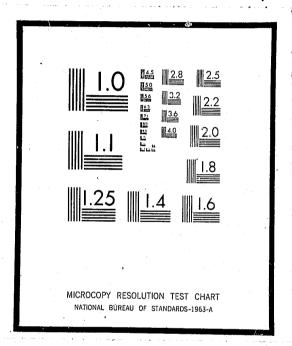
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U.S. DEPARTMENT OF JUSTICE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE WASHINGTON, D.C. 20531 League of Wowsp. Voters of Ohio 65 South Fourth Street Columbus, Ohio 43215

# ADULT AND JUVENTLE JUSTICE

- 1. Brief History: Juvenile Courts
- 2. Glossary and Abbreviations
- 3. Bibliography
- 4. Questionnaire for Local Leagues

3561

BRIEF HISTORY: JUVENILE COURTS

### Phase I

In "merrie England" children were hanged for stealing as little as a ham. A criminal was a criminal and equal crimes warranted equal punishment. Rehabilitation had not yet been born.

But, following the Industrial Revolution in both England and the United States, various factors converged to produce both a protective attitude toward children and a recognition that by virtue of home "training", or lack thereof, children might be considered less responsible than adults for their actions. Thus, the concept of juvenile delinquency appeared, and along with it the equally revolutionary concept that society was legally responsible for its children.

As early as 1857, Ohio established "houses of refuge" for "infants" who by reason of "vicious conduct" required suprevision in such houses. In 1869 the Ohio Supreme Court stated that commitment to "houses of refuge" is not designed as punishment, but to place minors of the description . . . for proper care and discipline . . . until reformed . . . The institution to which they are committed is a school, not a prison."

This concern for the juvenile offender was nationwide and in 1899, Cook County, Illinois, enacted the first juvenile court law, removing the juvenile offender from the adult criminal-justice system. Ohio followed suit in 1902 when the Legislature designated the court of insolvency of Cleveland as having initial 'urisdiction over children under 16 years of age. By 1912, twenty-two states had juvenile courts. In 1923 the National Probation Association Annual Conference wrote a Standard Juvenile Court Act for submission to the states for adoption. By 1927, all states but Maine and Wyoming had juvenile court acts. Wyoming was last to enact its juvenile court law in 1945. Inherent in these acts was the concept that the causes of delinquent acts were definable and treatable through the new methods of psychology, and that society was responsible for providing treatment resources; also, that the juvenile offender was NOT a criminal and that the court's responsibility was to save those of "tender years" from "prosecution, conviction... and stigma."

The new court system covered dependency, neglect and delinquency cases and all procedures were defined as CIVIL rather than criminal. Thus hearings were informal and private ("Tell me all about it, son") rather than adversary (where guilt must be established through examination and cross-examination of witnesses -- a legal procedure best accomplished by lawyers); "summons" were issued rather than warrants; "initial hearings" were held rather than arraignments; "findings of involvement" were issued rather than convictions; "disposition" was rendered rather than sentence Juries were prohibited since the "hearing" was not a trial. The judge's decision was based on "preponderance of evidence" (as in civil cases). Children were not charged with specific crimes but were declared dependent, neglected, or delinquent. The court was not subject to supervision or influence of other courts, although avenues of appeal were often provided. The basic rationale of the juvenile court was a guardian relationship. Roscoe Pound called it one of the greatest social inventions of the 19th Century.

End of Phase I

## Phase II

Time rolled on and each state onntinued to revise its Juvenile Code to further refine the concept of juvenile justice. Ohio's code, originally written in 1857, was revised extensively in 1937 and again in 1969 (to incorporate the category of the "unruly" child). The basic structure and procedures of the juvenile court remained non-criminal in nature. But, while many state codes defined what might NOT be done to a juvenile offender, many failed to define what MUST be done for the child -- what basic rights the court must provide. It was expected the benevolent judge and compassionate workers would automatically provide and protect the child's rights.

But in 1966, Kent vs. United States was argued in the United States Supreme Court, and it appeared the child's rights were NOT always protected. Thus Phase II began. This case raised the issue that a juvenile can receive less protection than an adult. Kent, 16 years old and on probation since age 14, was arrested for housebreaking and rape. The District of Columbia juvenile judge, on the basis of Kent's past record, waived juvenile jurisdiction and transferred him to the D.C. District Court for trial as an adult. Kent's counsel requested a hearing on the waiver but was denied. Counsel also requested access to Kent's Social Service records -- the record which constituted Kent's "past", and on which the waiver of jurisdiction was based. Request was denied. Statement of waiver contained no specific facts or reasons, but stated only that "after full investigation, I do hereby waive" etc. Kent was tried as an adult, receiving a sentence of 30 - 90 years. Had he been tried as a juvenile, maximum disposition would have been five years.

The U.S. Supreme Court ruled unconstitutionality was present and that 1) in waiver of jurisdiction, a hearing must be granted, 2) assistance of counsel at such hearing must be granted, 3) plaintiff's counsel must have access to social service records and 4) a statement of facts of the "full investigation" and a statement of the judge's reasons for waiver must accompany the waiver. The court emphasized that juvenile procedures were still civil in nature and that consequently juveniles are not entitled to all protections afforded adult criminals (e.g. jury trial, bail, indictment by grand jury, public trial) but waiver hearings must provide all protections implied in Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

In 1967 the U.S. Supreme Court again shifted the picture, enlarging juvenile rights, under its decision in re Gault. Gault, age 15 years, was taken into cusody following a complaint that he had made lewd telephone calls. Neither Gault nor his parents were then informed of why he was being charged with delinquency. The day prior to the hearing his mother was so informed. At his hearing before the judge, the complainant, Mrs. Cook, was not present and therefore not questioned no record of the proceedings was made, no one was sworn to truth, no lawyer was present. In later hearings, the same situation existed and, in addition, conflicting evidence was given as to what and when Gault had confessed. He was declared delinquent and committed to the Industrial School until age 21, 6 years. (Maximum for adults convicted of the same charge would have been \$5 - \$50 fine or not over 2 months in jail). Under Arizona law, juvenile proceedings could not be appealed.

The Supreme Court ruled Gault had been denied his rights of due process and that in the case of a delinquency charge which might result in denial of liberty for a period of years the juvenile is entitled under the U.S. Constitution's Bill of

Rights to I) notice of charges sufficiently in advance of the hearing to allow preparation of defense; 2) provision of counsel; 3) right to confront and cross-examine the complainant and witnesses; 4) right to remain silent -- privilege against self-incrimination. The court did NOT rule on right to a transcript of the proceedings, or right to appellate review. Again the Supreme Court emphasized that juvenile proceedings remain civil, not criminal.

The third major case influencing definition of juvenile rights was the case Re Winship, argued in the U.S. Supreme Court in 1970. In both Kent and Gault the court has affirmed that, while the Fourteenth Amendment does not require that all the protections inherent in criminal proceedings be involved in juvenile proceedings, that amendment's Due Process Clause does require "the essentials of due process and fair treatment" for juveniles. Winship posed the question -- does due process require proof of guilt "beyond a reasonable doubt" as required in adult criminal trials, or is "preponderance of evidence" as used in civil and juvenile proceedings sufficient proof? Winship, age 12 years, was judged delinquent as a result of a theft of \$112 from a purse. He was committed to a training school for 18 months, subject to annual extensions of the commitment until age 18 -- 6 years. The case was appealed of the New York Court of Appeals on the basis that "preponderance of evidence" was insufficient to prove guilt. That court ruled that since a delinquency adjudication "is not a conviction" nor is it criminal, "preponderance of evidence" was sufficient. But the U.S. Supreme Court reversed this, saying that loss of liberty is no less significant for a juvenile than for an adult and consequently, no juvenile can be deprived of his liberty on evidence less precise than that required to deprive an adult. The court again stated that its decision should in no way alter the juvenile justice concept of non-criminality.

In summary, the U.S. Supreme Court has placed the following requirements on every juvenile proceeding:

- 1. The 14th Amendment now applies specifically to adjudications of juvenile delinquency.
- 2. General allegations of delinquency are no longer allowed. Charges must be specified.
- 3. The child and his parents must be informed of right to counsel, and if they cannot afford it, counsel must be proffered.
- 4. Children must be informed of their right to remain silent: the right against self-incrimination applies to juveniles.
- 5. If no valid confession is present, there must be confrontation and cross-examination of witnesses.
- 6. A child's liberty may not be denied as a result of guilt established on less than "beyond reasonable doubt".

From these rulings, two basic trends have developed.

A. Concern over clear definition of the rights of juveniles. This definition will in future years tend to limit the almost arbitrary powers granted juvenile judges by earlier legislation. It will also increase the court's responsibility to protect its clients from unfair judicial process.

Brief History: Juvenile Courts, page 4

B. Many aspects of adult criminal trials now appear in juvenile hearing. This was done in an effort to protect the child but many observers feel it is the beginning of the end for juvenile courts. They note with alarm the gradual, piece-meal inclusion of adversary procedures into juvenile hearings. Despite the Supreme Court's continued affirmation that juvenile hearings are non-criminal, the use of criminal justice techniques would seem to belie this affirmation. Only time will tell if these new protections, borrowed from the adult criminal system, will lead to quasi-adult trials and the taint of criminality or whether they will, as intended, only form a firm base to guarantee protection to the juvenile equal to that of the adult.

# End of Phase II

# Phase III

Nationally, where are we? In 1968, the President's Commission of Law Enforcement and Administration of Justice concluded "that the great hopes originally held for the juvenile court have not been fulfilled. It has not succeeded significantly in rehabilitating delinquent youth, in reducing or even stemming the tide of delinquency, or in bringing justice and compassion to the child offender." "Dour sociological critics urge that it contributes to juvenile crime . . . by imposition of the stigma of wardship, unwise detention and incarceration of children in institutions which don't reform and often corrupt." "A mature and sophisticated judge, wise and well-versed in law and the science of human behavior -- has proved in fact too often unattainable." "More that four-fifths of the juvenile judges polled in a recent survey reported no psychologist or psychiatrist available to them on a regular basis . . " "The dispositional alternatives available even to the better endowed juvenile courts fall far short of the . . . needs envisioned by the court's founders. In most places . . . alternatives are release cutright, probation, and institutionalization." "Probation means minimal supervision at best." "Institutionalization often means storage."

And then this damning statement: "What research is making increasingly clear is that delinquency is not so much an act of individual deviancy as a pattern of behavior produced by a multitide of pervasive societal influences well beyond the reach of the actions of any judge, probation officer, correctional counselor, or psychiatrist." It would appear that the juvenile court, as seen nationally, is a failure with salvage questionable. But this leaves us with the terrifying though that juvenile crime may be a necessary component of our society and that these children are pre-destined to a criminal doom.

We must conclude that we have not yet found the right solution, that it is now time for us to assess our present system, re-define old solutions. Where are our strengths, our weaknesses? Can we justify continuing the juvenile court system? How can we help it? Must we abandon it? What about Youth Service Bureaus as an alternative? Is community based treatment the answer? Shall we redefine "juvenile offender" to exclude non-crime offenses and so alter the court's jurisdiction and function? Where does Phase III lead? What do we WANT for Ohio?

# GLOSSARY, ABBREVIATIONS, ADDRESSES

DEFINITIONS BASED ON THE OHIO REVISED CODE, CHAPTER 2151:

- 1. JUVENILE COURT- DIVISION OF THE COURT OF COMMON PLEAS OR A JUVENILE COURT SEPARATELY AND INDEPENDENTLY CREATED: (A) PROVIDE FOR THE CARE, PROTECTION, AND MENTAL AND PHYSICAL DEVELOPMENT OF CHILDREN SUBJECT TO CHAPTER 2151; (B) TO PROTECT THE PUBLIC INTEREST IN REMOVING THE CONSEQUENCES OF CRIMINAL BEHAVIOR AND THE TAINT OF CRIMINALITY FROM CHILDREN COMMITTING DELINQUENT ACTS AND TO SUBSTITUTE THEREFORE A PROGRAM OF SUPERVISION, CARE AND REHABILITATION; (C) TO ACHIEVE THE FOREGOING PURPOSES IN THE FAMILY ENVIRONMENT, SEPARATING THE CHILD FROM HIS PARENTS ONLY WHEN NECESSARY FOR HIS WELFARE OR IN THE INTEREST OF PUBLIC SAFETY.
- 2. Child- A PERSON WHO IS UNDER THE AGE OF EIGHTEEN YEARS, ALTHOUGH 16- AND 17-YEAR-OLDS MAY BE TRIED AS ADULTS IN SOME INSTANCES.
- 3. DETENTION- RESTRICTED FACILITIES FOR TEMPORARY CARE OF CHILDREN PENDING COURT ADJUDICATION OR DISPOSITION.
- 4. SHELTER- PHYSICALLY UNRESTRICTED FACILITIES FOR THE TEMPORARY CARE OF CHILDREN PENDING COURT ADJUDICATION OR DISPOSITION.
- 5. FOSTER HOME- A FAMILY HOME IN WHICH ANY CHILD IS RECEIVED APART FROM HIS PARENTS FOR CARE, SUPERVISION, OR TRAINING.
- 6. PROBATION- LEGAL STATUS CREATED BY COURT ORDER FOLLOWING AN ADJUDICATION THAT A CHILD IS DELINQUENT, A JUVENILE TRAFFIC OFFENDER, OR UNRULY WHEREBY THE CHILD IS PERMITTED TO REMAIN IN THE PARENT'S, GUARDIAN'S, OR CUSTODIAN'S HOME SUBJECT TO SUPERVISION, OR UNDER THE SUPERVISION OF AN AGENCY DESIGNATED BY THE COURT AND RETURNED TO THE COURT FOR VIOLATION OF PROBATION.
- 7. DELINQUENT CHILD- ONE WHO VIOLATES ANY LAW OF THIS STATE, THE U.S. OR ANY ORDINANCE OR REGULATION OF A POLITICAL SUBDIVISION OF THE STATE WHICH WOULD BE A CRIME IF COMMITTED BY AN ADULT, OR WHO VIOLATES ANY LAWFUL ORDER OF THE COURT.
- 8. UNRULY CHILD- (A) ONE 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) ONE WHO IS AN HABITUAL TRUANT FROM HOME OR SCHOOL; (C) ONE WHO SO DEPORTS HIMSELF AS TO INJURE OR ENDANGER THE HEALTH OR MORALS OF HIMSELF OR OTHERS; (D) ONE WHO ATTEMPTS TO ENTER THE MARRIAGE RELATION IN ANY STATE WITHOUT THE CONSENT OF HIS PARENTS, CUSTODIAN, LEGAL GUARDIAN, OR OTHER LEGAL AUTHORITY; (E) ONE 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) ONE 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.
- 9. RECIDIVISM- REPEATED RELAPSE INTO CRIMINAL OR DELINQUENT HABITS; "RATE OF RECIDIVISM" IS OFTEN USED TO INDICATE NUMBER OF RETURNS OF INDIVIDUALS TO CORRECTIONAL FACILITIES.

GLOSSARY, CONT'D

- 10. Neglected child- one who is abandoned by his parents, guardian or custodian or who lacks proper parental care, or whose parents refuse to provide proper or necessary subsistence, education, medical or surgical care, or other care necessary for his health, morals, or well-being.
- 11. DEPENDENT CHILD- ONE WHO IS HOMELESS OR DESTITUTE OR WITHOUT PROPER CARE OR SUPPORT, THROUGH NO FAULT OF HIS PARENTS; WHO LACKS PROPER CARE OR SUPPORT BY REASON OF THE MENTAL OR PHYSICAL CONDITION OF HIS PARENTS, GUARDIAN OR CUSTODIAN OR WHOSE CONDITION OR ENVIRONMENT IS SUCH AS TO WARRANT THE STATE, IN THE INTERESTS OF THE CHILD, IN ASSUMING HIS GUARDIANS"!P.
- 12. COMPLAINT- A SWORN COMPLAINT FILED IN THE JUVENILE COURT OF THE COUNTY
  IN WHICH SUCH CHILD HAS A RESIDENCE OR IN WHICH THE DELINQUENCY OCCURRED.
  MAY BE FILED BY ANY PERSON HAVING KNOWLEDGE OF A CHILD WHO APPEARS TO
  BE A TRAFFIC OFFENDER. DELINQUENT, UNRULY, NEGLECTED OR DEPENDENT.
- 13. SUMMONS- A NOTICE TO APPEAR IN COURT AFTER THE COMPLAINT HAS BEEN FILED; DIRECTED TO THE CHILD (UNLESS UNDER AGE 14, WHEN THE PARENTS ARE SERVED) NOT LATER THAN 10 DAYS AFTER THE COMPLAINT.
- 14. GUARDIAN AD LITEM- GUARDIAN APPOINTED BY A COURT TO REPRESENT IN A PARTICULAR LAWSUIT THE INTERESTS OF A PARTY WHO IS A MINOR.
- 15. REFEREE- ONE WHO ACTS AS A JUVENILE COURT JUDGE IN OHIO. HE HEARS MANY CASES BECAUSE OF THE HEAVY CASE LOAD OF THE COURT; HIS DECISION IS OKED BY THE JUDGE.

#### ABBREVIATIONS AND ADDRESSES:

- 1. O.Y.C. OHIO YOUTH COMMISSION, A DEPARTMENT OF THE STATE GOVERNMENT, RECEIVES CUSTODY OF ALL CHILDREN COMMITTED IN ACCORDANCE WITH SEC. 2151 OF THE REVISED CODE, AND CAUSES A STUDY TO BE MADE OF SUCH INDIVIDUALS, AND ISSUES ORDERS FOR THE TREATMENT OF EACH CHILD AS THE COMMISSION CONSIDERS BEST SUITED TO THE NEEDS OF THE INDIVIDUAL AND THE INTEREST OF THE PUBLIC. 2280 WEST BROAD STREET, COLUMBUS, OHIO 43223
- 2. T.1.C.O. TRAINING INSTITUTION, CENTRAL OHIO, OPERATED BY THE OYC.
- 3. NCCD NATIONAL COUNCIL ON CRIME AND DELINQUENCY, 291 HIGHWAY 17, PARAMUS, N.J. 07652, HAS PUBLISHED THE STANDARD JUVENILE COURT ACTS OF 1925, 1927, 1933, 1949 AND 1959 TO ENCOURAGE IMPROVEMENT OF JUVENILE COURTS. NCCD IS A NATIONAL, NONPROFIT, PRIVATE AGENCY WORKING TO PREVENT AND CONTROL CRIME AND DELINQUENCY.
- 4. A.L.I. AMERICAN LAW INSTITUTE, AN IMPORTANT, SCHOLARLY ORGANIZATION OF LAWYERS, LAW PROFESSORS AND JUDGES, AFTER YEARS OF WORK PUBLISHED A DRAFT, "MODEL PENAL CODE" IN 1962. ALI HAS PUBLISHED A MODEL SENTENCING ACT AND A MODEL YOUTH CORRECTION AUTHORITY ACT ALSO.
- 5. LEAA LAW ENFORCEMENT ASSISTANCE ADMINISTRATION FEDERAL AGENCY ESTABLISHED TO ADMINISTER THE PROVISIONS OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

ABBREVIATIONS AND ADDRESSES, CONT'D

- 6. OCCD OHIO COUNCIL ON CRIME AND DELINQUENCY. 22 E. GAY ST., COLUMBUS, OHIO 43215. THIS IS THE STATE AFFILIATE OF THE NCCD.
- 7. U.S. CHILDREN'S BUREAU, SUPT. OF DOCUMENTS, U.S. GOV'T. PRINTING OFFICE, WASHINGTON, D.C. 20402. ORGANIZED TO SUPPORT THE IMPROVEMENT OF JUVENILE COURTS.
- 8. N.C.J.C.J. NATIONAL COUNCIL OF JUVENILE COURT JUDGES, 1155 E. 60TH St., CHICAGO, ILLINOIS 60637.

# OHIO YOUTH COMMISSION

THE YOUTH COMMISSION IS A DEPARTMENT OF STATE GOVERNMENT AND IS HEADED BY A DIRECTOR, WHO IS APPOINTED BY THE GOVERNOR. THE DIRECTOR IS CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE COMMISSION. THERE ARE TWO OTHER OFFICERS APPOINTED BY THE GOVERNOR, NAMELY, A DEPUTY DIRECTOR OF COMMUNITY SERVICES AND A DEPUTY DIRECTOR OF CORRECTIONAL SERVICES.

THE YOUTH COMMISSION RECEIVES CUSTODY OF ALL CHILDREN COMMITTED IN ACCORDANCE WITH Sec. 2151 OF THE REVISED CODE, AND CAUSES A STUDY TO BE MADE OF SUCH INDIVIDUALS, AND ISSUES ORDERS FOR THE TREATMENT OF EACH CHILD AS THE COMMISSION CONSIDERS BEST SUITED TO THE NEEDS OF THE INDI-VIDUAL AND THE INTEREST OF THE PUBLIC.

THE YOUTH COMMISSION IS ALSO CHARGED WITH PROVIDING A PROGRAM OF EDUCATION, PROMOTION AND ORGANIZATION OF LOCAL CITIZENS GROUPS AIMED AT PREVENTION AND CONTROL OF JUVENILE DELINQUENCY.

THE YOUTH COMMISSION IS RESPONSIBLE FOR THE OPERATION OF THE FOL-LOWING INSTITUTIONS AND BUREAUS:

JUVENILE DIAGNOSTIC CENTER
CUYAHOGA HILLS BOYS SCHOOL
FAIRFIELD SCHOOL FOR BOYS
RIVERVIEW SCHOOL FOR GIRLS
SCIOTO VILLAGE
TRAINING CENTER FOR YOUTH
TRAINING INSTITUTION, CENTRAL OHIO
HERBERT F. CHRISTIAN YOUTH CAMP
MAUMEE YOUTH CAMP
ZALESKI YOUTH CAMP
ZALESKI YOUTH CAMP
BUREAU OF COMMUNITY DEVELOPMENT
BUREAU OF PROBATION DEVELOPMENT

# SUGGESTED BIBLIOGRAPHY -- ADULT AND JUVENILE JUSTICE

- CLARK, RAMSEY, CRIME IN AMERICA, POCKET BOOK, 1970. OBSERVATIONS ON THE NATURE, CAUSES, PREVENTION AND CONTROL OF CRIME.
- DOWNEY, JOHN J., STATE RESPONSIBILITY FOR JUVENILE DETENTION CARE, SOCIAL AND REHABILITATION SERVICE, YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION ADMINISTRATION OF THE DEPARTMENT OF HEALTH EDUCATION AND WELFARE, WASHINGTON, D.C., 1970. 16 PP. FREE.
- EMERSON, ROBERT M., JUDGING DELINQUENTS: CONTEXT AND PROCESS IN JUVENILE COURT, ALDINE PUBLISHING COMPANY, CHICAGO, 1969. \$8.95.
- JAMES, HOWARD, CHILDREN IN TROUBLE: A NATIONAL SCANDAL, DAVID MCKAY COMPANY, INC., NEW YORK, 1969. \$7.95.
- LEAGUE OF WOMEN VOTERS OF THE CINCINNATI AREA, A STUDY OF JUSTICE IN
  HAMILTON COUNTY. WRITE LWV, 1935 SEYMOUR AVENUE, CINCINNATI, OHIO 45257.
- RELATIONS, MARCH, 1970. WRITE COLUMBUS LWV, 65 S. FOURTH STREET, COLUMBUS, OHIO 43215.
- MARSHALING CITIZEN POWER AGAINST CRIME, CHAMBER OF COMMERCE OF THE UNITED STATES, 1615 H STREET, N.W., WASHINGTON, D.C. 20006, 1970. \$2.00.
- MENNINGER, KARL, THE CRIME OF PUNISHMENT, THE VIKING PRESS, NEW YORK, 0274, 1969. PAPERBACK EDITION, \$1.95.
- MILLER, DAWSON, DIX AND PARNAS, THE JUVENILE JUSTICE PROCESS, FOUNDATION PRESS, MINEOLA, NEW YORK, 1971. CASES WHICH ILLUSTRATE HOW THE LEGAL SYSTEM RESPONDS TO THOSE ISSUES PRESENTED TO IT FROM AMONG THE MANY IN-VOLVED IN THE JUVENILE JUSTICE PROCESS.
- New Light on Juvenile Delinquency, ed. by Ronald Steel, Vol. 39, No. 4, H. W. Wilson Co., 1967. This contains reprints of articles, excerpts from books, and addresses on current issues and social trends in the U.S. and other countries.
- OHIO JURISPRUDENCE, SECOND EDITION, VOLUME 33, JUVENILE COURTS, THE LAWYERS CO-OPERATIVE PUBLISHING COMPANY, ROCHESTER, NEW YORK, 1958. ALSO CUMULATIVE SUPPLEMENT 1971 TO VOLUME 33.

## OHIO REVISED CODE:

TITLE 19-COURTS: MUNICIPAL, POLICE MAYOR'S, COUNTY

21-Courts: PROBATE, JUVENILE

23-Courts: Common PLEAS

25-COURTS: APPELLATE

27-COURTS: GENERAL PROVISIONS

CH. 309-PROSECUTING ATTORNEY

311-SHERIFF

313-CORONER

- OHIO YOUTH COMMISSION, THE, ANNUAL REPORT, 1970. No LONGER AVAILABLE. IN MARCH OR APRIL 1972, THE 1971 REPORT SHOULD BE AVAILABLE FROM THE OYC. (SEE GLOSSARY AND ABBREVIATIONS FOR ADDRESS.)
- PAULSEN, MONRAD G., FAMILY LAW AND POVERTY, CASES AND SELECTED PROBLEMS, ST. PAUL, MINN., WEST PUBLISHING CO., 1969.

- PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE,

  CHALLENGE OF CRIME IN A FREE SOCIETY, AVON BOOKS, NEW YORK, 1968.

  PAPERBACK D5. \$1.65. OVERVIEW.
- RICHETTE, LISA AVERSA, THE THROWAWAY CHILDREN, DELL PUBLISHING CO., NEW YORK, 1970. PAPERBACK 8877. \$1.25.
- RUBIN, SOL, CRIME AND JUVENILE DELINQUENCY, OCEANA PUBLICATIONS, INC., DOBBS FERRY, NEW YORK, 1970. THE AUTHOR IS LEGAL COUNSEL TO THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY. THE BOOK IS CONCERNED WITH THE CORRECTIONAL PROBLEMS AND TAKES A CRITICAL LOOK AT LEGISLATION AND COURT PROCEDURES.
- SUTHERLAND, EDWIN H. AND CRESSEY, DONALD R., CRIMINOLOGY, 8TH EDITION, J.B. LIPPINCOTT CO., 1970. CHAPTER 20 DEALS WITH THE JUVENILE COURT.

#### ALSO:

CONTACT THE PRESIDING JUDGE OF EACH COURT FOR BOTH A COPY OF THE BUDGET AND THE LATEST ANNUAL REPORT.

WRITE THE JUVENILE COURT IN BOULDER, COLORADO, FOR INFORMATION ABOUT TREATMENT OF JUVENILES.

OBTAIN PUBLICATIONS LISTS FROM:

NATIONAL COUNCIL ON CRIME AND DELINQUENCY - SEE GLOSSARY
OHIO COMMITTEE ON CRIME AND DELINQUENCY - SEE GLOSSARY
AMERICAN JUDICATURE SOCIETY
1155 EAST 60TH STREET, CHICAGO, ILLINOIS 60637
AMERICAN BAR ASSOCIATION
1155 EAST 60TH STREET, CHICAGO, ILLINOIS 60637

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

CUESTIONNAIRE FOR LOCAL ADU T & JUVENILE JUSTICE STUDY

HERE ARE QUESTIONS TO GIVE DIRECTION TO YOUR STUDY. IT WILL INSURE THAT EVERY LOCAL UNIT WELL PROVIDE THE STATE STUDY WITH ANSWERS TO THE SAME QUESTIONS, THUS CREATING LOCAL PICTURES WHICH CAN BE COMPARED AND WHICH WILL FORM A COHESIVE ONLO PICTURE.

There are many fuestions, and for some you will find no answers, but it is also important for to determine which questions cannot be answered. This will halp to complete our Ohio Picture.

WHEN YOU INTERVIEW, REMEMBER THAT WE LOOK FOR FACTS - AND THAT WE CANNOT FORM ANY OPINION UNTIL AFTER THE FACTS ARE IN. YOU MAY BE SURPRISED TO FIND HOW VCL...
YOUR LOCAL GYSTEH WORKS IN SPITE OF ITS HANDICAPS. YOU MAY FIND THE PERSONNEL TO DE MEN OF GOOD FAITH STRUGGLING AGAINST IMPOSSIBLE ODDS. OR YOU MAY FIND THE SYSTEM IN-

IN ASSISTERING THE QUESTIONS, PLEASE NUMBER EACH ANSWER TO CORRESPOND TO THE QUESTION'S NUMBER. MAKE YOUR ANSWERS AS FULL AS POSSIBLE, USING AS MANY PAGES AS YOU NEED. DO NOT TRY TO ANSWER THEM ON THE QUESTION SHEET, USE SEPARATE SHEETS, KEEPING EACH SECTION - "A", "B", ETC. TOGETHER SO WE MAY MORE EASILY COMPARE.

GOOD LUCK . AND KEEP AN OPEN MIND, FELLOW LEAGUERS!

# A. LAW ENFORCEMENT (POLICE)

- A1. ARE THERE SPECIAL JUVENILE OFFICERS? WHAT IS AVERAGE LENGTH OF SERVICE? HOW MANY TOTAL? HOW MANY FEMALE OFFICERS?
- A2. SALARY RANGE ... BASED ON TIME ON FORCE? OR ON
- A3. WHAT CUALIFICATIONS ARE REQUIRED FOR HIRING? FOR ADVANCEMENT?
- A4. DOES CIVIL SERVICE EXERCISE ANY AUTHORITY OVER HIRING? SALARY?
- A5. BRIEFLY DESCRIBE TRAINING OF NEW OFFICERS.
- A6. IS FURTHER IN-SERVICE TRAINING PROVIDED? BY WHOM? AMOUNT OF TIME INVOLVED? EXTERT OF PROGRAM?
- AT. ARE HEW OFFICERS RECUIRED TO ENTER THE RANKS AT THE LOWEST RUNG. THEH WORK UP. OR ALL THEY HIRED AT THE LEVEL COMMENSURATE WITH THEIR INITIAL QUALIFICATIONS?
- A8. Do JU'ENILE OFFICERS HANDLE OTHER THAN JUVENILE CASES? WHAT % OF TIME IS SPENT ON JUVENILE CASES?
- A9. TOTAL NUMBER OF JUVENILE CASES HANDLED LAST STATISTICAL YEAR? WHAT SO WERE DELINQUENT CHARGES?
  - UNRULY CHARGES?
  - " DEPENDENT, NEGLECTED OR ABUSE CASES?
- A10 LIST PRIMARY SOURCES OF REFERRALS. (Eg. SCHOOLS) GIVE APPROXIMATE PERCENTAGES.
- A11 TO WHOLL ARE ARREST RECORDS AVAILABLE? UNDER WHAT CIRCUMSTANCES?
- A12 MOV LONG ARE POLICE RECORDS KEPT? BY WHOM?
- A13. ARE CHILDREN'S RIGHTS GIVEN IN WRITTEN FORM? WHAT % WAIVE THESE RIGHTS? GET A COPY OF FORM, IF WRITTEN.
- A14. THE USE OF FORCE IS APPROVED UNDER WHAT CIRCUMSTANCES? WHAT RECORDS ARE HEPT ON USE OF FORCE AND TO WHOM ARE THEY SUBMITTED FOR REVIEW?
- A15. ARE DIAGNOSTIC SERVICES USED PRIOR TO FINAL DISPOSITION BY POLICE?
- A16. DO JUVENILE OFFICERS POSSESS AUTHORITY TO DETERMINE WHO IS DETAINED IN CUSTODY? IF NOT. WHO DOES?
- A17. OF THE TOTAL CASES HANDLED LAST STATISTICAL YEAR WHAT W ARE REFERRED TO COURT?
  - " " " COMMUNITY AGENCIES? LIST AGENCIES MOST FREQUENTLY USED
  - " " DISMISSED AT POLICE LEVEL?
  - " " "OTHER" DISPOSITIONS? SPECIFY
- A18 ARE JUVERILE OFFICERS INVOLVED IN COMMUNITY PLANNING CONCERNING JUVERILES? IN WHAT WAY?
- A19. IS THERE CLOSE COMMUNICATION AMONG POLICE, COURT INTAKE AND DETENTION CENTER PERSONNE'. IN SETTING GUIDELINES AS TO WHAT CHILD SHOULD BE DETAINED IN CUSTODY?

# \*

SPECIAL MOTE TO ADULT . JUVENILE JUSTICE CHAILMEN

THIS IS A COPY OF THE ORIGINAL ACUU QUESTIONNAIRE SENT TO ALL LOCAL LEAGUES SEPTEMBER 1971. IT IS BEING INCLUDED FOR YOUR CONVENIENCE IN THE EVENT YOUR ORIGINAL MAY NOT BE AVAILABLE TO YOU.

- B. INTAKE FOR COURT AND DETENTION FACILITIES
  - B1. DOES INTAKE OPERATE 24 HOURS / DAY? IF NOT, LIST OPEN HOURS?
  - HOW MANY INTAKE WORKERS? AVERAGE LENGTH OF SERVICE?
  - WHAT CUALIFICATIONS ARE REQUIRED FOR HIRING? SALARY RANGE?
  - IF INTAKE CLOSES AT NIGHT OR WEEK ENDS, WHERE ARE POLICE DETAINED CHILDREN MAINTAINED DURING THESE PERIODS?
  - NUMBER OF CASES HANDLED IN LAST STATISTICAL YEAR BY INTAKE?
  - WHAT S ARE REFERRED TO COURT BY POLICE?
    - n non non non no school?
    - " " OTHER? SPECIFY.
  - BY. WHAT SO ARE INAPPROPRIATELY REFERRED TO COURT? (EG CHILDREN ACTUALLY MEEDING CRLY COUNSELING, CHILDREN NAMED IN "SPITE" COMPLAINTS, ETC. IS THE COURT DURDENED WITH ACTING AS YOUTH SCREENING AGENCY FOR COMMUNITY?)
  - WHAT SO OF CASES HANDLED ARE DISMISSED AT INTAKE LEVEL?
    - " ARE RELEASED TO PARENTS PENDING TRIAL?
    - " ARE DETAINED? DOES INTAKE DECIDE THIS AND ON WHAT BASIS?

# C. LEGAL REPRESENTATION AND RIGHTS

- C1. ARE THE CHILD'S RIGHTS TO COUNSEL, TO REMAIN SILENT, ETC. PRESENTED TO BOTH PARENTS AND CHILD? IS IT IN WEITTEN FORM? GET COPY.
- C2. IF NOT IN WRITTEN FORM, WHO DESCRIBES THE RIGHTS AND AT WHAT POINT IN THE COURT PROCESS?
- C3 WHO CAN WAIVE THE CHILD'S RIGHTS? THE CHILD? PARENT? ARE SIGNATURES OF BOTH CHILD AND PARENT REQUIRED?
- C4. WHAT HAPPENS IF CHILD AND PARENT DISAGREE AS TO WAIVER?
- C5. CAN A LEGALLY SIGNED WAIVER BE REVOKED BY THE SIGNEE?
- C6. Does the court ever require counsel even though Right to counsel was walved?
- C7. ARE LEGAL SERVICES PROVIDED TO INDIGENTS? WHO RENDERS THIS SERVICE? CAN THE INDIGENT REFUSE A PARTICULAR LAWYER AND REQUEST A DIFFERENT ONE? WHO DEFINES "[HD[GENT" AND HOW?
- C8. WHAT SOF CASES USE COURT PROVIDED LAWYERS? HOW MUCH IS PAID FOR EACH CASE SERVICED? PAID FROM COURT FUNDS OR NON-COURT COUNTY FUNDS?
- C9. WHAT % OF "GUILTY" PLEAS REFUSE COUNSEL?
- " " " "NON-GUILTY" PLEAS REFUSE COUNSEL? WHY MIGHT THIS BE?
- C10 How does the court interpret "competently and intelligently waived" As require: in 2151.352 Revised Code?
- C11 Does a court appointed Lawyer spend as much time with his client as a private Lawyer? Are Law Students used?
- C12 IS THERE A LEGAL AID OR PUBLIC DEFENDER AGENCY IN YOUR COMMUNITY? WHAT IS ITS PROPER TITLE AND ADDRESS?

# D. DETENTION FACILITY----2151.31-2151.34

D1. PHYSICAL DESCRIPTION

. CAPACITY FOR BOYS? GIRLS?

PROXIMITY TO COURT? HOW ARE CHILDREN TRANSPORTED BETWEEN COURT AND DETENTION FACILITY?

SLEEPING AREA: NUMBER CHILDREN PER UNIT? CHILDREN GROUPED BY AGE? TYPE OF OFFENSE? FIRST OFFENDERS? How?

LEISURE AREA: CONTAINS WHAT? TV? CARDS AND TABLES? BOOKS? RECORDS? PUZZLES?

RECREATION AREA: CRAFT ROOM? CRAFT PROGRAM? EQUIPMENT? HOW MUCH TIME ALLOWED PER DAY?

EXERCISE AREA: INDOORS OR OUTDOORS? GYMS? WHAT EQUIMENT? HOW MUCH TIME ALLOWED PER DAY?

SCHOOL: SPECIAL ROOM FOR CLASSES? "ONE ROOM SCHOOL" OR ARE CHILDREN GROUPED BY AGE, CLASS OR WHAT FACTOR? TIME FOR CLASSES?

RELIGION: CHAPEL PROVIDED? SERVICES HELD? HOW OFTEN? BY WHOM?

VISITS: SEPARATE VISITING AREA? IS PRIVACY AFFORDED IN ANYWAY? How OFTEN FOR VISITS? MAY FOOD, BOOKS, ETC. BE BROUGHT?

CLOTHING: ARE UNIFORMS USED? IF NOT, WHAT? WHO PAYS FOR CLOTHING?
MEDICAL: ARE PHYSICALS GIVEN NEW INMATES? WHO DOES SMEARS FOR VENEREAL
DISEASE - HOW ARE INFECTED CHILDREN ISOLATED AND/OR TREATED? HOW ARE MEDICAL EMERGENCIES DEFINED AND WHO DETERMINES THE PRESENCE OF ONE?
SAULTARY: ARE TOILETS, TUBS, ETC. ENCLOSED TO PROVIDE PRIVACY OR OPEN TO

DISCOURAGE PRIVACY? How often baths given? Are there windows? Clear or frosted glass? Can they be opened? Barred? Air conditioning if unopenable? When was facility last inspected by Board of Health?

PSYCH: PRIVATELY PROVIDED FOR TESTING AND/OR COUNSELING?

PUNISHMENT: IS ISOLATION USED? HOW LONG CAN IT LAST? HOW IS IT ACCOMPLISHED? FOOD EVER DENIED? VISITATION DENIED? OTHER PUNISHMENTS USED - SPECIFY? FOR WHAT IS PUNISHMENT IMPOSED? WHO DECIDES?

ARE SEXES ALLOWED TO MIX? HOW OFTEN?

D2. STAFF: LIST # OF PERSONS, SALARY RANGE, QUALIFICATIONS, FULL OR PART TIME (IF PART TIME, HOW OFTEN) FOR EACH POSITION. IF ANY POSITION IS "LIVE III", INDICATE. IF POSITION WORKS SHIFTS GIVE #/SHIFT.

MALE ATTENDANTS

FEMALE ATTENDANTS

DIETICIAN AND KITCHEN

RECREATION

SCHOOL

.....

MEDICAL

PSYCHOLOGICAL OR SOCIAL WORK

DIRECTOR

JANITORIAL AND LAUNDRY

IS IN-SERVICE TRAINING PROVIDED? AMOUNT OF TIME? NEW EMPLOYEES ONLY?

- D3. IS THE FACILITY USED FOR PRE-TRIAL DETENTION? PUNISHMENT? BOTH? OTHER?
- D4. DO CHILDREN HAVE WORK WHILE DETAINED?
- D5. ARE CHILDREN EVER HELD OVER 90 DAYS (2151.34 REVISED CODE)? UNDER WHAT CIRCUMSTANCES?
- D6. HOW HANY WERE DETAINED DURING LAST STATISTICAL YEAR? AVERAGE LENGTH OF STAY? "DETAINED IN AGE GROUP 7-11? 11-15? 15-18? SEPARATE BY MALE AND FEMALE.

- D7. ANNUALLY WHAT # ARE HOUSED IN ADULT FACILITIES? UNDER WHAT CIRCUMSTANCES? WHAT AGES AND SEX?
- D8. " OF CHILDREN DETAINED BY JUDICIAL CLASSIFICATION PER YEAR.

UNRULY NEGLECTED
DELINQUENT TRAFFIC

DEPENDENT OTHER: SPECIFY

D9 Is THE BUDGET SUFFICIENT? WHAT ELSE IS NEEDED?
D10. IS THE ATMOSPHERE "A FAMILY HOME..NON-PUNITIVE NEUTRAL ATMOSPHERE"

AS STATED IN 2151.34 REVISED CODE? OR A SECURITY FACILITY?

COULD THE TYPE OF CHILD DETAINED HERE BE HANDLED IN "A FAMILY HOME" ATMOSPHERE? (EG. ARE BEDDING AND FURNITURE MALICIOUSLY DESTROYED? ARE ATTENDANT
EVER ATTACKED? ARE ESCAPES COMMON?)

D11. USE OF FORCE IS PERMITTED UNDER WHAT CIRCUMSTANCES? IF A REPORT IS REQUIRED BY WHOM IS IT REVIEWED?

D12. ARE UNRULY CHILDREN EVER HELD IN PRE-TRIAL DETENTION? WHY?

D13. Does the child receive any indoctrination - what to expect while detained - schedules, rules, visiting privileges, etc.?

LEAGUE OF WOMEN VOTERS OF OHIO--QUESTIONNAIRE

# E. FOR THE JUDGE

- E1. IS YOUR COURT DEFINED AS A JUVENILE COURT?
- E2. IS IT A PART OF ANOTHER COURT? IF SO WHAT COURT?
- E3. WHAT % OF TIME DO THE JUDGES SPEND ON JUVENILE MATTERS?
- E4. " OF JUDGES AVAILABLE FOR JUVENILE CASES?

  SALARY RANGE OF JUDGES?

  REQUIRED QUALIFICATIONS

  HOW MANY ARE LAWYERS?
- E5. "OF REFERES AVAILABLE FOR JUVENILE CASES? HOW MANY FEMALE?

  SALARY RANGE OF REFEREES?

  REQUIRED QUALIFICATIONS.
- EG. IN OPINION OF JUDGE, IS THERE SUFFICIENT TIME TO HANDLE ALL JUVENILE CASES EFFECTIVELY?
- E7. REQUEST A COPY OF ITEMIZED COURT BUDGET. ASK IF IT IS SUFFICIENT TO HEET COURT'S NEEDS.
- E8. ARE COMMUNITY RESOURCES SUFFICIENT TO MEET COURT'S NEED FOR COUNSELING, DIAGNOSIS, REMEDIAL EDUCATION, ETC.?
- E9. IS THERE A YOUTH SERVICES BUREAU? COULD OR WOULD THE COURT USE ONE?
- E10. How are diagnostic services provided to the court? By whom? At whose request? How funded? Extent? Sufficient? What % require such services?
- E11. WHAT TYPES OF CHILDREN ARE REFERRED FOR DIAGNOSTIC EVALUATION?
- E12. How has the recent "Adversary proceedings" trend in Juvenile Justice Influenced your court?
- E13. WHAT JUVENILE CASES ARE HEARD BY A REFEREE? BY A JUDGE? ARE REFEREE'S DE-CISIONS REVIEWED BY A JUDGE? CAN THE ACCUSED REQUEST REVIEW OF A REFEREE'S DECISION?
- E14. AVERAGE TIME BETWEEN INTAKE AND PRELIMINARY HEARING FOR DETAINED CHILDREN?
- E15. AVERAGE TIME BETWEEN PRELIMINARY AND DISPOSITIONAL HEARING FOR DETAINED CHILDREN IS ?

  AVERAGE TIME BETWEEN PRELIMINARY AND DISPOSITIONAL HEARING FOR NOT-DETAINED CHILDREN IS ?
- E16. WHAT IS THE PROCESS OF APPEAL FROM THIS COURT?
- E17. Does the Ohio Youth Commission Achieve the purpose for which you use it? If not, how would you change it? Have you visited any OYC facilities? Which ones, and when?
- E18. IS A REGIONAL DETENTION CENTER, AS PERMITTED BY LAW, DESIRABLE IN YOUR AREA?
- E19. IS A REGIONAL REHABILITATION FACILITY, AS PERMITTED BY LAW, DESIRABLE IN YOUR AREA? (SUCH FACILITY DISTINCT FROM OYC).
- E20. ARE ANY COURT EMPLOYEES ASSIGNED TO COMMUNITY PROGRAM FOR THE PREVENTION AND CONTROL OF JUVENILE CRIME AS DESCRIBED IN 2151.11 REVISED CODE?
- E21. WHAT OHIO STATUTES COVERING JUVENILES WOULD YOU ALTER OR ADD?
- E22. DESCRIBE THE CONTENT AND AMOUNT OF INTERACTION BETWEEN JUDGE, PROBATION OFFICER AND DETENTION PERSONNEL CONCERNING A GIVEN CHILD. WHEN DOES THE JUDGE'S
  RESPONSIBILITY FOR SUCH INTERACTION CEASE?
- E23. IN YOUR OPINION, ARE UNRULY OFFENSES BEST HANDLED IN A COURT SETTING? DO YOU FEEL THE CURRENT HANDLING OF THESE CHILDREN DECREASES OR INCREASES ANTI-SOCIAL OR ACTING-OUT TENDENCIES? ARE STATISTICS AVAILABLE TO SUPPORT YOUR OPINION?

# F. DISPOSITION FROM COURT F1. ANNUAL NUMBER OF CASES BY ADJUDICATED CLASSIFICATION UNRULY DEPENDENT DELINQUENT NEGLECTED TRAFFIC OTHER: SPECIFY F2. ANNUAL NUMBER COMMITTED OR REFERRED TO: OHIO YOUTH COMMISSION . WERE ALL ADJUDICATED DELINQUENT? DETENTION CENTER (AS A "SENTENCE") COMMUNITY AGENCIES WHAT TYPES OF AGENCY MOST COMMONLY USED? EXTENT OF FOLLOW-UP BY THE COURT? COUNTY AGENCY FOR CHILDREN'S WELFARE COURT PROBATION SERVICES TRANSFERRED TO OTHER COURT FOR TRIAL AS AN ADULT (2151.26 REVISED CODE) # OF 15 YEAR OLDS PLACEMENT IN PRIVATE RESIDENTIAL (INCLUDES FOSTER HOME) OR HOSPITAL FACILITY . WHO PAYS FOR SUCH PLACEMENT? LIST OTHER DISPOSITION COURT USES. F3. IS AN UNRULY CHILD EVER RELEASED WITH WARNING WITH NO FURTHER DISPOSITION? F4. WHAT % OF THOSE COMMITTED TO OYC WERE PLACED THERE FOR LACK OF MORE APPROPRI-ATE PLACEMENT? . WAS THIS DUE TO SCARCITY OF FACILITIES OR OF MONEY? F5. SHOULD AND DOES THE COURT ISSUING A DISPOSITION THEN HAVE THE RESPONSIBILITY

F6. ESTIMATE THE PERCENTAGE OF UNRULY CHILDREN WHO ARE EVENTUALLY DECLARED DELINQUENT?

TO SEE THE INTENT OF THAT DISPOSITION IS ACHIEVED? (EG. IS THE CHILD CORRECT-

LY PLACED WITHIN THE OYC? Does THE REFERRAL TO A COMMUNITY AGENCY "TAKE"?

LEAGUE OF Women Voters of Ohio--Questionnaire

PR	OBATION
G1. G2.	Does a juvenile probatio' service exist in this court? $\#$ of probation officers (P.O.) $\#$ of female P.O.'s
	AVERAGE LENGTH OF SERVICE OF P.O. ? REQUIRED QUALIFICATIONS?
1	SALARY RANGE?
G3.	IS IN-SERVICE TRAINING PROVIDED? BY WHOM? AMOUNT OF TIME? EXTENT PROGRAM?
G4.	AVERAGE CASE LOAD

- G4. AVERAGE CASE LOAD ?
  G5. APPROXIMATE % OF P.O.'S TIME SPENT IN FIELD ? COURT ROOM
- OFFICE ?
- GG. WHAT TYPE OF CHILD IS MOST OFTEN PLACED ON PROBATION?
- G7. AVERAGE LENGTH OF PROBATIONARY PERIOD?
- G8. RECIVIDISM RATE FOR PROBATIONERS.
- G9. UNDER WHAT CIRCUMSTANCES IS PROBATION REVOKED?
- G10. Does P.O. Utilize visits to the probationer or is primary contact office visits?
- G11. HOW OFTEN DOES P.O. MAKE CONTACT .- ANY TYPE? AVERAGE TIME SPENT IN CONTACT?
- G12. IS THERE A SEPARATE INVESTIGATIVE STAFF OR MUST THE P.O. FUNCTION AS A PRETRIAL INVESTIGATOR? IF SO, DOES THE P.O. PRESENT RESULTS OF THE INVESTIGATION
  AT THE HEARING ? IF SO, IS THE P.O.-INVESTIGATOR EVER ASSIGNED TO THE
  CHILD HE INVESTIGATED FOR P.O. SERVICES? HOW DOES THIS AFFECT THE P.O. -PROBATIONER RELATIONSHIP?
- G13. If THE P.O. PRESENTS INVESTIGATIVE MATERIAL AT THE HEARING, DOES HE THEN HAVE ANY AUTHORITY IN DETERMINING OR RECOMMENDING DISPOSITION?
- G14. ARE PSYCH EVALUATIONS EVER DONE PRIOR TO DISPOSITIONAL HEARING. III WHAT SITUATIONS? AT WHOSE REQUEST? AVERAGE #/YEAR? WHO PAYS?
- G15. ARE PSYCH CONSULTATIONS READILY AVAILABLE DURING THE PROBATIONARY PERIOD? WHO PAYS? WHO REQUESTS?
- G16. Does the P.O. MEET REGULARLY WITH SUPERVISORY PERSONNEL? How OFTEN AND AVER-AGE LENGTH OF TIME?
- G17. Does the P.O. Determine the "Treatment Plan" for his own probationers? IF
- G18. IS THERE A VOLUNTEER PROBATION PROGRAM? How MANY WORKERS? AVERAGE CASE LOAD? How SUPERVISED?
- G19. IS A TEACHER PROBATION PROGRAM USED?
- G20. Does the court itself provide any rehabilitative programs for its productioners (Eg.-group or individual counseling, remedial education, Job counseling, etc.) If the court does not--are they provided, by whom and at whose expense?
- G21. DESCRIBE THE CONTENT AND AMOUNT OF INTERACTION BETWEEN THE P.O. AND DETENTION PERSONNEL FOR A GIVEN CHILD IN CUSTODY. DOES THE P.O. SRESPONSIBILITY OF SUPERVISION AND PLANNING FOR THIS CHILD DECREASE, INCREASE, REMAIN THE SAME DURING THE PERIOD OF DETENTION?
- G22. WHAT IS THE RELATION OF THE STATE JUVENILE PAROLE OFFICER TO LOCAL LAW EN-FORCEMENT PERSONNEL? TO "OTHERS" RESPONSIBLE FOR A CHILD FOLLOWING RELEASE FROM OYC. (Eg.-FOSTER PARENTS, NATURAL PARENTS, ETC.)

# H. COURT RECORDS AND STATISTICS.

- H1. HOW LONG ARE JUVENILE RECORDS KEPT? ARE SOME KEPT LONGER THAN OTHERS? (EG. WOULD A "FELONY" BE KEPT LONGER THAN A LOUD SLUMBER PARTY WHICH WAS "DISMISSED WITH WARNING").
- H2. ARE JUVENILE RECORDS KEPT AT THE JUVENILE COURT OR THE COUNTY CLERK'S OFFICE?
- H3. To WHOM AND UNDER WHAT CIRCUMSTANCES ARE JUVENILE RECORDS AVAILABLE?
- H4. HAS THIS COURT EVER EXPUNGED A JUVENILE RECORD AS ALLOWED IN 2151.358 REVISED CODE? DID THE COURT OR CHILD INITIATE THE ACTION?
- H5. WHO COMPILES THE STATISTICS FOR LOCAL USE?
- tr tt tr " REQUIRED STATE REPORTS?
- HG. ARE STATISTICS USED FOR ANY LOCAL PURPOSES? How?
- H7. RECIDIVISM (2ND OR MORE COURT APPEARANCE) RATE FOR TOTAL JUVENILE CASES?
  - " THOSE ON PROBATION? .
  - " THOSE ON FOSTER CARE? . " THOSE RELEASED FROM OYC?

- LEAGUE OF WOMEN VOTERS OF OHIO-QUESTIONNAIRE
- 1. QUESTIONS FOR LVIV TO PONDER
- 11. WHAT IS YOUR COMMUNITY DOING IN JUVENILE CRIME PREVENTION? " " " REHABILITATING JUVENILE OFFENDERS?
- 12. THE LAW STATES (2152,261) A "CHILD 15 OR MORE YEARS OF AGE AT THE TIME OF THE CONDUCT CHARGE MAY BE TRIED AS AN ADULT IF THE CHARGE IS A FELONY (RAPE; GRAND LARCENY-861 OR MORE-MURDER, ETC.) WOULD YOU AGREE WITH THIS?
- 13. Should unruly offenses (2151,022) BE ILLEGAL AND HANDLED BY THE COURT ADJUDICA-TION? WHAT ALTERNATIVES WOULD YOU SUGGEST? THESE ARE OFTEN CALLED "HON-CRIMES" OR "VICTIMLESS CRIMES".
- 14. Does your LVV desire alterations or additions to Juvenile Laws? Specify.
- 15. Do the three components of Juvenile Justice LAW ENFORCEMENT, COURT, CORREC-TIONS- WORK TOGETHER AS A PURPOSEFUL INTEGRATED SYSTEM? SHOULD THEY? IF SO HOW COULD THE INTEGRATION BE IMPROVED?
- 16. Do you feel adversary proceedings would enhance on threaten juvenile justice?
- 17. DIFFERENT STATES DEFINE "JUVENILE" DIFFERENTLY. HOW WOULD YOU DEFINE IT?
- 18. DEFINE REHABILITATION.
- 19. IS INCARCERATION EFFECTIVE IN PREVENTING OR CONTROLLING JUVENILE CRIME?
- 110. REALISTICALLY, CAN ALL JUVENILE OFFENDERS BE REHABILITATED?
- 111. SHOULD JUVENILE JUDGES BE ELECTED?
- 112. SHOULD A TRAINING PROGRAM BE REQUIRED FOR NEW JUVENILE JUDGES? \//HO SHOULD SPONSOR AND FUND IT?
- 113. How can the supply of effective juvenile probation and law enforcement officers BE INCREASED?
- 114. SHOULD "WALVER OF RIGHTS" TO LEGAL COUNSEL BE PERMITTED ON NO-GUILTY PLEAS?
- 115. IS THE ONIO YOUTH COMMISSION EFFECTIVE IN REHABILITATION? WHAT FURTHER IS NE'EDED?
- 116 WOULD CITIZEN GROUPS ATTACHED TO EACH LOCAL JUVENILE JUSTICE SYSTEM BE OF AD-VANTAGE TO THE SYSTEM, OR ONLY FURTHER COMPLICATE THE SYSTEM?
- 117 IN MANY JUVENILE CASES, FAMILY AND ENVIRONMENTAL CIRCUMSTANCES CAN BE PIN-POINTED AS CONTRIBUTING HEAVILY TO THE CHILD'S ANTI-SOCIAL ACTS. COURTS USUALL' REMOVE THE CHILD FROM SUCH HOME. WOULD IT BE PRACTICAL TO ATTACK THESE CIR-CUMSTANCES AS A SUBSTITUTE FOR REMOVAL? SHOULD THE COURT? A LIASON AGENCY? CAN YOU IMAGINE HOW A PROGRAM MIGHT WORK?
- 118. TRADITIONALLY THE JUVENILE COURT WAS TO REFLECT A PATERNALISTIC, NON-PUBLITIVE CONCERN FOR THE CHILD. DOES YOUR COURT REFLECT THIS? IS IT PRACTICAL TO EXPECT THIS FROM A COURT, CONSIDERING THE MECHANICS AND SIZE NECESSARY IN A COURT SET-TING? IF YOU DID AWAY WITH JUVENILE COURTS, WHAT PROGRAM WOULD YOU DESIGN TO HANDLE CHILDREN IN TROUBLE?
- 119. STATISTICS INDICATE CURRENT JUVENILE CORRECTIONS PROGRAMS ARE INEFFECTIVE. WHAT MIGHT BE MORE EFFECTIVE? CONSIDER COMMUNITY BASED PROGRAMS, ALTERNATIVES TO INSTITUTIONS, ETC.
- 120. COULD REFERRALS TO POLICE MADE BY SCHOOLS ETC., BE MADE FIRST TO COMMUNITY TREATMENT AGENCIES WHO COULD THEN REFER TO POLICE IF NECESSARY?
- 121. SHOULD POLICE HAVE DISCRETION TO REFER TO COMMUNITY TREATMENT AGENCIES GATHER THAN TO THE COURT? IS IT PRACTICAL UNDER YOUR PRESENT SET-UP?
- 122. This cuestionnaire will produce facts. It will not show the attitudes of the PERSONS DEALING WITH JUVENILE OFFENDERS. THESE ATTITUDES ARE HIGHLY SIGNIFICANT BUT UNHEASURABLE. TRY TO FORM AN OPINION (PERSONAL BUT AS OBJECTIVE AS POSSIBLE TO HELP YOU COME TO YOUR PERSONAL ASSESSMENT OF OHIO'S JUVENILE JUSTICE SYSTEM.

LEAGUE OF WOMEN VOTERS OF OHIO 65 SOUTH FOURTH STREET COLUMBUS, OHIO 43215 614-463-1247

ADULT AND JUVENILE JUSTICE BIBLIOGRAPHY

# **BIBLIOGRAPHIES**

LEAA (LAW ENFORCEMENTS ASSISTANCE ACT) REFERENCE LIST OF PUBLICATIONS SELECTED LISTINGS ON: LAW ENFORCEMENT, CRIMINAL JUSTICE, ETC. No. 2, JULY 1972--

OLM, JANE G. & OTHERS

CRIMINAL JUSTICE AND RELATED TOPICS. JUNE, 1972.

PA. \$8.00. TARLETON LAW LIBRARY, SCHOOL OF LAW, UNIVERSITY OF TEXAS

2500 RED RIVER, AUSTIN, TEXAS 78705

# BOOKS

BERRY, LEONARD J. PRISON, GROSSMAN PUBLISHERS, 1972, \$12.50 \*\*

BLUMBERG, ABRAHAM S. CRIMINAL JUSTICE, QUADRANGLE, 1967.

CHAMBERS, WILLIAM J. CRIME AND THE LEGAL PROCESS. MCGRAW-HILL 1969.

COM. ON ECONOMIC DEVELOPMENT, RESEARCH AND POLICY COM. REDUCING CRIME AND

ASSURING JUSTICE; A STATEMENT ON NATIONAL POLICY. JUNE 1972. 86 PAGES, TABLES.

PA. \$1.50

COUNCIL OF STATE GOVERNMENTS BOOK OF THE STATES. PUBLISHED BIENNIALLY, CONTAINS SECTION: LAW ENFORCEMENT AND PUBLIC PROTECTION: MAJOR STATE SERVICES.

DOUGLAS, JACK CRIME AND JUSTICE IN AMERICAN SOCIETY, BOBBES -- MERRILL. RECENT.

DOWNIE, LEONARD JUSTICE DENIED; THE CASE FOR REFORM OF THE COURTS. PRAEGER, 1972.

FINAL REPORT OF THE OHIO CITIZENS' TASK FORCE ON CORRECTIONS JUDGE BERNARD FRIEDMAN. PRINTED BY THE STATE OF OHIO DEPARTMENT OF URBAN AFFAIRS. COLUMBUS 1971.

JAMES, HOWARD CRISES IN THE COURTS, DAVID MCKAY Co., INC., NEW YORK, 1968.

(A PULITIZER PRIZE WINNER - A MUST) \*\*

KALVEN, HARRY, JR. & ZEISEL, H., THE AMERICAN JURY, LITTLE-BROWN, 1966

LEAGUE OF WOMEN VOTERS OF CINCINNATI AREA A STUDY OF JUSTICE IN HAMILTON COUNTY.
WRITE LWV CINCINNATI, 1935 SEYMOUR AVENUE, CINCINNATI, OHIO 45237.

LINEBERRY, WILLIAM P. ED. JUSTICE IN AMERICA; LAW ORDER AND THE COURTS. H.W. WILSON, 1972. 232 P. (REFERENCE SHELF SER., v. 44, No. 1)

MENNINGER, KARL THE CRIME OF PUNISHMENT, THE VIKING PRESS, NEW YORK, 1969.
PAPERBACK #274 \$1.95. \*\*

MIDWEST DEBATE BUREAU IMPROVING ADMINISTRATION OF JUSTICE, 1971. (DEBATE HANDBOOK)

MORRIS, NORWAL & HAWKINS, GORDON THE HONEST POLITICIAN'S GUIDE TO CRIME CONTROL,
THE UNIVERSITY OF CHICAGO PRESS, CHICAGO, 1970 \$5.95.

PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE CHALLENGE OF CRIME IN A FREE SOCIETY, AVON BOOKS, NEW YORK 1968.

PAPERBACK, AVON DE \$1.65 (GOOD OVERVIEW) \*\*

RADJINOVICZ, LEON & WOLFGANG, M.E. EDS. CRIME AND JUSTICE BASIC BOOKS, 1971.

VOL. 1 CRIMINAL IN SOCIETY \$5.95 PA.

VOL. 2 CRIMINAL IN THE ARMS OF THE LAW \$7.95 PA.

VOL. 3 CRIMINAL IN CONFINEMENT \$5.95 PA.

SILVERSTEIN, LEE DEFENSE OF THE POOR IN CRIMINAL CASES IN AMERICAN STATE COURTS.

AMERICAN BAR ASSOCIATION 1965. 3 V.

SMITH, ROBERT L. A QUIET REVOLUTION, PROBATION SUBSIDY U.S. DEPARTMENT HEW, SOCIAL & REHABILITATION SERVICE, DHEW PUBLICATION # (SRS) 72-26011. 45¢ FROM SUPERINTENDENT OF DOCUMENTS, U.S. GOVERNMENT PRINTING OFFICE, WASHINGTON, D. C. 20402 - STOCK #1766-0007 \*\*

STRUGGLE FOR JUSTICE: A REPORT ON CRIME AND PUNISHMENT IN AMERICA - PREPARED FOR THE AMERICAN FRIENDS SERVICE COMMITTEE, 1971 AVAILABLE PAPERBACK \$1.95 FROM AMERICAN FRIENDS SERVICE COMMITTEE, DAYTON REGIONAL OFFICE, 915 SALEM AVENUE, DAYTON, OHIO 45406 (DISCOUNT ON 15 OR MORE COPIES) GREAT BASIC READING - VERY THOUGHTFUL. \*\*\*

# OHIO PUBLICATIONS

OHIO STATE LEGISLATIVE SERVICE COMMISSION, FROBLEMS IN JUDICIAL ADMINISTRATION STAFF RESEARCH REPORT #75, 88 PP. 1965 (EXCELLENT, PROVOCATIVE) \*\*
NO LONGER AVAILABLE FROM OSLS, SO CHECK YOUR LIBRARY OR REQUEST YOUR LIBRARIAN TO GET IT ON INTERLIBRARY LOAN FROM OHIO STATE LIBRARY IN COLUMBUS.

OHIO STATE LEGISLATIVE SERVICE COMMISSION OHIO'S ADULT CORRECTIONS SYSTEM
STAFF RESEARCH REPORT #105 - 1971 \*\*

OHIO CONSTITUTION: ARTICLE IV - JUDICIAL AND ARTICLE XVII (SECTION 2) \*\*

OHIO REVISED CODE REFERENCES: \*\*

TITLE 19 - COURTS; MUNICIPAL, POLICE, MAYOR'S, COUNTY

TITLE 21 - COURTS: PROBATE AND JUVENILE

TITLE 23 - COURTS: COMMON PLEAS

TITLE 25 - APPELLATE COURTS

TITLE 27 - COURTS: GENERAL PROVISIONS

TITLE 29 - CRIMES - PROCEDURES

CHAPTER 309 - PROSECUTING ATTORNEY

CHAPTER 311 - SHERIFF

CHAPTER 313 - CORONER

OHIO RULES OF CRIMINAL PROCEDURE - AVAILABLE AT 50¢ EACH.
OHIO BAR ASSOCIATION, 33 WEST 11TH AVENUE, COLUMBUS 43201

# BOOKS

ATTICA--THE OFFICIAL REPORT OF THE NEW YORK STATE SPECIAL COMMISSION ON ATTICA, BANTAM BOOK - SEPTEMBER 1972 \$2.25

CLARK, RAMSEY CRIME IN AMERICA - POCKET BOOK. 1970\*\*

SOLEDAD BROTHER THE PRISON LETTERS OF GEORGE JACKSON - BANTAM BOOK 1972. \$1.50

SANDS, BILL MY SHADOW RAN FAST - SIGNET Q 4622, PAPERBACK 95¢. \*\*

VIOLENCE IN AMERICA - THE COMPLETE OFFICIAL REPORT TO THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE - JUNE 1969. A SIGNET SPECIAL Y4052 - \$1.25.

# END

<sup>\*\*</sup> THESE ITEMS ARE ESPECIALLY GOOD.