE FOUND IN THE PSYCHOLOGICAL AND SOCIOLOGICAL APPROACHES. THE FIRST CONCERNS THE FAILURE OF THE INDIVIDUAL TO ACHIEVE OR MAINTAIN A SATISFACTORY COMPROMISE BETWEEN HIS BASIC NEEDS AND THE RESTRICTIONS OF SOCIETY.<sup>2</sup> THE COURSE OF TREATMENT INDICATED INVOLVES ASSISTING THE INDIVIDUAL TO ACHIEVE MENTAL AND MORAL DISCIPLINE THROUGH THE RESOLUTION OF PERSONAL PROBLEMS AND THE STRENGTHENING OF PERSONALITY.

THE SECOND, OR PURELY SOCIOLOGICAL VIEW, IS THAT THE BEHAVIOR OF DELINQUENTS AND CRIMINALS IS TRANSMITTED AS NORMAL PATTERNS OF ACTION IN SOME GROUPS OF OUR SOCIETY.<sup>3</sup> THE TREATMENT PROGRAMS WHICH FOLLOW FROM THIS HYPOTHESIS ATTEMPT TO MODIFY BEHAVIOR THROUGH THE FAMILY, PLAY GROUP, SCHOOL, AND OTHER SOCIAL INSTITUTIONS.

### CHANGES IN THE DOMINANT CULTURE

THE EXTENT TO WHICH CHANGES IN THE PREDOMINATING CUSTOMS, HABITS, AND INSTITUTIONS OF OUR SOCIETY HAVE CONTRIBUTED TO THE DELINQUENCY PROBLEM HAS BEEN A SUBJECT OF GREAT INTEREST AND EXTENSIVE DEBATE. SUCH SINGLE ENVIRONMENTAL FACTORS AS MOVIES, TELEVISION, COMIC BOOKS, AND PORNOGRAPHIC LITERATURE HAVE BEEN CONDEMNED AS DELINQUENCY PRODUCING. RESEARCH ON THIS SUBJECT IS DESCRIBED BY CAVAN AS "TOO FRAGMENTARY AND SCATTERED TO SETTLE THE HEATED CONTROVERSY..." SHE POINTS OUT, HOWEVER, THAT THE ATTITUDES LEARNED THROUGH PERSONAL CONTACT AT HOME, OR IN SCHOOL, CHURCH, OR YOUTH ORGANIZATION ARE LIKELY TO BE MORE POWERFUL THAN THOSE LEARNED THROUGH IMPERSONAL MEANS.<sup>4</sup> THEORIES CONCERNING CHANGES AFFECTING THE SOCIAL INSTITUTIONS WHICH PROVIDE THESE PERSONAL CONTACTS INCLUDE BREAK-DOWN IN TRADITIONAL FAMILY CONTROLS, GEOGRAPHIC AND SOCIAL MOBILITY, DISPARITIES BETWEEN AFFLUENCE AND POVERTY, AND THE EMERGENCY OF A TEENAGE CULTURE.

### CATEGORICAL VARIATIONS

THE SOCIO-ECONOMIC CLASS AND THE SEX OF A CHILD NOT ONLY RELATE CLOSELY TO THE EXTENT OF ALLEGED DELINQUENCY BUT ALSO CONTRIBUTE TO DIFFERENCES IN THE TYPES OF OFFENSES COMMITTED.

WHETHER COMMITTED BY INDIVIDUALS OR IN GROUPS, DELINQUENT BEHAVIOR CAN BE SHOWN TO CORRELATE POSITIVELY WITH A VARIETY OF ENVIRONMENTAL AND PERSONAL FACTORS. "DELINQUENTS, MORE FREQUENTLY THAN NON-DELINQUENTS, COME FROM HOMES BROKEN BY DEATH, DIVORCE, OR DESERTION OR HOMES LACKING IN UNDERSTANDING, SELF-RESPECT, STABILITY, AFFECTION, AND MORAL STANDARDS."<sup>5</sup> THESE CONDITIONS ARE FOUND MOST FREQUENTLY IN THE LOWER CLASS NEIGHBORHOODS FROM WHICH MOST OF THE JUVENILE COURT CASES AND NEARLY ALL OF THE PUBLIC CORRECTIONAL INSTITUTION INMATES ARE DRAWN. CHILDREN APPEARING IN JUVENILE COURTS AND THOSE FOUND IN CORRECTIONAL INSTITUTIONS ARE MUCH MORE LIKELY TO BE BOYS THAN GIRLS. THE EFFECTS OF SOCIO-ECONOMIC CLASS AND SEX ON THE DELINQUENCY PROBLEM ARE THEREFORE OF SPECIAL INTEREST.

VARIATION ON THE BASIS OF SEX. THE EXTENT OF PARTICIPATION BY GIRLS IN BEHAVIOR WHICH IS VISIBLY DESTRUCTIVE TO PERSONS AND PROPERTY IS MUCH LESS THAN THAT OF BOYS, ALTHOUGH SHOWING GREATER PROPORTIONATE INCREASES. ONLY 22% OF THE PERMANENT COMMITMENTS MADE TO THE OHIO YOUTH COMMISSION IN 1970 WERE GIRLS.

CULTURAL PATTERNS FOR GIRLS DO NOT PRESCRIBE TOUGH, AGGRESSIVE OR ADVENTUROUS BEHAVIOR AND GIRLS ARE APT TO EXPRESS HOSTILITY IN LESS SPECTACULAR WAYS THAN BOYS. THEY HAVE LESS CONFLICT WITH SCHOOL PERSONNEL OVER AGGRESSIVE-BEHAVIOR PROBLEMS. THIS INCREASES THE LIKELIHOOD OF SCHOLASTIC ACHIEVEMENT, AND THEY ARE LESS APT TO FALL INTO THE MISCONDUCT-TRUANCY-ACADEMIC RETARDATION CYCLE. ON THE OTHER HAND, ILLEGITIMATE PREGNANCIES AND THE DOUBLE STANDARD REGARDING SEXUAL BEHAVIOR RESULT IN A DISPROPORTIONATE NUMBER OF GIRLS BEING BROUGHT INTO COURT FOR SEX OFFENSES. THE EXTENT TO WHICH GIRLS CHARGED WITH RUNNING AWAY, BEING "UNRULY" OR "OTHER DELINQUENT BEHAVIOR" WOULD BE CHARGED WITH A SEX OFFENSE IF THERE WERE NOT A RELUCTANCE TO USE THIS CATEGORY IS NOT KNOWN.

FOOTNOTES, CHAPTER I

1. SEYMOUR L. HALLECK, "THE IMPACT OF PROFESSIONAL DISHONESTY ON BEHAVIOR OF DISTURBED ADOLESCENTS," SOCIAL WORK, APRIL, 1963, P. 54.
2. KARL MENNINGER, M.D., THE VITAL BALANCE, (VIKING PRESS, NEW YORK, 1963).
3. FRANK E. HARTUNG, CRIME, LAW AND SOCIETY, (WAYNE STATE UNIVERSITY PRESS, DETROIT, 1965).
4. RUTH CAVAN, JUVENILE DELINQUENCY, (J. B. LIPPINCOTT, NEW YORK, 1962), PP. 206-209.
5. QUOTED FROM I. RICHARD PERLMAN, "DELINQUENCY PREVENTION--THE SIZE OF THE PROBLEM," THE ANNALS OF THE AMERICAN ACADEMY OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, MARCH, 1959, P.4.

CHAPTER II. THE EXTENT OF THE DELINQUENCY PROBLEM

JUVENILE DELINQUENCY HAS BEEN COMPARED TO AN ICEBERG, WITH THE PORTION IN VIEW ABOVE THE WATER LINE REPRESENTING MISBEHAVIOR KNOWN TO LAW ENFORCEMENT AGENCIES AND THE MUCH LARGER, SUBMERGED PART REPRESENTING CHILDREN WHO ARE SUCCESSFUL IN CONCEALING THEIR ANTISOCIAL ACTS. MEASUREMENT OF THE TOP OF THE ICEBERG WITH ANY DEGREE OF PRECISION IS DIFFICULT UNDER PRESENT CONDITIONS, AND MEASUREMENT OF THE PORTION HIDDEN FROM VIEW IS VIRTUALLY IMPOSSIBLE.<sup>2</sup> FOR THE PURPOSES OF THIS STUDY, THE EXTENT OF OFFICIALLY RECOGNIZED DELINQUENCY IS OF PRIMARY INTEREST.

SINCE 70 TO 75 PER CENT OF THE REPORTED CASES DISPOSED OF BY THE JUVENILE COURTS ARE REFERRED BY LAW ENFORCEMENT AGENCIES, AND BECAUSE PROBABLY AS MANY OR MORE EPISODES OF MISBEHAVIOR ARE HANDLED BY THE POLICE WITHOUT REFERRAL TO THE COURT, THE PARTS THESE PARTICIPANTS PLAY IN THE DELINQUENCY PROGRAM SCHEME ARE EXTREMELY IMPORTANT ONES. A DISCUSSION OF THEIR ROLES IS ESSENTIAL TO AN UNDERSTANDING OF THE STATISTICS RELATING TO THE EXTENT OF JUVENILE DELINQUENCY.

LAW ENFORCEMENT AGENCY CONTACTS

LAW ENFORCEMENT AGENCIES CONSTITUTE THE MOST IMPORTANT SOURCE OF REFERRAL TO THE JUVENILE COURT. IN THEIR WORK WITH CHILDREN, POLICE OFFICERS ARE REQUIRED TO MAKE JUDGMENTS AS TO THE SERIOUSNESS OF PROBLEMS INVOLVING A WIDE RANGE OF MISBEHAVIOR.

THE RESPONSIBILITY OF THE POLICE IN DEFINING PROHIBITED CONDUCT AND IN PROVIDING THE FIRST STEP IN THE COMMUNITY'S CORRECTIVE PROGRAM HAS BEEN INCREASED BY THE RISE IN CHILD POPULATION, AND, IN SOME COMMUNITIES, BY AN INCREASE IN COMPLAINTS ARISING OUT OF INCIDENTS THAT WOULD HAVE BEEN SETTLED PRIVATELY IN EARLIER YEARS. THE ESTABLISHMENT OF SPECIAL DIVISIONS CALLED JUVENILE BUREAUS, OR THE DESIGNATION OF SPECIAL OFFICERS IN THE LARGER POLICE DEPARTMENTS, IS ATTRIBUTED BOTH TO THE INCREASING SIZE OF THE TASK AND ITS DISCRETIONARY NATURE.<sup>3</sup>

THE BURDEN OF INVESTIGATION AND OF DISPOSITION OF JUVENILE OFFENDERS MUST, AT LEAST IN SOME KINDS OF CASES, REST WITH THE PATROLMEN IN THE FIELD. THE VARIATION WHICH EXISTS BETWEEN AGENCIES AND BETWEEN INDIVIDUAL OFFICERS IS DISCUSSED BY STANLEY R. SCHROTEL, FORMER CHIEF OF THE CINCINNATI POLICE, IN A PAPER ENTITLED, "THE POLICE AND THE JUVENILE COURT":

THE PROCEDURES WHICH POLICE EMPLOY MAY BE CATEGORIZED AS CONVENTIONAL, TRADITIONAL, OR ORTHODOX. THE USE OF ANY ONE KIND OF PROCEDURE IN DEALING WITH JUVENILES MAY VARY WITH CIRCUMSTANCES OR IN THE REGION WHERE A GIVEN DEPARTMENT OPERATES. WHEN WE REFLECT THAT THE NATURE OF CONTACT WITH THE JUVENILE VIOLATOR MAY BE DETERMINED BY THE SITUATION WHICH EXISTS AND THE PERSONALITY OF BOTH THE OFFICER AND THE YOUTHFUL SUBJECT, IT CAN BE APPRECIATED THAT UNIFORMITY IS NOT LIKELY TO BE FOUND.

THE RANGE OF ALTERNATIVES OPEN TO AN OFFICER INVESTIGATING A COMPLAINT OR APPREHENDING A JUVENILE AT THE TIME OF AN ALLEGED OFFENSE MAY INCLUDE:

- (1) RELEASING THE JUVENILE, WITH OR WITHOUT A WARNING, BUT WITHOUT MAKING AN OFFICIAL RECORD OR TAKING FURTHER ACTION.
- (2) RELEASING THE JUVENILE, BUT SUBMITTING A BRIEF "CLOSED" REPORT FOR THE LAW ENFORCEMENT AGENCY.
- (3) FILING AN "OPEN" REPORT, REFERRING THE MATTER TO THE LAW ENFORCEMENT AGENCY FOR INVESTIGATION AND POSSIBLE ACTION.
- (4) REFERRING THE CASE DIRECTLY TO THE JUVENILE COURT.

## JUVENILE JUSTICE, CHAPTER II, CONT'D

THE CHOICE OF ALTERNATIVE MAY DEPEND UPON: (1) THE FORMAL INSTRUCTIONS FROM POLICE AND COURT AUTHORITIES, (2) THE EMPHASIS PLACED ON EARLY DISCOVERY AND HANDLING WITHIN THE COMMUNITY, (3) LIMITATIONS IN RESOURCES AT ALL LEVELS-- POLICE, COURT, REHABILITATION, AND (4) JUDGMENT OF THE INDIVIDUAL OFFICER. THE OFFICER'S JUDGMENT IS PROBABLY BASED ON THE CHILD'S AGE, HIS PREVIOUS RECORD, FAMILY BACKGROUND, AND SERIOUSNESS OF THE OFFENSE. IT IS OFTEN GOVERNED PARTLY BY THE CHILD'S ATTITUDE.

TO A CONSIDERABLE EXTENT, POLICE ACTIONS IN JUVENILE CASES MAY REFLECT THE PHILOSOPHY OF THE JUVENILE COURT. THREE INVESTIGATORS STUDYING JUVENILE PROCEDURES THROUGHOUT THE COUNTRY FOUND POLICE ACCEPTANCE OF THE COURT'S IDEA THAT JUVENILE OFFENDERS HAVE A GREAT POTENTIAL FOR REFORMATION.<sup>4</sup> ONE OF OHIO'S JUVENILE BUREAUS DESCRIBED THE POLICE FORCE AS "THE ARM OF THE JUVENILE COURT."

THE NEED FOR CLOSE COOPERATION BETWEEN THE TWO AGENCIES IS INCREASED BY STRINGENT REQUIREMENTS OF OHIO LAW FOR THE IMMEDIATE TRANSFER OF CUSTODY FROM THE LAW ENFORCEMENT OFFICER TO THE COURT. OHIO LAW PROVIDES THAT WHEN A CHILD IS ARRESTED FOR A FELONY OR MISDEMEANOR HE IS TO BE TAKEN DIRECTLY BEFORE THE JUVENILE COURT.<sup>5</sup> RESTRICTIONS ON THE DETENTION OF CHILDREN GIVE THE ARRESTING OFFICER THE ALTERNATIVE OF TURNING THE CHILD OVER TO THE COURT OR PERSON DESIGNATED BY THE COURT, OR TAKING THE CHILD TO THE DETENTION FACILITY AND PROMPTLY NOTIFYING THE COURT WITH A WRITTEN REPORT.<sup>6</sup> POLICIES CONCERNING THE ARREST OF JUVENILES ARE USUALLY ESTABLISHED BY THE COURT OR THROUGH COOPERATIVE EFFORTS OF THE COURT AND LAW ENFORCEMENT AGENCIES.

NO STATEWIDE COUNT OF JUVENILE OFFENSES IS AVAILABLE THAT DIFFERENTIATES BETWEEN OFFENSES WHICH WOULD BE FELONIES IF COMMITTED BY ADULTS, THOSE WHICH WOULD BE MISDEMEANORS, AND THOSE WHICH ARE APPLICABLE TO CHILDREN ONLY.

EXAMINATION OF JUVENILE OFFENSES COMING TO THE ATTENTION OF THE POLICE AND THE TOTAL ARRESTS IN OHIO SHOWS THAT CHILDREN UNDER THE AGE OF EIGHTEEN COMMIT THREE-FOURTHS OF THE AUTO THEFT AND VANDALISM OFFENSES, OVER HALF OF THE BURG-LARY AND LARCENY OFFENSES, AND A DISPROPORTIONATE NUMBER OF FIRE SETTING, ROBBERY, STOLEN PROPERTY, DISORDERLY CONDUCT, POSSESSION OF WEAPONS, AND SEX OFFENSES EXCLUSIVE OF RAPE. HOMICIDES, ASSAULTS, RAPES AND SOPHISTICATED FORMS OF STEALING ARE MORE COMMONLY COMMITTED BY PERSONS OVER THE AGE OF SEVENTEEN.

POLICE CONTACTS IN TERMS OF NUMBERS, AS SHOWN IN UNIFORM CRIME REPORTS, ARE HIGHEST FOR THE AGES OF 15 AND 16 AND SHOW PROGRESSIVE DECREASES FOR MOST YEARS AFTER THE PEAK AT 16. IT IS LOGICAL TO CONCLUDE THAT SOME DELINQUENTS GRADUALLY ASSUME ADULT RESPONSIBILITIES OF EMPLOYMENT AND FAMILIES, AND SOME PERSISTENTLY ANTISOCIAL PERSONS TURN TO LESS EASILY DETECTED CRIMES.

### JUVENILE COURT REFERRALS

THE INCREASING SIZE OF THE TASK PERFORMED BY JUVENILE COURTS IS EVIDENT IN THE ANNUAL STATISTICAL REPORTS. THESE SHOW A 73 PER CENT INCREASE IN DELINQUENCY CASES AND A 92 PER CENT OVERALL INCREASE IN CASES DISPOSED OF BETWEEN 1955 AND 1965.

AN UNDETERMINED NUMBER OF COUNTIES DO NOT REPORT ALL CASES HANDLED AS DELINQUENCY CASES. THERE IS, IN THESE COUNTIES, IN ADDITION TO THE OFFICIAL AND UNOFFICIAL CATEGORIES REPORTED TO THE STATE DEPARTMENT OF MENTAL HYGIENE AND CORRECTION, A SYSTEM OF INFORMAL CASES FOR WHICH NO LEGAL RECORD IS KEPT. BY THIS MEANS, A COMPLETE INVESTIGATION AND SOCIAL RECORD ON A CHILD IS OBTAINED, WITHOUT

## JUVENILE JUSTICE, CHAPTER II, CONT'D

GIVING THE CHILD A DELINQUENCY RECORD. THE COURT IS THUS ENABLED TO WORK WITH THE SCHOOLS ON EARLY DELINQUENCY PROBLEMS IN CASES WHICH SCHOOL OFFICIALS WOULD BE RELUCTANT TO REFER FOR ADJUDICATION.

JUVENILE COURTS HAVE THE AUTHORITY UNDER SECTION 2151.11 OF THE REVISED CODE TO PARTICIPATE WITH OTHER PUBLIC OR PRIVATE AGENCIES IN THE PREVENTION AND CONTROL OF JUVENILE DELINQUENCY. THEY ARE ALSO AUTHORIZED TO DETERMINE THAT A TRUANT IS A DELINQUENT OR DEPENDENT CHILD.

VARIATION SHOWN IN THE RATES OF COMMITMENT TO THE OHIO YOUTH COMMISSION CORRECTIONAL INSTITUTIONS MAY BE ATTRIBUTED TO MANY FACTORS OTHER THAN THE EXTENT OF DELINQUENCY--INCLUDING PLACEMENT ALTERNATIVES, PROBATION PROGRAMS, AND ATTITUDES OF COURT PERSONNEL. TABLE II INDICATES THE RATE OF COMMITMENTS PER 100,000 CHILD POPULATION FOR THE SAME YEARS. THE NUMBER OF COMMITMENTS MADE BY EACH COUNTY IS ENUMERATED IN TABLE III.

THE FEATURES OF SELECTIVITY AND VARIATION HAVE BEEN SHOWN TO CHARACTERIZE REFERRALS TO JUVENILE COURTS. IN ADDITION TO THE DECISIONS OF LAW ENFORCEMENT OFFICERS AND THE EXTENT TO WHICH THE COURT WORKS WITH THE SCHOOLS AND OTHER COMMUNITY AGENCIES, A SELECTIVE PROCESS GOES ON DURING THE INTAKE PROCEDURE IN THE COURT. MUCH THE SAME CRITERIA ARE USED AS THOSE EMPLOYED BY THE POLICE. THE FILING OF A PETITION MAY BE DISCOURAGED OR A CASE SETTLED ON AN INFORMAL BASIS.

THE EXTENT TO WHICH THESE PROCEDURES SHOULD BE STANDARDIZED IS DEBATABLE. IN NEW YORK CITY, THE COURT HAS LIMITED THE DISCRETION OF INTAKE DEPARTMENTS BY REQUIRING THAT ALL DISPUTED CASES, ALL CRIMES OF VIOLENCE OR OTHER SERIOUS OFFENSES, AND ALL CASES OF JUVENILES WITH SIGNIFICANT RECORDS MUST BE SETTLED BY COURT ADJUDICATION. THE 1966 NEW YORK FAMILY COURT ACT SPECIFIES THAT THE INTAKE OFFICER HAS NO POWER TO PREVENT THE FILING OF A PETITION IN THE COURT IF THE JUVENILE OR HIS PARENTS DESIRE IT.<sup>8</sup>

A STATEWIDE QUANTITATIVE ASSESSMENT OF THE DELINQUENCY PROBLEM CAN ONLY BE ESTIMATED. THE 1965 DATA SHOW THE RESULTS OF PRESENT PROCEDURES IN TERMS OF NUMBERS OF CHILDREN APPREHENDED, DISPOSED OF BY JUVENILE COURTS, AND COMMITTED TO CORRECTIONAL INSTITUTIONS.

IN 1965, APPROXIMATELY 1.6 MILLION CHILDREN BETWEEN THE AGES OF 10 AND 17 LIVED IN OHIO. AN ESTIMATED 70,000 TO 75,000 OFFICIAL CONTACTS OF LAW ENFORCEMENT OFFICERS WITH CHILDREN UNDER 18 TOOK PLACE DURING THE YEAR.<sup>9</sup> IF EACH CONTACT HAD REPRESENTED A DIFFERENT CHILD IN TROUBLE, THE PROPORTION OF THE CHILD POPULATION INVOLVED WOULD HAVE BEEN ABOUT 4.5 PER CENT. SOME 44,000 WERE HANDLED BY LAW ENFORCEMENT OFFICERS WITHOUT REFERRAL OR WERE DEALT WITH INFORMALLY BY THE COURT AND ABOUT 40 PER CENT WERE REPORTED AS OFFICIAL OR UNOFFICIAL CASES IN WHICH THE COURT MADE SOME DISPOSITION.

TO THE 29,000 POLICE REFERRALS TO THE COURTS WERE ADDED 10,725 REFERRALS FROM OTHER SOURCES TO MAKE A TOTAL OF 40,122 CASES REPORTED TO THE STATE DEPARTMENT OF MENTAL HYGIENE AND CORRECTION. COMMITMENTS TO JUVENILE CORRECTIONAL INSTITUTIONS, INCLUDING PRIVATE SCHOOLS, TOTALLED ROUGHLY 3,500 OR .22 PER CENT OF THE POPULATION BETWEEN 10 AND 17. ROUGHLY 1,000 ADDITIONAL ADMISSIONS TO JUVENILE AND ADULT CORRECTIONAL INSTITUTIONS WERE CHILDREN WHO HAD PREVIOUSLY BEEN COMMITTED AND WERE BEING RETURNED FOR PAROLE VIOLATIONS.

ALTHOUGH TO THE GENERAL OBSERVER THE NUMBER OF DELINQUENTS APPEARS SMALL IN RELATION TO THE "GOOD" CHILDREN, IT DOES NOT SEEM SO TO THE JUVENILE COURT JUDGE

THREADING HIS WAY THROUGH CORRIDORS OF WAITING CHILDREN OR TO THE COTTAGE LEADER IN A CROWDED INSTITUTION.

THE SOCIAL DISRUPTION AND MONETARY COST OF THE DELINQUENT'S REBELLION ARE HIGH. TIME AND EFFORTS OF SCHOOL AND SOCIAL WELFARE AGENCY PERSONNEL, LAW ENFORCEMENT OFFICERS, AND MANY OTHERS ARE ADDED TO THE INVESTMENT IN JUVENILE COURT AND OHIO YOUTH COMMISSION EXPENDITURES. THOSE WHO PERSIST IN ANTISOCIAL BEHAVIOR AS ADULTS HELP TO FILL JAILS AND PRISONS.

FEW COMMUNITIES IN THE STATE ARE COLLECTING INFORMATION REGARDING THE SERVICES THEY PROVIDE AND THE RESULTS OF THEIR EFFORTS. ANY ATTEMPT TO STUDY THESE PROGRAMS ON A STATEWIDE BASIS IS SEVERELY CURTAILED BY LANGUAGE AND PROCEDURAL BARRIERS. THE LACK OF CONSENSUS IN TERMINOLOGY AND METHODS OF REPORTING HAS BEEN FREQUENTLY MENTIONED AS A SERIOUS PROBLEM IN COMMUNICATION.

THE JUVENILE COURT STATISTICS WERE DESIGNED TO FULFILL THE STATUTORY REQUIREMENT REGARDING ANNUAL REPORTS (SECTION 2151.18, OHIO REVISED CODE).

THE COURTS SEND INFORMATION MONTHLY TO THE BUREAU OF RESEARCH AND STATISTICS OF THE DEPARTMENT OF MENTAL HYGIENE AND CORRECTION CONCERNING CASES APPEARING ON THE COURT DOCKET. ALTHOUGH THE DEPARTMENT HAS DEFINED THE TERMS USED ON REPORT FORMS, THESE TERMS OFTEN MEAN DIFFERENT THINGS TO DIFFERENT COURTS. THE USEFULNESS OF THE DEPARTMENT'S ANNUAL PUBLICATION COULD BE GREATLY IMPROVED BY MORE UNIFORM REPORTING AND BY THE INCLUSION OF MORE USEFUL INFORMATION CONCERNING COURT PROGRAMS. THIS INFORMATION IS NOW AVAILABLE ONLY IN THE ANNUAL REPORTS OF A FEW INDIVIDUAL COURTS.

FOOTNOTES, CHAPTER 11

1. "JUVENILE DELINQUENCY," HEALTH, EDUCATION, AND WELFARE INDICATORS, UNITED STATES DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, JUNE, 1963, P. VI.
2. SOME STUDIES HAVE BEEN MADE ASKING CHILDREN TO REPORT DELINQUENT ACTS. A PUBLICATION OF THE UNITED STATES CHILDREN'S BUREAU MENTIONS A STUDY OF 7TH AND 8TH GRADE YOUNGSTERS IN A MIDWESTERN STATE IN WHICH 13 TO 16 PER CENT OF THE CHILDREN ADMITTED SERIOUS MISCONDUCT. THE PROPORTIONS WERE ALMOST IDENTICAL FOR A SUBURBAN AREA, AN URBAN FRINGE AREA OF PREDOMINANTLY BLUE COLLAR WORKERS, AND A SMALL RURAL, RELATIVELY ISOLATED TOWN. IBID., P. VIII.
3. NOTE, "JUVENILE DELINQUENTS: THE POLICE, STATE COURTS, AND INDIVIDUALIZED JUSTICE," HARVARD LAW REVIEW, FEB., 1966, P. 777.
4. "JUVENILE DELINQUENTS: THE POLICE, STATE COURTS, AND INDIVIDUALIZED JUSTICE," P. 776.
5. OHIO REV. CODE, SEC. 2151.25.
6. OHIO REV. CODE, SEC. 2151.311.
7. AN OFFICIAL CASE IS DEFINED IN THE ANNUAL STATISTICAL REPORT AS A CASE WHICH COMES TO THE ATTENTION OF THE COURT THROUGH THE FILING OF A WRITTEN COMPLAINT WHICH IS NOT WITHDRAWN BEFORE ACTION IS TAKEN BY THE COURT.
8. "JUVENILE DELINQUENTS: THE POLICE, STATE COURTS, AND INDIVIDUALIZED JUSTICE," P. 789.

FOOTNOTES, CHAPTER 11 (CONT'D)

9. A TOTAL OF 200 LAW ENFORCEMENT AGENCIES, REPRESENTING TWO-THIRDS OF THE TOTAL POPULATION OF THE STATE AND INCLUDING THE LARGE CITIES REPORTED 53,788 CONTACTS WITH CHILDREN UNDER THE AGE OF 18 TO THE FEDERAL BUREAU OF INVESTIGATION IN THE UNIFORM CRIME REPORTING PROGRAM. IF IT IS ASSUMED THAT THE RATE FOR ARRESTS IN THE REMAINING ONE-THIRD OF THE POPULATION EQUALLED THAT FOR SUBURBAN AND RURAL AGENCIES REPORTING IN THE COUNTRY AS A WHOLE IN 1964, THE FIGURE FOR OHIO IS ABOUT 73,000. (TOTAL ARRESTS OF CHILDREN UNDER 18, NATIONWIDE, AMOUNTED TO 7.4 PER 1,000 GENERAL POPULATION, IN CITIES THE RATE WAS 8.6, IN SUBURBAN AREAS 6.3, AND IN RURAL AREAS 2.7.)

### CHAPTER III. OHIO'S JUVENILE COURT SYSTEM

THE MODERN SOCIO-LEGAL JUVENILE CORRECTION SYSTEM WAS DEVELOPED AFTER OTHER SYSTEMS OF PUNISHMENT HAD FAILED FOR CENTURIES TO DIMINISH THE DELINQUENCY PROBLEM. IT IS BASED ON THE ASSUMPTION OF PUBLIC RESPONSIBILITY FOR CHILDREN WHO LACK PROPER PARENTAL GUIDANCE AND THE PROVISION OF REHABILITATIVE TREATMENT GEARED TO EACH CHILD'S NEEDS.

ALTHOUGH THE NEED FOR SEPARATE TREATMENT FOR CHILDREN HAS LONG BEEN RECOGNIZED, MODERN LAW IS UNIQUE IN PROVIDING SPECIAL COURTS FOR YOUTHFUL OFFENDERS.

THE LEGAL ROOTS OF THE PRESENT-DAY JUVENILE COURT WERE SAID, BY ITS FOUNDERS, TO LIE BOTH IN EARLY ENGLISH COMMON LAW (WHICH BECAME THE COMMON LAW IN NEARLY ALL THE UNITED STATES) AND IN CHANCERY OR EQUITY JURISPRUDENCE. CHANCERY JURISPRUDENCE AROSE FROM CONCERN OVER THE PROPERTY OF CHILDREN, BUT WAS EXTENDED TO THE WELFARE OF CHILDREN WHEN THIS WAS DECIDED TO BE THE MAIN ISSUE. CHILDREN WERE MADE WARDS OF THE STATE BY THE KING'S CHANCELLOR UNDER THE DOCTRINE OF PARENS PATRIAE. THE KING WAS THE ULTIMATE FATHER AND PROTECTOR OF ALL HIS SUBJECTS AND MIGHT ASSUME THE PARENTHOOD OF CHILDREN NEEDING THE PROTECTION OF THE CROWN. UNDER THE COMMON LAW, THE CHILD UNDER THE AGE OF SEVEN YEARS WAS CONSIDERED INCAPABLE OF COMMITTING A CRIME, THE CHILD BETWEEN SEVEN AND FOURTEEN WAS PRESUMED INCAPABLE ALTHOUGH THIS PRESUMPTION COULD BE REFUTED, AND THE CHILD OVER FOURTEEN WAS TREATED AS AN ADULT.

AT THE TURN OF THE CENTURY, THE JUVENILE COURT BECAME THE SOCIO-LEGAL MEANS OF REMOVING ADOLESCENTS FROM THE CRIMINAL LAW PROCESS AND IMPROVING PROGRAMS FOR DEPENDENT AND NEGLECTED CHILDREN. THE FIRST JUVENILE COURT IN OHIO WAS ESTABLISHED IN 1902 WHEN ORIGINAL JURISDICTION OVER CHILDREN UNDER SIXTEEN YEARS OF AGE WAS GIVEN TO THE COURT OF INSOLVENCY IN CLEVELAND. IN 1904, VARIOUS COMMON PLEAS, PROBATE, AND SUPERIOR COURTS WERE GIVEN ORIGINAL JURISDICTION TO REGULATE THE TREATMENT AND CONTROL OF DELINQUENT, DEPENDENT, AND NEGLECTED CHILDREN. LEGISLATION ENACTED IN 1906 PROVIDED FOR PROBATE JUDGES OF CERTAIN COUNTIES TO ACT AS JUVENILE COURT JUDGES. IN 1908, THE COMMON PLEAS, PROBATE, INSOLVENCY, AND SUPERIOR COURTS WERE GIVEN CONCURRENT JURISDICTION OVER JUVENILES, AND THE JUDGES OF SUCH COURTS IN EACH COUNTY WERE AUTHORIZED TO DESIGNATE ONE OF THEIR NUMBER TO HANDLE SUCH CASES. THE JURISDICTION OF THE JUVENILE COURTS WAS CLARIFIED IN 1913.

UNDER THE JUVENILE COURT SYSTEM, THE CHILD LACKING PROPER PARENTAL GUIDANCE WAS TO RECEIVE PUBLIC PROTECTION, THE BEST MEANS OF MEETING HIS NEEDS WAS TO BE DETERMINED, AND HE WAS TO BE TAUGHT TO LIVE IN SOCIETY WITHOUT COMING INTO CONFLICT WITH THE LAW. THE GENERAL, NONCRIMINAL CHARGE OF DELINQUENCY REPLACED CRIMINAL CHARGES OF SPECIFIC OFFENSES FOR CHILDREN FORMERLY SUBJECT TO PROSECUTION AS ADULTS. CONFIDENTIALITY WAS STRESSED TO AVOID THE STIGMA OF CRIMINAL PROCEDURES. DISCIPLINARY MEASURES WERE TO BE USED ONLY IN THE CONTEXT OF REHABILITATION: THE DEVELOPMENT OF RESPECT FOR AUTHORITY AND OF SELF CONTROL. THE BASIC PHILOSOPHY OF THIS CIVIL MECHANISM FOR THE IMPROVEMENT AND PROTECTION OF BOTH THE CHILD AND SOCIETY IS OFTEN REFERRED TO AS INDIVIDUALIZED JUSTICE.

#### ORGANIZATION

JUVENILE COURTS VARY WIDELY IN ORGANIZATION, FUNCTION, AND PROCEDURE, BUT THEY SHARE A COMMON NEED FOR MORE ADEQUATE RESOURCES.

### JUVENILE JUSTICE, CHAPTER III CONT'D

JUVENILE JURISDICTION IS PRESENTLY VESTED IN THREE TYPES OF COURTS IN OHIO: COMMON PLEAS, PROBATE, AND JUVENILE. THE TWO LARGEST COUNTIES, CUYAHOGA AND HAMILTON, HAVE INDEPENDENT JUVENILE COURTS WITH FULL-TIME JUDGES. IN ELEVEN COUNTIES (BUTLER, FRANKLIN, LAKE, LORAIN, LUCAS, MAHONING, MONTGOMERY, RICHLAND, STARK, SUMMIT, AND TRUMBULL), THE JUVENILE COURT FUNCTION IS INCLUDED IN THE DIVISION OF DOMESTIC RELATIONS OF THE COURT OF COMMON PLEAS. JUDGES IN THESE COUNTIES PRESIDE OVER BOTH JUVENILE AND DOMESTIC RELATIONS COURTS. IN FOUR COUNTIES THE COMMON PLEAS JUDGE EXERCISES PROBATE AND JUVENILE JURISDICTION AS WELL. IN THE REMAINING SEVENTY-ONE COUNTIES JUVENILE COURT JURISDICTION IS VESTED IN THE PROBATE JUDGE. THIRTY-NINE OF THE FIFTY-ONE COUNTIES RESPONDING TO THE REQUEST FOR INFORMATION REPORTED THAT THE JUVENILE COURT JUDGE SPENDS HALF TIME OR LESS ON JUVENILE WORK.

MANY COUNTIES HAVE NOT BEEN ABLE TO FINANCE OR HAVE NOT FINANCED ADEQUATE COURT AND SUPPORTIVE SERVICES. PROBLEMS OF SMALL POPULATION BASE, INADEQUATE COURT AND SUPPORTIVE SERVICES, AND SHORTAGES OF TRAINED WORKERS, MUST BE CONSIDERED TOGETHER WITH SOME OF THE ADVANTAGES SAID TO ACCRUE FROM INCREASED SPECIALIZATION OF THE COURTS' AND COURT STAFFS' FUNCTIONS. THESE PRACTICAL PROBLEMS HAVE AROUSED INTEREST IN THREE SUGGESTED CHANGES IN JUVENILE COURT ORGANIZATION. THE FIRST PROPOSES COMBINING THE FUNCTIONS OF THE JUVENILE AND DOMESTIC COURTS INTO FAMILY COURTS. THE SECOND WOULD BROADEN THE GEOGRAPHIC AREA SERVED BY JUVENILE COURTS IN LESS POPULOUS SECTIONS OF THE STATE TO PERMIT A GREATER DEGREE OF SPECIALIZATION. THE THIRD WOULD ESTABLISH COURT-SERVICE REGIONS FOR THE OPERATION OF DETENTION, DIAGNOSTIC, AND TREATMENT PROGRAMS.

#### FAMILY COURTS

PARENTS OF CHILDREN APPEARING IN JUVENILE COURT ARE OFTEN PARTIES IN DOMESTIC RELATIONS COURT ACTIONS. IF THE DELINQUENCY, DEPENDENCY AND NEGLECT, AND MARITAL PROBLEMS ARE HANDLED IN INDEPENDENT OPERATIONS, COURTS MAY BE WORKING AT CROSS PURPOSES. THE DESIRE TO MORE EFFECTIVELY HANDLE THE RISING TIDE OF PROBLEMS SYMPTOMATIC OF FAMILY BREAKDOWN HAS BROUGHT ABOUT AN ACCELERATED INTEREST IN THE IDEA OF A FAMILY COURT.<sup>4</sup>

#### REGIONAL JUVENILE COURTS

IN SOME STATES, THE ESTABLISHMENT OF JUVENILE COURTS ON REGIONAL BASES HAS BEEN ADVOCATED. THE GENERAL ASSEMBLY OF VIRGINIA ENACTED PERMISSIVE LEGISLATION IN 1960, AUTHORIZING ANY COMBINATION OF CITIES AND COUNTIES TO ESTABLISH A REGIONAL COURT. BY 1967 VIRGINIA HAD ESTABLISHED JUVENILE COURT AND DETENTION DISTRICTS FOR PLANNING PURPOSES. EIGHT DISTRICTS NOW HAVE REGIONAL DETENTION HOMES AND TWO OTHERS ARE ON THE DRAWING BOARD. STATE REIMBURSEMENT TO COUNTIES MEETING THE STATE'S REGIONAL DETENTION STANDARDS IS UP TO \$50,000 FOR CONSTRUCTION, TWO-THIRDS OF STAFF SALARIES, AND ALL OF OPERATING EXPENSES.<sup>5</sup>

IN ILLINOIS, JUVENILE JURISDICTION IS DEPOSITED IN ONE CIRCUIT COURT WHICH CAN LOCATE ITS INDIVIDUAL COURTS WHERE NEEDED. THE STATES OF UTAH, CONNECTICUT, AND RHODE ISLAND HAVE ESTABLISHED STATEWIDE JUVENILE COURTS BY COMBINING COUNTY, CITY, AND TOWN COURTS INTO ONE OR MORE DISTRICTS SERVED BY A FULL-TIME JUVENILE JUDGE.

A DISTRICT JUDGE IN IOWA RECENTLY MADE A PLEA FOR EXPERIMENTS IN THE EVOLUTION OF A BETTER SYSTEM. COURTS ESTABLISHED ON A MULTI-POLITICAL SUBDIVISION BASIS, HE POINTS OUT, TEND TO REDUCE PROVINCIALISM.<sup>6</sup> CONVINCING ARGUMENTS MAY BE MARRSHALLED ON BOTH SIDES OF THE QUESTION. ONE MUST WEIGH THE RELATIVE EFFECTIVENESS OF JUVENILE COURTS CONDUCTED BY COURT STAFFS WHICH MAY HAVE AN INTIMATE PERSONAL

KNOWLEDGE OF THE RESIDENTS OF THE COMMUNITY AGAINST THE EFFECTIVENESS OF STAFFS WHICH HAVE A MORE OBJECTIVE APPROACH AND REPRESENT A BROADER SOCIO-CULTURAL POINT OF VIEW. PRACTICAL PROBLEMS OF STAFFING JUVENILE COURTS AND PROVIDING DETENTION AND REHABILITATION FACILITIES MIGHT BE MORE EASILY SOLVED IF JUVENILE OR FAMILY COURTS WERE ESTABLISHED ON A REGIONAL BASIS.

REGIONAL SERVICE AREAS

THE THIRD PROPOSAL ADVOCATES THE ESTABLISHMENT OF REGIONAL FACILITIES AND SERVICES. A STEP IN THIS DIRECTION WAS TAKEN IN OHIO WHEN THE 106TH GENERAL ASSEMBLY PROVIDED FOR STATE ASSISTANCE IN THE CONSTRUCTION AND OPERATION OF REHABILITATION FACILITIES BY COUNTY OR BY GROUPS OF COUNTIES (AM. SUB. H.B. 943). SEVERAL COUNTIES ARE PLANNING TO PARTICIPATE IN THIS PROGRAM. IN THE SPRING OF 1970 THE GENERAL ASSEMBLY ALSO APPROVED A BILL (AM. SUB. H.B. 1135) ALLOWING FOR STATE ASSISTANCE IN BUILDING REGIONAL JUVENILE DETENTION CENTERS. AREAS ARE REQUIRED TO MEET A MINIMAL POPULATION FIGURE AND TO PLAN IN ACCORDANCE WITH OHIO YOUTH COMMISSION STANDARDS. AT LEAST THREE DISTRICTS IN OHIO HAVE MADE PRELIMINARY PLANS FOR REGIONAL JUVENILE DETENTION FACILITIES. JOINT-FINANCING PROBLEMS HAVE BEEN ENCOUNTERED IN SOME AREAS OF THE STATE. EITHER THE EXTENSION OF A STATE SUBSIDY TO OTHER JUVENILE COURT SERVICES SUCH AS THE DIAGNOSTIC SERVICE OR THE ESTABLISHMENT OF A STATEWIDE SYSTEM OF SERVICE REGIONS MIGHT ASSIST COMMUNITIES IN THE DEVELOPMENT OF THE KINDS AND QUANTITIES OF SERVICES NEEDED.

BOTH PHILOSOPHICAL AND PRACTICAL PROBLEMS AND SOLUTIONS TO REGIONAL SERVICES ARE POINTED OUT BY JOHN J. DOWNEY IN THE BRIEF 1970 FEDERAL HEALTH, EDUCATION AND WELFARE PUBLICATION STATE RESPONSIBILITY FOR JUVENILE DETENTION CARE.<sup>7</sup>

JURISDICTION

JUVENILE COURT JURISDICTION

ALTHOUGH THE JUVENILE COURT IN OHIO HAS EXCLUSIVE ORIGINAL JURISDICTION OVER DELINQUENT CHILDREN BEFORE THE AGE OF 18, CERTAIN INCONSISTENCIES EXIST IN THE POSSIBILITIES FOR WAIVER OF JUVENILE COURT JURISDICTION AND IN THE TRANSFER OF CUSTODY TO ANOTHER AGENCY AFTER PERMANENT COMMITMENT BY THE COURT. BETWEEN THE TERMINATION OF JUVENILE COURT JURISDICTION (AGE 18) AND THE TERMINATION OF PARENTAL RESPONSIBILITY (AGE 21) IS A THREE-YEAR PERIOD IN WHICH THE SERVICES OF THE JUVENILE CORRECTION PROGRAM ARE NOT AVAILABLE TO PARENTS OF LAWBREAKERS.

THE JUVENILE COURT IN OHIO HAS "EXCLUSIVE ORIGINAL" JURISDICTION OVER DELINQUENT CHILDREN UNDER 18 YEARS OF AGE. JURISDICTION OVER A YOUTH FOUND TO BE DELINQUENT BY REASON OF BEHAVIOR PRIOR TO THE ATTAINMENT OF THE AGE OF 18 IS TERMINATED BY THE ATTAINMENT OF THE AGE OF 21.

A SIGNIFICANT FEATURE OF THE JUVENILE COURT CONCEPT IS THE COMBINATION OF CRIMINAL LAW (PUNISHMENT OF THE OFFENDER, PROTECTION OF THE PUBLIC, AND REHABILITATION OF THE CRIMINAL) AND GUARDIANSHIP (THE TRADITIONAL CONCERN OF PROBATE COURTS OF "LOOKING AFTER" PERSONS WHO ARE UNABLE TO TAKE CARE OF THEMSELVES). THUS, JUVENILE COURTS HAVE JURISDICTION OVER DELINQUENT CHILDREN, UNRULY CHILDREN, NEGLECTED CHILDREN, DEPENDENT CHILDREN, AND JUVENILE TRAFFIC OFFENDERS AND OVER ADULTS FOR CERTAIN OFFENSES OR IN CERTAIN ACTIONS INVOLVING CHILDREN.

COURTS VESTED WITH JUVENILE COURT JURISDICTION HAVE EXCLUSIVE ORIGINAL JURISDICTION IN THE FOLLOWING CASES:

1. CASES CONCERNING ANY CHILD WHO IS A JUVENILE TRAFFIC OFFENDER OR WHO IS DELINQUENT, UNRULY, NEGLECTED, DEPENDENT, CRIPPLED, OR OTHERWISE PHYSICALLY HANDICAPPED.
2. CASES TO DETERMINE THE CUSTODY OF ANY CHILD NOT A WARD OF ANOTHER COURT OF THIS STATE.
3. CASES TO DETERMINE THE PATERNITY OF ANY CHILD ALLEGED TO HAVE BEEN BORN OUT OF WEDLOCK AND TO PROVIDE FOR HIS SUPPORT, SUBJECT TO THE CONCURRENT JURISDICTION OF OTHER COURTS.
4. ALL CASES OF MISDEMEANORS CHARGING AN ADULT WITH:
  - A. CONTRIBUTING TO, ENCOURAGING, OR TENDING TO CAUSE BY ANY ACT OR OMISSION THE DELINQUENCY, NEGLECT, OR DEPENDENCY OF ANY CHILD.
  - B. ANY ACT OR OMISSION WITH RESPECT TO ANY CHILD, WHICH ACT OR OMISSION IS A VIOLATION OF ANY STATE LAW OR ANY MUNICIPAL ORDINANCE.
  - C. ABANDONMENT OR FAILURE TO PROVIDE SUBSISTENCE TO ANY CHILD FOR WHICH HE IS LEGALLY RESPONSIBLE.

JUVENILE COURTS ARE ALSO GRANTED ORIGINAL JURISDICTION TO HEAR AND DETERMINE BASTARDY CASES AND CASES INVOLVING CHILDREN CERTIFIED TO THEM BY ANY COURT OF COMPETENT JURISDICTION. IN ADDITION, ALL SUCH COURTS, WITH THE EXCEPTION OF THE JUVENILE COURTS IN CUYAHOGA AND HAMILTON COUNTIES, MAY HEAR, DETERMINE, AND MAKE A RECORD OF ANY ACTION FOR DIVORCE OR ALIMONY INVOLVING THE CUSTODY OR CARE OF CHILDREN FILED IN THE COURT OF COMMON PLEAS AND WHICH HAS BEEN CERTIFIED BY THE PRESIDING JUDGE OF SUCH COURT TO THE COURT VESTED WITH JUVENILE AUTHORITY.

ALTHOUGH A CHILD IS DEFINED AS ANY PERSON UNDER EIGHTEEN, THE JUVENILE COURTS ARE GIVEN AUTHORITY TO ENTERTAIN PROCEEDINGS AGAINST A PERSON OVER EIGHTEEN WHERE THE OFFENSE WAS COMMITTED PRIOR TO HIS EIGHTEENTH BIRTHDAY AND WHERE THE COMPLAINT IS NOT FILED OR THE HEARING IS NOT HELD UNTIL AFTER HIS EIGHTEENTH BIRTHDAY.

JUVENILES IN THE ADULT CORRECTION SYSTEM

ALTHOUGH THE STATUTES GIVE JURISDICTION OVER JUVENILES SOLELY TO THE JUVENILE COURTS, A YOUTH UNDER THE AGE OF EIGHTEEN MAY FIND HIS WAY INTO THE ADULT CORRECTION SYSTEM BY FOUR ROUTES, THREE PRESCRIBED BY STATUTE AND ONE ESTABLISHED BY CASE LAW.

FAILURE OF THE CHILD TO RAISE THE QUESTION OF JURISDICTION. SEVERAL CASES HAVE HELD THAT WHEN A JUVENILE HAS COMMITTED A FELONY AND IS TRIED IN A COURT OF COMMON PLEAS, IF HE FAILS TO RAISE THE ISSUE OF HIS AGE BEFORE SUCH TRIAL AND IS CONVICTED, THE CONVICTION WILL STAND. THE TRIAL COURT IS DEEMED TO HAVE ACQUIRED JURISDICTION BECAUSE THE CHILD FAILED TO RAISE THE ISSUE AND IS THEREBY ASSUMED TO HAVE WAIVED THE QUESTION OF LACK OF JURISDICTION. THIS REASONING IS APPARENTLY BASED ON THE THEORY THAT THE JUVENILE LAW VESTS AUTHORITY OVER THE PERSON RATHER THAN THE CRIME AND THAT THE JURISDICTION OF THE PERSON MAY BE WAIVED, EVEN BY A MINOR. IT APPEARS, HOWEVER, THAT THE INTENT OF THE STATUTORY LAW MAY BE THWARTED BY THE FAILURE OF THE CHILD TO INFORM THE TRIAL COURT OF HIS AGE.

TRANSFER TO COMMON PLEAS COURT BY JUVENILE COURT. IN ANY CASE INVOLVING A CHILD WHO IS ALLEGED TO HAVE COMMITTED AN OFFENSE WHICH WOULD BE A FELONY IF

COMMITTED BY AN ADULT, THE JUVENILE COURT MAY TRANSFER THE CASE TO THE APPROPRIATE COURT HAVING JURISDICTION OF THE OFFENSE, AFTER MAKING, IN ORDER, THE FOLLOWING DETERMINATIONS:

1. THE CHILD WAS FIFTEEN OR MORE YEARS OF AGE AT THE TIME OF THE CONDUCT CHARGED;
2. THERE IS PROBABLE CAUSE TO BELIEVE THAT THE CHILD COMMITTED THE ACT ALLEGED;
3. AFTER INVESTIGATION INCLUDING MENTAL AND PHYSICAL EXAMINATION OF THE CHILD BY QUALIFIED PERSONNEL THERE ARE REASONABLE GROUNDS TO BELIEVE THAT:
  - A. HE IS NOT COMMITTABLE TO AN INSTITUTION FOR THE MENTALLY RETARDED OR MENTALLY ILL;
  - B. HE IS NOT AMENABLE TO CARE OR REHABILITATION IN ANY FACILITY DESIGNED FOR THE CARE, SUPERVISION, AND REHABILITATION OF DELINQUENT CHILDREN;
  - C. THE SAFETY OF THE COMMUNITY REQUIRES THAT HE BE PLACED UNDER LEGAL RESTRAINT, INCLUDING, IF NECESSARY, FOR THE PERIOD BEYOND HIS MAJORITY.<sup>8</sup>

IN CASES WHERE IT DOES SO, THE JUVENILE IS HELD FOR TRIAL IN THE COURT OF COMMON PLEAS. A FULL INVESTIGATION AND A MENTAL AND PHYSICAL EXAMINATION OF THE CHILD MUST PRECEDE SUCH TRANSFER. THERE IS NO REQUIREMENT FOR A HEARING. MOST AUTHORITIES IN THE JUVENILE CORRECTION FIELD AGREE THAT THERE ARE SOME JUVENILE CASES IN WHICH THE OFFENDER CAN NO LONGER BENEFIT FROM THE AVERAGE JUVENILE COURT'S SERVICES. THERE ARE SAID TO BE SOME CASES IN WHICH RESTRAINT SHOULD BE CONTINUED AFTER THE ATTAINMENT OF THE AGE OF TWENTY-ONE.

SEVERAL FLAWS IN THE TRANSFER PROVISION HAVE BEEN POINTED OUT, HOWEVER. IF THE ACT COMMITTED BY THE JUVENILE IS REPUGNANT ENOUGH, HE MAY SUDDENLY BECOME "RESPONSIBLE" REGARDLESS OF HIS AGE.

IF TRIED IN THE COMMON PLEAS COURT IN OHIO, A YOUTH MAY BE SENT TO THE OHIO PENITENTIARY.<sup>9</sup> THOSE RESPONSIBLE FOR THE ADMINISTRATION OF THIS MAXIMUM SECURITY PRISON HAVE EXPRESSED THE OPINION THAT THE FEW YOUTHS RECEIVED (THREE YOUTHS CONVICTED OF FIRST DEGREE MURDER WITH MERCY WERE IN THE PRISON AS OF JUNE 30, 1966) COULD BE INCARCERATED JUST AS WELL IN ANOTHER INSTITUTION. MURDERERS ARE CONSIDERED BY PRISON OFFICIALS TO BE AMONG THE LEAST TROUBLESOME INMATES, AND YOUTHFUL OFFENDERS ARE APPARENTLY NO EXCEPTION. THESE YOUTHS COULD POSSIBLY DERIVE GREATER BENEFIT FROM PROGRAMS DEVELOPED FOR YOUNG OFFENDERS AT THE OHIO STATE REFORMATORY OR AT A YOUTH COMMISSION INSTITUTION.

A PROBLEM OF CRITICAL CONCERN TO LAW ENFORCEMENT AGENCIES IS THAT OF THE HANDLING OF THE INVESTIGATION IN THE CASE OF A JUVENILE OFFENDER WHO IS EVENTUALLY TRIED IN A CRIMINAL COURT. A YOUTH MAY BE ENCOURAGED TO "TELL THE TRUTH" ACCORDING TO A BASIC TENET OF JUVENILE COURT PHILOSOPHY THAT AN ADMISSION OF GUILT IS A PRIMARY PREREQUISITE IN HELPING THE CHILD TO CHANGE HIS ATTITUDE. MAY THE INFORMATION PROVIDED BY HIM BE ADMISSIBLE AS EVIDENCE IN A CRIMINAL COURT IF THE CONSTITUTIONAL SAFEGUARDS ATTACHED TO CRIMINAL PROCEDURES ARE NOT AFFORDED? SECTION 2151.358 PROHIBITS THE ADMISSION IN ANY OTHER COURT OF THE JUVENILE COURT DISPOSITION OR ANY EVIDENCE GIVEN IN THE JUVENILE COURT, BUT THE STATUTES ARE SILENT WITH REGARD TO EVIDENCE OBTAINED IN INVESTIGATIONS PRECEDING WAIVER OF JUVENILE COURT JURISDICTION. SOME LAW ENFORCEMENT AGENCIES INDICATE THAT THEY PROCEED AS THOUGH THE CHILD WERE AN ADULT IF THERE IS ANY INDICATION THAT THE CASE MAY BE TRANSFERRED TO THE CRIMINAL COURT. JUDGE BENJAMIN SCHWARTZ OF

HAMILTON COUNTY RECENTLY STATED:

UNDER THIS CIRCUMSTANCE (TRANSFER TO COMMON PLEAS) ALL OF THE CONSTITUTIONAL PROTECTIONS MUST APPLY TO THE JUVENILE FROM THE TIME THE ACT IS COMMITTED.<sup>10</sup>

NO AVAILABLE FIGURES SHOW THE NUMBER OF CASES IN WHICH JURISDICTION OF THE JUVENILE COURT IS WAIVED IN OHIO EACH YEAR, SINCE TRANSFERS TO ALL OTHER COURTS ARE LUMPED TOGETHER IN REPORTING DISPOSITIONS. ELEVEN JUVENILES WERE COMMITTED TO ADULT PENAL INSTITUTIONS BY COMMON PLEAS COURTS DURING 1965, HOWEVER: ONE TO THE OHIO PENITENTIARY AND TEN TO THE OHIO STATE REFORMATORY.

THE AUTHORITY TO TRANSFER JURISDICTION PROVIDES A WIDER RANGE OF ALTERNATIVES TO THE JUDGE FACING THE PROBLEM OF A MATURED, INDEPENDENT, PERSISTENT OFFENDER. SINCE THE OHIO YOUTH COMMISSION AND THE ADULT CORRECTION AUTHORITIES APPEAR TO HAVE DEVELOPED PROGRAMS FOR YOUTHFUL FELONS, A JUDGE COULD BASE HIS DECISIONS ON FACTORS SUCH AS THE EXTENT OF SECURITY NECESSARY AND WHETHER THE SAFETY OF THE COMMUNITY REQUIRES RESTRAINT AFTER THE ATTAINMENT OF THE AGE TWENTY-ONE.

COMMITMENT TO OHIO STATE REFORMATORY BY THE JUVENILE COURT. THE JUVENILE COURT HAS THE AUTHORITY TO COMMIT TO THE OHIO STATE REFORMATORY A BOY OVER THE AGE OF SIXTEEN WHO HAS COMMITTED AN ACT WHICH, IF COMMITTED BY AN ADULT, WOULD BE A FELONY. IN SUCH CASES, THE JURISDICTION OF THE JUVENILE COURT IS TERMINATED AND HE IS TREATED AS AN ADULT. HIS PAROLE IS AUTHORIZED AND SUPERVISED BY THE ADULT PAROLE AUTHORITY EXCEPT THAT UNLESS RELEASED SOONER, HE MUST BE RELEASED FROM CUSTODY UPON ATTAINMENT OF THE AGE OF TWENTY-ONE.

TRANSFER TO OHIO STATE REFORMATORY BY THE OHIO YOUTH COMMISSION. THE OHIO YOUTH COMMISSION HAS AUTHORITY TO TRANSFER A BOY OR GIRL TO "AN APPROPRIATE STATE REFORMATORY FOR MEN OR WOMEN WHEN SUCH CHILD IS INCORRIGIBLE TO THE EXTENT THAT HE OR SHE HAS A DETRIMENTAL EFFECT ON THE WELL-BEING OF OTHER CHILDREN IN THE COMMISSION'S CUSTODY, OR WHEN SUCH CHILD, BECAUSE OF PREVIOUS CONDUCT OR CRIMINAL TENDENCIES, APPEARS INCAPABLE OF BENEFITING BY THE TREATMENT OR TRAINING AFFORDED BY THE COMMISSION" (SECTION 5139.24, OHIO REVISED CODE). ONLY THREE JUVENILES WERE REPORTED TRANSFERRED FROM JUVENILE TO ADULT CORRECTION INSTITUTIONS IN 1965. SEVERAL WERE TRANSFERRED FROM THE OHIO YOUTH COMMISSION TO LIMA STATE HOSPITAL.

JURISDICTION OF OFFENDERS BETWEEN AGES EIGHTEEN AND TWENTY-ONE

TWO CONSIDERATIONS IN THE CORRECTION OF YOUTHS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-ONE ARE PERTINENT TO A STUDY OF JUVENILE PROCEDURES. THE FIRST CONCERNS THE APPROPRIATENESS OF JUVENILE COURT SERVICES AND DISPOSITION ALTERNATIVES FOR SOME OFFENDERS WHO HAVE PASSED THE AGE OF SEVENTEEN. THE SECOND CONCERNS YOUNG PEOPLE BEYOND THE JURISDICTION OF THE JUVENILE COURT AND NOT YET SELF-SUPPORTING WHO HAVE NOT BEEN CHARGED WITH THE VIOLATION OF LAWS OR ORDINANCES BUT WHOSE PARENTS ARE UNABLE TO CONTROL THEM. THE POSSIBILITY OF EXTENDING THE JURISDICTION OF THE JUVENILE COURT TO THIS GROUP HAS BEEN PROPOSED. THE COMMON PLEAS COURT COULD BE GIVEN AUTHORITY TO PROVIDE SOMETHING LESS THAN CRIMINAL SENTENCE FOR YOUTHS STILL CONSIDERED AMENABLE TO JUVENILE SERVICES. IT COULD BE AUTHORIZED TO: (1) TRANSFER THE CASE TO THE JUVENILE COURT BEFORE TRIAL, OR (2) SENTENCE THE YOUNG OFFENDER TO A JUVENILE PLACEMENT PROGRAM AFTER CONVICTION. THE FEDERAL LAW PROVIDES AN EXAMPLE OF THE LATTER ALTERNATIVE.

THE FEDERAL YOUTH CORRECTIONS ACT PROVIDES THAT, WITH THE OFFENDER'S CONSENT, A FEDERAL JUDGE MAY SENTENCE FEDERAL STATUTE VIOLATORS WHO ARE BETWEEN THE

AGES OF EIGHTEEN AND TWENTY-ONE TO SUPERVISION BY THE YOUTH CORRECTION DIVISION IN LIEU OF THE PENALTY OF IMPRISONMENT PROVIDED FOR ADULTS, PROVIDING PROPER AND ADEQUATE TREATMENT FACILITIES ARE AVAILABLE. TREATMENT ALTERNATIVES INCLUDE PUBLIC AND PRIVATE AGENCIES AND FOSTER HOMES. THE COURT MAY SENTENCE THE OFFENDER FOR A PERIOD OF SIX YEARS, OR LONGER, IF NECESSARY TO DERIVE MAXIMUM TREATMENT BENEFITS, BUT HE MAY NOT BE HELD FOR ANY PERIOD OF TIME IN EXCESS OF THE TERM WHICH MIGHT HAVE BEEN IMPOSED HAD HE BEEN SENTENCED AS AN ADULT. UPON UNCONDITIONAL DISCHARGE OF A COMMITTED YOUTH OFFENDER BEFORE THE EXPIRATION OF HIS MAXIMUM SENTENCE, HIS CONVICTION IS AUTOMATICALLY SET ASIDE AND HE IS NO LONGER CONSIDERED TO HAVE BEEN CONVICTED OF ANY CRIME. THE PRINCIPLE OF SELECTIVITY ON THE BASIS OF POTENTIAL REFORMATION IS PRESUMABLY IN OPERATION HERE.

WITH RESPECT TO CONSENT FOR MARRIAGE, THE JUVENILE COURT HAS LIMITED JURISDICTION OVER MINORS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-ONE: (1) IN THE ABSENCE OF A RESPONSIBLE PARENT OR GUARDIAN AND (2) IN THE CASE OF ILLEGITIMACY WHEN EITHER THE GIRL OR BOY IS MADE A WARD OF THE COURT, PROVIDED THE CONSENT OF WARDS AND THEIR PARENTS IS GIVEN. (SECTION 3101.04, OHIO REVISED CODE).

LIMITING JURISDICTION BY NARROWING THE DEFINITION OF DELINQUENCY

PASSAGE OF THE 1969 ACT (AM. SUB. H.B. 320) BY THE GENERAL ASSEMBLY TENDS TO NARROW THE SCOPE OF THE TERM "DELINQUENCY." WHILE IT IS SAVED FOR THE SERIOUS OFFENSES, A CHILD WHO COMMITS A LESS SERIOUS TRANSGRESSION (SEE CH. 1, DEFINITION OF DELINQUENCY SECTION) IS LABELED AS AN "UNRULY CHILD." THE COURT HAS SEVERAL OPTIONS IN DEALING WITH AN UNRULY CHILD. (SEE OHIO REVISED CODE, SEC. 2151.354.) AFTER MAKING A DISPOSITION, HOWEVER, THE COURT MAY FIND ON FURTHER HEARING THAT THE CHILD IS NOT AMENABLE TO THE ACTIONS TAKEN AND MAY MAKE ANY DISPOSITION IT WOULD MAKE IF THE CHILD WERE TERMED "DELINQUENT." THEREFORE, MERELY SUBSTITUTING A DIFFERENT TERM FOR THE WORD "DELINQUENT" IS LIKELY TO BE OF ONLY TEMPORARY VALUE IN REDUCING THE STIGMA ATTACHED TO A JUVENILE COURT REFERRAL. IN NEW YORK AND ILLINOIS, CHILDREN COMMITTING OFFENSES WHICH ARE UNLAWFUL ONLY FOR JUVENILES ARE CALLED "PERSONS IN NEED OF SUPERVISION" AND "MINORS IN NEED OF SUPERVISION." THE RECENTLY REVISED JUVENILE COURT ACTS IN THESE TWO STATES GO BEYOND THE CHANGE IN TERMINOLOGY BY ELIMINATING TRAINING SCHOOL COMMITMENT AS A POSSIBLE DISPOSITION FOR TRUANT AND HABITUALLY DISOBEDIENT CHILDREN.

IF THE SEGREGATION OF CASES BY OFFENSE CHARGED IS ACCOMPANIED BY A DIFFERENCE IN DISPOSITION POSSIBILITIES, ONE OF THE BASIC PRINCIPLES OF JUVENILE COURT PHILOSOPHY IS UNDERMINED. THE NEED FOR INTERFERENCE IN A CHILD'S LIFE AND THE PRESCRIBED TREATMENT ARE SAID TO BE BETTER IDENTIFIED WITH CONSIDERATION OF THE CHILD AND HIS COURSE OF DELINQUENT CONDUCT THAN WITH A SINGLE BREACH OF THE LAW. IN OHIO, FOR EXAMPLE, MOST OF THE GIRLS COMMITTED TO THE OHIO YOUTH COMMISSION ARE CHARGED NOT WITH ADULT CRIMES OR MISDEMEANORS, BUT WITH TRUANCY FROM HOME OR SCHOOL OR WITH INCORRIGIBILITY.

PERSONNEL

JUVENILE COURT STAFFS VARY IN SIZE FROM ONE JUDGE AND ONE PROBATION OFFICER TO A COMPLEX ORGANIZATION IN METROPOLITAN AREAS. THE NEED FOR ADDITIONAL TRAINED STAFF TO PROVIDE THE SERVICES ESSENTIAL TO EFFECTIVE OPERATION OF THE JUVENILE COURT IS UNIVERSAL. THE PERSISTENCE OF CRITICAL PROBLEMS IN THIS AREA SUGGESTS THE ADVISABILITY OF ACTION ON A STATEWIDE BASIS TO PROVIDE EDUCATIONAL OPPORTUNITIES FOR COURT PERSONNEL AND TO MAKE THE MOST EFFECTIVE USE POSSIBLE OF AVAILABLE TRAINED WORKERS.

JUDICIAL

THE TASKS FACING THE JUVENILE COURT JUDGE MIGHT SEEM LESS FORMIDABLE AND THE ACQUISITION OF THE KNOWLEDGE AND SKILLS NEEDED IN THIS SPECIALIZED FIELD MIGHT BE MADE LESS ARDUOUS IF A PERMANENT MECHANISM FOR THE ORIENTATION OF NEW JUDGES WERE ESTABLISHED AND IF THE RESPONSIBILITY FOR CASES INVOLVING CHILDREN WERE MADE A FULL-TIME JOB.

THE SUCCESS OR FAILURE OF A COURT'S EFFORT TO REDUCE THE DISOBEDIENCE OF CHILDREN TO A MINIMUM, WITH METHODS THAT LEAVE THEM PSYCHOLOGICALLY WHOLE, RESTS LARGELY ON THE EFFORTS OF THE JUDGE. HE HAS THE TASK OF PROTECTING THE PUBLIC AND THE CHILD AT THE SAME TIME. HE MUST WEIGH THE CHILD'S NEEDS AS INDICATED BY THE PSYCHO-SOCIAL ROOTS OF HIS BEHAVIOR (SOMETIMES WITH LITTLE OR NO PROFESSIONAL HELP) AGAINST THE AVAILABLE ALTERNATIVES FOR DISPOSITION. AS AN ELECTED OFFICIAL,<sup>11</sup> HE MAY HAVE HAD LITTLE TRAINING OR EXPERIENCE IN WORKING WITH PROBLEM CHILDREN. AN UNPUBLISHED OHIO STUDY CONDUCTED IN 1963 REVEALED THAT 15 OF 81 JUDGES HAD NOT GRADUATED FROM COLLEGE AND 9 DID NOT ANSWER THE QUESTION. FIFTY-THREE OF THE 81 HAD HAD NO PREVIOUS OCCUPATIONAL EXPERIENCE RELATING TO YOUTH.<sup>12</sup>

TO PERMIT THE FULL-TIME ATTENTION OF JUDGES TO JUVENILE OR FAMILY COURT CASES, A REORGANIZATION OF THE JUVENILE COURT SYSTEM WOULD BE REQUIRED. THE POSSIBILITY FOR EXTENDING THE INFLUENCE OF COMPETENT JUDGES IN TERMS OF LENGTH OF SERVICE IS SEEN IN THE LIFE TENURE APPOINTMENT. ALTHOUGH JUVENILE COURT JUDGES ARE ELECTED IN OHIO, A NUMBER OF CONVINCING ARGUMENTS FAVOR THE SELECTION OF JUDGES BY A COMMISSION REPRESENTING THE LEGAL PROFESSION AND THE CORRECTION FIELD. THE BENEFITS OF CAREER SERVICE AND THE POSSIBILITY OF REQUIRING HIGH EDUCATIONAL AND EXPERIENTIAL STANDARDS ARE CITED AS ARGUMENTS FOR THIS SYSTEM.

LAW ENFORCEMENT

LAW ENFORCEMENT OFFICERS ARE NOT EMPLOYEES OF THE JUVENILE COURT, BUT THEIR ROLE IN THE APPREHENSION AND DETENTION OF JUVENILE OFFENDERS IS CRITICAL. CAREFUL SELECTION AND TRAINING OF SUCH OFFICERS IS CONSIDERED ESSENTIAL TO THE EFFECTIVE FUNCTIONING OF THE JUVENILE SYSTEM.

THE POLICE OFFICER IS NOT A SOCIAL WORKER OR A TREATMENT EXPERT, BUT HIS RESPONSIBILITY CONCERNING CHILDREN INCLUDES RENDERING JUDGMENTS ABOUT THE SERIOUSNESS OF PROBLEMS INVOLVED IN A WIDE RANGE OF ACTS OF MISBEHAVIOR. A SPECIALLY SELECTED AND TRAINED GROUP OF JUVENILE OFFICERS WITHIN THE POLICE FORCE IS CONSIDERED IMPORTANT TO THE EFFECTIVE OPERATION OF THE JUVENILE COURT IN THE COMMUNITY. AN OFFICER IN ONE OF OHIO'S JUVENILE BUREAUS, DISCUSSING THIS PROBLEM, SAID THAT A "CERTAIN BREED" OF OFFICER IS REQUIRED AND THAT, WHILE SUPPLEMENTAL TRAINING IS PROVIDED JUVENILE BUREAU OFFICERS, THE STRENGTH OF THE BUREAU STAFF DOES NOT PERMIT ABSENCE FROM DUTY LONG ENOUGH TO ALLOW FOR THE NECESSARY TRAINING. THE OHIO YOUTH COMMISSION ADMINISTERS A LAW ENFORCEMENT SUBSIDY WHICH PAYS ONE-HALF OR UP TO A MAXIMUM OF \$3,000 OF THE SALARY OF A LAW ENFORCEMENT OFFICER WHO WORKS SOLELY WITH JUVENILES. PRESENTLY, THE OFFICES OF SIX SHERIFFS AND 26 POLICE DEPARTMENTS PARTICIPATE IN THIS STATE-AIDED PROGRAM.

INTAKE

ALTHOUGH THE SCREENING, REFERRAL, AND CONTROL OF DETENTION DUTIES PERFORMED BY INTAKE WORKERS ARE OFTEN NOT DIFFERENTIATED FROM OTHER ASPECTS OF THE COURT'S WORK, THESE TASKS REQUIRE SPECIAL SKILLS SOMETIMES NOT AVAILABLE TO THE COURT.

ONE OF THE MOST IMPORTANT FEATURES OF THE JUVENILE COURT PROCEDURE IS THE ELIMINATION OF CASES THAT DO NOT REQUIRE FORMAL COURT ACTION OR PROLONGED TREATMENT AND THE INFORMAL OR UNOFFICIAL ADJUSTMENT OF PROBLEMS INVOLVED IN THESE CASES. THE AUTHOR OF THE CHILDREN'S BUREAU STANDARDS PUBLICATION RECOMMENDS THAT THE INTAKE DIVISION PROVIDE CONSULTATION WITH POLICE REGARDING THE QUESTION OF COURT REFERRAL. HE LISTS TYPICAL INTAKE QUESTIONS AS FOLLOWS:

1. DOES THE COMPLAINT OR THE ACTION APPEAR TO BE A MATTER OVER WHICH THE COURT MAY HAVE JURISDICTION?
2. CAN THE INTERESTS OF THE CHILD AND THE PUBLIC BE BEST SERVED BY COURT ACTION (I.E., THE FILING OF A PETITION) OR BY REFERRAL TO ANOTHER AGENCY IN THE COMMUNITY?
3. IF BY REFERRAL TO ANOTHER AGENCY, WHAT AGENCY?
4. IF COURT ACTION IS INITIATED, WHAT TYPE OF PROCEEDING SHOULD BE INITIATED?
5. IF THE CHILD IS IN DETENTION, IS CONTINUED DETENTION NEEDED OR SHOULD THE CHILD BE RELEASED?<sup>13</sup>

PRIOR TO THE FILING OF A PETITION, CHILDREN IN SOME COMMUNITIES ARE GIVEN TREATMENT AND PLACED UNDER SUPERVISION BY COMMON CONSENT OF ALL PARTIES CONCERNED WHEN JUDGES OR PROBATION OFFICERS DEEM THAT NO FORMAL JUDICIAL TREATMENT OR OFFICIAL DETERMINATION OF THE CHILD'S STATUS IS NECESSARY. THE IMPORTANCE OF THE FUNCTION AND NATURE OF THE DETERMINATIONS MADE IN THE INTAKE PROCESS LED THE AUTHORS OF THE CHILDREN'S BUREAU STANDARDS TO RECOMMEND THAT THIS SERVICE BE CENTRALIZED IN ONE OR MORE INDIVIDUALS HAVING CONSIDERABLE EXPERIENCE AND SPECIAL SKILLS.<sup>14</sup>

ALTHOUGH THE LARGER COUNTIES IN OHIO HAVE INTAKE DEPARTMENTS OR SPECIAL DESIGNATED PERSONNEL, IN MOST COUNTIES THESE DUTIES ARE ASSIGNED TO PROBATION OFFICERS. CLERKS OR CLERICAL PERSONNEL ARE USED IN SOME COUNTIES, AND IN SEVERAL COURTS THE JUDGE PERFORMS THIS TASK.

#### PROBATION

PROBATION COULD BE USED MORE EFFECTIVELY, MORE EXTENSIVELY, AND IN MORE SERIOUS CASES IF QUALIFIED PERSONNEL WERE AVAILABLE.

ROLE OF THE PROBATION OFFICER. WEAKNESS IN PROBATION SERVICES HAS BEEN SAID TO UNDERMINE THE EFFECTIVENESS OF THE JUVENILE COURT CONCEPT PROBABLY MORE THAN ANY OTHER ASPECT OF THE CORRECTION MACHINERY.<sup>15</sup> PROBATION SUPERVISION IS ONLY PART OF THE PROBATION OFFICER'S JOB. HE HAS AN ACTIVE PART IN ALL CASES HANDLED BY THE COURT, CONDUCTING THE PREHEARING INVESTIGATION, PRESENTING THE JUDGE WITH AN ANALYSIS OF THE CHILD'S SOCIAL HISTORY, DEVELOPING A PLAN OF RECOMMENDED TREATMENT, AND IN MOST COURTS, PRESENTING INFORMATION CONCERNING THE CASE DURING THE HEARING. HE MAY MAKE THE RECOMMENDATIONS CONCERNING PSYCHIATRIC, PSYCHOLOGICAL, AND PHYSICAL EXAMINATIONS, AND RECEIVE THE REPORTS.

IN SOME COUNTIES, THE ROLE OF THE PROBATION OFFICER INCLUDES TWO DUTIES WHICH ARE INCOMPATIBLE WITH HIS NEED TO DEVELOP A CLOSE RELATIONSHIP WITH THE CHILD AND TO SECURE THE CHILD'S COOPERATION. HE IS OFTEN REQUIRED TO CONDUCT INVESTIGATIONS ON THE VALIDITY OF CHARGES. MOST COURTS PARTICIPATING IN THE SURVEY LISTED PROBATION OFFICERS AMONG THOSE WHO CONDUCT SUCH INVESTIGATIONS, AND, IN A FEW COUNTIES, THEY APPARENTLY CONDUCT ALL SUCH INVESTIGATIONS. (THE MANUAL OF POLICIES AND OPERATING PROCEDURES OF THE FRANKLIN COUNTY COURT OF DOMESTIC RELATIONS CONTAINS A PROHIBITION AGAINST THE CONDUCT OF POLICE INVESTIGATIONS BY PROBATION OFFICERS.<sup>16</sup>) THE PROBATION OFFICER IS AUTHORIZED BY STATUTE TO

SERVE PROCESS AND MAKE ARRESTS WITHOUT WARRANT UPON REASONABLE INFORMATION OR UPON VIEW OF VIOLATION OF THE JUVENILE COURT ACT (SECTION 2151.14, OHIO REVISED CODE).

ANOTHER TASK WHICH THE PROBATION OFFICER MAY BE CALLED UPON TO PERFORM ALSO ALIGNS HIM, IN THE OFFENDER'S EYES, WITH THE "ADULT HYPOCRITES." HE IS SOMETIMES REQUIRED TO PRESENT THE CASE AGAINST THE CHILD DURING THE COURT HEARING. THESE PRACTICES ARE ALSO WASTEFUL OF THE PROBATION OFFICER'S TIME, AND THE NUMBER OF SKILLED PROBATION OFFICERS HAS NEARLY ALWAYS BEEN INADEQUATE. THE REPORT TO THE GOVERNOR'S CONFERENCE SUBCOMMITTEE ON JUVENILE DELINQUENCY STATES:

SO SEVERE IS THE SHORTAGE OF PERSONNEL AND SO LARGE ARE THE CASELOADS THAT PROBATION OFTEN BECOMES A MERE CLERICAL, ACCOUNTING JOB. THE PREHEARING, INVESTIGATIVE REPORTS OF THE PROBATION OFFICER... USUALLY AMOUNT TO NO MORE THAN A COLLECTION OF ISOLATED FACTS ABOUT THE CHILD AND HIS BACKGROUND.... THE JUDGE IS GIVEN LITTLE TO GO ON, AND HIS DISPOSITION OF THE CASE IS BASED LARGELY ON GUESSWORK.... ENLARGED CASELOADS HAVE ALSO MADE IT IMPOSSIBLE FOR MOST PROBATION OFFICERS TO DO A GOOD JOB OF CASE SUPERVISION. ALL A PROBATION OFFICER USUALLY HAS TIME FOR IS A PERIODIC, ROUTINE TALK WITH THE CHILD IN THE PROBATION OFFICE AND AN OCCASIONAL HOME VISIT IF A CRISIS DEVELOPS. WHEN STAFF SHORTAGES THUS MAKE IT IMPOSSIBLE TO DO MORE THAN A PERFUNCTORY JOB, THE REHABILITATIVE PROCESS BECOMES A HOLLOW SHELL, AND FAILURE WITH INDIVIDUAL CHILDREN ON PROBATION AFFORDS AN EXCUSE FOR ATTACK ON THE WHOLE CONCEPT OF PROBATION.<sup>17</sup>

THE SHORTAGE IN STAFF IS MANIFESTED IN OHIO BOTH IN LIMITATIONS IN TOTAL NUMBERS OF WORKERS AND IN THE NUMBERS OF WORKERS HAVING THE DESIRED QUALIFICATIONS.

THE STAFF OF THE JUVENILE COURT IN A LESS POPULOUS COUNTY IS LIKELY TO CONSIST OF ONE, TWO OR THREE PROBATION OFFICERS. THESE COUNTIES DEPEND MORE ON PROBATION AS AN ALTERNATIVE TO INSTITUTIONAL COMMITMENT THAN DO THE LARGER COUNTIES WHERE OTHER RESOURCES ARE AVAILABLE, BUT MAY BE MORE LIMITED IN TERMS OF QUANTITY AND TRAINING OF PROBATION PERSONNEL.

IN A FEW CASES COUNTY PROBATION DEPARTMENTS ARE USED. SECTION 2151.15 OF THE OHIO REVISED CODE AUTHORIZES COURTS TO MAKE USE OF COUNTY DEPARTMENTS OF PROBATION, PROVIDED STAFF MEMBERS HANDLING CHILDREN DO NOT ALSO SUPERVISE ADULTS.

QUALIFICATIONS OF THE PROBATION OFFICER. STANDARDS FOR PROBATION OFFICERS ARE GENERALLY CONCEIVED IN TERMS OF SOCIAL-WORK TRAINING BECAUSE PROBATION INVOLVES NOT ONLY THE TREATMENT OF THE INDIVIDUAL BUT ALSO WORK WITH THE FAMILY AND WITH OTHER PUBLIC AND COMMUNITY AGENCIES.<sup>18</sup> MINIMUM EDUCATIONAL REQUIREMENTS CALL FOR A BACHELOR'S DEGREE; A MAJOR IN THE SOCIAL SCIENCES IS REQUIRED FOR FIELD POSITIONS, AND A MASTER'S DEGREE IS REQUIRED FOR SUPERVISORY PERSONNEL.

THE REPORT OF A MICHIGAN STUDY OF COURTS POINTS OUT THAT ALTHOUGH UNTRAINED PEOPLE CAN HELP CHILDREN, SUCH HELP IS USUALLY BY CHANCE.<sup>19</sup> UNTRAINED WORKERS TEND TO REACT TO THE DELINQUENT CHILD'S BEHAVIOR ACCORDING TO THEIR OWN LIFE EXPERIENCES AND UNDERSTANDING AND ARE NOT AWARE OF HOW THEIR OWN REACTIONS AFFECT THE BEHAVIOR PATTERNS OF THE YOUNGSTERS UNDER SUPERVISION. THEY MAY ATTEMPT TO SUSTAIN THE OFFENDER IN HIS ATTEMPTS AT MAKING GOOD BY A MIXTURE OF THREATS AND EXHORTATIONS. THE SKILLS NEEDED BY A PROBATION OFFICER REQUIRE A COMPLEX COMBINATION OF KNOWLEDGE AND ATTITUDES WHICH HELP HIM TO HELP THE OFFENDER BECOME MORE AWARE OF HIS STRENGTHS AND WEAKNESSES, TO TAKE RESPONSIBILITY FOR HIS OWN ACTIONS, AND TO DEVELOP HIS ABILITY TO MANAGE HIS OWN AFFAIRS

IN KEEPING WITH WHAT SOCIETY EXPECTS AND DEMANDS.<sup>20</sup> THE OHIO YOUTH COMMISSION HAS THE RESPONSIBILITY FOR ASSISTING JUVENILE COURTS TO IMPROVE PROBATION SERVICES ON REQUEST.

EXPERIMENTAL PROGRAMS USING TEACHERS AS PART-TIME PROBATION OFFICERS HAVE BEEN CARRIED OUT IN SHELBY, FRANKLIN, AND HAMILTON COUNTIES. THE EXPERIENCE THUS FAR IS CONSIDERED BY THE COURTS TO BE SUCCESSFUL. TEACHERS HAVE THE ADVANTAGE OF TRAINING IN CHILD DEVELOPMENT AND ARE AVAILABLE DURING THE DAY TO CHILDREN IN SCHOOL. IDENTIFICATION WITH THE SCHOOL COULD, HOWEVER, SERVE AS A DISADVANTAGE IN ATTEMPTING TO WORK WITH CHILDREN FOR WHOM SCHOOL ADJUSTMENT HAS BEEN A MAJOR SOURCE OF TROUBLE. THE SHELBY COUNTY ORIGINATORS OF THIS PLAN RECOMMEND THAT THE TEACHERS SELECTED BE THOSE WHO HAVE CLOSE CONTACT WITH THE STUDENT BODY ON A LESS FORMAL BASIS THAN DOES THE TEACHER IN THE NORMAL ACADEMIC CLASSROOM.

POSSIBILITIES FOR IMPROVING PROBATION PROGRAMS. A PROBATION DEVELOPMENT PROGRAM TO ENCOURAGE THE DEVELOPMENT AND EXPANSION OF PROBATION SERVICES WAS ENACTED IN 1959. MORE DENSELY POPULATED AREAS WERE GIVEN CONSIDERATION BY SPECIFYING THAT, TO THE EXTENT REQUESTS ARE RECEIVED, 50 PER CENT OF APPROPRIATED FUNDS ARE TO BE DISTRIBUTED TO COUNTIES OF MORE THAN 400,000 POPULATION (CUYAHOGA, FRANKLIN, HAMILTON, LUCAS, MONTGOMERY, AND SUMMIT COUNTIES). THE ORIGINAL MAXIMUM REIMBURSEMENT OF 80 PER CENT OF PROBATION EXPENDITURES WAS LATER CHANGED TO 50 PER CENT OF THE SALARIES OF PROBATION OFFICERS, SUPERVISORS, AND CLERICAL EMPLOYEES (UP TO A MAXIMUM CONTRIBUTION OF \$2,400 FOR PROBATION OFFICERS, \$3,000 FOR SUPERVISORS, AND \$1,500 FOR OTHER EMPLOYEES) AND TRAVEL EXPENSES. TOTAL REIMBURSEMENT TO COUNTIES FOR FISCAL YEAR 1970 WAS \$397,277. PROBATION DEVELOPMENT SUBSIDY GRANTS WERE MADE TO 51 JUVENILE COURTS.

THE EXTENT OF PARTICIPATION IN THIS PROGRAM IS LIMITED BY THE LACK OF LOCAL FUNDS, THE RELUCTANCE OF SOME COUNTIES TO PARTICIPATE IN STATE PROGRAMS WHICH SET STANDARDS, AND THE ABSENCE OF A VEHICLE FOR THE ESTABLISHMENT OF JOINT-COUNTY PROBATION DEPARTMENTS IN AREAS WHERE THE NUMBERS OF CASES INVOLVED ARE TOO SMALL TO WARRANT THE DEVELOPMENT OF INDIVIDUAL PROGRAMS.

IN 1970, THE YOUTH COMMISSION HELD TRAINING WORKSHOPS IN THREE REGIONS OF THE STATE, INVOLVING JUVENILE COURT PROBATION OFFICERS FROM 21 COUNTIES. ALSO, THE FIFTH ANNUAL PROBATION DEVELOPMENT SEMINAR WAS HELD IN COLUMBUS, WITH 173 PARTICIPANTS FROM THE 88 COUNTIES.

#### CLINICAL

SUFFICIENT DIAGNOSTIC SERVICES ARE NOT AVAILABLE IN OHIO TO INSURE THE SELECTION OF THE BEST PLAN FOR DISPOSITION OF DELINQUENCY CASES. ADDITIONAL STAFF MEMBERS ARE NEEDED IN COURTS WHICH EMPLOY OR WISH TO EMPLOY CLINICAL PERSONNEL AND A REGIONAL PLAN COULD BE DEVELOPED TO PROVIDE DIAGNOSTIC SERVICES TO LESS POPULOUS AREAS.

PSYCHIATRIC, PSYCHOLOGICAL, AND MEDICAL EXAMINATION OF CHILDREN MAY BE PERFORMED: (1) BY CLINICAL PERSONNEL EMPLOYED BY THE COURT, (2) BY THE USE OF PRACTITIONERS OR AGENCIES IN THE COMMUNITY, OR (3) BY TEMPORARY COMMITMENT TO THE OHIO YOUTH COMMISSION FOR EVALUATION IN THE JUVENILE DIAGNOSTIC CENTER. ALTHOUGH INACCURACIES ARE INTRODUCED BY COUNTY-TO-COUNTY VARIATION IN THE NUMBERS AND TYPES OF CASES REPORTED DISPOSED OF BY THE COURT, THE AVAILABLE DATA SHOW THAT ABOUT 6 PER CENT OF THE CASES DISPOSED OF BY 45 COUNTIES IN 1965 HAD PSYCHIATRIC EXAMINATIONS, AND APPROXIMATELY 11 PER CENT HAD PSYCHOLOGICAL EXAMINATIONS.

ACCORDING TO 1965 STATISTICS MOST EVALUATIONS IN THE LARGER COUNTIES WERE CONDUCTED BY COURT PERSONNEL. WHILE CHILDREN IN THE 50,000 TO 100,000 POPULATION GROUP OF COUNTIES WERE MORE OFTEN REFERRED TO MENTAL HEALTH CLINICS THAN TO ANY OTHER TYPE OF AGENCY, THE CHILDREN IN THESE COMMUNITIES WERE LESS LIKELY TO BE EXAMINED. THE SMALLER COUNTIES MAKE RELATIVELY GREATER USE OF THE OHIO YOUTH COMMISSION TEMPORARY COMMITMENT PROGRAM THAN DO THE LARGER COUNTIES. EIGHT COURTS IN WHICH NO CLINIC PERSONNEL WERE EMPLOYED REPORTED NO REFERRALS FOR DIAGNOSTIC SERVICES. THREE OF THE EIGHT MADE TEMPORARY COMMITMENTS TO THE OHIO YOUTH COMMISSION FOR DIAGNOSTIC PURPOSES.

#### FACILITIES

##### COURT

THE COURT ROOMS, HEARING ROOMS, AND OFFICES USED BY THE JUVENILE COURT EVOKED SOME COMPLAINTS IN THE COUNTIES PARTICIPATING IN THE SURVEY. SOME OF THE JUDGES FEEL THAT THE FACILITIES FOR JUVENILE CASE HEARINGS ARE TOO SMALL, THAT THEY LACK PRIVACY AND DIGNITY, OR THAT JUVENILE COURT SHOULD NOT BE HELD IN THE SAME ROOM AS PROBATE OR COMMON PLEAS COURT. IN SOME OF THE OLDER, HIGH-CEILING COURT HOUSES THE ACOUSTICS ARE SO BAD THAT THE JUDGE AND THE CHILD SITTING ONLY A FEW FEET APART HAVE DIFFICULTY IN HEARING EACH OTHER. IN ONE COUNTY, A ROOM WHICH IS SHARED WITH THE COUNTY COMMISSIONERS IS SAID TO LACK "REGULAR AVAILABILITY AND PRIVACY."

##### DETENTION

THE GOAL OF REMOVING CHILDREN FROM JAILS WHICH HOUSE ADULTS HAS NOT BEEN COMPLETELY REALIZED. ALTHOUGH THE JAIL DETENTION FACILITIES REPRESENT VARYING DEGREES OF SUCCESS IN ATTEMPTS TO COMPLY WITH THE OHIO LAW REQUIRING THAT CHILDREN BE PLACED IN A ROOM OR WARD SEPARATE FROM ADULTS, COMMUNICATION BETWEEN ADULT PRISONERS AND JUVENILES STILL EXISTS IN SOME COUNTIES. TWENTY-TWO COUNTIES HAVE JUVENILE DETENTION FACILITIES ALTHOUGH ONLY ABOUT HALF OF THESE ARE DEEMED ADEQUATE.

THE DETENTION HOME IS USUALLY CONSIDERED A PLACE TO PROVIDE TEMPORARY SHELTER FOR CHILDREN WHO REQUIRE CUSTODY IN PHYSICALLY RESTRICTING FACILITIES, OR FOR THE PURPOSE OF MAKING CERTAIN THAT THE CHILD IS AVAILABLE FOR HEARING. SOME CHILDREN REFERRED TO THE COURT REQUIRE CARE AWAY FROM HOME, BUT NOT PHYSICAL RESTRICTION. THE STANDARDS FOR DETENTION CARE RECOMMEND THAT THE LATTER GROUP BE TEMPORARILY PLACED SOMEWHERE OTHER THAN IN A DETENTION HOME; PERHAPS IN A BOARDING HOME OR FACILITY FOR DEPENDENT AND NEGLECTED CHILDREN. CHILDREN WHOSE DISPOSITION PLAN HAS BEEN COMPLETED BY THE COURT, BUT WHO ARE AWAITING PLACEMENT ARE ALSO COMMONLY FOUND IN DETENTION. IN SOME PARTICULARLY DIFFICULT PROBLEMS "TEMPORARY" CARE MAY LENGTHEN INTO MANY MONTHS.

IN SOME COUNTIES, THE DETENTION HOME IS USED FOR DISCIPLINARY PURPOSES. WHILE OFFICIALLY CONSIDERED TO BE A REPREHENSIBLE, UNORTHODOX PRACTICE, IT APPEARS THAT THE DISCIPLINARY VALUE OF A SHORT STAY IN SUCH A FACILITY COULD BE DEFENDED, PARTICULARLY AS AN ATTEMPT TO AVOID COMMITMENT FOR A LENGTHIER INSTITUTIONAL STAY. IF PROVISION WERE TO BE MADE FOR SHORT-TERM DISCIPLINARY PLACEMENT IN THE COMMUNITY, THE LAW COULD REQUIRE THAT SUCH ACTION SHOULD FOLLOW ADJUDICATION. THE CHILDREN'S BUREAU OPPOSES THIS PRACTICE. JOHN DOWNEY, FORMERLY DETENTION CONSULTANT OF THE DIVISION OF JUVENILE DELINQUENCY SERVICE, WRITES:

.... THE DISTINGUISHING FEATURE OF DETENTION CARE AS OPPOSED TO OTHER TYPES OF TEMPORARY CHILD CARE, IS THAT IT IS SECURE CUSTODY. IT SUSPENDS, AT LEAST TEMPORARILY, THE CHILD'S RIGHT TO HIS FREEDOM

AND HIS PARENTS' RIGHTS TO HIS CARE AND CUSTODY. IT MAY BE HARMFUL TO THE CHILD AND MAKE HIS REHABILITATION MORE DIFFICULT. IN DETENTION, HE IS CONFINED WITH OTHER, PERHAPS MORE SERIOUS, DELINQUENTS. HAVING LITTLE CONFIDENCE IN HIS OWN ABILITY TO GET ALONG IN A SOCIALLY ACCEPTED MANNER, HE MAY GAIN STATUS AS A DELINQUENT AND IDENTIFY HIMSELF WITH OTHER DELINQUENTS IN THEIR HOSTILE ATTITUDE AGAINST ANY ADULT AUTHORITY AND SOCIETY IN GENERAL. NOT HAVING BEEN SUCCESSFUL IN OTHER RESPECTS, THE NOTORIETY OF HAVING BEEN PLACED IN DETENTION MAY GIVE THE DELINQUENT CHILD THE RECOGNITION THAT HE HAS BEEN CRAVING AND TEND TO CONFIRM HIM IN HIS DELINQUENT PATTERN.<sup>21</sup>

THE CHILDREN'S BUREAU STANDARDS PUBLICATION STATES: "DETENTION SHOULD NOT BE USED FOR POLICE INVESTIGATION OR THE CONVENIENCE OF PERSONNEL MAKING A SOCIAL STUDY OR A CLINICAL EXAMINATION. DETENTION SHOULD NOT BE USED AS A DISPOSITION BY THE COURT, FOR EXAMPLE, AS THE LOCAL JAIL IS USED FOR THE SHORT-TIME SENTENCE OF AN ADULT, NOR SHOULD A PROBATION OFFICER PLACE A CHILD IN DETENTION WITHOUT THE INTENTION OF BRINGING THE CHILD BEFORE THE COURT."<sup>22</sup>

TWENTY-TWO OHIO COURTS OPERATE DETENTION FACILITIES: ASHTABULA, BUTLER, CLARK, CLERMONT, CUYAHOGA, ERIE, FRANKLIN, HAMILTON, LAKE, LORAIN, LUCAS, MAHONING, MARION, MONTGOMERY, MUSKINGUM, SANDUSKY, SENECA, STARK, SUMMIT, TRUMBULL, TUSCARAWAS AND WARREN. TWO COUNTIES REPORTED THAT DETENTION FACILITIES IN NEIGHBORING COUNTIES ARE BEING USED. SOME OF THE CHILDREN HELD IN CUSTODY ARE LODGED IN JAILS IN 8 OF THE 14 REPORTING COUNTIES HAVING DETENTION FACILITIES.

INFORMATION COLLECTED BY THE OHIO COMMITTEE ON CRIME AND DELINQUENCY IN 1970 INDICATED THAT JUVENILE DETENTION FACILITIES ARE FOUND IN JAILS IN AT LEAST 41 COUNTIES. THIS INCLUDES ALL COUNTIES HAVING POPULATIONS OF LESS THAN 50,000. IN 29 COUNTIES ALL DETAINED CHILDREN ARE HOUSED IN JAILS. COUNTY CHILDREN'S HOMES ARE USED FOR SOME OR ALL CHILDREN IN DETENTION IN 5 COUNTIES AND 1 COUNTY REPORTS THE USE OF BOARDING HOMES. NEITHER THE CHILDREN'S HOME NOR THE BOARDING HOME IS CONSIDERED A GOOD CHOICE FOR THE SERIOUSLY DELINQUENT OR DISTURBED CHILD.

THE SHERIFF IN ONE OHIO COUNTY EXPRESSED CONCERN THAT THE JUVENILE OFFENDERS, IN THE "SEPARATE FACILITY" COULD CONVERSE WITH THE ADULT OFFENDERS, AND THAT TRUSTIES WERE FOUND TO BE EXPOSING THE YOUNG INMATES TO HOMOSEXUAL INFLUENCES. THE YOUTHS IN THIS FACILITY WERE SEEN LOUNGING ON THEIR BUNKS WITH NOTHING TO DO ALL DAY BUT LISTEN TO RADIOS AND READ. THEY ARE TAKEN FROM THEIR CELLS ONLY TO GO TO THE SHOWER. THIS PARTICULAR COUNTY PLANS TO BUILD A NEW JAIL WITH A SEPARATE FLOOR FOR DELINQUENT CHILDREN.

TWENTY-SEVEN COUNTIES HAVE INDICATED THAT DETENTION FACILITIES ARE NEEDED. MOST DETENTION REQUIREMENTS ARE SMALL; UNDER 20 IN CAPACITY. WHETHER THE CONCEPT OF DETENTION IS STRICTLY ONE OF TEMPORARY CARE OF CHILDREN WHO REQUIRE SECURE CUSTODY OR WHETHER THE IDEA OF DISCIPLINARY DETENTION IS ACCEPTED, ADDITIONAL DETENTION PROGRAMS DESIGNED TO PROVIDE A CONSTRUCTIVE EXPERIENCE APPEAR NECESSARY.

DETENTION CONSULTANT, JOHN DOWNEY, CONSIDERS 250,000 THE MINIMUM GENERAL POPULATION FOR WHICH AN ADEQUATE DETENTION SERVICE IS PRACTICAL (LIMITING USE OF DETENTION TO THE MORE NARROW "TEMPORARY CARE" PURPOSE). ON THE BASIS OF THE 1960 POPULATION IN OHIO COUNTIES NOT HAVING DETENTION FACILITIES, A TOTAL OF TEN ADDITIONAL FACILITIES WOULD BE REQUIRED. HIS CALCULATIONS RESULT IN AN ESTIMATED AVERAGE DAILY POPULATION OF 10.7 CHILDREN<sup>23</sup> (STAYING AN AVERAGE OF

14 DAYS), PERMITTING GROUP ACTIVITIES AND KEEPING THE PER CAPITA COST AT \$20 PER DAY. THE BUILDING HE DESCRIBES IS FIRE RESISTIVE, SECURE BUT NON-JAIL-LIKE, AFFORDS THE LEAST POSSIBLE OPPORTUNITIES FOR ESCAPE, HIDING, SUICIDE, OR INJURY TO CHILDREN OR STAFF, AND PROVIDES ADEQUATE SPACE FOR VIGOROUS LARGE MUSCLE GAMES AND SPORTS. THE STAFF INCLUDES AT LEAST A DIRECTOR AND ONE CASEWORKER, TEN GROUP COUNSELORS, AND THREE MAINTENANCE PERSONNEL. TWO COUNSELORS WOULD BE WITH THE CHILDREN ON A 24-HOUR BASIS. THE CHILD CARE STAFF MEMBERS WOULD BE CAPABLE OF PERFORMING CONSTRUCTIVE ACTIVITIES AND OBSERVING AND RECORDING FOR THE CLINICAL STAFF THE BEHAVIOR OF INDIVIDUAL CHILDREN IN THE GROUP.<sup>24</sup>

THE NEED FOR A SECURE PLACE WITH ADEQUATE STAFF AND SCHOOL AND RECREATION PROGRAMS IS UNDISPUTED. IN MOST COUNTIES THE SMALL NUMBER OF CHILDREN NEEDING TREATMENT DOES NOT WARRANT THE DEVELOPMENT OF ADEQUATE PROGRAMS, AND FUNDS FOR SUCH PROGRAMS ARE NOT AVAILABLE. OHIO LAW PERMITS THE ORGANIZATION OF INTER-COUNTY DISTRICTS FOR THE ESTABLISHMENT AND SUPPORT OF DETENTION HOMES AND A STATE SUBSIDY IS AVAILABLE TO HELP BUILD SUCH FACILITIES. AT LEAST THREE DISTRICTS ARE FORMULATING PLANS FOR FACILITIES AT PRESENT (1971).<sup>25</sup> THE AMOUNTS OF THE STATE FINANCIAL AID WOULD NOT, HOWEVER, PROVIDE EVEN HALF THE COST OF A PROGRAM SUCH AS MR. DOWNEY RECOMMENDS.

#### JUVENILE COURT PROCEDURES

JUVENILE COURT PROCEDURES REFLECT THE INDIVIDUALIZED TREATMENT APPROACH TO DELINQUENCY. THE TREND TOWARD GREATER PROCEDURAL PROTECTION FOR THE INDIVIDUAL ACCUSED OF A CRIME, ESPECIALLY THAT OF INCREASED REPRESENTATION OF CHILDREN BY COUNSEL, MAY REQUIRE GREATER UNIFORMITY OF POLICIES AND PRACTICES. SUCH UNIFORMITY COULD BE ACHIEVED BY MINOR STATUTORY CHANGES AND BY STATEWIDE ADOPTION OF STANDARDS, PREPARED EITHER BY THE JUVENILE COURT JUDGES OR BY ANOTHER BODY.

FIVE MAJOR DECISIONS MUST BE MADE IN A CASE OF JUVENILE DELINQUENCY:

1. THE CHOICE OF WHETHER OR NOT TO REFER THE CASE TO THE COURT.
2. THE DETERMINATION THAT THE CASE COMES WITHIN THE JURISDICTION OF THE COURT.
3. THE CHOICE OF WHETHER OR NOT TO DETAIN THE CHILD PRIOR TO DISPOSITION.
4. THE DETERMINATION WHETHER THE CHARGES OF DELINQUENCY ARE SUBSTANTIATED (ADJUDICATION) OR NOT.
5. THE SELECTION OF ALTERNATIVE DISPOSITIONS.

PROCEDURES INVOLVED IN THESE FIVE ASPECTS OF THE COURT'S TASK ARE DETERMINED PARTLY BY STATUTE AND PARTLY BY PRACTICES IN INDIVIDUAL COURTS. IT HAS BEEN POINTED OUT THAT PROCEDURES APPLIED IN CHILDREN'S CASES SHOULD BE CONSIDERED IN TERMS OF ACHIEVING A WORKING BALANCE BETWEEN TWO OBJECTIVES: (1) ENCOURAGING AN INFORMAL COURT ATMOSPHERE SO THAT POTENTIALLY HARMFUL EFFECTS OF THE PROCEEDINGS ARE MINIMIZED AND THE CHILD'S ATTITUDE TOWARD TREATMENT IS POSITIVE; AND (2) PROTECTING THE RIGHTS OF THE CHILD TO A FAIR HEARING.

#### REFERRAL

ANY PERSON HAVING KNOWLEDGE OF A CHILD UNDER 18 WHO APPEARS TO BE DELINQUENT MAY FILE A SWORN COMPLAINT IN THE JUVENILE COURT OF THE COUNTY IN WHICH THE OFFENSE OCCURRED (OHIO REVISED CODE, SECTION 2151.27). A LAW ENFORCEMENT OFFICER MUST FILE A COMPLAINT WHEN A CHILD IS TAKEN INTO CUSTODY AND THE COURT DIRECTS

THAT A COMPLAINT BE FILED (SECTION 2151.314). MOST CHILDREN APPEARING IN JUVENILE COURT ARE REFERRED BY LAW ENFORCEMENT AGENCIES.

JUVENILE COURTS APPARENTLY DO NOT COMMONLY HAVE WRITTEN POLICIES ABOUT WHICH CASES SHOULD BE REFERRED BY THE POLICE, ALTHOUGH AN UNDERSTANDING REGARDING THIS MATTER MAY BE PART OF THE WORKING RELATIONSHIP BETWEEN THE LAW ENFORCEMENT AGENCY AND THE COURT. THE AUTHORS OF THE CHILDREN'S BUREAU STANDARDS PUBLICATION RECOMMEND THAT THIS DECISION NOT BECOME A RULE-OF-THUMB PROCEDURE BY WHICH CHILDREN ARE ALWAYS REFERRED TO THE COURT FOR CERTAIN OFFENSES OR ON THE COMMISSION OF A SECOND OFFENSE, BUT THAT THE LAW ENFORCEMENT OFFICER DECIDE ON THE BASIS OF HIS INVESTIGATION WHETHER OR NOT THE SITUATION OR ACT IS SERIOUS ENOUGH TO WARRANT THE ATTENTION OF THE COURT.<sup>25</sup>

ONCE A JUVENILE HAS BEEN TAKEN INTO CUSTODY, HE MUST BE REFERRED TO THE COURT. ACCORDING TO THE PROVISIONS OF SECTION 2151.31 OF THE OHIO REVISED CODE, IF A CHILD IS NOT RELEASED HE MUST BE PLACED IN THE CUSTODY OF A PERSON DESIGNATED BY THE COURT OR TAKEN IMMEDIATELY TO THE PLACE OF DETENTION DESIGNATED BY THE COURT AND THE COURT MUST BE NOTIFIED PROMPTLY WITH A WRITTEN REPORT. SECTION 2151.25 REQUIRES THAT A CHILD ARRESTED FOR A FELONY OR MISDEMEANOR BE TAKEN INITIALLY BEFORE THE JUVENILE COURT.

THE STANDARD JUVENILE COURT ACT CONTAINS THE FOLLOWING PROVISION: "A CHILD MAY BE TAKEN INTO CUSTODY BY ANY OFFICER OF THE PEACE WITHOUT ORDER OF THE JUDGE: (A) WHEN IN THE PRESENCE OF THE OFFICER THE CHILD HAS VIOLATED A STATE OR FEDERAL LAW OR A COUNTY OR MUNICIPAL ORDINANCE; (B) WHEN THERE ARE REASONABLE GROUNDS TO BELIEVE THAT HE HAS COMMITTED AN ACT WHICH IF COMMITTED BY AN ADULT WOULD BE A FELONY; (C) WHEN HE IS SERIOUSLY ENDANGERED IN HIS SURROUNDINGS, AND IMMEDIATE REMOVAL APPEARS TO BE NECESSARY FOR HIS PROTECTION; (D) WHEN THERE ARE REASONABLE GROUNDS TO BELIEVE THAT HE HAS RUN AWAY FROM HIS PARENTS...."

A PROFESSOR OF LAW RECOMMENDS THE EXTENSION OF THE POLICE OFFICER'S AUTHORITY BEYOND THESE PROVISIONS TO ENABLE THE DETENTION OF A CHILD IF THE OFFICER HAS REASONABLE GROUNDS TO BELIEVE THE CHILD IS DELINQUENT. HE EXPRESSES THE BELIEF THAT IF THE YOUTH, AFTER BEING TAKEN INTO CUSTODY, WERE TREATED IN ACCORDANCE WITH THE PROVISIONS OF THE JUVENILE COURT ACTS, HIS RIGHTS WOULD BE ADEQUATELY PROTECTED.<sup>26</sup> THE BELIEF OF LAW ENFORCEMENT OFFICERS IN THE ADVISABILITY OF A STATEWIDE CURFEW IS APPARENTLY BASED NOT ON A CONCEPTION OF UNIVERSAL APPLICATION, BUT ON THE USE OF THE CURFEW LAW AS A MEANS OF INTERVENTION IN EARLY DELINQUENCY OR PREVENTION OF ANTICIPATED TROUBLE.<sup>27</sup>

THE REFERRAL OF CHILDREN TO THE JUVENILE COURT IN THE COUNTY WHERE THE OFFENSE TOOK PLACE DOES NOT APPEAR TO BE CONSISTENT WITH THE GOAL OF PROVIDING TREATMENT IN THE COMMUNITY WHERE THE CHILD LIVES. WHILE ADULT OFFENDERS MAY BE CONSIDERED TO BE SUBJECT TO PUNISHMENT FOR AN OFFENSE AGAINST THE COMMUNITY, THE DISPOSITION IN THE CASE OF A JUVENILE OFFENDER IS NOT RETRIBUTION-DIRECTED. WITH THE DEVELOPMENT OF COMMUNITY-BASED SERVICES, THERE WOULD APPEAR TO BE INCREASED ARGUMENT FOR EITHER GIVING JURISDICTION BY PLACE OF RESIDENCE OR TRANSFER TO THE JUVENILE COURT IN THE COMMUNITY OF RESIDENCE AFTER ADJUDICATION. THE STANDARD JUVENILE COURT ACT PROVIDES FOR TRANSFER OF THE CASE TO THE DISTRICT WHERE THE CHILD RESIDES EITHER BEFORE OR AFTER A FINDING ON THE ALLEGATIONS IN THE PETITION.<sup>28</sup>

JURISDICTION

AT INTAKE, A PRELIMINARY LEGAL AND SOCIAL BACKGROUND INVESTIGATION IS MADE TO DETERMINE THE JURISDICTION OF THE COURT AND THE DESIRABILITY OF COURT ACTION. CONTROVERSY ARISES OVER THE EXTENT OF THE USE OF SOCIAL BACKGROUND INFORMATION AND THE PROVISION OF TREATMENT SERVICES PRIOR TO A JUDICIAL DETERMINATION OF DELINQUENCY.

SOME CONTEND THAT THE RESULTS OF A SOCIAL INVESTIGATION SHOULD NOT BE INTRODUCED INTO THE DECISION-MAKING PROCESS PRIOR TO THE DETERMINATION THAT AN ACT OF DELINQUENCY HAS BEEN COMMITTED, AND THAT THE COURT HAS NO RIGHT TO MAKE SUCH AN INVESTIGATION UNLESS THE OFFENSE HAS BEEN ADMITTED OR DELINQUENCY ESTABLISHED BY ADJUDICATION. OTHERS ARGUE THAT ALL POSSIBLE SOCIAL INFORMATION IS NEEDED AT POINTS IN THE PROCEDURE WHERE THE ISSUE OF WHETHER TO PROCEED IS BASED ON AN ASSESSMENT OF WHETHER FUTURE NONCONFORMING BEHAVIOR CAN BE OTHERWISE AVERTED.

IT HAS BEEN POINTED OUT THAT THE POLICE, TAKING THE FIRST STEP IN REFERRAL TO THE COURT, AND THE INTAKE WORKER DECIDING WHAT, IF ANY, COURT ACTION SHOULD BE INSTITUTED AND THE NEED FOR DETENTION, HAVE NEED OF MUCH OF THE SAME SOCIAL DATA AS THAT USED BY THE JUDGE IN MAKING THE DISPOSITION.<sup>29</sup> THE POINT IS ALSO MADE THAT IN CASES WHERE JUVENILE COURT PROCEDURES EVENTUALLY LEAD TO COMMITMENT TO AN INSTITUTION OR TRANSFER TO THE COMMON PLEAS COURT, THE CHILD HAS USUALLY BEEN PREVIOUSLY KNOWN TO THE COURT AND CONSIDERABLE SOCIAL INFORMATION IS ALREADY AVAILABLE IN THE COURT FILES.

SOME OHIO COURTS HANDLE MANY CASES INFORMALLY. A LIST OF SITUATIONS WHICH SHOULD BE REFERRED FOR THE FILING OF A PETITION AND JUDICIAL DETERMINATION IS INCLUDED IN AN ARTICLE CONCERNING JUVENILE COURT INTAKE:

1. CASES IN WHICH THERE IS DISPUTE ABOUT THE ALLEGATIONS OF THE PETITION.
2. CASES IN WHICH EITHER PARTY CLEARLY INDICATED A DESIRE TO APPEAR BEFORE THE COURT.
3. CASES IN WHICH ONE OR MORE OF THE PARTIES INVOLVED REFUSE NORMAL COOPERATION.
4. CASES IN WHICH THE WELFARE AND PROTECTION OF THE COMMUNITY IS INVOLVED.
5. CASES IN WHICH THE CHILD HAS BEEN TEMPORARILY REMOVED FROM HIS HOME AND NOT RETURNED THERETO OR IN WHICH THE CHILD HAS BEEN DETAINED PRIOR TO THE APPEARANCE AT INTAKE.
6. CASES IN WHICH A RECOMMENDATION FOR TEMPORARY REMOVAL OR DETENTION IS INDICATED.
7. CASES IN WHICH THERE IS REASON TO BELIEVE THAT PLACEMENT OR COMMITMENT WILL BE NECESSARY.
8. CASES IN WHICH TWO OR MORE CHILDREN ARE INVOLVED IN THE SAME DELINQUENT ACT AND IN WHICH IT HAS ALREADY BEEN DECIDED THAT ONE OF THE RESPONDENTS MUST BE REFERRED TO COURT ON PETITION.<sup>30</sup>

WHILE SOME COURTS REPORT THAT PROBATION IS NOT USED IN INFORMAL DISPOSITIONS, OTHERS REPLY THAT PROBATION IS USED. THE CONSENSUS IN THE JUVENILE CORRECTION FIELD SEEMS TO BE THAT NEITHER THE LAW ENFORCEMENT AGENCY NOR THE COURT SHOULD

SUPERVISE OR RESTRICT THE FREEDOM OF THE CHILD UNLESS A PETITION IS FILED AND A HEARING HELD, AND THAT GUIDANCE COUNSELING SHOULD NOT BE PROVIDED, PRIOR TO ADJUDICATION EXCEPT ON A VOLUNTARY BASIS. THE CHILDREN'S BUREAU RECOMMENDS THAT CHILDREN WHO ARE NOT IN NEED OF AUTHORITATIVE HANDLING, BUT WHO NEED AND DESIRE HELP AND GUIDANCE, SHOULD BE REFERRED TO THE APPROPRIATE PUBLIC OR PRIVATE SOCIAL AGENCY UNLESS, AS IS OFTEN THE CASE SUCH SERVICES ARE NOT AVAILABLE.

DETENTION

BECAUSE DETENTION TEMPORARILY SUSPENDS THE CHILD'S RIGHT TO FREEDOM AND HIS PARENTS' RIGHTS TO HIS CARE AND CUSTODY, AND BECAUSE IT MAY BE AN UNDESIRABLE EXPERIENCE, THE USE OF DETENTION HAS BEEN SURROUNDED BY STATUTORY RESTRICTIONS IN OHIO. SAFEGUARDS COULD BE MADE MORE EFFECTIVE BY: (1) LIMITING USE OF SECURE CUSTODY TO A TWENTY-FOUR HOUR PERIOD UNLESS A PETITION HAS BEEN FILED, (2) PROVIDING FOR A HEARING ON REQUEST OF PARENTS, (3) REQUIRING A PERIODIC REVIEW BY THE JUVENILE COURT JUDGE OF THE CONTINUED NECESSITY OF DETENTION, AND (4) CLARIFYING THE LANGUAGE CONCERNING THE MAXIMUM LENGTH OF STAY.

THE PURPOSES OF DETENTION HAVE BEEN DISCUSSED EARLIER IN THIS CHAPTER. THE CHILD MAY BE TAKEN TO DETENTION BY THE POLICE OFFICER OR, IF IT APPEARS TO THE COURT THAT HIS WELFARE REQUIRES THAT HIS CUSTODY BE IMMEDIATELY ASSUMED BY THE COURT, THE JUVENILE JUDGE MAY ORDER THE OFFICER SERVING THE CITATION TO TAKE THE CHILD INTO CUSTODY. CHILDREN UNDER FOURTEEN MAY BE PLACED IN PRISONS, JAILS, OR LOCKUPS WITH THE CONSENT OF THE JUVENILE COURT FOR A MAXIMUM PERIOD OF 90 DAYS, PROVIDED THEY DO NOT COME INTO CONTACT WITH ADULTS CHARGED WITH CRIMES.

THE LAW ALSO PROVIDES THAT CHILDREN MAY BE DETAINED IN DETENTION HOMES OR CERTIFIED FOSTER HOMES UNTIL FINAL DISPOSITION, BOARDED IN CERTIFIED OR UNCERTIFIED FOSTER HOMES, OR RECEIVED FOR TEMPORARY CARE BY THE COUNTY CHILD WELFARE AGENCY.

THE STANDARD JUVENILE COURT ACT PROVIDES THAT NO CHILD SHALL BE HELD IN DETENTION OR SHELTER LONGER THAN 24 HOURS, EXCLUDING SUNDAYS AND HOLIDAYS, UNLESS A PETITION HAS BEEN FILED.<sup>31</sup> THE NEWER CHILDREN'S BUREAU STANDARDS RECOMMEND THE CONTINUOUS OPERATION OF THE 24-HOUR RULE, IRRESPECTIVE OF SUNDAYS OR HOLIDAYS. IT IS FURTHER SUGGESTED THAT IF THE PARENT REQUESTS A HEARING ON THE ISSUE OF DETENTION AND IF THE COURT DETERMINES THAT CONTINUED DETENTION IS NECESSARY, IT SHOULD BE REQUIRED TO MAKE A FINDING THAT THERE IS NO RESPONSIBLE PERSON AVAILABLE WHO IS CAPABLE OF CARING FOR OR SUPERVISING THE CHILD UNTIL HIS HEARING.<sup>32</sup> IN MILWAUKEE, WHERE THE REVIEW MECHANISM IS AVAILABLE, IT IS SELDOM REQUESTED.

THE EXTENT TO WHICH OHIO COURTS COULD REDUCE DETENTION PERIODS IS NOT KNOWN. THE REASON MOST FREQUENTLY GIVEN IN THE SURVEY FOR DETENTION PERIODS LONGER THAN TWO WEEKS WAS DELAY BECAUSE OF THE LACK OF PLACEMENT RESOURCES.<sup>33</sup>

OTHER REASONS GIVEN WERE HEAVY DOCKETS, NEED FOR COMPLETION OF VARIOUS ASPECTS OF EVALUATION, CONFIRMATION OF LEGAL SETTLEMENT, INCARCERATION OR UNKNOWN WHEREABOUTS OF PARENTS, CONTINUANCE ON REQUEST OF COUNSEL, REFUSAL OF THE CHILD TO RETURN HOME OR REFUSAL OF PARENTS TO ACCEPT THE CHILD WITHOUT FURTHER CASE SERVICES, AND THREAT OF RUNAWAY OR CONTINUED ANTI-SOCIAL BEHAVIOR. ONE JUDGE KEEPS CHILDREN IN DETENTION TO "SHAKE THEM UP A LITTLE."

SINCE IT HAS BEEN SUGGESTED THAT THE RETENTION OF CERTAIN "MILD OFFENDERS" IN CONFINEMENT MAY BE DETRIMENTAL TO THEIR WELFARE AND SUBSEQUENT ADJUSTMENT, PERHAPS THE LIMITATION OF DETENTION IN SECURE CUSTODY TO A PERIOD OF TWO WEEKS EXCEPT IN UNUSUAL CASES WOULD BE ADVISABLE.

ONE OF THE PROBLEMS OF CONCERN TO SOME COURTS IS THAT WHILE THE COURT IS GIVEN THE AUTHORITY TO DETERMINE WHICH SCHOOL DISTRICT WILL BEAR THE COST OF EDUCATING THE CHILD AFTER PLACEMENT, THE COURT MUST PROVIDE, "WHEN POSSIBLE, A COMPARABLE EDUCATIONAL PROGRAM WITH COMPETENT AND TRAINED STAFF... FOR THOSE CHILDREN OF SCHOOL AGE" IN THE DETENTION HOME (OHIO REVISED CODE, SECTION 2151.34).

IN TESTIMONY BEFORE THE STUDY COMMITTEE, ONE JUDGE EXPRESSED THE OPINION THAT TEACHERS PREFER TO WORK UNDER THE SCHOOL SYSTEM RATHER THAN FOR THE COUNTY. THE NEED FOR COMPETENT TEACHERS IS OBVIOUS, SINCE MOST DELINQUENT CHILDREN ARE ENMESHED IN A CYCLIC MISBEHAVIOR-UNDERACHIEVEMENT PATTERN IN SCHOOL. THE SCHOOL DISTRICT IN WHICH A DETENTION FACILITY IS LOCATED MIGHT POSSIBLY BE GIVEN THE RESPONSIBILITY FOR THE CLASSROOM PROGRAM. REHABILITATION FACILITIES OPERATED BY COURTS WOULD BE SUBJECT TO THE SAME DIFFICULTIES EXCEPT THAT BOARDS OF COUNTY COMMISSIONERS ARE AUTHORIZED TO ENTER INTO AGREEMENTS WITH SCHOOL DISTRICTS TO FURNISH TEACHERS UNDER THE PROVISIONS OF OHIO REVISED CODE, SECTION 2151.653. THE POSSIBILITY HAS BEEN SUGGESTED THAT A SPECIAL EDUCATION CLASSROOM UNIT BE INCLUDED IN THE SCHOOL FOUNDATION FORMULA CALCULATION FOR THESE CLASSROOM PROGRAMS.

TWO CONSTITUTIONAL SAFEGUARDS AGAINST UNWARRANTED RESTRICTION OF FREEDOM ARE WRIT OF HABEAS CORPUS AND THE RIGHT TO BAIL. HABEAS CORPUS IS THE TRADITIONAL METHOD OF COLLATERALLY QUESTIONING A LOSS OF PERSONAL LIBERTY, ENABLING ONE TO OBTAIN AN INDEPENDENT JUDICIAL INQUIRY INTO POSSIBLE VIOLATION OF FUNDAMENTAL RIGHTS. A PRACTICING ATTORNEY IN WASHINGTON, D.C., HAS CONCLUDED THAT:

... THERE SEEMS LITTLE ROOM FOR ARGUMENT THAT THE JUVENILE COURT SYSTEM IS IMMUNE FROM HABEAS PROCEDURES ATTACKING ITS DECISIONS. NOR DOES THE USE OF HABEAS CORPUS APPEAR TO BE RESTRICTED TO ATTACKING CUSTODY DETERMINATIONS BY A JUVENILE COURT, SUCH USE OF THE WRIT BEING VIRTUALLY UNQUESTIONED OVER THE YEARS.<sup>34</sup>

IN A 1954 DECISION, JUDGE LAWS OF THE DISTRICT OF COLUMBIA HELD THAT IF A CHILD IS PLACED IN A PUNITIVE INSTITUTION FOLLOWING JUVENILE PROCEEDINGS THE WRIT OF HABEAS CORPUS SHOULD BE AVAILABLE TO SECURE HIS RELEASE. IN WHITE V. REID HE WROTE, "UNLESS THE INSTITUTION IS ONE WHOSE PRIMARY CONCERN IS THE INDIVIDUAL'S MORAL AND PHYSICAL WELL-BEING, UNLESS ITS FACILITIES ARE INTENDED FOR AND ADAPTED TO GUIDANCE, CARE, EDUCATION AND TRAINING RATHER THAN PUNISHMENT, UNLESS ITS SUPERVISION IS THAT OF A GUARDIAN, NOT THAT OF A PRISON GUARD OR JAILOR, IT SEEMS CLEAR A COMMITMENT TO SUCH INSTITUTION IS BY REASON OF CONVICTION OF CRIME AND CANNOT WITHSTAND AN ASSAULT FOR VIOLATION OF FUNDAMENTAL CONSTITUTIONAL SAFEGUARDS."<sup>35</sup>

THE APPROVED PURPOSES OF DETENTION MITIGATE AGAINST THE EXTENSION OF THE RIGHT TO BAIL TO CHILDREN UNDER THE JURISDICTION OF THE JUVENILE COURT. IF SECURE CUSTODY IS USED ONLY FOR THE PROTECTION OF THE CHILD OR THE COMMUNITY OR TO RESTRAIN CHILDREN LIKELY TO RUN AWAY, LITTLE OR NO JUSTIFICATION CAN BE FOUND FOR PERMITTING THIS PROTECTION TO BE REMOVED.

ALSO, IT IS DIFFICULT FOR A CHILD TO UNDERSTAND WHY HE MUST REMAIN IN DETENTION WHILE HIS CO-DELINQUENTS ARE RELEASED BECAUSE THEIR FAMILIES WERE ABLE TO SECURE BAIL BOND. THE CHILDREN'S BUREAU STANDARDS, WHILE RECOMMENDING THAT AS A RULE BAIL SHOULD NOT BE PERMITTED AND RELEASE SHOULD BE MADE UPON THE PERSONAL RECOGNIZANCE OF A RESPONSIBLE PERSON, REPORT THAT IN SOME JURISDICTIONS THE RIGHT TO BAIL, PROVIDED FOR IN THE STATE CONSTITUTION, MAY EXTEND TO CASES OF DELINQUENCY AND THAT MANY PERSONS BELIEVE THAT TO LEAVE NO AVENUE OF RELEASE FOR THE CHILD IS A DENIAL OF A BASIC RIGHT TO WHICH ALL PERSONS ARE ENTITLED.<sup>36</sup>

ADJUDICATION

THE VAST MAJORITY OF CHILDREN COMING BEFORE THE COURT READILY ADMIT THEIR MISCONDUCT. THE JUDGE, AFTER THE ALLEGATIONS OF THE COMPLAINT HAVE BEEN READ, WILL OFTEN ASK, "DID YOU DO IT?" OR "IS THIS TRUE?" IF THE CHILD ADMITS HIS GUILT THE ADJUDICATION IS COMPLETE. IF HE DENIES HIS DELINQUENCY, THE JUDGE MAY CONTINUE TO INTERROGATE HIM IN AN EFFORT TO DETERMINE THE VALIDITY OF THE CHARGE OR STATEMENTS OF THE POLICE OR OTHER COMPLAINANT, AND THE TESTIMONY OF WITNESSES MAY BE HEARD.

MUCH ATTENTION HAS BEEN DIRECTED TO THE QUESTION OF THE EXTENT TO WHICH THE SAFEGUARDS OF DUE PROCESS THAT PROTECT THE RIGHTS OF AN ACCUSED ADULT SHOULD BE GRANTED THE CHILD. SEVERAL RIGHTS ARE PARTICULARLY CONCERNED WITH ADJUDICATION, ALTHOUGH OTHER COURT PROCEDURES MAY BE INVOLVED AS WELL. FEDERAL COURT DECISIONS SUCH AS GAULT AND KENT IN THE LATE 1960S HAVE LED TO SOME CHANGES IN COURT PROCEDURE ALTHOUGH THE EXTENT OF THE EFFECTS OF SUCH DECISIONS HAS NOT BEEN MEASURED IN OHIO. FURTHER CONSIDERATION SHOULD BE GIVEN TO TRIAL BY JURY AND PUBLIC TRIAL, RIGHT TO COUNSEL (WRITTEN INTO THE LAW, SECTION 2151.352), PROSECUTION, RIGHT TO REFUSE TO BE A WITNESS AGAINST ONESELF, APPLICATION OF RULES OF EVIDENCE, EXTENT OF PROOF OF GUILT, AND DOUBLE JEOPARDY.

DISPOSITION

THE JUVENILE COURT JUDGE FACED WITH THE PROBLEM OF WHAT TO DO ABOUT THE DELINQUENT CHILD MAY TEND TO SELECT WHAT HE REGARDS AS THE LESSER EVIL. THE PROBATION PROGRAM IS OFTEN UNDERMANNED, FOSTER HOMES UNAVAILABLE, AND ADEQUATE RESIDENTIAL TREATMENT EITHER NONEXISTENT OR ECONOMICALLY OUT OF REACH. THE ALTERNATIVES OPEN BY LAW TO THE JUVENILE COURT WHICH FINDS A CHILD DELINQUENT ARE:

1. RELEASE WITH ADMONITION, COUNSELING, OR RESTITUTION.
2. PROBATION.
  - IN OWN HOME.
  - IN CUSTODY OF A RELATIVE.
  - IN INSTITUTION.
  - IN FOSTER HOME.
3. COMMITMENT.
  - TO THE OHIO YOUTH COMMISSION. (PERMANENT TO AGE 21.)<sup>37</sup>
  - TO THE COUNTY CHILD WELFARE BOARD OR COUNTY DEPARTMENT OF WELFARE WHICH HAS ASSUMED THE ADMINISTRATION OF CHILD WELFARE. (PERMANENT TO AGE 21.)<sup>37</sup>
  - TO AN AGENCY OR INSTITUTION CERTIFIED BY THE STATE DEPARTMENT OF PUBLIC WELFARE FOR CHILD CARE. (PERMANENT TO AGE 21.)
  - TO ANY AGENCY OR INSTITUTION IN OHIO OR ANOTHER STATE QUALIFIED TO PROVIDE THE PLACEMENT REQUIRED IN THE PARTICULAR PLACE. (TEMPORARY.)<sup>38</sup>

TO OHIO STATE REFORMATORY (ONLY A MALE CHILD OVER 16 YEARS OF AGE WHO HAS COMMITTED AN ACT WHICH, IF COMMITTED BY AN ADULT, WOULD BE A FELONY). (PERMANENT TO AGE 21.)  
TO A COUNTY OR DISTRICT TRAINING FACILITY. (TEMPORARY.)<sup>38</sup>

4. IMPOSE A FINE NOT EXCEEDING \$50 AND COSTS.
5. ORDER APPEARANCE BEFORE COMMON PLEAS COURT FOR ACT WHICH WOULD, IF COMMITTED BY AN ADULT, BE A FELONY.

APPEAL

IT HAS BEEN POINTED OUT THAT JUVENILE COURT PROCEDURES GREATLY REDUCE THE VALUE OF AN APPEAL. THE HARVARD LAW REVIEW RESEARCHERS MENTION SOME OF THE REASONS: THE MANY CONFESSIONS, WHICH ELIMINATE MOST QUESTIONS OF SUFFICIENT PROOF; THE FREQUENT LACK OF AN ATTORNEY, RESULTING IN THE PRESERVATION OF FEW EVIDENTIARY OBJECTIONS ON THE RECORD--IF THERE IS A RECORD; FAILURE TO SUSPEND TREATMENT PENDING AN APPEAL, REDUCING THE VALUE OF THE REVIEW FROM THE STANDPOINT OF AVOIDING THE ORIGINAL DISPOSITION; THE INABILITY OF THE CLIENTELE OF JUVENILE COURTS TO AFFORD AN APPEAL.<sup>39</sup>

THE MASSACHUSETTS LAW PERMITTING APPEAL FOR A NEW FINDING IN A SUPERIOR COURT UNDER ADULT PROCEDURES WAS MENTIONED IN CONNECTION WITH JURY TRIALS. THE AUTHORS OF THE HARVARD LAW REVIEW "NOTE" SUGGEST PROVIDING FOR A FULL TRANSCRIPT OF THE PROCEEDINGS IN JUVENILE COURT, REQUIRING THE JUDGE TO STATE HIS CONCLUSIONS OF FACT AND LAW, SUSPENSION OF TREATMENT PENDING APPEAL, AND EXPEDITED APPEAL SO THAT TREATMENT WILL NOT BE EXCESSIVELY DELAYED IF THE APPEAL PROVES UNSUCCESSFUL.<sup>40</sup>

THE STANDARDS PREPARED BY THE CHILDREN'S BUREAU RECOMMEND THAT APPEALS BE ALLOWED TO THE PROPER APPELLATE COURT ON MATTERS OF LAW AND OF FACT ON THE BASIS OF ALL THE EVIDENCE. THE APPELLATE COURT SHOULD BE AUTHORIZED TO DISMISS THE PETITIONS OR TO SEND THE CASE BACK TO THE JUVENILE COURT FOR DISPOSITION CONSISTENT WITH THE APPELLATE COURT'S FINDINGS. EMPHASIS IS PLACED ON INFORMING THE CHILD AND HIS FAMILY OF THEIR RIGHT TO APPEAL, AND IT IS RECOMMENDED THAT COURTS SHOULD MAKE COUNSEL AVAILABLE FOR APPEAL PURPOSES IN THE SAME WAY THAT IT DOES FOR THE ORIGINAL HEARING.<sup>41</sup>

NO PROVISIONS REGARDING APPEALS ARE CONTAINED IN OHIO JUVENILE COURT LAW. OHIO REVISED CODE, SECTION 2151.38, AUTHORIZES THE MODIFICATION OF TEMPORARY COMMITMENTS BY THE JUVENILE COURT.

RECORDS AND PUBLICITY

TWO ASPECTS OF DEPARTURE FROM THE STRICT OBSERVANCE OF THE CONFIDENTIALITY OF INFORMATION CONCERNING JUVENILE COURT CASES ARE PERTINENT TO A REVIEW OF PROCEDURES: (1) THE RELEASE OF RECORD INFORMATION TO PERSONS INTERESTED IN THE DELINQUENT'S QUALIFICATIONS FOR SOME ENTERPRISE, AND (2) NEWS MEDIA PUBLICITY. THE POLICY OF RELEASING INFORMATION FROM COURT RECORDS ONLY TO LAW ENFORCEMENT AND MILITARY PERSONNEL APPEARS TO BE WIDELY ACCEPTED, BUT THE CONTROVERSY OVER NEWS MEDIA PUBLICITY REMAINS UNRESOLVED.

RECORDS

OHIO LAW PROVIDES THAT THE REPORTS AND RECORDS OF THE PROBATION DEPARTMENT SHALL BE CONSIDERED CONFIDENTIAL AND SHALL NOT BE MADE PUBLIC (OHIO REVISED CODE, SECTION 2151.14). SECTION 2151.313 OF THE REVISED CODE STATES THAT NO

CHILD SHALL BE FINGERPRINTED IN THE INVESTIGATION OF A CRIME WITHOUT THE CONSENT OF THE JUDGE UNLESS LAW ENFORCEMENT OFFICERS INVESTIGATING THE COMMISSION OF AN ACT WHICH WOULD BE A FELONY IF COMMITTED BY AN ADULT HAVE PROBABLE CAUSE TO BELIEVE THE CHILD MAY HAVE BEEN INVOLVED. UNLESS OTHERWISE ORDERED BY THE COURT, ORIGINALS AND ALL COPIES OF SUCH FINGERPRINTS OR PHOTOGRAPHS SHALL BE DELIVERED TO THE JUVENILE COURT AFTER USE FOR THEIR ORIGINAL PURPOSE AND SUCH FURTHER USE AND DISPOSITION AS THE COURT DIRECTS. THEY SHALL BE REMOVED FROM THE FILE AND DESTROYED IF A COMPLAINT IS NOT FILED OR IS DISMISSED AFTER BEING FILED OR AFTER THE CHILD REACHES 21 WITHOUT COMMITTING A CRIMINAL OFFENSE AFTER REACHING EIGHTEEN YEARS OF AGE." THE STATUTES ALSO PROVIDE (SECTION 2151.358) THAT THE "DISPOSITION (OF THE CHILD UNDER JUDGMENT RENDERED) OR EVIDENCE (GIVEN IN COURT) SHALL NOT OPERATE TO DISQUALIFY A CHILD IN ANY FUTURE CIVIL SERVICE EXAMINATION, APPOINTMENT, OR APPLICATION. ALL OTHER MATTERS REGARDING THE RELEASE OF INFORMATION ARE SUBJECT TO REGULATION BY THE INDIVIDUAL COURT AND LAW ENFORCEMENT AGENCY.

WHILE THERE IS A STATUTORY PROHIBITION CONCERNING RELEASE OF INFORMATION IN COURT RECORDS TO THE PUBLIC, THERE IS NO SUCH RESTRICTION ON POLICE RECORDS, ALTHOUGH IN SOME COUNTIES REQUESTS FOR INFORMATION CONCERNING JUVENILES ARE ROUTINELY REFERRED BY THE POLICE TO THE JUVENILE COURT. A STATUTORY PROCEDURE FOR RECORD DESTRUCTION HAS BEEN CREATED IN OHIO. A PERSON ADJUDICATED DELINQUENT OR UNRULY MAY APPLY TO THE COURT FOR EXPUNGEMENT OF HIS RECORD TWO YEARS AFTER THE TERMINATION OF A FINAL COURT ORDER OR RELEASE FROM A FACILITY TO WHICH HE HAS BEEN COMMITTED. IF APPROVED, THE COURT MAY ORDER THE RECORDS SEALED AND THE CASE SHALL BE DEEMED "NEVER TO HAVE OCCURRED." (SECTION 2151.358)

#### PUBLICITY

IN OHIO, THERE ARE NO STATUTORY GUIDES IN THE REALM OF NEWS MEDIA AND COURT RELATIONSHIP. CHANGES IN JUVENILE CODES IN OTHER STATES ILLUSTRATE THE AMBIVALENT ATTITUDE TOWARD THIS QUESTION. SOME HAVE MADE JUVENILE COURT PROCEEDINGS AND RECORDS AVAILABLE TO THE PRESS AND SOME HAVE RETAINED STIPULATIONS REGARDING CONFIDENTIALITY.<sup>42</sup> THE ARGUMENTS IN FAVOR OF PUBLIC IDENTIFICATION OF JUVENILE OFFENDERS CITE THE DETERRENT EFFECT OF PUBLIC OPINION ON THE CHILD AND ON THE PARENT. OPPONENTS CLAIM THAT PUBLICITY ACTS TO THE DETRIMENT OF REHABILITATION EFFORTS BY REINFORCING THE REPUTATION OF BADNESS AND BY IMPROVING THE STATUS OF THE ANTISOCIAL MEMBER OF A DELINQUENT SUBCULTURE. BECAUSE OF DIFFERENCES IN THE PSYCHOSOCIAL BASES OF DELINQUENCY, BOTH MAY BE RIGHT. A SOCIOLOGY PROFESSOR, WHO EXPRESSES THE BELIEF THAT THE PROBLEM IS ALMOST INFINITELY COMPLEX, WRITES:

IT IS OBVIOUS THAT, TO SOME CHILDREN, THE FEAR ENGENDERED BY PUBLIC NOTORIETY MAY BE ADEQUATE TO PREVENT REPETITION OF THE BEHAVIOR. PUBLIC OPINION HAS ALWAYS SERVED AS ONE OF THE MORE EFFECTIVE METHODS OF EXERTING SOCIAL CONTROL. ON THE OTHER HAND, THERE IS A CONVINCING AMOUNT OF EVIDENCE THAT PUBLICITY NOT ONLY FAILS TO DETER, BUT OFTEN PROVIDES ENCOURAGEMENT FOR FURTHER AND ORIGINAL DELINQUENCY, PUBLICITY BEING THE END SOUGHT BY THE DELINQUENT.

BECAUSE THE DELINQUENT HAVING LESS SERIOUS PROBLEMS IS SUBJECT TO SOCIAL PRESSURE OF A MORE INFLUENTIAL SORT FROM PERSONS WITH WHOM HE ASSOCIATES, AND THE MORE SERIOUS DELINQUENT WHO SEEKS TO VICTIMIZE SOCIETY IS THE GREATER THREAT, EVIDENCE ON THE SIDE OF WITHHOLDING IDENTIFICATION SEEMS TO BE THE STRONGER.

THE SOCIOLOGIST INCLUDED TWO RECOMMENDATIONS ADVOCATING A "SOUND PROGRAM ESTABLISHING THE LEGAL RELATIONSHIP BETWEEN THE NEWSPAPERS AND THE JUVENILE COURTS":

1. NEWSPAPERS SHOULD BE ALLOWED ADMITTANCE TO JUVENILE COURTS, BUT THEY SHOULD BE FORBIDDEN BY LAW FROM DISCLOSING THE NAMES OF THE PARTICIPANTS IN THE HEARINGS.
2. PUBLICATION OF IDENTIFYING DATA ABOUT PERSONS IN JUVENILE COURT HEARINGS SHOULD BE FORBIDDEN BY STATUTE IN SUCH A MANNER THAT THE INFORMATION DOES NOT REACH THE NEWSPAPERS FROM SOURCES OTHER THAN THE COURTS.<sup>44</sup>

#### FINANCING

EXCEPT FOR THE REIMBURSEMENTS FROM THE STATE FOR PROBATION DEVELOPMENT, FOSTER CARE, AND PARTIAL PAYMENT OF PROBATION OFFICERS' SALARIES, JUVENILE COURTS AND THEIR SERVICES ARE ALMOST ENTIRELY FINANCED BY LOCAL TAX FUNDS.<sup>45</sup> THE REASONS WHY JUVENILE COURTS HAVE NOT DEVELOPED THE KINDS AND QUANTITIES OF SERVICES NEEDED ARE ALMOST INVARIABLY TIED TO FINANCING PROBLEMS (WHICH, IN TURN, RELATE TO THE AVAILABILITY OF TAX RESOURCES AND PUBLIC INTEREST). IN GENERAL, COUNTIES DO NOT HAVE THE FUNDS NEEDED TO MAINTAIN OPTIMUM REHABILITATION SERVICES.

#### TOTAL COURT COSTS

NO UP-TO-DATE FIGURES ARE AVAILABLE CONCERNING LOCAL COURT COSTS. ESTIMATES OF PER CAPITA JUVENILE COURT EXPENDITURES IN 1967 RANGED FROM 9 CENTS TO \$1.64, HOWEVER.

#### DETENTION FACILITY OPERATING COSTS

CURRENT ESTIMATES OF THE PER CAPITA COST OF DETENTION CARE RANGE FROM APPROXIMATELY \$10-20. DETENTION CUSTODY, SERVING SMALLER NUMBERS OF CHILDREN AND HAVING A HIGH RATE OF TURNOVER, IS MORE COSTLY THAN RESIDENTIAL REHABILITATION PROGRAMS WHICH GENERALLY SERVE MORE CHILDREN AND WHERE THE LENGTH OF STAY IS MEASURED IN MONTHS RATHER THAN DAYS OR WEEKS (ASSUMING BOTH HAVE ADEQUATE PROGRAMS).

THE JUDGES' RECOMMENDATIONS FOR ALLEVIATING THE FINANCING IMPASSE ARE RELATED TO THE SIZE AND ECONOMIC STATUS OF THE COUNTY. IN AREAS OF CONCENTRATED METROPOLITAN POPULATION, THE CONSENSUS SEEMS TO BE THAT ADDITIONAL STATE ASSISTANCE AND FEDERAL PARTICIPATION ARE NECESSARY TO DO THE JOB. THE NEED FOR PRIVATE FUNDS FOR SPECIAL PROJECTS IS ALSO MENTIONED. THE VIEWS OF COURT PERSONNEL IN SMALLER COUNTIES DIFFER ACCORDING TO THE DEGREE OF SUCCESS IN RAISING LOCAL FUNDS AND ATTITUDES CONCERNING LOCAL AUTONOMY.

IF THE PROPOSED ALTERNATIVE TO MORE AND LARGER STATE INSTITUTIONS--COMMUNITY SERVICES--IS TO BE GIVEN A FAIR TRIAL, THE PROGRAMS OF THE COURTS AND OPPORTUNITIES FOR TREATMENT MUST BE IMPROVED. ASSISTANCE IN THE PROVISION OF ADEQUATE COURT STAFF AND DETENTION SERVICES WILL BE NECESSARY TO ACCOMPLISH THIS.

FOOTNOTES, CHAPTER III

1. HERBERT A. BLOCH AND FRANK T. FLYNN, DELINQUENCY AND THE JUVENILE OFFENDER IN AMERICA TODAY, (RANDOM HOUSE, NEW YORK, 1956), P. 307-308.
2. A HYPOTHETICAL EXAMPLE OF THE APPLICATION OF THIS PHILOSOPHY IS PROVIDED BY THE DIRECTOR OF THE HAMILTON COUNTY JUVENILE COURT. OF THREE CHILDREN GUILTY OF WINDOW-BREAKING OFFENSES, HE WRITES THAT IT IS HIGHLY POSSIBLE THAT THE FIRST DID SO SIMPLY AS A "LARK" OR BECAUSE OF A DARE FROM MEMBERS OF HIS PEER GROUP. THE SECOND MIGHT HAVE DONE SO BECAUSE HIS OWN PERSONAL PROBLEMS LED TO A BREAKDOWN IN ABILITY TO CONTROL HIS ACTIONS. THE THIRD COULD BE A CHRONIC RECIDIVIST DELINQUENT OFFENDER UNABLE TO DEAL WITH HOSTILITY AND AGGRESSION WHICH STEM FROM FAULTY PARENTAL RELATIONSHIPS AND THE LACK OF ALL THAT GOES INTO THE MAKEUP OF A "NORMAL CHILD." IN THE FIRST CASE, IF THE CHILD IS FROM A STABLE HOME SITUATION AND THE MATTER CAN BE HANDLED AS A FIRST OFFENSE, WITH RESTITUTION TO THE INJURED PARTY, AND THE ASSURANCE OF PROPER PARENTAL SUPERVISION, AN UNOFFICIAL REPRIMAND MIGHT WELL BE SUFFICIENT. IN THE SECOND CASE, INTENSIVE CLINIC EVALUATION AND INPATIENT OR OUTPATIENT THERAPY WOULD BE REQUIRED, AND IN THE THIRD CASE, THE OFFENDER WOULD PROBABLY REQUIRE INSTITUTIONALIZATION IN THE HOPE THAT CONSISTENT EXTERNAL CONTROLS WOULD "REVERSE THE UNHAPPY TREND IN HIS DEVELOPMENT AND GIVE HIM THE OPPORTUNITY TO ADOPT MORE EFFECTIVE AND DESIRABLE MODES OF BEHAVIOR." SEE: PAUL H. HAHN, "THE ROLE OF THE JUVENILE COURT IN THE MODERN COMMUNITY," MANUAL OF THE COURT OF COMMON PLEAS, JUVENILE DIVISION, HAMILTON COUNTY, OHIO, P. 11.
3. THE HAMILTON COUNTY JUVENILE COURT, IS HOWEVER, CONSIDERED AS A DIVISION OF THE COMMON PLEAS COURT.
4. WILLIAM H. SHERIDAN AND EDGAR W. BREWER, "THE FAMILY COURT," CHILDREN, MARCH-APRIL 1957, PP. 67-69.
5. THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: CORRECTIONS, 1967, P. 124.
6. HARVEY UHLENHOPP, "SOME PLAIN TALK ABOUT COURTS OF SPECIAL AND LIMITED JURISDICTION," JOURNAL OF THE AMERICAN JUDICATURE SOCIETY, APRIL, 1966, PP. 215-217.
7. JOHN J. DOWNEY, STATE RESPONSIBILITY FOR JUVENILE DETENTION CARE, SOCIAL AND REHABILITATION SERVICE, YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION ADMINISTRATION OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, 1970.
8. OHIO REVISED CODE, SECTION 2151.354.
9. SIXTEEN AND SEVENTEEN YEAR OLD OFFENDERS NOT KNOWN PREVIOUSLY TO HAVE SERVED A SENTENCE FOR A FELONY MUST BE SENTENCED TO THE REFORMATORY. THE COURT HAS THE CHOICE OF A REFORMATORY OR PENITENTIARY SENTENCE IN THE CASE OF AN OFFENDER WHO HAS PREVIOUSLY SERVED A SENTENCE EXCEPT THAT IN MURDER CONVICTIONS REFORMATORY SENTENCES AND TRANSFERS TO THE REFORMATORY ARE PROHIBITED BY OHIO REV. CODE SECTION 5143.03.
10. JUDGE BENJAMIN S. SCHWARTZ, "CONSTITUTIONAL GUARANTEES IN THE JUVENILE COURT," THE OHIO BAR, DEC. 5, 1966, P. 1366.
11. THE TERM OF OFFICE FOR JUVENILE JUDGES IS SIX YEARS. VACANCIES ARE FILLED BY APPOINTMENT BY THE GOVERNOR.
12. UNPUBLISHED STUDY CONDUCTED IN CONNECTION WITH THE JUVENILE COURT JUDGES SEMINAR IN 1963, BY THE OHIO LEGAL CENTER INSTITUTE, TABLES 6.117, 6.1121, AND 6.1118.
13. WILLIAM H. SHERIDAN, STANDARDS FOR JUVENILE AND FAMILY COURTS, CHILDREN'S BUREAU PUBL. NO. 437, 1966, PP. 48 AND 54.
14. SHERIDAN, PP. 53-55.
15. JUVENILE DELINQUENCY, A REPORT ON STATE ACTION AND RESPONSIBILITIES, THE COUNCIL OF STATE GOVERNMENTS, THE PRESIDENT'S COMMITTEE ON JUVENILE DELINQUENCY AND YOUTH CRIME, AND THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY, 1965, P. 19.

FOOTNOTES, CHAPTER III CONT'D

16. MANUAL OF POLICIES AND OPERATING PROCEDURES IN JUVENILE COURT, FRANKLIN COUNTY COURT OF DOMESTIC RELATIONS, APRIL 1, 1965, P. 18.
17. JUVENILE DELINQUENCY, A REPORT ON STATE ACTION AND RESPONSIBILITY, P. 20.
18. JUVENILE DELINQUENCY, A REPORT ON STATE ACTION AND RESPONSIBILITY, P. 20.
19. CHILDREN IN MICHIGAN'S JUVENILE COURTS, MICHIGAN CRIME AND DELINQUENCY COUNCIL OF THE NATIONAL PROBATION AND PAROLE ASSOCIATION, DEC. 1957, P. 77.
20. IBID., P. XIII.
21. JOHN J. DOWNEY, "STATE RESPONSIBILITY FOR CHILD DETENTION FACILITIES," JUVENILE COURT JUDGES JOURNAL, WINTER, 1964, P. 3.
22. STANDARDS FOR JUVENILE AND FAMILY COURTS, P. 62.
23. THE USAGE RATES FOR HAMILTON COUNTY AND MONTGOMERY COUNTY DETENTION FACILITIES WERE APPROXIMATELY 75 TO 125 PER CENT ABOVE THE RATE USED BY MR. DOWNEY, WHILE MUSKINGUM COUNTY'S RATE WAS APPROXIMATELY EQUAL TO THAT USED IN HIS CALCULATION.
24. DOWNEY, PP. 4-5.
25. STANDARDS FOR JUVENILE AND FAMILY COURTS, PP. 47-48.
26. MONRAD G. PAULSEN, "FAIRNESS TO THE JUVENILE OFFENDER," MINNESOTA LAW REVIEW, APRIL, 1957, PP. 551.
27. A UNIFORM CURFEW FOR JUVENILES IS AMONG RECOMMENDATIONS OF THE OHIO ASSOCIATION OF CHIEFS OF POLICE LISTED IN A LETTER, AUGUST 15, 1966.
28. STANDARD JUVENILE COURT ACT, SEC. 13. THE STANDARD JUVENILE COURT ACT IS A MODEL ACT PROPOSED BY THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY PREPARED IN COOPERATION WITH THE NATIONAL COUNCIL OF JUVENILE COURT JUDGES AND THE UNITED STATES CHILDREN'S BUREAU; THE SIXTH EDITION WAS PUBLISHED IN 1959. A REVISION OF AN EARLIER CHILDREN'S BUREAU PUBLICATION ON STANDARDS, A COOPERATIVE EFFORT OF THE SAME THREE AGENCIES, PREPARED BY WILLIAM H. SHERIDAN, ASSISTANT DIRECTOR OF THE BUREAU'S DIVISION OF JUVENILE SERVICE, APPEARED IN 1966 (PUB. NO. 437).
29. THE AUTHORS OF THE HARVARD LAW REVIEW "NOTE" CONCERNING CURRENT PRACTICES INCLUDE A DISCUSSION OF THE NEED FOR INVESTIGATION AND ANALYSIS IN POLICE JUDGMENTS OF THE PROBABILITY OF RECIDIVISM, "JUVENILE DELINQUENTS: THE POLICE, STATE COURTS, AND INDIVIDUALIZED JUSTICE," PP. 781-782.
30. JOHN A. WALLACE AND MARION M. BRENNAN, "INTAKE AND THE FAMILY COURT," BUFFALO LAW REVIEW, JUNE, 1963, PP. 449-450.
31. STANDARD JUVENILE COURT ACT, SECTION 17.
32. STANDARDS FOR JUVENILE AND FAMILY COURTS, PP. 61-62.
33. "JUVENILE DELINQUENTS: THE POLICE, STATE COURTS, AND INDIVIDUALIZED JUSTICE," P. 792.
34. NORMAN M. GARLAND, "COLLATERAL ATTACK ON JUVENILE COURT DELINQUENCY DECISIONS," J. CRIMINAL LAW, CRIMINOLOGY AND POLICE SCIENCE, JUNE, 1966, PP. 137-144.
35. 12 F. SUPP. 647 (D.D.C. 1954).
36. STANDARDS FOR JUVENILE AND FAMILY COURTS, PP. 62-63.
37. THE AGENCY MAY APPLY TO THE COURT FOR TERMINATION OF CUSTODY.
38. AS PRESCRIBED BY THE COURT OR UNTIL AGE 21.
39. "JUVENILE DELINQUENTS: THE POLICE, STATE COURTS, AND INDIVIDUALIZED JUSTICE," P. 799.
40. IBID.
41. STANDARDS FOR JUVENILE AND FAMILY COURTS, P. 78.
42. GILBERT GEIS, "PUBLICITY AND JUVENILE COURT PROCEEDINGS," ROCKY MOUNTAIN LAW REVIEW, FEB. 1958, PP. 19-21.
43. IBID., PP. 24-25.
44. IBID.
45. JUVENILE COURTS ARE AUTHORIZED TO ORDER THE CHILD'S PARENT OR GUARDIAN TO PAY FOR CARE, MAINTENANCE, EDUCATION, AND MEDICAL EXPENSES INCURRED, BUT ONLY SMALL AMOUNTS ARE RECEIVED IN A FEW COUNTIES.

## CHAPTER IV. REHABILITATION PLACEMENT RESOURCES AND NEEDS

EXISTING JUVENILE TREATMENT FACILITIES OF EVERY CATEGORY ARE INSUFFICIENT TO MEET OHIO JUVENILE PLACEMENT NEEDS. PRESENT FACILITIES SUCH AS FAIRFIELD SCHOOL FOR BOYS, SCIOTO VILLAGE FOR GIRLS, AND THE JUVENILE DIAGNOSTIC CENTER ARE OVERCROWDED, COMMUNITY TREATMENT PROGRAMS ARE LIMITED TO A FEW URBAN COUNTIES, AND FOSTER CARE PLACEMENTS FALL BELOW DESIRED LEVELS.

A VARIETY OF FAMILY-TYPE AND GROUP-TYPE RESIDENTIAL TREATMENT PROGRAMS ARE NEEDED FOR CHILDREN REMOVED FROM THE HOME. ALTHOUGH THE DEVELOPMENT OF PROGRAMS AFFORDING CHILDREN A MAXIMUM OF INDIVIDUAL ATTENTION HAVE CONSTITUTED THE GREATEST NEED, BARRIERS TO THEIR DEVELOPMENT HAVE PROVEN DIFFICULT TO OVERCOME. PLACEMENT RESOURCES ARE NEEDED IN EVERY CATEGORY: FOSTER HOMES, GROUP HOMES, CAMPS AND SMALL INSTITUTIONS, AND MAXIMUM SECURITY INSTITUTIONS.

### FOSTER CARE AND GROUP HOMES

DELINQUENT CHILDREN MAY BE PLACED IN FOSTER HOMES BY THE COURT OR THEY MAY BE COMMITTED TO A CHILD WELFARE AGENCY WHICH MAKES SUCH PLACEMENTS. THE OHIO DEPARTMENT OF PUBLIC WELFARE HAS THE AUTHORITY TO LICENSE HOMES FOR USE BY JUVENILE COURTS, AND HAS DELEGATED THIS POWER TO SEVERAL COURTS. TEMPORARY PLACEMENTS BY THE COURTS IN UNCERTIFIED HOMES ARE ALSO AUTHORIZED BY STATUTE (OHIO REVISED CODE, SECTION 2151.34). IN ACCORDANCE WITH AN ATTORNEY GENERAL'S OPINION, THE OHIO YOUTH COMMISSION IS CONSIDERED TO HAVE THE AUTHORITY TO APPROVE HOMES FOR ITS AFTERCARE PROGRAM, BUT THE COMMISSION HAS REQUESTED STATUTORY LICENSING AUTHORITY. THE COURTS WOULD UNDOUBTEDLY MAKE MORE USE OF THIS RESOURCE IF MORE FOSTER HOMES WERE AVAILABLE. SOME COUNTIES REPORT THAT GREAT DIFFICULTY IS EXPERIENCED IN FINDING ENOUGH HOMES FOR DEPENDENT AND NEGLECTED CHILDREN.

SINCE COURTS IN SOME COUNTIES FOLLOW THE PROCEDURE OF COMMITTING THE CHILD TO THE COUNTY CHILD WELFARE AGENCY, WHICH MAY OR MAY NOT PLACE HIM IN A FOSTER HOME, STATEWIDE INFORMATION CONCERNING THE USE OF FOSTER CARE FOR DELINQUENT CHILDREN IS NOT AVAILABLE FROM THE COURTS. SOME COUNTIES HAVE NO HOMES AVAILABLE FOR DELINQUENTS, WHILE OTHERS, INCLUDING SOME OF THE SMALLER COUNTIES HAVE BEEN MORE SUCCESSFUL. CLERMONT COUNTY REPORTED 80 PLACEMENTS IN 1965. THE YOUTH COMMISSION REPORTS THAT FOSTER HOME FINDING EFFORTS HAVE BEEN RELATIVELY SUCCESSFUL. IN SOME COMMUNITIES, THE LACK OF FOSTER HOMES MAY PERHAPS BE ATTRIBUTED TO A SHORTAGE OF HOME-FINDING PERSONNEL IN THE CHILD WELFARE AGENCY OR IN THE COURT.

ONE POSSIBILITY FOR PROVIDING A GREATER DEGREE OF INDIVIDUAL CARE AND GUIDANCE THAN INSTITUTIONS OR SCHOOLS SUPPLY IS THE GROUP HOME, OPERATED BY PUBLIC OR VOLUNTARY AGENCIES OR BY INDIVIDUALS, CARING FOR ABOUT AS MANY CHILDREN AS A LARGE-SIZE FAMILY. APPARENTLY, FEW SUCH HOMES ARE IN OPERATION IN OHIO. ANOTHER PROGRAM, IN OPERATION IN NEW JERSEY AND KENTUCKY, IS THE DAY-CARE CENTER. YOUTHS WHO NEED MORE SUPPORT THAN PROBATION AFFORDS ARE REQUIRED TO REPORT TO THE CENTER BEFORE SCHOOL OR WORK AND TO RETURN FOR GROUP THERAPY IN THE AFTERNOON. THE PARENTS MAY ALSO BE INVOLVED IN THIS PROGRAM.

SINCE FOSTER HOME CARE COSTS APPROXIMATELY ONE-HALF TO ONE-THIRD AS MUCH PER DAY AS INSTITUTIONAL CARE, WHILE PROVIDING A MORE EFFECTIVE TREATMENT EXPERIENCE FOR SOME CHILDREN, DEVELOPMENT OF FOSTER HOMES, AS WELL AS THE DEVELOPMENT OF GROUP HOME PROGRAMS AND DAY CARE CENTERS, APPEARS TO BE A JUSTIFIABLE EXTENSION OF THE AREAS OF STATE-LOCAL COOPERATIVE FINANCING.

## JUVENILE JUSTICE, CHAPTER IV CONT'D

### LOCAL REHABILITATION FACILITIES

THE ESTABLISHMENT OF COMMUNITY-BASED REHABILITATION RESIDENCES IS HAMPERED BY THE LACK OF LOCAL FUNDS AND THE LACK OF LEADERSHIP AND ORGANIZATION IN THE FORMATION OF JOINT-COUNTY PLANS. SEVERAL MEANS HAVE BEEN SUGGESTED FOR HELPING COMMUNITIES TO OVERCOME THESE OBSTACLES: (1) INCREASING THE STATE SUBSIDY FOR COUNTIES HAVING LIMITED FINANCIAL RESOURCES; (2) CONSTRUCTION OF REGIONAL FACILITIES BY THE STATE AND RECOVERY OF THE COST THROUGH CHARGES FOR USE; OR (3) STATE-OPERATED REGIONAL FACILITIES OR MULTI-SERVICE PROGRAMS. BY RETAINING THE RESPONSIBILITY FOR REHABILITATION RATHER THAN COMMITTING A CHILD TO THE STATE, LOCAL GOVERNMENTS ARE ASSUMING A FINANCIAL BURDEN PREVIOUSLY BORNE BY THE STATE. THE COST OF OPERATING A SMALLER FACILITY IS PROBABLY ABOUT THREE TIMES THE PRESENT MAXIMUM STATE PARTICIPATION OF \$100 PER MONTH. SOME JUVENILE AUTHORITIES HAVE CALLED FOR INCREASE IN STATE REIMBURSEMENT FOR OPERATING EXPENSES.

SOME PROBLEMS ARE COMMON TO THE EXISTING COUNTY PROGRAMS AND THE YOUTH COMMISSION PROGRAM. THE MAJOR DIFFICULTIES MENTIONED BY THE ADMINISTRATORS WERE:

1. THE PROCUREMENT AND RETENTION OF STAFF FOR INSTITUTIONS LOCATED AWAY FROM CENTERS OF POPULATION.
2. REGULATION OF SALARIES UNDER THE STATE CIVIL SERVICE CLASSIFICATION SYSTEM. THERE IS "SOME COMPLAINT" BY PROFESSIONAL WORKERS, BUT LIMITATIONS ON NON-PROFESSIONAL SALARIES ARE CALLED "PROHIBITIVE."
3. VOCATIONAL EDUCATION TEACHERS, PARTICULARLY FOR SUCH SUBJECTS AS AUTO MECHANICS, ARE DIFFICULT TO SECURE.
4. CHILDREN PRESENTLY COMMITTED ARE MORE DIFFICULT TO TREAT THAN THOSE RECEIVED IN FORMER YEARS. ALTERNATIVE SUPERVISORY AND GUIDANCE PROGRAMS TEND TO SIFT OUT CHILDREN HAVING THE BETTER INTELLECTUAL AND SOCIAL DEVELOPMENT AND LEAVE THOSE LESS ADEQUATELY EQUIPPED TO BENEFIT FROM TRADITIONAL COUNSELLING METHODS. BY THE TIME THE PROBATION FAILURES REACH THE SCHOOL, THEY HAVE HAD "AMPLE OPPORTUNITY TO HABITUALLY REGARD THEMSELVES AS UNCONTROLLABLE PERSONAL AND SOCIAL FAILURES."<sup>2</sup>

THE LAW AUTHORIZING STATE SUBSIDY FOR THE ACQUISITION AND OPERATION OF SCHOOL FORESTRY CAMPS, OR OTHER FACILITIES, BECAME EFFECTIVE IN AUGUST, 1965. TO BE ELIGIBLE, FACILITIES MUST HAVE A CAPACITY OF 100 OR LESS, AND MUST BE USED EXCLUSIVELY FOR THE REHABILITATION OF MALE CHILDREN BETWEEN THE AGES OF TEN AND EIGHTEEN YEARS AND FEMALE CHILDREN TWELVE TO EIGHTEEN (OTHER THAN PSYCHOTIC OR MENTALLY RETARDED CHILDREN) WHO ARE DESIGNATED DELINQUENT BY ORDER OF A JUVENILE COURT.

ONE-HALF OF THE COST OF CONSTRUCTION WILL BE REPAID BY THE STATE (SUBJECT TO APPROVAL OF THE CONTROLLING BOARD) UP TO A MAXIMUM OF \$3,000 PER BED UNIT. FINANCIAL ASSISTANCE FOR ONE-HALF OF OPERATION AND MAINTENANCE COSTS IS PROVIDED UP TO A MAXIMUM OF \$100 PER MONTH PER CHILD IN AVERAGE DAILY ENROLLMENT DURING THE THREE MONTHS PRECEDING APPLICATION.

### STATE REHABILITATION FACILITIES

THE OHIO YOUTH COMMISSION RECEIVED 3,646 CHILDREN AS TEMPORARY OR PERMANENT COMMITMENTS DURING FISCAL YEAR 1970. A TEMPORARY COMMITMENT IS ONE MADE FOR THE SOLE PURPOSE OF OBTAINING A MENTAL, PHYSICAL, MEDICAL OR PSYCHIATRIC EXAMINATION OR DIAGNOSIS OF A CHILD. FIGURE 1 SHOWS A MAP OF THE LOCATION OF FACILITIES OF THE OHIO YOUTH COMMISSION.

THE OHIO YOUTH COMMISSION IS AN INDEPENDENT STATE AGENCY WHOSE CHAIRMAN IS A MEMBER OF THE GOVERNOR'S CABINET. THE COMMISSION REPLACED THE DIVISION OF JUVENILE RESEARCH, CLASSIFICATION, AND TRAINING OF THE DEPARTMENT OF MENTAL HYGIENE AND CORRECTION IN OCTOBER, 1963.

THE THREE MEMBERS OF THE COMMISSION, APPOINTED BY THE GOVERNOR, SERVE AS CHAIRMAN, DIRECTOR OF CORRECTIONAL SERVICES, AND DIRECTOR OF COMMUNITY SERVICES. AN ADVISORY BOARD OF TWELVE MEMBERS, INCLUDING AT LEAST FOUR JUVENILE COURT JUDGES, IS ALSO APPOINTED BY THE GOVERNOR.

FACILITIES

THE CORRECTIONAL SERVICES BRANCH OF THE YOUTH COMMISSION ORGANIZATION IS RESPONSIBLE FOR THE INSTITUTIONAL PROGRAM AS INDICATED IN TABLE V.

TREATMENT PROVIDED

THE YOUTH COMMISSION IS CHARGED WITH THE CARE, TREATMENT, AND CONTROL OF CHILDREN COMMITTED TO CUSTODY UNTIL IT IS SATISFIED THAT DISCHARGE IS CONSISTENT WITH THE WELFARE OF THE INDIVIDUAL AND PROTECTION OF THE PUBLIC, OR UNTIL THE AGE OF TWENTY-ONE IS REACHED. THE VARIETY OF EDUCATIONAL AND TRAINING OPPORTUNITIES AFFORDED IN VARIOUS INSTITUTIONS IS SHOWN IN FIGURE 2.

THE GIRLS COMMITTED TO SCIOTO VILLAGE ARE CHARGED WITH RUNNING AWAY, INCORRIGIBILITY, TRUANCY, AND SEX OFFENSES. SUCCESSFUL REHABILITATION MAY, IN MANY CASES, PREVENT A CAREER OF PROSTITUTION. ALL GIRLS ARE IN BOTH CLASSROOM AND VOCATIONAL TRAINING PROGRAMS. VOCATIONAL TRAINING IN BUSINESS AND OFFICE COURSES, NURSES' AID TRAINING, LAUNDRY, SEWING AND BAKING, COSMETOLOGY AND GREENHOUSE WORK ARE AVAILABLE ALONG WITH THE TEACHING OF HOMEMAKING SKILLS. ONE PSYCHOLOGIST AND 12 WORKERS IN THE SOCIAL SERVICES AREA ARE AVAILABLE, AND GROUP THERAPY HAS BEEN INSTITUTED.

SOME MEDICAL AND PSYCHIATRIC TREATMENT MAY BE PROVIDED AT THE JUVENILE DIAGNOSTIC CENTER DURING THE RELATIVELY SHORT STAYS THERE. THE YOUTH COMMISSION STAFF INDICATES THAT INCREASED MEDICAL AND PSYCHIATRIC PROGRAMS WOULD BE DESIRABLE IN THIS INSTITUTION.

THE ACADEMIC AND VOCATIONAL TRAINING AND INCREASED OPPORTUNITIES FOR PARTICIPATION IN ATHLETIC ACTIVITIES ARE EMPHASIZED AT THE REHABILITATION INSTITUTIONS. AT FAIRFIELD SCHOOL, OVER HALF OF THE BOYS ARE IN THE ACADEMIC PROGRAM AND ABOUT 36% IN THE VOCATIONAL TRAINING AND PRACTICAL WORK EXPERIENCE PROGRAMS. DIFFICULTY IN OBTAINING TEACHERS, THE SHORT LENGTH OF THE STAY IN RELATION TO THE PERIOD OF TIME NEEDED TO TEACH A SPECIFIC TRADE, AND THE PROBLEM OF PROVIDING THE EQUIPMENT NEEDED TO EDUCATE YOUTHS IN USEFUL SKILLS ARE PROBLEMS WHICH LEAD ADMINISTRATORS TO CONCLUDE THAT THE DEVELOPMENT OF INTEREST IN WORK AND GOOD WORK HABITS RATHER THAN A SPECIFIC VOCATION IS THE MORE PRACTICAL GOAL.

MOST BOYS ARE BEHIND TWO TO FOUR YEARS IN THEIR SCHOOL GRADE LEVEL. THE FAIRFIELD STAFF REPORTS THAT METHODS USED IN THE INSTITUTION'S SCHOOL HAVE BEEN SUCCESSFUL IN HELPING TO OVERCOME SOME OF THE BARRIERS TO LEARNING. ALTHOUGH ATTEMPTS TO UPGRADE THE TRAINING ASPECTS OF THE PROGRAM ARE BEING MADE, THE DIFFICULTY OF PROVIDING INDIVIDUALIZED TREATMENT IN THE LARGE GROUPS IS APPARENT.

TICO, WHERE THE POPULATION IS LIMITED TO CAPACITY, HAS REPORTEDLY BEEN SUCCESSFUL IN INTERESTING THE MOST "SEVERELY ENTRENCHED" DELINQUENT BOYS IN ACQUIRING SKILLS WHICH HAVE LED TO EMPLOYMENT AFTER DISCHARGE. THE BOYS FOR WHOM ADMISSION IS RECOMMENDED CANNOT ALL BE ADMITTED AND THOSE WHO ARE ADMITTED CANNOT ALL BE ACCOMMODATED IN VOCATIONAL COURSES OF THEIR CHOICE.

BOYS WHO HAVE BEEN UNABLE TO SUCCEED IN NORMAL EDUCATIONAL PROGRAMS AND WHO ARE CONSIDERED TO HAVE A REASONABLE CHANCE OF SUCCESS IN THE PROGRAM OFFERED ARE SENT TO YOUTH CAMPS. ALTHOUGH TWO OF THE CAMPS ARE FORESTRY WORK PROGRAMS, ONE IS LOCATED WITHIN THE CITY OF COLUMBUS AND SOME OF THE BOYS ATTEND CITY SCHOOLS.

LENGTH OF STAY

THE OHIO YOUTH COMMISSION IS PROHIBITED BY LAW FROM RELEASING A CHILD UNDER PERMANENT COMMITMENT FROM INSTITUTIONAL CUSTODY WITHIN FIVE MONTHS OF COMMITMENT, AND MAY RETAIN CUSTODY UNTIL THE AGE OF TWENTY-ONE. BECAUSE OF THE INCREASING NUMBERS OF CHILDREN COMMITTED TO THE STATE, THE LENGTH OF STAY AT FAIRFIELD SCHOOL AND SCIOTO VILLAGE HAS BEEN SHORTENED FOR SOME CHILDREN BEYOND WHAT THE COMMISSION FEELS IS COMPATIBLE WITH EFFECTIVE TREATMENT. LENGTH OF STAY IN THE INSTITUTION FROM WHICH RELEASED IS TABULATED IN TABLE 4, WHILE TABLE 5 SHOWS THE AVERAGE DAILY POPULATION AT EACH INSTITUTION, ITS RATED CAPACITY, AND PER CAPITA COSTS.

FLEXIBILITY IN THE DECISION ABOUT WHEN THE CHILD IS READY FOR RELEASE IS AN ESSENTIAL COMPONENT OF AN INDIVIDUALIZED TREATMENT PROGRAM. IT HAS BEEN SUGGESTED, THEREFORE, THAT THE MINIMUM LENGTH OF STAY FOR CHILDREN PERMANENTLY COMMITTED TO THE YOUTH COMMISSION BE REMOVED FROM THE LAW.

CUSTODY OF THE YOUTH COMMISSION MAY BE TERMINATED PRIOR TO THE AGE OF TWENTY-ONE BY DISCHARGING THE CHILD TO THE CUSTODY OF HIS PARENTS OR GUARDIAN OR RETURN OF CUSTODY TO THE COMMITTING COURT. (RETURN OF CUSTODY TO THE COURT MAY BE INITIATED BY THE COURT, BY PARENT OR GUARDIAN, OR BY THE YOUTH COMMISSION). UNLESS THE CHILD IS RETURNED TO THE COURT, THE STATE PROVIDES GUIDANCE AND SUPERVISION IN THE COMMUNITY FOR CHILDREN RELEASED FROM YOUTH COMMISSION INSTITUTIONS.

AFTERCARE

CHILDREN RELEASED FROM STATE INSTITUTIONS SPEND AN AVERAGE OF 11 MONTHS IN THE AFTERCARE PROGRAM OF THE YOUTH COMMISSION. ABOUT 63 PER CENT ARE RELEASED TO THE CUSTODY OF THEIR PARENTS. THE REMAINDER ARE PLACED WITH RELATIVES, IN FOSTER OR GROUP HOMES, BOARDING SCHOOLS, OR CUSTODY IS TRANSFERRED TO THE LOCAL CHILD WELFARE AGENCY. A LIMITED NUMBER ARE LIVING INDEPENDENTLY. ACTUAL NUMBERS FOR THE 1970 FISCAL YEAR ARE SHOWN IN TABLE VI.

THE PLACEMENT OR AFTERCARE PROGRAM IS ADMINISTERED BY SIX REGIONAL OFFICES LOCATED IN CLEVELAND, AKRON, TOLEDO, COLUMBUS, ATHENS, AND CINCINNATI. EACH HAS A DIRECTOR AND FIELD COUNSELORS.

JUVENILES IN ADULT PENAL INSTITUTIONS

YOUTHS SIXTEEN AND SEVENTEEN YEARS OF AGE ARE SENT TO THE OHIO STATE REFORMATORY BY THE JUVENILE COURT, THE COMMON PLEAS COURT, AND OCCASIONALLY BY THE OHIO YOUTH COMMISSION. THE DECISION TO TRANSFER JUVENILE CASES TO THE COMMON PLEAS COURT MAY BE BASED PARTLY ON THE JUDGE'S OPINION THAT REHABILITATION IS UNLIKELY TO PROGRESS TO THE POINT WHERE THE OFFENDER MAY BE SAFELY RELEASED BY THE AGE OF TWENTY-ONE. A REVIEW, BASED PURELY ON THE MOST SERIOUS OFFENSE WITH WHICH THE OFFENDER WAS CHARGED, SHOWS LITTLE DIFFERENCE IN OFFENSES FOR WHICH JUVENILES ARE SENT TO THE REFORMATORY BY THE JUVENILE COURT OR THE COMMON PLEAS COURT OR ARE SENT TO TICO, EXCEPT THAT TWO MANSLAUGHTER CASES ARE INCLUDED IN THE COMMON PLEAS COURT GROUP.

ALTHOUGH THE DELINQUENCY OFFENSE IS ONLY ONE FACTOR IN THE DISPOSITIONAL DECISION, IT APPEARS FROM THE AVAILABLE INFORMATION THAT THESE YOUTHS COULD AS WELL HAVE BEEN COMMITTED TO A MEDIUM SECURITY FACILITY OPERATED BY THE YOUTH COMMISSION, WERE IT CONSIDERED DESIRABLE TO REMOVE THE JUVENILE COURT'S AUTHORITY TO COMMIT JUVENILES TO THE REFORMATORY.

THE DIVISION OF CORRECTION OF THE DEPARTMENT OF MENTAL HYGIENE AND CORRECTION, CHARGED WITH THE OPERATION OF THE REFORMATORY FOR FIRST OFFENDERS BETWEEN THE AGES OF SIXTEEN AND THIRTY, HAS DEVELOPED A SEPARATE PROGRAM FOR NONAGGRESSIVE INMATES AND HAS HOUSED THEM IN A SEPARATE DORMITORY SINCE AUGUST, 1964. THIS PROGRAM IS PLANNED TO ACCOMMODATE APPROXIMATELY 175 YOUTHS.

FINANCING

THE AVERAGE DAILY PER CAPITA COST FOR CHILDREN IN EACH OHIO YOUTH COMMISSION FACILITY IS SHOWN IN TABLE V. COST OF RUNNING THESE FACILITIES, THE THREE BUREAUS IN THE DIVISION OF COMMUNITY SERVICES, AND CENTRAL OFFICE ADMINISTRATION WAS \$19,654,448 IN THE FISCAL YEAR ENDING JUNE 30, 1970.

TO SERVE THE DOUBLE PURPOSE OF LIMITING THE POPULATION OF YOUTH COMMISSION INSTITUTIONS TO THE MOST SERIOUS OFFENDERS AND TO PROVIDE INCENTIVES FOR LOCAL COMMUNITIES TO DEVELOP SERVICES FOR THOSE WHO CAN BE TREATED IN THE COMMUNITY, SOME STATES HAVE TAKEN STEPS (BEYOND THOSE IN OHIO IN PROVIDING A SUBSIDY) FOR NEW REHABILITATION FACILITIES. THESE INCLUDE SUBSIDIES FOR TREATMENT IN PRIVATE INSTITUTIONS AND REQUIREMENTS FOR COUNTY PARTICIPATION IN MEETING THE COSTS OF CARE UNDER THE STATE PROGRAM.

IN NEW YORK STATE, THE LOCALITIES ARE REIMBURSED FOR 50 PER CENT OF THE COST OF CARE OF DELINQUENTS IN PRIVATE INSTITUTIONS AND ARE REQUIRED TO REIMBURSE THE STATE 50 PER CENT OF THE COST OF CARE IN STATE FACILITIES.<sup>4</sup> THE STATE OF CALIFORNIA MEETS HALF OF THE COST OF REHABILITATION IN HOMES, RANCHES AND CAMPS, UP TO A MAXIMUM OF \$95, AND REQUIRES COUNTIES TO PAY \$25 PER MONTH TO THE STATE FOR CHILDREN COMMITTED TO THE YOUTH AUTHORITY AND UNDER CARE IN AN INSTITUTION OR IN THE AFTERCARE PROGRAM.<sup>5</sup>

ALTHOUGH IT APPEARS, FROM THE EXPERIENCE IN CUYAHOGA COUNTY, THAT THE COST OF OPERATING LOCAL FACILITIES MAY BE HIGHER THAN THAT OF THE STATE PROGRAM, THE DIFFERENCE MAY BE LARGELY DUE TO THE SERVICES PROVIDED. DANIEL JOHNSON, FORMER DIRECTOR OF THE OHIO YOUTH COMMISSION, DISCUSSED THE NEW YORK EXPERIENCE WITH THREE UNITS OF 50 TO 100 BEDS.

OPERATING COSTS ARE NOT TOO DIFFERENT AS BETWEEN LARGE AND SMALL FACILITIES. FOOD AND POSSIBLY CLOTHING ARE MORE EXPENSIVE BUT SINCE PERSONNEL COSTS ARE THE LARGEST SINGLE ITEM (80 PER CENT OF THE OPERATING BUDGET) THESE ARE NOT REALLY SIGNIFICANT. MORE SIGNIFICANT FINANCIALLY IS THAT THE PROGRAM IS MORE EFFECTIVE AND CHILDREN ARE WORKED WITH ON A MORE INDIVIDUAL BASIS, SO THAT THE CHILDREN'S TIME IS NOT WASTED IN WAITING FOR ACCESS TO TREATMENT SERVICES AND LENGTH OF STAY CAN BE REDUCED AS A RESULT.<sup>6</sup>

SHOULD COMMUNITY-BASED RESIDENTIAL PROGRAMS BE DEVELOPED TO THE EXTENT REPORTED DESIRABLE BY COURTS PARTICIPATING IN THE SURVEY, AND ADMISSIONS TO THE OHIO YOUTH COMMISSION FACILITIES DECREASED WITH AN ACCOMPANYING INCREASE IN THE AVERAGE LENGTH OF STAY ABOUT TWO-THIRDS OF THE PRESENT STAY, THE BURDEN IN TERMS OF DAYS CARE WOULD BE SOMEWHAT SIMILAR FOR STATE AND LOCAL FACILITIES.

ALTHOUGH OPPORTUNITIES FOR SEGREGATION BY AGE, BY EXTENT OF PSYCHOSOCIAL MALADJUSTMENT, AND BY TREATMENT NEEDS ARE INCREASING, THE AVAILABLE STATE INSTITUTIONS AND PROGRAMS STILL FALL SHORT OF MEETING THE NEEDS FOR RESIDENTIAL TREATMENT. SINCE MANY OF THE CHILDREN NOW COMMITTED TO THE STATE COULD BE TREATED IN THEIR OWN COMMUNITIES WITH A GREATER POSSIBILITY OF SUCCESS, DEVELOPMENT OF COMMUNITY-BASED PROGRAMS APPEARS MORE IMPORTANT THAN FURTHER EXPANSION OF EXISTING INSTITUTIONS. RETURNING CHILDREN FOUND TO BE SUITABLE FOR SHORT-TERM OR COMMUNITY-BASED TREATMENT TO THE COMMUNITY AS SOON AS POSSIBLE AND PROVIDING A FINANCIAL INCENTIVE TO COMMUNITIES TO DEVELOP LOCAL JUVENILE CORRECTION SERVICES ARE TWO WAYS OF MAKING IT POSSIBLE TO PROVIDE THE NECESSARY STATE INSTITUTIONAL CARE AND TREATMENT TO THE MORE SERIOUSLY DELINQUENT CHILDREN.

RESEARCH

THE OBJECTIVE MEASUREMENT OF SUCCESS OR FAILURE OF OLD AND NEW WAYS OF TREATING DELINQUENT CHILDREN, AND OF EFFECTIVE PROGRAM PLANNING, DEPENDS ON THE PROVISION OF THE NECESSARY INFORMATION AND WELL-DESIGNED RESEARCH PROJECTS. IN OHIO, SOME RESEARCH IS CARRIED ON BY INSTITUTIONS OF HIGHER LEARNING,<sup>7</sup> BUT THESE STUDIES ARE NOT PRIMARILY DESIGNED TO MEET THE OVERALL NEEDS OF PROGRAM DEVELOPMENT.

PRESENTLY THE STATISTICAL AND RESEARCH ARMS OF THE OHIO YOUTH COMMISSION ARE LUMPED TOGETHER WITH THE PRIMARY EMPHASIS BEING PLACED IN THE AREA OF STATISTICS. THE NEED FOR ADDITIONAL RESEARCH STAFF IS OBVIOUS.

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FOOTNOTES, CHAPTER IV

1. 1966 Ops. Atty. Gen. Ohio No. 66083.
2. ANNUAL REPORT, 1965, BLOSSOM HILL SCHOOL, DIVISION OF CHILD WELFARE, COUNTY OF CUYAHOGA, P. 11, AND INFORMATION PROVIDED BY MT. FRANK H. MANWELL, SUPERINTENDENT OF CLEVELAND BOYS SCHOOL.
3. THE DIRECTION FOR THE EARLY STATE REHABILITATION PROGRAM WAS PROVIDED BY BOARDS APPOINTED TO ADMINISTER THE INDIVIDUAL INSTITUTIONS BUT WAS ASSUMED BY THE DEPARTMENT OF PUBLIC WELFARE IN 1890. BY 1954, WHEN THE MENTAL HEALTH AND CORRECTION FUNCTIONS AND THE PUBLIC WELFARE PROGRAM WERE SEPARATED INTO TWO DEPARTMENTS, THE SERVICES FOR DELINQUENT CHILDREN PROVIDED BY THE DIVISION OF JUVENILE RESEARCH, CLASSIFICATION AND TRAINING INCLUDED CENTRAL RECEPTION, DIAGNOSIS, CLASSIFICATION, TREATMENT AND AFTERCARE AS WELL AS INSTITUTIONAL PLACEMENT.
4. LETTER FROM WILLARD F. JOHNSON, DIRECTOR OF STATE INSTITUTIONS, JANUARY 21, 1965, APPENDIX B-17 OF WELFARE FEDERATION OF CLEVELAND SUBCOMMITTEE ON STATE SERVICES FOR DELINQUENTS REPORT.
5. CALIFORNIA WELFARE AND INSTITUTIONS CODE, SEC. 887 AND 912.
6. JOHNSON, LETTER OF MAY 17, 1965.
7. THE DEPARTMENT OF SOCIOLOGY AND ANTHROPOLOGY AT OHIO STATE UNIVERSITY MADE A STUDY OF THE EFFECTIVENESS OF TICQ'S REHABILITATION PROGRAM IN CHANGING ATTITUDES AND IN RELATION TO FUTURE CRIMINAL INVOLVEMENT.

## CHAPTER V. RECENT DEVELOPMENTS IN JUVENILE CORRECTION

INCREASED ATTENTION TO THE PROBLEMS INHERENT IN THE JUVENILE CORRECTION SYSTEM HAS FAILED TO ACHIEVE DEFINITIVE SOLUTIONS. HOWEVER, EXPERIMENTAL PROGRAMS OFFER HOPE FOR DEVELOPING BETTER TREATMENT AND FOR OFFERING TREATMENT TO MORE CHILDREN.

BASIC PROBLEMS IN THE SYSTEM HAVE REMAINED ESSENTIALLY UNCHANGED DURING ITS LONG HISTORY. INCREASED ATTENTION TO THEM HAS BEEN ATTRIBUTED TO THE POPULATION EXPLOSION WHICH PRODUCED MORE DELINQUENT CHILDREN, GREATER CONCENTRATIONS OF POPULATION IN CITIES, LESSENING OF PARENTAL CONTROL OVER AN INCREASINGLY MOBILE YOUNGER GENERATION, A REVOLT AMONG LAWYERS AND JURISTS "AGAINST CERTAIN UNORTHODOX" PRACTICES,<sup>2</sup> AND TO GROWING RECOGNITION THAT TRADITIONAL METHODS OF TREATMENT WERE QUANTITATIVELY AND TO SOME EXTENT METHODOLOGICALLY INADEQUATE TO REACH THE BULK OF COURT CASES.

### APPELLATE COURT DECISIONS

BECAUSE OF THE NONCRIMINAL NATURE OF JUVENILE COURT PROCEDURES, THE BROAD AUTHORITY OF THE JUDGE, AND THE LOOSE DEFINITION OF DELINQUENCY, JUVENILE COURT DECISIONS HAVE NOT LENT THEMSELVES TO APPEAL TO HIGHER COURTS. AT THE SAME TIME, HOWEVER, THERE APPEARS TO BE A TREND TOWARD REVERSAL OF JUVENILE COURT DECISIONS WHEN CONSTITUTIONAL GUARANTEES HAVE NOT BEEN OBSERVED.

IN 1956, THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA IN SHIOUTAKON V. DISTRICT OF COLUMBIA, HELD THAT ". . . IN THIS AND IN SIMILAR CASES IN THE FUTURE, THE JUVENILE MUST BE ADVISED THAT HE HAS A RIGHT TO ENGAGE COUNSEL OR TO HAVE COUNSEL NAMED ON HIS BEHALF."<sup>3</sup>

THE UNITED STATES SUPREME COURT, IN RECENT YEARS, HAS DEFINED A TREND TOWARD THE EXPANSION OF THE SAFEGUARDS PROVIDING A MAXIMUM OF PROCEDURAL DUE PROCESS TO PERSONS ACCUSED OF CRIMES. A DECISION HANDED DOWN IN 1966 CONCERNED THE TRANSFER OF A YOUTH BY THE JUVENILE COURT IN THE DISTRICT OF COLUMBIA TO A COURT OF GENERAL JURISDICTION FOR CRIMINAL PROSECUTION. THE SUPREME COURT HELD THAT THE JUVENILE JUDGE HAD ERRED IN TRANSFERRING THE CASE WITHOUT A REQUESTED HEARING SINCE THE DECISION TO TRANSFER WAS REGARDED AS ONE OF "CRITICAL IMPORTANCE."

IN WRITING THE COURT'S OPINION, JUSTICE ABE FORTAS SUGGESTED THE EXPANSION OF CONSTITUTIONAL SAFEGUARDS:

WHILE THERE CAN BE NO DOUBT OF THE ORIGINAL LAUDABLE PURPOSE OF JUVENILE COURTS, STUDIES AND CRITIQUES IN RECENT YEARS RAISE SERIOUS QUESTIONS AS TO WHETHER ACTUAL PERFORMANCE MEASURES WELL ENOUGH AGAINST THEORETICAL PURPOSE TO MAKE TOLERABLE THE IMMUNITY OF THE PROCESS FROM THE REACH OF CONSTITUTIONAL GUARANTEES APPLICABLE TO ADULTS.

THERE IS EVIDENCE IN FACT THAT THERE MAY BE GROUNDS FOR CONCERN THAT THE CHILD RECEIVES THE WORST OF BOTH WORLDS: THAT HE GETS NEITHER THE PROTECTIONS ACCORDED TO ADULTS NOR THE SOLICITOUS CARE AND REGENERATIVE TREATMENT POSTULATED FOR CHILDREN.

## JUVENILE JUSTICE, CHAPTER V CONT'D

THE CASE WAS, HOWEVER, DECIDED ON THE BASIS OF THE DISTRICT'S LAW AND THE DECISION INCLUDED THE STATEMENT: "THIS CONCERN, HOWEVER, DOES NOT INDUCE US IN THIS CASE TO ACCEPT THE INVITATION TO RULE THAT CONSTITUTIONAL GUARANTEES WHICH WOULD BE APPLICABLE TO ADULTS CHARGED WITH SERIOUS OFFENSES FOR WHICH KENT WAS TRIED MUST BE APPLIED TO JUVENILE COURT PROCEEDINGS CONCERNED WITH ALLEGATION OF LAW VIOLATIONS."<sup>4</sup>

THE SUPREME COURT OF OHIO HAS CONSISTENTLY HELD TO THE NONCRIMINAL INTERPRETATION OF JUVENILE COURT LAW. IN 1962 THE COURT OF APPEALS WAS REVERSED AFTER ALLOWING A WRIT OF HABEAS CORPUS. IN THIS CASE A SEVENTEEN-YEAR-OLD BOY WAS SENTENCED TO THE OHIO STATE REFORMATORY BY THE JUVENILE COURT. THE STATE SUPREME COURT OPINION STATED, IN PART:

THE PROVISIONS REFERRED TO IN OUR STATE CONSTITUTION RELATE TO THE PRESERVATION OF THE RIGHT OF TRIAL BY JURY AND TO THE RIGHTS OF THE ACCUSED IN CRIMINAL PROSECUTIONS. WE DO NOT REGARD THIS CASE AS COMING WITHIN THE OPERATION OF EITHER OF THESE PROVISIONS. IT IS NEITHER A CRIMINAL PROSECUTION NOR A PROCEEDING ACCORDING TO THE COURSE OF THE COMMON LAW, IN WHICH THE RIGHT TO A TRIAL BY JURY IS GUARANTEED.

THE PROCEEDING IS PURELY STATUTORY; AND THE COMMITMENT IN CASES LIKE THE PRESENT, IS NOT DESIGNED AS A PUNISHMENT FOR CRIME, BUT TO PLACE MINORS OF THE DESCRIPTION AND FOR THE CAUSES SPECIFIED IN THE STATUTE, UNDER THE GUARDIANSHIP OF THE PUBLIC AUTHORITY NAMED, FOR PROPER CARE AND DISCIPLINE, UNTIL THEY ARE REFORMED OR ARRIVE AT THE AGE OF MAJORITY.<sup>5</sup>

THE U. S. SUPREME COURT DECISIONS CONCERNING KENT (1966) AND GAULT (1967) HAVE HAD SOME FAR-REACHING EFFECTS ON THE JUVENILE COURTS. (SEE OHIO LEAGUE OF WOMEN VOTERS "PERTINENT DECISIONS OF THE HIGHER COURTS.")

### CLASSIFICATION AND TREATMENT

THE NEED FOR MORE EFFECTIVE METHODS OF TREATMENT HAS LED TO THE DEVELOPMENT OF PROGRAMS WHICH SHOW PROMISE IN THE TREATMENT OF THE VARIOUS PSYCHOSOCIAL ILLS OF JUVENILE DELINQUENTS.

THE TERM "TREATMENT" HAS MANY MEANINGS. IN CONSIDERING PROGRAMS FOR JUVENILE DELINQUENTS, IT IS USEFUL TO DEFINE TREATMENT (FOR WANT OF A BETTER WORD) AS ANY MEANS OF MODIFYING BEHAVIOR SO THAT IT FALLS WITHIN THE RANGE TOLERATED IN THE GENERAL CULTURE OF THE COMMUNITY.

THE FAILURE OF SEVERE PHYSICAL PUNISHMENT AND ISOLATION TO STOP EITHER JUVENILE OR ADULT CRIME IS A MATTER OF HISTORICAL RECORD. THE EXTENT TO WHICH THE INCIDENCE AND SEVERITY OF JUVENILE OFFENSES WOULD HAVE BEEN GREATER OR LESS, HAD THE INDIVIDUALIZED TREATMENT EXPERIMENT OF THE JUVENILE COURT NOT BEEN ATTEMPTED, CANNOT BE MEASURED. THE ENVISIONED APPLICATION OF MEDICAL AND BEHAVIORAL KNOWLEDGE TO THE DELINQUENT CHILD HAS OCCURRED TO ONLY A LIMITED EXTENT. WHEN THEY HAVE BEEN APPLIED, THE PROCESSES OF DIAGNOSIS, TREATMENT, AND RE-EDUCATION HAVE NOT PERFORMED MIRACLES. THE TASK OF PROVIDING EDUCATION AND RECREATION FOR THE TIDE OF NORMAL CHILDREN HAS REQUIRED SO MUCH TIME, ATTENTION, AND MONEY THAT PUBLIC SUPPORT FOR SERVICES FOR CHILDREN WHO HAVE "SLIPPED THROUGH THE MESHES"<sup>6</sup> OF ORDINARY CHILD REARING METHODS HAS NOT KEPT PACE WITH THE NEED. A CRIMINOLOGIST WRITES:

NEITHER OUR JUVENILE INSTITUTIONS NOR OUR EXTRA-INSTITUTIONAL PREVENTIVE AND/OR REHABILITATIVE PROGRAMS--NOR THE MORE PUNITIVE AND REPRESSIVE CAMPAIGNS FAVORED... IN SOME OF OUR COMMUNITIES--CAN CLAIM MUCH SUCCESS IN COPING WITH THE JUVENILE PROBLEM. WITH FEW EXCEPTIONS OUR REFORM SCHOOLS PREPARE THEIR ALUMNI FOR SUCCESSFUL POST-GRADUATE CAREERS IN OUR PENITENTIARIES WHILE OUR OUTPATIENT FACILITIES SUCCEED ONLY RARELY IN ADJUSTING OR CONFORMING THEIR CLIENTELE TO WHAT IS IN SO MANY CASES AN ABNORMAL ENVIRONMENT. FEW INSTITUTIONS, POLICE OR PROBATION SERVICES ARE PROVIDED WITH SUFFICIENT FUNDS, PROFESSIONAL STAFF, AND PUBLIC UNDERSTANDING AND SUPPORT TO CARRY ON OTHER THAN A HOLDING OPERATION... COMPOUNDING THIS PROBLEM IS THE REJECTION BY MANY AGENCIES AND WORKERS IN THE FIELD OF APPROACHES WHICH GIVE PROMISE OF SOMEWHAT GREATER SUCCESS THAN OUR PRESENT ABORTIVE EFFORTS.

THE CONSENSUS IN THE JUVENILE CORRECTIONAL FIELD NOW IS THAT THE GREATEST PROMISE FOR REHABILITATION OF ADJUDICATED DELINQUENTS LIES IN THE COMMUNITY. J. ROBERT WEBER, CONSULTANT ON JUVENILE INSTITUTIONS FOR THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY WRITES, "THE PROBLEM IS NOT SOLVED IN MASS CONGREGATE INSTITUTIONS; IT IS MERELY POSTPONED." EXAMPLES OF LOCAL PROGRAMS WHICH HE SAYS HOLD PROMISE FOR EFFECTIVE TREATMENT ARE DAY CARE,<sup>8</sup> GROUP LIVING IN A COMMUNITY RESIDENCE, AND FAMILY TREATMENT SERVICES.<sup>9</sup>

SOME OF THE APPROACHES WHICH HAVE BEEN USED WITH A DEGREE OF SUCCESS IN OHIO AND OTHER STATES ARE DESCRIBED BRIEFLY HERE.

#### CLASSIFICATION

ONE OF THE FIRST PERPLEXING PROBLEMS IS THE CLASSIFICATION OF THE CHILDREN TO BE TREATED. IF VARIED PROGRAMS AND FACILITIES ARE NEEDED FOR DIFFERENT TYPES OF DELINQUENTS, SOME MEANS OF DESIGNATING PROBLEM AREAS IS HELPFUL. SOME INSTITUTIONS CLASSIFY YOUTHS ACCORDING TO MATURITY LEVEL SCALES. OFTEN THESE INSTITUTIONS SEPARATE THOSE CHILDREN OF ONE MATURITY LEVEL FROM THOSE OF ANOTHER FOR LIVING AND TREATMENT PURPOSES.

ANOTHER CLASSIFICATION SYSTEM SEPARATES THE OFFENDER WHOSE DELINQUENCY IS A GROUP PHENOMENON (AND WHO DOES NOT RESPOND TO THE TYPICAL INDIVIDUAL CLINICAL APPROACH) FROM THE NEUROTIC OR PREPSYCHOTIC DELINQUENT WHO DOES NOT BENEFIT FROM OR REACTS ADVERSELY TO GROUP APPROACHES. THESE TWO BROAD CATEGORIES ARE SUGGESTED BY RESEARCHERS AT BERKSHIRE FARM FOR BOYS IN CANAAN, NEW YORK. THE AGENCY DIRECTOR, ABRAHAM NOVICK, RECOMMENDS THREE TYPES OF TREATMENT PROGRAMS: GROUP THERAPY, ENVIRONMENTAL MANIPULATION, EDUCATION AND VOCATIONAL SERVICES FOR THE FIRST GROUP; TREATMENT BY THE PSYCHIATRIC TEAM FOR THE SECOND GROUP; AND COMBINED INDIVIDUAL AND GROUP TECHNIQUES IN A "HIGHLY FLEXIBLE AND UNSTRUCTURED" PROGRAM FOR A THIRD GROUP, WHICH HE DESCRIBES AS THE "HIGHLY IMPULSIVE CHILD WITH LOW FRUSTRATION TOLERANCE, UNABLE TO RESPOND TO A STRUCTURED PROGRAM AND REQUIRING CONSTANT SUPERVISION."<sup>10</sup>

AMONG JUVENILES APPREHENDED BY THE POLICE, AND TO A LESSER EXTENT THOSE APPEARING IN COURT, IS ANOTHER TYPE OF MISBEHAVING CHILD WHO RETAINS HIS ASSOCIATION WITH CONFORMING GROUPS AND WHO IS NOT EMOTIONALLY DISTURBED; THE TRANSITORY, SITUATIONAL, OR EXPERIMENTAL DELINQUENT. HE IS RARELY SEEN IN INSTITUTIONAL SETTINGS, HAVING, IN MOST CASES, RESPONDED EARLIER TO THE COMMUNITY'S DISAPPROVAL AND TO LESS STRINGENT DISCIPLINARY MEASURES.

#### TREATMENT

A PROCESSION OF CHILDREN OF ALL DESCRIPTIONS MUST BE FITTED INTO EXISTING REHABILITATION PROGRAMS OR SERVICES MUST BE FOUND FOR THEM. THE GROWTH OF PROBATION PROGRAMS AND EXPRESSIONS BY JUVENILE JUDGES OF THE NEED FOR FOSTER HOMES ATTESTS TO THE PREVALENCE OF THE VIEW THAT THESE EFFORTS ARE RELATIVELY SUCCESSFUL. ALTHOUGH A COMPREHENSIVE REVIEW OF AVAILABLE INFORMATION HAS NOT BEEN ATTEMPTED, SUMMARIES OF SOME PUBLISHED DESCRIPTIONS OF PROJECTS DESIGNED TO PROVIDE NON-INSTITUTIONAL TREATMENT AND THEIR RESULTS ARE OF INTEREST.

#### FOSTER HOME CARE

ALTHOUGH THE DEVELOPMENT OF FOSTER HOME PROGRAMS FOR DELINQUENT CHILDREN OFTEN SEEMS TO PRESENT INSURMOUNTABLE OBSTACLES, THE REGULAR HOME FINDERS IN A CHILD WELFARE PROGRAM IN A MINNESOTA COMMUNITY FOUND THAT THE MAJORITY OF APPLICANTS INTERESTED IN CARING FOR ADOLESCENT GIRLS WERE WILLING TO TAKE DELINQUENT GIRLS. IT IS REPORTED THAT SOME GIRLS RESPOND QUICKLY, OTHERS MAKE VARYING DEGREES OF PROGRESS, AND SOME ARE FIGHTING SO HARD FOR THE LOVE OF REJECTING PARENTS THAT THEY CAN NEVER ACCEPT A FOSTER HOME PLACEMENT. THE GOAL IS PRIDE IN A NEW REPUTATION WITH AN ACCOMPANYING ABILITY TO MAINTAIN IT.<sup>11</sup> THE OHIO YOUTH COMMISSION HAS A SUBSIDY PROGRAM FOR COUNTY FOSTER CARE SERVICES FOR DELINQUENT YOUTH. UPON APPROVAL OF THE HOMES TO BE USED, THE YOUTH COMMISSION WILL PAY UP TO ONE-HALF OF THE COST TO THE COUNTY FOR SUCH CARE, NOT TO EXCEED TWO DOLLARS PER CHILD PER DAY.

#### REFERRAL TO VOLUNTARY CASEWORK AGENCIES

ONE OF THE DISPOSITIONS OPEN TO THE JUVENILE COURT IS REFERRAL TO A CASEWORK AGENCY IN THE COMMUNITY. A STUDY OF THE RESULTS OF SUCH REFERRALS WAS MADE IN CUYAHOGA COUNTY. THOSE NEEDING REFERRAL, BOTH CHILDREN AND PARENTS, ARE AMONG THE MOST SEVERELY EMOTIONALLY HANDICAPPED IN THE COMMUNITY.<sup>12</sup> YOUTHS ARE SEEN WEEKLY BY WORKERS WHO SOMETIMES FIND IT NECESSARY TO MODIFY THE APPROACHES EMPLOYED FOR CLIENTS WHO SEEK HELP. ABOUT HALF OF THE 157 CASES INCLUDED WERE CONSIDERED TO HAVE MADE PROGRESS. COMPARABLE COST DATA FOR PROBATION AND CASEWORK SERVICES IS NOT GIVEN, BUT THE COSTS FOR NON-INSTITUTIONAL SERVICES COVERING A PERIOD OF 18 MONTHS ARE MUCH LESS THAN THE COST OF 6 TO 12 MONTHS OF INSTITUTIONAL PLACEMENT.<sup>13</sup>

#### GROUP COUNSELING

GROUP COUNSELING OR GROUP THERAPY OR GROUP INTERACTION HAS BEEN USED IN RECENT YEARS IN AN EFFORT TO BROADEN THE INFLUENCE OF SCARCE PROFESSIONAL PERSONNEL AND TO REACH CHILDREN NOT AMENABLE TO TRADITIONAL INDIVIDUAL THERAPY METHODS.

A NEW YORK STUDY OF THIS TECHNIQUE FOUND THAT THE CHILDREN MUST BE CONVINCED THAT THERE IS AN ADULT THAT IS "RESPECTFUL OF THEIR NEEDS FOR SAFETY, PROTECTION, FUN, AND RECOGNITION WHOM THEY CAN TRUST AND LOVE" AND WHOSE FAIRNESS CAN BE EMULATED AND APPLIED BY THEMSELVES. GROUP MEMBERS GRADUALLY SEE, WITH HELP, THE EFFECT OF THEIR BEHAVIOR ON EACH OTHER AND THE QUALITY OF THE MEETING AND SOON CONNECT THEIR BEHAVIOR IN THE GROUP SETTING WITH BEHAVIOR IN THE SCHOOL AND THE COMMUNITY.<sup>14</sup>

IN OHIO, GROUP THERAPY IS IN USE AT BOTH THE COURT AND INSTITUTIONAL LEVELS. GROUP THERAPY HAS BEEN USED FOR BOYS UNDER PSYCHIATRIC TREATMENT AT FAIRFIELD SCHOOL FOR BOYS, AND THE CUYAHOGA, HAMILTON, AND MONTGOMERY COUNTY JUVENILE COURTS HAVE PROGRAMS.

COMMUNITY TREATMENT OF DELINQUENTS COMMITTED TO THE STATE

SIXTEEN STATES HAVE WHAT IS CALLED "DIAGNOSTIC PAROLE" PROGRAMS IN WHICH DELINQUENT YOUTHS WHO HAVE BEEN COMMITTED TO THE STATE BUT WHO ARE DETERMINED AFTER DIAGNOSTIC STUDY NOT TO NEED INSTITUTIONAL TREATMENT ARE RETURNED TO THE COMMUNITY UNDER STATE SUPERVISION.<sup>15</sup>

DELINQUENCY CONTROL UNITS IN THE COMMUNITY PROVIDE INCREASED GENERAL SUPERVISION, INTENSIVE INDIVIDUAL COUNSELING, SCHOOL TUTORING, SHORT-TERM DISCIPLINARY CUSTODY, INCREASED USE OF SUBSIDIZED OUT-OF-HOME PLACEMENTS, AND PSYCHIATRIC AND GROUP WORK COUNSELING FOR THE CHILD'S SUPERVISOR.

EVALUATIONS OF RESIDENTIAL PROGRAMS POINT TO THE ADVANTAGES TO BE GAINED FROM REDUCTION IN INSTITUTIONAL SIZE AND IN DIVERSITY OF POPULATION. SOME EVIDENCE IS PRESENTED CONCERNING BENEFITS TO BE GAINED FROM PROVIDING OPPORTUNITIES FOR SHORT-TERM AS WELL AS LONG-TERM INSTITUTIONAL PLACEMENT.<sup>16</sup>

SIZE OF CORRECTIONAL INSTITUTIONS

NATIONWIDE DATA COLLECTED BY THE CHILDREN'S BUREAU CONCERNING PUBLIC INSTITUTIONS FOR DELINQUENT CHILDREN SHOW A LOWER RETURNEE RATE FOR INSTITUTIONS HAVING CAPACITIES OF LESS THAN 150 THAN FOR LARGER FACILITIES (6.1 FOR INSTITUTIONS OF LESS THAN 150 CAPACITY AND 24.2 AND 25.2 FOR THOSE ACCOMMODATING 150 TO 299 AND 300 OR MORE IN 1964.)<sup>17</sup>

EXPERIENCE HAS DEMONSTRATED THAT IT IS DIFFICULT TO OPERATE AN EFFECTIVE TREATMENT PROGRAM FOR DELINQUENT CHILDREN IN LARGE INSTITUTIONS. THE ADMINISTRATION, IT IS POINTED OUT, TENDS TO BECOME COMPLEX, CUMBERSOME, AND TO SOME EXTENT IMPERSONAL, WITH DIRECTION AND LEADERSHIP OF THE INSTITUTION SEPARATED FROM THE CHILDREN BY VARIOUS LEVELS OF STAFF. THE MAXIMUM CAPACITY RECOMMENDED IS 150 CHILDREN.<sup>18</sup> IT IS CONTENDED THAT IN THE LARGER INSTITUTIONS THE VALUES OF THE DELINQUENT SUBCULTURE WITHIN THE INSTITUTION PREVAIL RATHER THAN THOSE OF THE ADMINISTRATION AND THAT INSTITUTIONAL ARRANGEMENTS ARE SUCH AS TO TOLERATE CLEVER AND SURREPTITIOUS EVASION OF THE RULES.

IT HAS BEEN POINTED OUT THAT A CERTAIN NUMBER OF CHILDREN MAY PROFIT FROM THE ORDERLINESS AND ROUTINE OF INSTITUTIONAL LIFE. IT WAS DISCOVERED IN A CALIFORNIA STUDY, HOWEVER, THAT MOST CRITERIA USED BY INSTITUTION STAFF FOR EVALUATING PROGRESS WITH THEIR PARTICULAR EMPHASIS ON CONFORMITY TO INSTITUTIONAL LIFE APPEAR TO HAVE LITTLE RELATION TO SUCCESS OR FAILURE ON PAROLE.<sup>19</sup>

LENGTH OF STAY IN CORRECTIONAL INSTITUTIONS

THE GENERAL CONFUSION CONCERNING THE OPTIMUM LENGTH OF TIME FOR RETENTION OF A DELINQUENT CHILD IN A CORRECTIONAL INSTITUTION PROBABLY RESULTS FROM THE ATTEMPT TO IMPOSE A STANDARD PROCEDURE ON ALL CHILDREN COMMITTED REGARDLESS OF THE TYPE OF PROBLEM AND EXTENT OF DAMAGE. PROFESSOR CLENDENEN WRITES:

... A NUMBER OF YOUNGSTERS (COMMITTED TO THE STATE IN KENTUCKY) ARE READY TO BE RETURNED TO THE COMMUNITY AS SOON AS ADEQUATE DIAGNOSTIC STUDIES CAN BE COMPLETED, A PERIOD REQUIRING NO MORE THAN SIX TO EIGHT WEEKS. OUR EXPERIENCE HAS SHOWN THAT THE RETENTION OF SUCH BOYS AND GIRLS FOR A MORE EXTENDED PERIOD COULD BE ACTUALLY DETRIMENTAL TO THEIR WELFARE AND SUBSEQUENT ADJUSTMENT. WE RECOGNIZE THAT MANY BOYS AND GIRLS DO REQUIRE LONGER PERIODS OF INSTITUTIONAL

TREATMENT, BUT THE ESTABLISHMENT OF MINIMUMS FOR ALL YOUNGSTERS COMMITTED AS DELINQUENTS VIOLATES A BASIC PRINCIPLE THAT TREATMENT MUST BE ON AN INDIVIDUAL BASIS.<sup>20</sup>

WEBER WRITES THAT IN HIS JUDGMENT, LENGTH OF STAY IS LARGELY AN IRRELEVANT FACTOR IN THE REHABILITATION OF JUVENILE OFFENDERS IN LARGE INSTITUTIONS.<sup>21</sup>

PRIVATE TRAINING SCHOOLS

THE USE OF PRIVATE TRAINING SCHOOLS IS LIMITED BY AVAILABILITY AND COST; ONLY A LIMITED NUMBER OF CHILDREN ARE COMMITTED BY OHIO COURTS EACH YEAR (LESS THAN ONE PER CENT OF REPORTED DISPOSITIONS IN 1965).

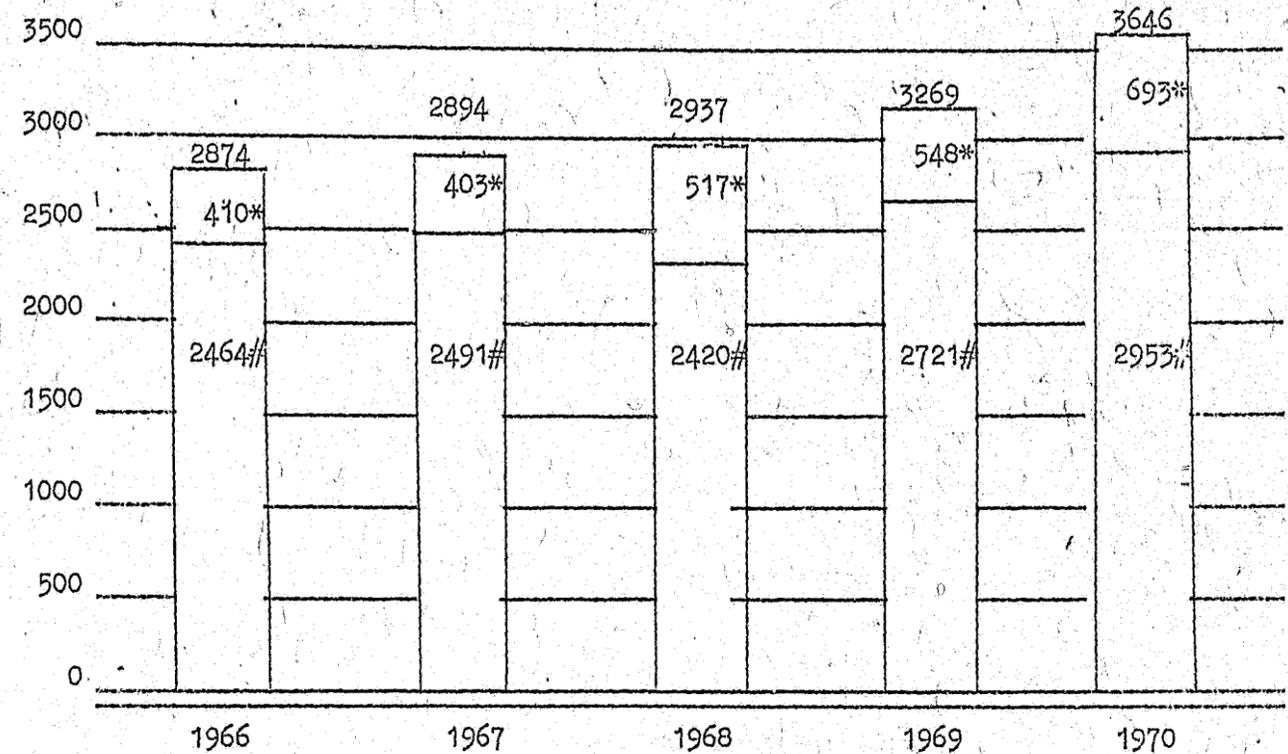
FOOTNOTES, CHAPTER V

1. MARGARET ROSENHEIM IN JUSTICE FOR THE CHILD, (NEW YORK, THE FREE PRESS OF GLENCOE, 1962) P. 1.
2. PAUL W. ALEXANDER, "CONSTITUTIONAL RIGHTS IN THE JUVENILE COURT," JUSTICE FOR THE CHILD, P. 83.
3. 236 F. 2d-666 (D.C.CIR., 1956).
4. KENT V. U.S., 86 S. CT. 1045.
5. IN RE DARNELL, 173 O.S. 335 (1962).
6. THIS EXPRESSION IS USED BY RUTH CAVAN IN HER BOOK, JUVENILE DELINQUENCY.
7. MACNAMARA, JUVENILE OFFENDERS, FORWARD, P. XII.
8. DAY CARE IS DESCRIBED BY AUTHORS AS A PROGRAM SUITABLE FOR CHILDREN WHOSE HOME ENVIRONMENTS ARE RELATIVELY ADEQUATE. THE CHILDREN SPEND THE NIGHT AT HOME, BUT BEFORE AND AFTER WORK OR SCHOOL AND ON WEEKENDS ARE UNDER TREATMENT AND SUPERVISION BY THE CORRECTIONAL AGENCY.
9. LETTER FROM J. ROBERT WEBER, JUVENILE INSTITUTIONS CONSULTANT, NATIONAL COUNCIL ON CRIME AND DELINQUENCY, MAY 17, 1966.
10. ABRAHAM G. NOVICK, "INSTITUTIONAL DIVERSIFICATION AND CONTINUITY OF SERVICE FOR COMMITTED JUVENILES", FEDERAL PROBATION, MARCH, 1964.
11. ELIZABETH V. HUNT, "FOSTER CARE FOR DELINQUENT GIRLS," CHILDREN, SEPT.-OCT., 1962, PP. 183-188.
12. SOL Z. ROSENBAUM, REPORT OF A PILOT STUDY OF REFERRALS TO COMMUNITY AGENCIES MADE OR DESIRED BY THE CUYAHOGA COUNTY JUVENILE COURT, FEB. 16 THROUGH MARCH 14, 1959, WELFARE FEDERATION OF CLEVELAND, MARCH, 1960, P. 11.
13. EVALUATION OF THE PURCHASE OF SERVICE PROJECT OF CUYAHOGA COUNTY JUVENILE AND CATHOLIC COUNSELING CENTER AND YOUTH SERVICE, WELFARE FEDERATION OF CLEVELAND, MARCH, 1966.
14. MARION STRANAHAN AND CECILE SCHWARTZMAN, "AN EXPERIMENT IN REACHING ASOCIAL ADOLESCENTS THROUGH GROUP THERAPY," THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, MARCH, 1959, PP. 117-125.
15. "DISCUSSIONS WITH J. ROBERT WEBER, INSTITUTIONAL CONSULTANT WITH THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY," REPORT OF THE SUBCOMMITTEE ON STATE SERVICE FOR DELINQUENTS, WELFARE FEDERATION OF CLEVELAND, JUNE, 1966, APPENDIX H.
16. LETTER FROM RICHARD J. CLENDENEN, PROFESSOR CRIMINAL LAW ADMINISTRATION, UNIVERSITY OF MINNESOTA, JULY 6, 1966.
17. THE RETURNEE RATE IS COMPUTED BY DIVIDING THE NUMBER OF CHILDREN RECOMMENDED BY THE COURT PLUS THOSE RETURNED FOR AFTERCARE VIOLATIONS DURING THE REPORTING PERIOD BY THE TOTAL OF ALL CHILDREN COMMITTED BY THE COURT PLUS THOSE RETURNED FOR AFTERCARE VIOLATIONS DURING THE REPORTING PERIOD.

18. INSTITUTIONS SERVING DELINQUENT CHILDREN--GUIDES AND GOALS, U.S. CHILDREN'S BUREAU, PUBL. No. 360, 1962, P. 33.
19. "THE FRICOT RANCH STUDY," THE STATUS OF CURRENT RESEARCH IN THE CALIFORNIA YOUTH AUTHORITY, PP. 1-2.
20. CLENDENEN, LETTER.
21. WEBER, LETTER.

TABLE I  
COMPARISON OF COMMITMENTS  
TO THE OHIO YOUTH COMMISSION,  
BY FISCAL YEAR

\* TEMPORARY  
# PERMANENT



\* TEMPORARY COMMITMENT: A COMMITMENT FOR THE SOLE PURPOSE OF OBTAINING A MENTAL, PHYSICAL, MEDICAL OR PSYCHIATRIC EXAMINATION OR DIAGNOSIS OF THE CHILD. ALL OTHER COMMITMENTS ARE PERMANENT.

TABLE II  
PERMANENT COMMITMENTS  
PER 100,000 CHILD POPULATION,  
BY FISCAL YEAR

YEAR	OHIO CHILD POPULATION 10 - 17	PERMANENT COMMITMENTS	PERMANENT COMMITMENT RATE PER 100,000
1966	1,637,122	2,464	150.5
1967	1,674,595	2,491	148.8
1968	1,715,280	2,420	141.1
1969	1,755,650	2,721	155.0
1970	1,780,203	2,953	165.9

FROM OHIO YOUTH COMMISSION - ANNUAL REPORT - 1970, P. 39.

TABLE III  
 COMMITMENTS BY COUNTY  
 FOR FISCAL YEAR  
 ENDING JUNE 30, 1970

COUNTY	POPULATION*	COMMITMENT		TOTAL
		PERMANENT	TEMPORARY	
ADAMS	18,957			
ALLEN	111,144	5		
ASHLAND	43,303	16	3	8
ASHTABULA	98,237	-	3	19
ATHENS	54,889	14	-	-
AUGLAIZE	38,602	4	1	15
BELMONT	80,917	3	3	7
BROWN	26,635	8	6	9
BUTLER	226,207	-	8	16
CARROLL	21,579	23	-	-
CHAMPAIGN	30,491	5	23	46
CLARK	157,115	3	2	7
CLERMONT	95,725	59	3	6
CLINTON	31,464	12	11	70
COLUMBIANA	108,310	8	3	15
COSHOCTON	33,486	11	10	18
CRAWFORD	50,364	3	18	29
CUYAHOGA	1,721,300	3	2	5
DARKE	49,141	975	12	15
DEFIANCE	36,949	13	21	996
DELAWARE	42,908	9	4	17
ERIE	75,909	6	2	11
FAIRFIELD	73,301	19	1	7
FAYETTE	25,461	15	6	25
FRANKLIN	833,249	4	2	17
FULTON	33,071	242	5	9
GALLIA	25,239	11	34	276
GAUGA	62,977	4	2	13
GREENE	125,057	3	1	5
GUERNSEY	37,665	24	7	10
HAMILTON	924,018	8	16	40
HANCOCK	61,217	330	4	12
HARDIN	30,813	7	29	12
HARRISON	17,013	3	6	359
HENRY	27,058	1	6	13
HIGHLAND	28,996	7	-	3
HOCKING	20,322	9	1	3
HOLMES	23,024	8	2	2
HURON	49,587	3	2	9
JACKSON	27,174	15	2	11
JEFFERSON	96,193	9	1	10
KNOX	41,795	5	8	4
LAKE	197,200	5	3	23
LAWRENCE	56,868	29	2	12
LICKING	107,799	15	2	7
LOGAN	35,072	11	-	5
LORAIN	256,843	5	13	42
		59	1	16
			4	15
			5	10
			20	79

\*APRIL 1, 1970 CENSUS

TABLE III - CONTINUED

COUNTY	POPULATION	COMMITMENT		TOTAL
		PERMANENT	TEMPORARY	
LUCAS	484,370	184	14	198
MADISON	28,318	2	1	3
MAHONING	303,424	64	83	147
MARION	64,724	17	6	23
MEDINA	82,717	15	-	15
MEIGS	19,799	2	-	2
MERCER	35,265	1	2	3
MIAMI	84,342	14	3	17
MONROE	15,739	2	-	2
MONTGOMERY	606,148	117	72	189
MORGAN	12,375	-	1	1
MORROW	21,348	5	4	9
MUSKINGUM	77,826	26	-	26
NOBLE	10,428	1	-	1
OTTAWA	37,099	-	1	1
PAULDING	19,329	-	-	-
PERRY	27,434	2	4	6
PICKAWAY	40,071	10	5	15
PIKE	19,114	9	7	16
PORTAGE	125,868	20	10	30
PREBLE	34,719	5	1	6
PUTNAM	31,134	3	1	4
RICHLAND	129,997	93	36	129
ROSS	61,211	8	3	11
SANDUSKY	60,983	7	3	10
SCIOTO	76,951	15	7	22
SENECA	60,696	16	2	18
SHELBY	37,748	2	-	2
STARK	372,210	90	58	148
SUMMIT	553,371	60	7	67
TRUMBULL	232,579	46	6	52
TUSCARAWAS	77,211	14	4	18
UNION	23,786	5	3	8
VAN WERT	29,194	5	2	7
VINTON	9,420	1	-	1
WARREN	84,925	14	5	19
WASHINGTON	57,160	14	-	14
WAYNE	87,123	11	12	23
WILLIAMS	33,669	6	1	7
WOOD	89,722	12	11	23
WYANDOT	21,826	4	6	10
TOTALS	10,652,017	2,953	693	3,646

SOURCE: OHIO YOUTH COMMISSION ANNUAL REPORT 1970, PP. 40-41.

TABLE IV

AVERAGE LENGTH OF STAY UNDER OYC JURISDICTION,  
FOR CHILDREN RELEASED FROM INSTITUTIONS OR DISCHARGED  
FROM PLACEMENT DURING FISCAL YEAR ENDING JUNE 30, 1970

OPERATING UNIT	AVERAGE LENGTH OF STAY* (MONTHS)
FAIRFIELD SCHOOL FOR BOYS	7.4
SCIOTO VILLAGE	7.1
RIVERVIEW SCHOOL FOR GIRLS	26.4
CUYAHOGA HILLS BOYS SCHOOL	11.3
TRAINING INSTITUTION, CENTRAL OHIO	31.0
TRAINING CENTER FOR YOUTH	22.7
MAUMEE YOUTH CAMP	12.3
MOHICAN YOUTH CAMP	7.8
HERBERT F. CHRISTIAN YOUTH CAMP	7.1
ZALESKI YOUTH CAMP	9.8
ZANESVILLE YOUTH CAMP	7.1
TOTAL - ALL INSTITUTIONS	9.5
BUREAU OF JUVENILE PLACEMENT	11.1**
TOTAL - ALL SERVICES	20.6

\* BASED UPON AVERAGE CONTINUOUS LENGTH OF INSTITUTIONAL STAY (I.E., FROM DATE OF ADMISSION TO JUVENILE DIAGNOSTIC CENTER, THROUGH PERIOD(S) OF INSTITUTIONAL AND/OR CAMP TRAINING, TO DATE OF RELEASE TO COMMUNITY PLACEMENT). THE JUVENILE DIAGNOSTIC CENTER IS NOT LISTED, AS CHILDREN ARE SELDOM RELEASED DIRECTLY FROM THIS FACILITY. THE AVERAGE LENGTH OF STAY AT JDC, HOWEVER, WAS 1.8 MONTHS.

\*\* RELATES ONLY TO PERIOD OF PLACEMENT (AFTERCARE) SUPERVISION.

SOURCE: OHIO YOUTH COMMISSION ANNUAL REPORT 1970, P. 50.

TABLE V  
AVERAGE DAILY POPULATION, RATED CAPACITY AND PER CAPITA COSTS  
FOR INSTITUTIONS AND AFTERCARE SERVICES  
FOR FISCAL YEAR ENDING 6/30/70

INSTITUTION	ADDRESS	AVERAGE DAILY POPULATION <sup>A</sup>	RATED CAPACITY	AVERAGE DAILY COST PER CHILD
JUVENILE DIAGNOSTIC CENTER	2280 W. BROAD ST. COLUMBUS, O. 43223	629	296 Boys 100 GIRLS	\$17.89
TRAINING CENTER FOR YOUTH <sup>B</sup>	SAME		104	
FAIRFIELD SCHOOL FOR BOYS	LANCASTER, O. 43130	901	650 Boys	12.62
SCIOTO VILLAGE	P.O. Box 100 POWELL, O. 43065	401	275 GIRLS	16.89
TRAINING INSTITUTION, CENTRAL OHIO	2130 W. BROAD ST. COLUMBUS, O. 43223	195	192 Boys	18.31
MAUMEE YOUTH CAMP	RFD #2, LIBERTY CENTER, O. 43532	115	120 Boys	16.32
MOHICAN YOUTH CAMP	P.O. Box 150, PARK RD. LOUDONVILLE, O. 44842	120	114 Boys	16.99
HERBERT F. CHRISTIAN YOUTH CAMP	632 E. 11TH AVE. COLUMBUS, O. 43211	87	100 Boys	13.62
ZALESKI YOUTH CAMP	ZALESKI, O. 45698	57	60 Boys	12.08
RIVERVIEW SCHOOL FOR GIRLS	P.O. Box 50 POWELL, O. 43065	130	152 GIRLS	18.56
ZANESVILLE YOUTH CAMP	ROUTE 5 ZANESVILLE, O. 43701	37	40 Boys	18.58
CUYAHOGA HILLS BOYS SCHOOL	4321 GREEN ROAD WARRENSVILLE HTS., O. 44128	187	200 Boys	18.04
ALL INSTITUTIONS		2,856	2,403	15.75
BUREAU OF JUVENILE PLACEMENT		2,919	-----	1.01
TOTAL - ALL SERVICES		5,775		

<sup>A</sup> ALL DAILY POPULATION FIGURES INCLUDE ABSENT WITH LEAVE.

<sup>B</sup> FOR COMPUTATION OF AVERAGE DAILY POPULATION AND AVERAGE DAILY COST PER CHILD, TRAINING CENTER FOR YOUTH IS INCLUDED IN FIGURES FOR JUVENILE DIAGNOSTIC CENTER.

SOURCE - OYC ANNUAL REPORT 1970. PP. 6 AND 37.

TABLE VI  
PLACEMENT SUMMARY - FISCAL YEAR 1970

	BOYS	GIRLS	TOTAL
NUMBER IN PLACEMENT, JULY 1, 1969	1,986	673	2,659
NUMBER OF PLACEMENTS:			
RETURNED TO OWN HOME	2,088	467	2,555
PLACED IN RELATIVE'S HOME	263	113	376
PLACED IN FOSTER HOME	143	105	248
PLACED IN GROUP HOME	118	67	185
PLACED IN BOARDING SCHOOL	29	14	43
INDEPENDENT PLACEMENTS	75	44	119
OTHER PLACEMENTS*	81	33	114
TOTAL PLACEMENTS	2,797	843	3,640
NUMBER OF RETURNS TO INSTITUTIONS:			
VIOLATION OF PLACEMENT TERMS	604	197	801
REPLACEMENT	13	16	29
MEDICAL CARE	0	0	0
DIAGNOSTIC EVALUATION	8	5	13
TOTAL RETURNS	625	218	843
NUMBER OF DISCHARGES*	1,885	569	2,454
NUMBER IN PLACEMENT, JUNE 30, 1970	2,271	759	3,030

\* UNDER THE PROVISIONS OF THE INTERSTATE COMPACT ON JUVENILES, A NUMBER OF CHILDREN ARE PLACED IN OHIO BY OTHER STATES, AND OHIO CHILDREN ARE OCCASIONALLY PLACED OUT-OF-STATE. THESE SITUATIONS ARE REFLECTED IN BOTH THE "OTHER PLACEMENTS" AND "DISCHARGES."

BUREAU OF JUVENILE PLACEMENT SUMMARY DATA, BY FISCAL YEAR

	1967	1968	1969	1970
NUMBER OF PLACEMENTS	3,188	3,041	3,146	3,640
NUMBER OF RETURNS	919	874	894	843
NUMBER OF DISCHARGES	2,254	2,081	2,151	2,454
NUMBER IN PLACEMENT (JUNE 30TH)	2,492	2,578	2,659	3,030
NUMBER OF YOUTH COUNSELORS	69	83	81	86
AVERAGE CASELOAD PER YOUTH COUNSELOR	72.5	61.7	63.1	68.0

SOURCE: OHIO YOUTH COMMISSION ANNUAL REPORT 1970, P. 52

FIGURE I  
LOCAL DETENTION FACILITIES IN OHIO  
and  
STATE CORRECTIONAL FACILITIES FOR JUVENILES



Counties shaded are those with facilities for juvenile detention.  
▲ indicates facility of Ohio Youth Commission  
(Information about state facilities from CYC Annual Report 1970, P. 6.)

FIGURE 2

EDUCATION AND TRAINING PROGRAMS  
OYC RESIDENTIAL FACILITIES

ACCREDITED ACADEMIC LEVELS THROUGH HIGH SCHOOL: JUVENILE DIAGNOSTIC CENTER  
FAIRFIELD SCHOOL FOR BOYS  
SCIOTO VILLAGE  
TRAINING INSTITUTION, CENTRAL OHIO  
RIVERVIEW SCHOOL FOR GIRLS

ENROLLEES THROUGH GRADE 9: MOHICAN YOUTH CAMP

ENROLLEES THROUGH GRADE 8: MAUMEE YOUTH CAMP

UNGRADED WORK: JUVENILE DIAGNOSTIC CENTER  
FAIRFIELD SCHOOL FOR BOYS  
SCIOTO VILLAGE  
HERBERT F. CHRISTIAN YOUTH CAMP  
RIVERVIEW SCHOOL FOR GIRLS

AREAS OF VOCATIONAL, OCCUPATIONAL AND PRACTICAL WORK EXPERIENCE\*

ADVERTISING, RETAIL MERCHANDISING	HOSPITAL AIDE
AGRICULTURE	HOSPITAL HOUSEKEEPING
AUDIO VISUAL ASSISTANTS	HOUSEKEEPING AIDE
AUTO BODY	LANDSCAPING-GROUNDS
AUTO MECHANICS	LAUNDRY OPERATION
BAKERY	MACHINE SHOP
BARBER COLLEGE	MASONRY
BARBER SHOP	NEEDLE TRADES
BUILDING MAINTENANCE	NURSE ASSISTANT
BUSINESS OFFICE EDUCATION	OFFICE CLERICAL AIDE
BUTCHERING	PAINTING
CARPENTER HELPER	PARING ROOM
CARPENTRY	PLUMBING
COSMETOLOGY	SEEDLING NURSERY
CUSTODIAL SERVICE	SHEET METAL SHOP
DRY CLEANING	SHOE REPAIR
ELECTRONICS	SMALL APPLIANCE REPAIR
FABRIC SERVICES	STOREROOM STOCK WORK
FOOD SERVICES	TAILOR SHOP
FORESTRY	WELDER HELPER
GARAGE MAINTENANCE	WELDING
GRAPHIC ARTS	WOODWORKING
GREENHOUSE	OUT-OF-CAMP WORK ASSIGNMENTS

\* MANY GRADE AND TRADE ENTRIES ARE FULL-TIME ENDEAVORS OPERATING IN CONJUNCTION WITH EDUCATIONAL PROGRAMS ACCREDITED BY THE STATE DEPARTMENT OF EDUCATION AND THE STATE DEPARTMENT OF VOCATIONAL EDUCATION. SOME ARE FULL-TIME PRACTICAL WORK EXPERIENCE PROGRAMS, NOT IN CONJUNCTION WITH STATE ACCREDITED EDUCATIONAL PROGRAMS.

SOURCE: OYC ANNUAL REPORT 1970. PP. 46-49.

**END**