This microfiche was produced from documents received for inclusion in the NCJRS database. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101.11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

11/1/76
Date filmed

STANDARDS AND GOALS
COMPARISON PROJECT
FINAL REPORT
VOLUME II
Juvenile Delinquency

Prepared for the Ohio Criminal Justice Supervisory Commission and The Department of Economic and Community Development, The Administration of Justice Division

THE OHIO STATE UNIVERSITY
PROGRAM FOR THE STUDY OF CRIME AND DELINQUENCY
DELINQUENCY CORRECTIONS POLICE COURTS
College of Administrative Science
Division of Public Administration
The project from which this report is drawn was supported by a grant (#2907-00-13-72) from the Ohio Department of Economic and Community Development, the Administration of Justice Division to the Ohio State University Program for the Study of Crime and Delinquency. Such funding does not necessarily indicate concurrence by the funding agency with the contents, findings, or recommendations contained within.
The National Advisory Commission on Criminal Justice Standards and Goals did not publish a volume on Juvenile Delinquency; instead, standards relating to juveniles were placed in several of the Commission’s volumes. The papers on those standards have been compiled in this booklet. These same papers also appear in the main topic booklets. Thus, the papers on standards from Community Crime Prevention which are produced here are also found in the Community Crime Prevention booklet, and so forth.

There seemed to be no convenient way to make specialized display charts without renumbering the standards; however, the display charts for all four volumes from which these standards were taken are included here. A specialized bibliography was compiled and is also included.

In addition to the standards selected for this booklet, there are some others not specifically written about juveniles, yet related, which might be of interest to those concerned with juvenile delinquency. A list of these follows; papers on these standards will be found in the main topic booklets.

- Community Crime Prevention
  - Chapter 4 - Programs for Drug Abuse Treatment and Prevention

- Corrections
  - Chapter 2 - Rights of Offender
  - Chapter 4 - Pretrial Release and Detention

- Police
  - Recommendation 4.1 - Alcohol and Drug Abuse Centers
  - Standard 9.10 - Narcotic and Drug Investigations
TABLE OF CONTENTS

COMMUNITY CRIME PREVENTION

CHAPTER 3 - YOUTH SERVICES BUREAUS A MODEL FOR THE DELIVERY OF SOCIAL SERVICES

Standard 3.1 Purpose, Goals, and Objectives
Standard 3.2 Decision Structure
Standard 3.3 Target Group
Standard 3.4 Functions
Standard 3.5 Staffing
Standard 3.6 Evaluation of Effectiveness
Standard 3.7 Funding
Standard 3.8 Legislation

CHAPTER 5 - PROGRAMS FOR EMPLOYMENT

Recommendation 5.1 Expansion of Job Opportunities for Youth
Recommendation 5.2 After-School and Summer Employment

CHAPTER 6 - PROGRAMS FOR EDUCATION

Recommendation 6.1 The Home as a Learning Environment
Recommendation 6.2 The School as a Model of Justice
Recommendation 6.3 Literacy
Recommendation 6.4 Improving Language Skills
Recommendation 6.5 Reality-Based Curricula
Recommendation 6.6 Supportive Services
Recommendation 6.7 Alternative Educational Experiences
Recommendation 6.8 Use of School Facilities for Community Programs

CHAPTER 7 - PROGRAMS FOR RECREATION

Recommendation 7.1 Use of Recreation to Prevent Delinquency

POLICE

CHAPTER 4 - CRIMINAL JUSTICE RELATIONS

Standard 4.1 Diversion

CHAPTER 9 - OPERATIONS SPECIALIZATION

Standard 9.1 Juvenile Operations

JUVIS

CHAPTER 1 - SCREENING

Standard 1.1 Criteria for Screening
Standard 1.2 Procedure for Screening

CHAPTER 2 - DIVERSION

Standard 2.1 General Criteria for Diversion
Standard 2.2 Procedure for Diversion Programs
## INTERRELATED STANDARDS

### Courts -- Corrections

<table>
<thead>
<tr>
<th>COURTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
</tr>
<tr>
<td>1.2</td>
</tr>
<tr>
<td>1.3</td>
</tr>
<tr>
<td>1.4</td>
</tr>
<tr>
<td>1.5</td>
</tr>
<tr>
<td>1.6</td>
</tr>
<tr>
<td>2.1</td>
</tr>
<tr>
<td>2.2</td>
</tr>
<tr>
<td>2.3</td>
</tr>
<tr>
<td>2.4</td>
</tr>
<tr>
<td>2.5</td>
</tr>
<tr>
<td>2.6</td>
</tr>
<tr>
<td>3.1</td>
</tr>
<tr>
<td>3.2</td>
</tr>
<tr>
<td>3.3</td>
</tr>
<tr>
<td>3.4</td>
</tr>
<tr>
<td>3.5</td>
</tr>
<tr>
<td>3.6</td>
</tr>
<tr>
<td>4.1</td>
</tr>
<tr>
<td>4.2</td>
</tr>
<tr>
<td>4.3</td>
</tr>
<tr>
<td>4.4</td>
</tr>
<tr>
<td>4.5</td>
</tr>
<tr>
<td>4.6</td>
</tr>
<tr>
<td>5.1</td>
</tr>
<tr>
<td>5.2</td>
</tr>
<tr>
<td>5.3</td>
</tr>
<tr>
<td>5.4</td>
</tr>
<tr>
<td>5.5</td>
</tr>
<tr>
<td>5.6</td>
</tr>
<tr>
<td>6.1</td>
</tr>
<tr>
<td>6.2</td>
</tr>
<tr>
<td>6.3</td>
</tr>
<tr>
<td>6.4</td>
</tr>
<tr>
<td>7.1</td>
</tr>
<tr>
<td>7.2</td>
</tr>
<tr>
<td>7.3</td>
</tr>
<tr>
<td>7.4</td>
</tr>
<tr>
<td>7.5</td>
</tr>
<tr>
<td>7.6</td>
</tr>
<tr>
<td>8.1</td>
</tr>
<tr>
<td>8.2</td>
</tr>
<tr>
<td>8.3</td>
</tr>
<tr>
<td>8.4</td>
</tr>
<tr>
<td>9.1</td>
</tr>
<tr>
<td>9.2</td>
</tr>
<tr>
<td>9.3</td>
</tr>
<tr>
<td>9.4</td>
</tr>
<tr>
<td>10.1</td>
</tr>
<tr>
<td>10.2</td>
</tr>
<tr>
<td>10.3</td>
</tr>
<tr>
<td>10.4</td>
</tr>
<tr>
<td>10.5</td>
</tr>
<tr>
<td>10.6</td>
</tr>
<tr>
<td>11.1</td>
</tr>
<tr>
<td>11.2</td>
</tr>
<tr>
<td>11.3</td>
</tr>
<tr>
<td>11.4</td>
</tr>
<tr>
<td>11.5</td>
</tr>
<tr>
<td>11.6</td>
</tr>
<tr>
<td>12.1</td>
</tr>
<tr>
<td>12.2</td>
</tr>
<tr>
<td>12.3</td>
</tr>
<tr>
<td>12.4</td>
</tr>
<tr>
<td>12.5</td>
</tr>
<tr>
<td>12.6</td>
</tr>
<tr>
<td>13.1</td>
</tr>
<tr>
<td>13.2</td>
</tr>
<tr>
<td>13.3</td>
</tr>
<tr>
<td>13.4</td>
</tr>
<tr>
<td>13.5</td>
</tr>
<tr>
<td>13.6</td>
</tr>
<tr>
<td>14.1</td>
</tr>
<tr>
<td>14.2</td>
</tr>
<tr>
<td>14.3</td>
</tr>
<tr>
<td>14.4</td>
</tr>
<tr>
<td>14.5</td>
</tr>
</tbody>
</table>

---

**POLICE**

**CORRECTIONS**

**INTERRELATED STANDARDS**

Courts -- Corrections

---

**POLICE -- CORRECTIONS**

**INTERRELATED STANDARDS**

Courts -- Corrections
COMMUNITY CRIME PREVENTION

Including all Standards from:

Chapter 3 - Youth Services Bureau: a Model for the Delivery of Social Services
Chapter 7 - Programs for Recreation

and selected Standards from:

Chapter 5 - Programs for Employment
Chapter 6 - Programs for Education
CHAPTER 3 - YOUTH SERVICES BUREAUS

Standard 3.1 PURPOSE, GOALS, AND OBJECTIVES

Youth services bureaus should be established to focus on the social problems of youth in the community. The goals may include diversion of juveniles from the justice system; provision of a wide range of services to youth through advocacy and brokerage, offering crisis intervention as needed; modification of the system through program coordination and advocacy; and youth development.

1. Priorities among goals should be locally set.
2. Priorities among goals (as well as selection of functions) should be based on a careful analysis of the community, including an inventory of existing services and a systematic study of youth problems in the individual community.
3. Objectives should be measurable, and progress toward them should be scrutinized by evaluative research.
4. Officially Known Endorsements and Objectives

In 1967, the President's Commission on Law Enforcement and Administration of Justice in its Task Force Report: Juvenile Delinquency and Youth Crime recommended:

Communities should establish neighborhood youth-serving agencies--Youth Services Bureaus--located if possible in comprehensive neighborhood community centers and receiving juveniles (delinquent and nondelinquent) referred by the police, the juvenile court, parents, schools, and other sources. These agencies would act as central coordinators of all community services for young people and would also provide services lacking in the community or neighborhood, especially ones designed for less seriously delinquent juveniles.1


The NCCD says:

The purpose of the Youth Service Bureau is to divert children and youth from the juvenile system.3

Stressing the local, individual character of the Youth Service Bureau, the Council says the Youth Service Bureau should be "creatively adapted to local needs."4

Because communities differ widely in population density, ethnic composition and youth mores, appropriate means of reaching youth in one neighborhood or one part of the country may be quite inappropriate in another. Likewise, agency organization, citizen action, and government involvement will differ from city to city and from state to state, affecting the financial and administrative feasibility of any particular type of program.5

While each Youth Service Bureau should be a local community oriented service agency some qualities of the bureaus are alike and the basic goals should be the same.

The Youth Service Bureau is not a part of the justice system, although it may accept referrals from it. Its immediate goal is to keep children from becoming involved with the justice system. Its long-range goal is to reduce home, school, and community pressures to which children react with antisocial behavior.6

And, regarding Youth Service Bureau objectives and evaluation, the NCCD says:

Although experience and observation may offer clues to good preventive programs, research has yet to be developed to the point where certain types of organization, techniques, and programs can be positively identified as more effective than others. Therefore, the maximum experimentation in the operation of Youth Service Bureaus and demonstration projects is to be encouraged, provided that evaluation by a reliable, well-qualified research organization is built into the operation from its inception.7

II. Special Considerations

In 1971, in a monograph funded by a grant from the National Institute of Mental Health, Edward Lemert said of Youth Service Bureaus and the President's Commission:

...it does seem clear that the recommendation for the establishment of the Youth Services Bureau was the Commission's more important contribution to implementing a policy of diversion.8

Youth Service Bureaus were, indeed, established following the Commission's recommendation. Lemert notes the following in his appraisal of the Bureau:

It is both premature and unfair to criticize Youth Service Bureaus too harshly before they have a chance to become fully organized and prove themselves in practice. However, probing questions already have been raised about their sources of authority, means
of support, professional tone, and their relationships to external agencies working in the same field of endeavor. The objective salted on the Youth bureau will become just one piece of a community agency following popular or fashionable trends in youth work, making the water a little more and falling into obscurity. Much depends on the way in which States and localities see the possibilities of this situation.


Ibid., p. 5.

Ibid., p. 4.

Ibid., p. 9.

Ibid., p. 6.


Ibid., p. 93.

Standard 2.2 DECISION STRUCTURE

Youth service boards should be organized as independent, locally operated agencies that involve the widest possible numbers of people of the community, particularly youth, in the solution of youth problems. The most appropriate local decision-making structure should be determined by the priorities set among the goals, but in no case should youth service boards be under the control of the justice system or any of its components.

1. A bureau should be operated with the advice and consent of the community it serves, particularly the recipients of its services. This should include the development of youth responsibility for community delinquency prevention.

2. A coalition, including young people, indigenous adults, and representatives of agencies and organizations operating in the community, should comprise the decision-making structure. Agency representatives should include juvenile justice policymakers.

1. Officially Known Enforcements and Objectives

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY stresses the importance of the Youth Service Bureau being a locally oriented agency, independent of the justice system.

There is no prototype for a Youth Service Bureau— each Board is to decide which particular type of organization and emphasis can best divert its children from the justice system. The first priority must be to determine what the particular type of organization and emphasis can best divert its children from the justice system.

The Youth Service Bureau should involve representatives from all sections of the community.

The Youth Service Bureau concept provides a foothold for public action. Its structure offers citizens, professionals, and youth an opportunity to join forces in solving problems underlying troublesome behavior before youngsters are labeled delinquent. This calls for an entirely different approach from that of authoritative intervention.

It challenges citizens and government to break through the inflexibility of officialdom and open up new lines of communication by means of Youth Service Bureau boards, block associations, and other groups.

As recommended in this Standard, the YCCB stresses the independence of the Youth Service Bureau and the interactive participation of representative community leaders and neighborhood residents.

The Youth Service Bureau is organized as an independent agency established by one or more official boards. Citizens representing political, social, and economic leadership in the community at large and citizen youth leaders in high delinquency areas are appointed to the Youth Service Bureau Board. An important feature of the Youth Service Bureau Board is its many citizen committees responsible for implementing the community-wide program with the aid of staff. Because many of the committees are closely related, interaction between them will enable sponsoring bodies to carry out its responsibilities.

As need arises, goals and funds are made available. Service bureaus may be staffed by branch offices, also with citizen committees, are established in inner neighborhoods. Each office has its own autonomous neighborhood board initially appointed by the central Youth Service Bureau Board.

Since a cardinal principle of the Youth Service Bureau is active participation by target area residents, branch board members are not only represented on the central board, but are also active in the community.

The program must be practiced in a decision-oriented and effective way in order to respond to the unique needs and anticipated problems of the community it serves but without undue reliance on traditional bureaucratic responses.

2. The program must be prepared to deal objectively and effectively with the problems of the community, including those who believe in a punitive and deterrent course of action.

3. Whatever the staff orientation, the program must be prepared to substitute for other courses of action, particularly if the object is to reduce the likelihood of recidivism, although the program may not be able to influence youths who are in jeopardy of the criminal justice system in or close to the mainstream of the law abiding community.

Program must be organized in such a manner that the favorable public bias for children and youth be used to reduce delinquency and crime.


Ibid., p. 19.

Ibid., p. 18.

Ibid., p. 41.


Standard 3.3 TARGET GROUP

Youth service bureaus should make needed services available to all youth in the community. Bureau staff should take a particular effort to attract diversionary referrals from the juvenile justice system.

1. Law enforcement and court intake personnel should be strongly encouraged, immediately through policy changes and ultimately through legal changes, to make full use of the youth service bureau in lieu of court processing for every juvenile who is not an immediate threat to public safety and who voluntarily accepts the referral to the youth service bureau.

2. Specific criteria for diversionary referrals should be developed and specified in writing by law enforcement, court, and youth service personnel. Referral policies and procedures should be mutually agreed upon.

3. Diversionary referrals should be encouraged by continued communication between law enforcement, court, and youth services personnel.

4. Referrals to the youth service bureau should be completed only if voluntarily accepted by the youth. The youth should not be forced to choose between bureau referral and further justice system processing.

5. The juvenile court should not order youth to be referred to the youth service bureau.

6. Cases referred by law enforcement or court should be closed by the referring agency when the youth agrees to accept the youth service bureau's service. Other dispositions should be made only if the youth commits a subsequent offense that threatens the community's safety.

7. Referring agencies should be entitled to and should expect systematic feedback on services provided to a referred youth by the bureau. However, the youth service bureau should not provide justice system agencies with reports on the youth's behavior.

Because of the voluntary nature of bureau services and the reluctance of young people who might benefit from them, the youth service bureau should provide services to youth aggressively. There should include the use of hotline and outreach or street workers to contact the appropriate population.

1. Officially Known Enforcements and Objectives

According to the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency and Youth Crime:

While some of the cases would normally originate with parents, schools, and other sources, the bulk of the referrals could be obtained from police and juvenile court intake staff, and police and court referrals should have special status in that the youth service bureau would be required to accept them all. If, after study, certain youths are deemed unlikely to benefit from its services, the bureau should be obligated to transmit notice of the decision and supporting reason to the referral source.
Youth Services Bureau should also accept juveniles in production and parole, as well as "walk-ins" and those whose parents request voluntary service. The compelling priority of a bureau should be youth who have displayed behavioral problems either at home or in the community. 2

The Task Force report states that referrals by police, and others to local community agencies should be on a voluntary basis. If the request to seek help is ignored, the police or another organized group may refer to the court. However, to protect against such abuse of such a court referral should terminate when the juvenile or his family, and the community agency agree on a disposition. 4

The U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE in The Challenge of Youth Service Bureau mentions that more than half of all referrals to the Youth Service Bureau contacted (50.92%) were for unacceptable behavior, i.e., youth in jeopardy of proceeding in the juvenile justice system but whose behavior would not have been illegal if engaged in by an adult. 3

11. Special Considerations
In The Youth Service Bureau, A Key to Delinquency Prevention, published by the NATIONAL COUNCIL ON CRIME AND DELINQUENCY, Norman recommends:

The YSB should make its services available to children seven to eighteen years old (a) who have been referred to the justice system but for whom the authoritative intervention of the courts is not needed, (b) who have problems that might eventually bring them within the jurisdiction of the court. Although this is the primary target group, youth older or younger children need be excluded. 6

The youth served by the YSB are most frequently having problems in their family relationships usually aggravated by school or community difficulties. 4

12. The youth services bureau should have funds to purchase of services that are not otherwise available. 5

Youth Service Bureau (YSB) programs tend to focus on the special problems of the community. To the extent that the bureau's objectives are diverse, those most capable of diversion are the bureau that has a linkage to the juvenile justice system, maintaining immediate communication but that are not controlled by the justice system. 4

In The Youth Service Bureau, Key to Delinquency Prevention, published by the NATIONAL COUNCIL ON CRIME AND DELINQUENCY, Norman recommends:

- The immediate goal of the Youth Service Bureau is to keep children from becoming involved with the justice system. Its long range goal is to reduce home, school, and community pressures to which children react with antisocial behavior. 5

The Youth Service Bureau is designed to correct the following situations and so benefit not only the youth of the community but also the many agencies and individuals concerned with youth.

- For the court, the YSB provides a relief from many "nuisance cases" and a source of follow-up service for nonadjudicated children.

- For probation officers, the YSB provides a reduction in time consuming "informal adjustment" cases, which are now effectively worked out outside an authoritative framework.

- For police officers, the YSB provides an alternative to detention and court referral when, in their judgment, release on one's own recognizance is insufficient but filing a petition is not imperative.

- For the public school, the YSB provides a link with the juvenile justice system as an intermediary school and other behavior difficulties may be handled through cooperative problem-solving with other agencies.

- For citizen volunteers, the YSB provides a chance to turn from frustration over juvenile delinquency to constructive efforts on behalf of youth and youth-serving agencies. 6

- For the private social agencies, the YSB provides an extension of youth services through citizen action.

- For the welfare department, the YSB provides an advocate for troubled youth and support for protective services available to young children.

- For youth, the YSB provides the listening ear of someone who can establish "red tape" in an effort to solve their problem.
For the community as a whole, the YSB provides an opportunity for a great responsibility for assisting in the troubled and troubled youth by coordinating services on their behalf rather than relying on court authority.

Norman maintains that the three interrelated functions of a YSB are as follows:

1. Service Brokerage: The YSB bridges the gap between available services and youth in need of them by referral and follow-up.

2. Resource Development: The YSB works with citizens in developing new resources where they are lacking.

3. System Modification: There is little sense in helping a young person adjust to home, school, and community difficulties without also intervening to change the conditions that create them. Therefore, the YSB seeks to modify, if established institutions, those attitudes and practices that discriminate against troublesome children and youth and thereby contribute to their antisocial behavior.

There is no reason why a bureau may not begin with one type of operation and shift its emphasis as the need to do so becomes evident. In any case, the eventual goal is to perform all three closely interrelated functions. An agency that focused exclusively on only one of them would be too limited in effectiveness to fit the National Council on Crime and Delinquency definition of a Youth Service Bureau.

The Youth Service Bureau is not itself a service agency as much as an agency for organizing the delivery of services to children and their families. Its uniqueness lies in its relationship to youth and to agencies serving youth. Although it may conduct demonstrations and projects and perform an information, counseling, and referral function, it is not a competitor to other direct-service agencies. In fact, one long range aim of the Youth Service Bureau should be to achieve such a change in court intake practices and encourage and development of youth resources in the community that whatever direct services it may have temporarily provided will no longer be needed.


3Ibid., p. 31.

4Ibid., p. 12.

5Ibid., p. 13.


7Norman maintains that the three interrelated functions of a YSB are as follows:

1. Service Brokerage: The YSB bridges the gap between available services and youth in need of them by referral and follow-up.

2. Resource Development: The YSB works with citizens in developing new resources where they are lacking.

3. System Modification: There is little sense in helping a young person adjust to home, school, and community difficulties without also intervening to change the conditions that create them. Therefore, the YSB seeks to modify, if established institutions, those attitudes and practices that discriminate against troublesome children and youth and thereby contribute to their antisocial behavior.

There is no reason why a bureau may not begin with one type of operation and shift its emphasis as the need to do so becomes evident. In any case, the eventual goal is to perform all three closely interrelated functions. An agency that focused exclusively on only one of them would be too limited in effectiveness to fit the National Council on Crime and Delinquency definition of a Youth Service Bureau.

The Youth Service Bureau is not itself a service agency as much as an agency for organizing the delivery of services to children and their families. Its uniqueness lies in its relationship to youth and to agencies serving youth. Although it may conduct demonstrations and projects and perform an information, counseling, and referral function, it is not a competitor to other direct-service agencies. In fact, one long range aim of the Youth Service Bureau should be to achieve such a change in court intake practices and encourage and development of youth resources in the community that whatever direct services it may have temporarily provided will no longer be needed.


3Ibid., p. 31.

4Ibid., p. 12.

5Ibid., p. 13.


7Norman maintains that the three interrelated functions of a YSB are as follows:

1. Service Brokerage: The YSB bridges the gap between available services and youth in need of them by referral and follow-up.

2. Resource Development: The YSB works with citizens in developing new resources where they are lacking.

3. System Modification: There is little sense in helping a young person adjust to home, school, and community difficulties without also intervening to change the conditions that create them. Therefore, the YSB seeks to modify, if established institutions, those attitudes and practices that discriminate against troublesome children and youth and thereby contribute to their antisocial behavior.

There is no reason why a bureau may not begin with one type of operation and shift its emphasis as the need to do so becomes evident. In any case, the eventual goal is to perform all three closely interrelated functions. An agency that focused exclusively on only one of them would be too limited in effectiveness to fit the National Council on Crime and Delinquency definition of a Youth Service Bureau.

The Youth Service Bureau is not itself a service agency as much as an agency for organizing the delivery of services to children and their families. Its uniqueness lies in its relationship to youth and to agencies serving youth. Although it may conduct demonstrations and projects and perform an information, counseling, and referral function, it is not a competitor to other direct-service agencies. In fact, one long range aim of the Youth Service Bureau should be to achieve such a change in court intake practices and encourage and development of youth resources in the community that whatever direct services it may have temporarily provided will no longer be needed.
I. Officially Known Endorsements and Objections

In the book, The Youth Service Bureau, A Key to Delinquency Prevention, the NATIONAL COUNCIL ON CRIME AND DELINQUENCY discusses the need for evaluation of the effectiveness of youth service bureaus and makes suggestions for conducting such evaluation. Evaluation should be performed by an independent agency which should consider:

1) how effectively the bureau has implemented its stated objectives;
2) whether there is an adequate budget allocated for research personnel and equipment;
3) whether planning leaves sufficient breadth, balanced between short and long range goals, and whether citizens and youth in particular are included in the planning process.1

In the introduction the NATIONAL COUNCIL ON CRIME AND DELINQUENCY includes commentary on the results of evaluation of Youth Service bureaus, saying:

Where Youth Service Bureaus have been given an opportunity to function for several years and evaluation has been built into the design from the beginning, the returns look promising.2

Here, as in the study mentioned below, the importance of the evaluation is stressed as it is in this Standard.3

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY discusses the need for intervention, from the inception of any youth service bureau and its programs, between the bureau and the research agency which would be involved to conduct evaluation. It covers the need for building measurable goals into any program and the importance of careful, thorough data collection and processing.4 Chapter 8 of this work given detailed coverage of the topic of assessment.5

II. Special Considerations

A. Youth Service Bureaus: A National Study, 1972, it was reported that less than 10% of the Youth Service Bureaus (YSB) visited had a thorough evaluation procedure.5 The study made the following suggestions regarding evaluation in a discussion of funding, indicating that to assure continued funding, evaluation of the YSB should be conducted.

Problems relating to establishing cost effectiveness are similar to determining intervention and coordination. The first question is: Cost and effectiveness in relation to what alternative? Again, the method would involve an experimental control model, base-line data, and a system of realistic evaluation to consider circumstances that occur during the time such a study is made. Because there are unclear or contested issues relating to the concept of Youth Service, it would be too systematically examine and compare selected issues, e.g. cost-effectiveness vs. voluntarism; utilizing the bureau as a substitute for adjudication; examining the different definitions of diversion on a planned basis; comparisons between a direct service model, non-direct and variations in between.6

The Study also stated as a general principle, based upon its findings:

Research and evaluation must be included and an evaluation component developed if there is to be systematic organizational change based on more than perhaps and hunch.6


Id., pp. 8-9.

Id., p. 15.

Standard 3.7 FUNDING

Public funds should be appropriated on an ongoing basis, to be available for continuing support for effective youth services bureaus. Private funding also should be encouraged.

1. Officially Known Endorsements and Objections

In 1967, the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, Task Force Report: Juvenile Delinquency and Youth Crime suggested:

All communities should explore the availability of Federal funds both for establishing the coordinating mechanisms and for funding the Youth Service Bureau's operation and for instituting the special services to meet the community needs.1

This seemed to place the burden for securing funding upon the communities. However, the Task Force went on to say that in order to meet the special needs of youth, the problems, the Youth Service Bureau (YSB) should be encouraged "by means of special funds to develop intensive programs."2 This would seem to imply at least, the provision of funds for these organizations. The Task Force continued, speaking of the urgent need to deal with delinquent and potential delinquent youth:

... the problem must be attacked, for it is with these young people that most youth-serving agencies today are having the least success. Presumably, the Commission recognized the need for continuing support since it placed emphasis on the on-going nature of the problem of providing services to delinquent youth as well as youth with special problems who are often excluded by other agencies and institutions.

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCDD) stresses the need for funding of the Youth Service Bureau through state or local government or through an organization such as a Health and Welfare Planning Council.3 The NCDD feels that private funding, if available, is less desirable than public sponsorship.4

II. Special Considerations

11. Youth Service Bureaus: A National Study prepared by the Department of the California Youth Authority in 1972, it was reported:

The most significant and critical problem of Youth Service Bureau throughout the country today can be summed up in a single word, "funding".

The Study suggested:

The principal methods for strengthening Youth Service Bureau would be to establish a more realistic and permanent base for funding, especially involving a considerable more commitment on the part of the agencies launching into or supporting such a concept in the future than they have shown in the past.

Amplifying this recommendation, the Study made the following suggestion:

If Youth Service Bureaus are to be seriously considered as either

an alternative or substitute for programs in the Juvenile Justice System, they will need a more permanent and stable source of funding on a multiple year basis. Federal funding whether by revenue sharing, or some other unnamed method, needs to be seriously considered.

The argument used by Federal funding sources to date in regard to year-to-year financing has been that providing "seed money." The claim is that local communities know that the money is given conditionally on the basis that financing will be assumed by local government. It is implied that an intention to do otherwise is not quite honest on the part of the local community. This amounts to year-to-year funding which has proved not only unrealistic but sometimes extremely destructive.


2Ibid., p. 88.


4Ibid., p. 22.

CHAPTER 3 - PROGRAMS FOR EMPLOYMENT

Recommendation 3.1 EXPANSION OF JOB OPPORTUNITIES FOR YOUTH

The Commission recommends that employers and unions institute or accelerate efforts to expand job opportunities to economically and educationally disadvantaged youth, especially lower income minority group members. These efforts should recognize the importance of setting reasonable minimum age requirements and bonding procedures.

Employers and unions should also support actions to remove unnecessary or outdated State and Federal labor restrictions on employing young people. Finally, employers should institute or expand training programs to sensitize management and supervisors to the special problems young people may bring to their jobs.

1. Officially Known Endorsements and Objections

The President's Commission on Law Enforcement and Administration of Justice recommends that:

Employers, both private and public...

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) has urged its affiliates to develop manpower programs aimed at creating greater opportunity for minority workers.

The AFL-CIO's Department of Civil Rights has endorsed recruitment and preparation of minority youth to enter into skilled trades.

2. The Task Force on Economic Growth and Opportunity of the CHAMBER OF COMMERCE OF THE UNITED STATES recommends that labor unions support equal employment opportunities by extending equal member benefits to minority group members and that management assure equal hiring opportunities through practices such as increased recruiting among minority groups. The Task Force also recommends that local chambers of commerce and individual businesses initiate integrated employment programs with their communities with emphasis on collateral activities such as providing guidance service to the youth of the community.

3. The Task Force has called for study and analysis of the impact and degree of obsolescence of federal and state child labor laws and the regulations implementing them.

4. The White House Conference on Youth makes the following proposals:

To expand the job opportunities available to disadvantaged youth...

5. Employers (should) re-examine their hiring requirements;...

6. Federal and state laws should be reviewed...

7. Business should accelerate its efforts to employ youth.


Ibid., p. 21.

Ibid., p. 22.

Ibid., p. 232.

Ibid., p. 233.


...recommendations that local chambers of commerce and individual businesses initiate integrated employment programs with their communities with emphasis on collateral activities such as providing guidance service to the youth of the community...
The American Federation of Labor and Congress of Industrial Organization (AFL-CIO) suggests that programs to help young people remain in school be expanded, further work and training for dropouts should be provided. The AFL-CIO recommends that these plans follow the structure of the Neighborhood Youth Corp program.

The President's Commission on Law Enforcement and Administration of Justice recommends that

The Advisory Commission suggests action by the

The Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States recommends that massive federally funded employment programs, insofar as they create jobs in the public and non-profit sector, be avoided because such programs lead to the development of a "locked-in" class of workers.

The National Committee on Employment of the Poor: Education and Employment recommends that states establish agencies to assist in finding new jobs for youths and that outdated federal and state restrictions on youth employment be eliminated.

Local child labor regulations must be changed wherever possible to broaden employment opportunities for young people. Nonhazardous jobs with real career potential should be the goal of any legislation in this area.

I. Objections and Endorsements

Enforcement


Ibid., p. 59.

Ibid., p. 67.


CHAPTER 6 - PROGRAMS FOR EDUCATION

Recommendation 6.1 THE HOME AS A LEARNING ENVIRONMENT

The Commission recommends that educational authorities propose and adopt experimental and pilot projects to encourage selected neighborhood parents to become trained, qualified, and employed as teachers in the home.

A variety of methods and procedures could be adopted to attain this goal. Among these are the following:

1. Legislation to enable the establishment and continuation of home environment education as a permanent accessory to existing educational systems.

2. Programs designed to determine the most effective utilization of parents in educational projects in the home setting. A logical departure point for such projects would be to increase the level of active involvement of selected neighborhood parents in formal school operations. A carefully designed program of this sort would also benefit preschool children in the home.

3. The development of short-term and follow-through programs by teacher-training institutions to prepare parents for instructing their children.

4. The joint development by parents and school staffs of techniques and methods for using the home as a learning environment.

5. School district and State educational programs to train parents to use techniques and materials in the home as a means of reinforcing the efforts of formal schooling.


7. The expansion of programs to train and use parents as aides, assistants, and tutors in regular school classrooms.

I. Officially Known Endorsements and Objections

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has endorsed the concept of involving parents and the home in the educational process. The Advisory Commission has suggested that this involvement can be accomplished through the use of community aides and mothers as assistants in the classroom. The Advisory Commission has also recommended that instruction be individualized through the extensive use of non-professional personnel.

The TASK FORCE ON URBAN EDUCATION has noted the need for schools to increase their involvement with the community in which they are located. The Task Force has recommended that efforts be made to attract residents of communities served by the schools into careers in the education profession.

The Task Force has suggested that training programs be established to enable the community residents to function effectively in the educational system.

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, Task Force Report: Juvenile Delinquency, has recommended that efforts be made to increase cooperation between schools and the communities they serve. As one means of achieving this goal, the Task Force has offered the concept of parents and other community members serving as teachers aides.

II. Special Considerations

In a work produced for Professional Educators Publications it is suggested that:

Parents...will need to play an important part in activating the educational community...Parents and other citizens can help plan educational curricula. Parents can be taught how to use the community and its services for supplementing their children's education.


criticized for failing to provide students with a functioning democratic process in action. As stated by the New York City school system, the New York Civil Liberties Union said:

The failure of the Board to take action against principals who violate the law contrasts sharply with the school system's record of swift action against student misbehavior. The effect on students of this double standard has been disastrous. Cynicism, disbelief in the rule of law and a sense that the schools are a mass of hypocrisy are widespread among the students.

We believe that the single largest crisis facing the schools today is the disinfection and distrust of its students. We believe that this disinfection and distrust is directly traceable to the refusal of school officials to respect the rights of students and establish the rule of the law.1

The school system needs to avoid the creation of such attitudes in students who violate the law. The PREPAREDNESS COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE notes that:

The greater the involvement of students in the planning and operation of the school, the more active and intense their interest in learning, scholastic, and conforming.2

The Commission presented three conditions which should be changed in the present school system: first, the exclusion of students from participation in planning and decision-making; second, the exclusion of any exercise of authority in the school; and third, the minimal active involvement of students in the teaching-learning structure.3

The Commission further recommends the provision of a full range of supportive-services to those students who cannot be adjusted into the school structure.

I. Special Considerations

Student involvement has been advocated in such areas as discipline and teacher evaluation. Carol Ziegler has recommended that school administrators take the lead in allowing student self-regulation of areas such as dress codes, student publications, and student conduct.4

Dr. Edmund Reutter has said, "The prime function of the school is to develop effective citizens for our democracy."5 The development of such effective citizens for a democracy necessitates both instruction and experience in the democratic process.

1 New York Civil Liberties Union Student Rights Project, New York Civil Liberties Union Student Rights, in Support of the New York City School Board, New York City School Board, New York Civil Liberties Union, 1972, pp. 7-8.
3 Ibid., p. 248.

Recommendation 6.3: LITERACY

The Commission recommends that by 1982, all elementary schools institute programs guaranteeing that every student who does not have a severe mental, emotional, or physical handicap will have acquired functional literacy in English before leaving elementary school (usually grade 6), and that special literacy programs will be provided for those handicapped individuals who cannot succeed in the regular program.

A variety of methods and procedures could be established to meet this goal. Such methods and procedures could include the following:

1. Training of teachers in methods and techniques demonstrated as successful in exemplary programs involving students with low literacy prognoses;
2. Training and employment of parents and other community persons as aides, assistants, and tutors in elementary school classrooms.
3. Replacement of subjective grading systems by objective systems of self-evaluation for teachers and objective measures of methods and strategies used;
4. Provision of privately contracted tutorial assistance for handicapped or otherwise disadvantaged students;
5. Redistribution of resources to support greater input in the earlier years of young people's education; and
6. Decentralized control of district finances to provide certain discretionary funds to site principals and neighborhood parent advisory committees for programs directed to the specific needs of the students.

The COMMITTEE FOR ECONOMIC DEVELOPMENT suggests that the government's effort to meet equality of minimal achievement in the basic literacy skills of reading, writing and computation is an absolute necessity. "These skills are essential to every person and their successful cultivation in every person must be demanded by the schools."1

In December, 1961, the General Assembly of the United Nations established UNICEF to make a "general review of the question of the eradication of mass illiteracy throughout the world with the object of working out concrete and effective measures at the international and national level for such eradication."2 Since that time, UNICEF has centered its attention on the illiterate, and not upon the sources of this illiteracy. It has, however, recognized the situation.

The most obvious long-term remedy for mass illiteracy is cut off illiteracy at its source by ensuring universal and adequate primary education. Yet, the expansion of primary schools is not enough, in itself, nor is it always fully effective, for it is well known that children returning from the primary school to largely illiterate adult communities rapidly fall back into illiteracy.3

The AGENCY FOR INTERNATIONAL DEVELOPMENT, U.S. Department of State, calls for a literacy program that is an integral part of a total development program. Such a program must set standards of achievement in reading and writing that are clearly related to the community and national goals of that program. This national program to eliminate illiteracy must, therefore, incorporate careful long-range planning.4


Recommendation 6.4: IMPROVING LANGUAGE SKILLS

The Commission believes that schools provide special services to students who come from environments in which English is not the dominant language, or who have dialectical differences from the prevailing pronunciation of the English language represent an impediment to effective learning. A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Bilingual instructors, aides, assistants, and other school employees;
2. Instruction in both English and the second language;
3. Active recognition of the customs and traditions of all cultures represented at the school;
4. String school staff from all racial, ethnic, and cultural backgrounds; and
5. Special efforts to involve parents of students with bi-cultural backgrounds.

I. Officially Known Endorsements and Objections

The NATIONAL EDUCATION ASSOCIATION'S Tucson Student Senate backed the bipartisan Spanish in the Schools SPEAKING establishes several criteria basic to education for native Spanish speakers. Five such criteria are:

1. Instruction in pre-school and early grades in both Spanish and English;
2. Emphasis on reading, writing and speaking of Spanish;
3. Recruitment of Spanish-speaking teachers and aides;
4. Training of bilingual teachers at college and universities.

The DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE EDUCATION TASK FORCE calls for the recruitment of minority group teachers, as a contribution to the reduction of the teacher shortage in the urban area as well as a valuable resource within the educational community.5

Finally, the NATIONAL CONFERENCE ON SOCIAL WELFARE stated in its 1972 platform statement that: "Bilingual education on all levels should be assured by law in those communities where there is significant teaching of a second language."6

II. Special Considerations

SOUTHWESTERN EDUCATIONAL DEVELOPMENT LABORATORY, Inc. as a direct result of the National Research Program for the Study of English Language Learners, has developed a series of written and oral tests of educational attainment which has been used for the past 10 years. The program has served the purpose of determining the extent to which, if any, traditional academic instruction has been received by children in bilingual environments. These tests have been used in the following communities: 7

- In Sierra County, a rural farming area west of Las Vegas, New Mexico, there are seven publicly owned schools. The children are primarily Spanish speaking, but there are also some who are bilingual. The test was administered to all students in the lower grades, and the results were used to determine their educational attainment.
- In the town of Grants, New Mexico, a small mining village, the test was administered to all students in the lower grades.
- In the city of Gallup, New Mexico, a larger industrial community, the test was administered to all students in the lower grades.
- In the town of Laguna, New Mexico, a small village near the Spanish border, the test was administered to all students in the lower grades.
- In the town of Holbrook, Arizona, a large industrial community, the test was administered to all students in the lower grades.

The test results were used to determine the children's educational attainment in reading, writing, and mathematics, and the results were used to guide the development of instructional programs to meet the needs of these children.
The National Education Association recommends teacher education institutions should provide a comprehensive program of personnel services including personal counseling, psychological testing, and career services with adequate financial assistance, and job information and placement.

* * * *


* * * *

Recommendation 6.7 ALTERNATIVE EDUCATIONAL EXPERIENCES

The Commission recommends that schools provide alternative programs of education. These programs should be based on:

1. An acknowledgment that a considerable number of students do not learn in ways through experiences that are suitable for the majority of individuals.
2. A recognition that services previously provided through the criminal justice system for students considered arrest or unenforceable should be returned to the schools as an educational responsibility.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

a. Early identification of those students for whom all or parts of the regular school program are inappropriate, and
b. Design of alternative experiences that are compatible with the individual learning objectives of each student identified as a potential client for these services, including:

1. Shortening the program through high school to 11 years;
2. Replacing the administrative format, organization, rules of operation, and governance of the 10th and 11th grades to approximate the dropout prevention services; and
3. Crisis intervention centers to head off potential involvement of students...
students with the law; (4) Juvenile delinquency pre­
vention and dropout prevention programs; (5) Private performance contracts to
educational firms; and
(6) Use of state-owned facilities and
resources to substitute for regular
school settings.

I. Officially Known Endorsements and Objections

The DEPARTMENT OF HEALTH, EDUCATION AND WEL­
FAR HAS URBAN EDUCATION TASK FORCE recognizes the need to
design appropriate curricula to meet individual
needs. This should be part of a community master
plan that tailors the educational experience to the
specific needs of urban areas. Although
alternatives to existing educational systems (street academies or community operated centers)
should receive community encouragement and finan­
cial support.

The COMMITTEE FOR ECONOMIC DEVELOPMENT also
joins the Task Force in calling for alternatives to
traditional educational methods.

Competent business, voluntary agencies and non-profit enterprises should be
encouraged to join with the schools in developing alternative educational pat­
terns. The schools should be given cons­
tracting powers that will enable them to
connect with private agencies for accom­
plishing specialized tasks.


"Ibid., p. 86.

Recommendation 6.8 USE OF SCHOOL FACILITIES FOR COMMUNITY PROGRAMS

The Commission recommends that school facili­
ties be made available to the entire community at
cost for human resource and adult education
programs.

A variety of methods and procedures could be
established to meet this goal. Among these are
the following:

1. Scheduling of facilities on a 12-month,
7-day-a-week basis.
2. Elimination or amendment of archaic statutory or other legal provisions regarding use of school facilities;
3. Extended use of cafeterias, libraries, vehicles, equipment, and buildings by parents, community groups, and agencies.

II. Special Considerations

In a work prepared for Professional Educators Publishing, Roger Hieistra has noted that educa­
tional facilities are very important in developing a comprehensive community school program. Hieistra suggests that the school can function as a gathering place for residents to discuss and plan for educa­
tional problems, and as a place for various com­

munity activities.

-- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

2See Health, Education and Welfare Urban Educa­
tion Task Force, Urban School Crisis, The

Problems and Solutions (Washi­

3Ibid., p. 376.


Ibid., p. 7.


geared to meeting the needs of the entire community: Infants, youth out
of school, adults, the elderly as
well as those of the children in
school. To truly serve its
community, the school should be
placed where all members of the community, old
and young, would have the opportunity
to learn. It may also function as a
community center where health and legal
services, counseling and employment are
offered.

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency, has recommended that schools become more responsive to community needs and has
offered the suggestion that schools remain open
morning and night during the entire year to accom­
modate a variety of community activities.
CHAPTER 7 - PROGRAMS FOR RECREATION

Recommendation 7.1: USE OF RECREATION TO PREVENT DELINQUENCY

This Commission recommends that recreation be recognized as an integral part of an intervention strategy aimed at preventing delinquency; it should not be relegated to a peripheral role.

1. Recreation programs should be created or expanded to serve the total youth community, with particular attention devoted to special needs arising from poor family relationships, school failure, limited opportunities, and strong social pressures to participate in gang behavior.

2. Activities that involve risk-taking and excitement and have particular appeal to youth should be a recognized part of any program that attempts to reach and involve young people.

3. Municipal recreation programs should assume responsibility for all youth in the community, emphasizing outreach services involving roaming recreation workers in order to recruit youths who might otherwise not be reached and for whom recreation opportunities may provide a deterrent to delinquency.

4. New mechanisms for tolerance of disruptive behavior should be added to existing recreation programs and activities so as not to exclude and label youths who exhibit disruptive behavior.

5. Counseling services should be made available, either as part of the recreation program or on a referral basis to allied agencies in the community, for youths who require additional attention.

6. Recreation programs should allow participants to decide what type of recreation they desire.

7. Recreation as a prevention strategy should involve more than giving youth something to do; it should provide job training and placement, education, and other services.

8. Individual needs rather than mass group programs should be considered in recreation planning.

9. Communities should be encouraged, through special funding, to develop their own recreation programs with appropriate guidance from recreational advisors.

10. Personnel selected as recreation leaders should have intelligent and realistic points of view concerning the goals of recreation and its potential to help socialize youth and prevent delinquency.

11. Recreation leaders should be required to learn preventive and constructive methods of dealing with disruptive behavior, and they should recognize that an individual can satisfy his recreational needs in many environments. Leaders should assume responsibility for mobilizing resources and helping people find personally satisfying experiences suited to their individual needs.

12. Decisionmaking, planning, and organization for recreation services should be shared with those for whom the programs are intended.

13. Continual evaluation to determine whether youth are being diverted from delinquent acts should be a part of all recreation programs.

14. Parents should be encouraged to participate in leisure activities with their children.

15. Maximum use should be made of existing recreational facilities—in the afternoons and evenings, on weekends, and throughout the year. Where existing recreational facilities are inadequate, other community agencies should be encouraged to provide facilities at minimal cost, or at no cost where feasible.

1. Officially Known Endorsements and Objectives

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency and Youth Crime endorses the use of recreation to prevent delinquency:

"The recreation system must be altered in order to combat crime and delinquency...."

"In the development of recreation and related programs, emphasis should be placed on those that substitute constructive social action for what might otherwise be antisocial behavior; those that offer avenues to a variety of opportunities, providing not only recreation in the traditional sense but also such means of self-development as job training and placement, education, and health services; and those programs that supplement the adolescent 'play' frame of reference,... with a broader and more educational... experience aimed at increasing mastery of oneself and one's environment."

A companion volume, The Challenge of Crime in a Free Society, reflects that:

"...there should be provision of a real opportunity for everyone to participate in the legitimate activities that in our society lead to or constitute a good life: education, recreation, employment, family life."

In 1971, The Report of The White House Conference on Youth commented:

"There is a continuing need for better recreational programs serving poor youth in both urban and rural areas. One of the most immediate needs of poor youth is in recreational facilities in their own community, for youths who require additional attention.
neighborhood to give them 'something to do'. Adequately funded recreation programs, proposed by poor youth themselves, could yield numerous benefits in areas such as crime, drug abuse, education and environment.15

II. Special Considerations

It is recommended that recreational opportunities should:

1. Take an inventory of recreational resources.
2. Enlist local leadership in forming and strengthening recreational programs and in coordinating existing recreational services into a cooperatively planned unit with maximum involvement of youth at the decision making level.
3. Develop cooperative relationships with city recreation departments, physical education departments of the public schools, and universities or college recreation departments.16

Professor Marvin E. Wolfgang has noted:

"Recreational facilities, child guidance clinics, boy and girl scout clubs, hobby clubs, police athletic league centers, Little League baseball, and neighborhood associations could function as demonstrably effective vehicles for conversion to non-violent activities. There is no solid empirical evidence that the catalogue of clubs and playgrounds in American cities has been effective in preventing delinquency or reducing violent crime. A common criticism is that they do not reach the delinquent or highly potential delinquent population. Even when they are located in congested neighborhoods with high crime rates, they are often viewed as unwanted invaders of the territory and are consequently unattended or rejected by the bad area's "good boys."17

Standard 4.3 DIVERSION

"Every police agency, where permitted by law, immediately should divert from the criminal and juvenile justice systems any individual who comes to the attention of the police, and for whom the purpose of the criminal or juvenile process would be appropriate, or in whose case other resources would be more effective. All diversion dispositions should be made pursuant to written agency policy that insures fairness and uniformity of treatment.

1. Police chief executives may develop written policies and procedures which allow, in appropriate cases, for juveniles who come to the attention of the agency to be diverted from the juvenile justice process. Such policies should be prepared in cooperation with other elements of the juvenile justice system.

2. These policies and procedures should allow for processing mentally ill persons who come to the attention of the agency, should be prepared in cooperation with mental health authorities and courts, and should provide for mental health agency referral of those persons who are in need of professional assistance but are not taken into custody.

3. These policies should allow for effective alternatives when arrest for some misdemeanor offenses would be appropriate.

I. Officially Known Endorsements and Objections

a. Juvenile

The President's Commission on Law Enforcement and Administration of Justice recommends that the police make use of some pre-judicial screening devices for juveniles and divert cases to the appropriate social counseling agency, or release juvenile offenders who have committed "...minor offenses not apparently symptomatic of serious behavior problems." More serious cases would be referred to the juvenile court. Police should have written standards regarding the disposition of a juvenile case for each of these three alternatives.\n
The National Council on Crime and Delinquency (NCCD) recommends that as many cases be diverted from the juvenile court as the community referral programs can handle. The NCCD bases their recommendation on the observation that the juvenile courts are too often called upon to dispose of cases where misbehavior rather than actual illegal acts have been committed. The Council calls upon police, as one agency that turns up juvenile cases,

...to make the fullest possible use of existing community agencies as referral aids for children whose families cannot handle their problems without help."

The referral of juvenile calls should be governed by a formal guideline as the Council states:

"Steps should be taken to delete from definition of delinquency all acts, either committed or omitted, that would not be violations of law if perpetrated by an adult."

The American Bar Association (ABA) is less specific in its statements on juvenile disposition. The ABA states that there should be cooperation between the police and juvenile justice systems. It may be inferred that diversion of juvenile cases would be included in such cooperative efforts.

b. Mentally ill persons

The American Bar Association recommends that police be given a classification of their authority that would allow them to use other methods than arrest and prosecution to deal with persons who demonstrate "self-destructive conduct such as that engaged in by persons who are helpless by reason of mental illness." The ABA recommends referral of such persons to an appropriate mental health agency.

c. Diversion of other cases

The President's Commission on Law Enforcement and Administration of Justice addresses the question of diversion by identifying alternate methods of dealing with drunkenness and narcotics.

Regarding drunkenness, the Commission recommends that drunkenness should not be a criminal offense unless it is accompanied by disorderly or other criminal conduct which is in itself punishable. This decriminalization of drunkenness is to be accomplished by civil detoxification centers as part of a comprehensive treatment. The guidelines would here, if necessary, be formal and written.

The Commission is less specific with regard to narcotic cases. Here the Commission recommends that state and Federal drug laws give a large degree of discretionary authority to the courts and correctional authorities to enable them to deal flexibly with violations. This flexibility would allow the criminal justice system to direct offenders to rehabilitation and treatment in lieu of, or in addition to, criminal imprisonment.

The American Bar Association recommends that there be a

...classification of the authority of police to use methods other than arrest and prosecution to deal with the variety of behavioral and social problems which they confront."

The ABA identifies such problems on persons demonstrating "self-destructive conduct such as that engaged in by persons who are incapacitated by alcohol or drugs." For these persons, the ABA recommends referral to those public and mental health agencies who can give assistance to the
Standard 9.3 Juvenile Operations

The chief executive of every police agency immediately should develop written policy governing his agency's involvement in the detection, deterrence, and prevention of delinquent behavior and juvenile crime.

1. Every police agency should provide all its police officers with specific preventing delinquent behavior and juvenile crime.

2. Every police agency should cooperate actively with other agencies and organizations, public and private, in order to employ all available resources to detect and deter delinquent behavior and combat juvenile crime.

3. Every police agency should establish in cooperation with courts written policies and procedures governing agency action in juvenile matters. These policies and procedures should stipulate at least:
   a. The specific form of agency cooperation with other governmental agencies concerned with delinquent behavior, abandonment, neglect, and juvenile crime;
   b. The specific form of agency cooperation with nongovernmental agencies and organizations where assistance in juvenile matters may be obtained;
   c. The procedures for release of juveniles into parental custody; and
   d. The procedures for the detention of juveniles.

4. Every police agency having more than 15 employees should establish juvenile investigation capabilities.
   a. The specific duties and responsibilities of these positions should be based upon the particular juvenile problems within the community.
   b. The juvenile specialists, besides concentrating on law enforcement as related to juveniles, should provide support and coordination of all community efforts for the benefit of juveniles.

5. Every police agency having more than 75 employees should establish a juvenile investigation unit if community conditions warrant. This unit:
   a. Should be assigned responsibility for conducting as many juvenile investigations as practicable, assigning field officers in juvenile matters, and maintaining liaison with other agencies and organizations interested in juvenile matters; and
   b. Should be functionally decentralized to the most effective command level.

I. Officially Known Endorsements and Objections

The President's Commission on Law Enforcement and Administration of Justice recommends that police departments formulate policies guidelines to maximize the effectiveness of police contacts with juveniles. They also suggest that community service officers maintain close contact with juveniles in the neighborhoods where they work.

The Commission specifically recommends that all officers be acquainted with the special traits of adolescents and particularly with the youth of the racial or social class they must frequently encounter. The Commission supports police cooperation with other governmental agencies so that whenever possible juveniles may be diverted from the criminal justice system. In their endorsement of the employment of all available resources to detect and deter crime, the Commission states:

"The Commission recommends that police forces should make full use of the central diagnostic and coordinating services of the Youth Services Bureau. Station adjustment should be limited to release and referral; it should not include hearings on the imposition of sanctions by the police. Court referral by the police should be restricted to those cases involving serious criminal conduct or repeated misconduct of more than trivial nature."

Although the Commission does not specifically suggest a juvenile unit, it strongly endorses the effective utilization of police personnel including specialization when necessary. It can be inferred, therefore, that this endorsement would also apply to a special juvenile investigation unit.

The American Bar Association's Standards Relating to the Urban Police Function endorse experimentation with organizational schemes including decentralization and the development of varying degrees of expertise in police officers so that specialized skills can be brought to bear on selected problems. A juvenile investigation unit would fall under this standard, would come within the ABA's endorsement of varying organizational schemes.

ABA Standard 4.2 recommends that police officers be given policy guidelines in all aspects of police work for the proper exercise of police discretion. Here, this would be applicable to their dealings with juveniles and in that respect could be viewed as an endorsement of this national commission standard.

Recognizing the growing involvement of juveniles in the criminal justice system, the Inter-National City Management Association (ICMA) recommends that "removing a child from his home and delivering him to a court-designated detention facility is the exception rather than the rule in police procedure. Written criteria in this area should be developed by the police and court."

The ICMA also suggests that whenever possible, specialized and in-service training should be considered, including a review of the functions and purposes as well as the responsibilities of patrol officers in situations involving juveniles.
The Advisory Committee on Intergovernmental Relations addresses itself to that part of the standard suggesting specific training for handling juveniles. It recommends that appropriate training be given to all police officers so that "states can certify to the general public that a local policeman has the aptitude for his work. Training standards are necessary so that the general public will be assured that all local police officers are properly selected and trained for any kind of police work they might have to perform."1

---

2 Ibid., p. 83.
3 Ibid., p. 117.
5 Ibid., p. 121.
7 Ibid., p. 153.

---

Including all Standards from:
Chapter 1 - Screening
Chapter 2 - Diversion
Chapter 14 - Juveniles
CHAPTER 1 - SCREENING

Standard 1.1 CRITERIA FOR SCREENING

The need to halt formal or informal action concerning some individuals who become involved in the criminal justice system should be openly recognized. This need may arise in a particular case because there is insufficient evidence to justify further proceedings or because—despite the availability of adequate evidence—further proceedings would not adequately further the interests of the criminal justice system.

An accused should be screened out of the criminal justice system if there is not a reasonable likelihood that the evidence admissible against him would be sufficient to obtain a conviction and sustain it on appeal. In screening on this basis, the prosecutor should consider the value of a conviction in reducing future offenses, as well as the probability of conviction and affirmance of that conviction on appeal.

An accused should be screened out of the criminal justice system when the benefits to be derived from prosecution or diversion would be outweighed by the costs of such action. Among the factors to be considered in making this determination are the following:

1. Any doubt as to the accused's guilt;
2. The impact of further proceedings upon the accused and those close to him, especially the likelihood and seriousness of financial hardship or family life disruption;
3. The value of further proceedings in preventing future offenses by other persons, considering the extent to which subjecting the accused to further proceedings could be expected to have an impact upon others who might commit such offenses, as well as the seriousness of those offenses;
4. The value of further proceedings in preventing future offenses by the offender, in light of the offender's commitment to criminal activity as a way of life the seriousness of his past criminal activity, which might reasonably be expected to continue; the possibility that further proceedings might have a tendency to create or reinforce commitment on the part of the accused to criminal activity as a way of life, and the likelihood that programs available as diversion or sentencing alternatives may reduce the likelihood of future criminal activity;
5. The value of further proceedings in fostering the community's sense of security and confidence in the criminal justice system;
6. The direct cost of prosecution, in terms of prosecutorial time, court time, and similar factors;
7. Any improper motives of the complainant;
8. Prolonged non-enforcement of the statute on which the charge is based;
9. The likelihood of prosecution and conviction of the offender by another jurisdiction; and
10. Any assistance rendered by the accused in apprehension or conviction of other offenders, in the prevention of offenses by others, in the reduction of the impact of offenses committed by himself or others upon the victim, and any other socially beneficial activity engaged in by the accused that might be encouraged in others by not prosecuting the offender.

I. Officially Known Endemisms and Objectives

The policies embodied in this standard are widely endorsed by policy-making organizations in the criminal justice field. These groups consider prosecutorial screening to be among the most pressing of criminal justice system goals.

The President's Commission on Law Enforcement and Administration of Justice (PCLEAJ) presents this rationale for the screening of incidents:

"...the substantive criminal law is in many respects inappropriate. In defining crimes, there is no way to avoid including some acts that fall near the line between legal and illegal conduct. There are circumstances that do not seem to call for the invocation of criminal sanctions; it is inappropriate because placing a criminal stigma on an offender may in many instances make him more, rather than less, likely to commit future crime. It is inappropriate because the effective correctional mechanism for integrating certain types of offenders are either not available or are unknown."1

Screening, the halting of formal action against some individuals who have run afoul of the criminal justice system, is also endorsed by Merrill et al. in a study funded by the National Institute of Law Enforcement and Criminal Justice. They state forthrightly: "The prosecutor must be committed to the concept of early case screening."2 As support, the NLEJCE finds that a failure to screen has an adverse affect on the judicial system by clogging it with marginal cases and forcing valuable resources away from serious cases. Failure to screen also inhibits prosecutorial use of innovative programs like special processing and diversion. However, the NLEJCE finds that the cautionary note that in order for screening and diversion to work properly the prosecutor's staff must be aware of the treatment programs and volunteer services available in the community.3

Recent pronouncements of the NATIONAL CENTER FOR PROSECUTION MANAGEMENT (NCPM) show that the group's strong position on the screening function. The NCPM even goes so far as to state that if police procedure, court structure or state law do not permit the development of a strong screening program, then the prosecutor must take the initiative to bring about the changes needed.4 Screening at the earliest possible moment allows correction of the weak cases before trial, reduces police overtime, removes unimportant and less
serious cases from the criminal process, and reduce recidivism through prompt rehabilitative action.

The Executive Director of the NATIONAL DISTRICT ATTORNEYS ASSOCIATION (NDA) in an introduction that group's screening manual, states:

"We feel that these programs (screening and diversion), if adopted with modifications, to be the answer to the backing up of cases facing the court system today."

In an NDAA sister publication it is also stated:

"Screening, properly implemented, would dispose of those offenders who should be dealt with outside the criminal justice system. It would aid in the early identification of good and possible dissidents. This would allow a formal detainer which would then be addressed in a qualitative manner, whereas the emphasis today is on quantity."

In its Compendium of Prosecutor Standards the AMERICAN BAR ASSOCIATION (ABA) calls for the screening of certain individuals from the criminal process. The ABA, reasoning that the prosecutor is the key coordinating element in the criminal justice system, proposes systematic prosecutorial screening,8 and notes that the prosecutorial discretion to press charges must be exercised on a systematic basis and according to well-founded guidelines.


* * * * *

Standard 1.2 PROCEDURE FOR SCREENING

Police in consultation with the prosecutor, should develop guidelines for the taking of persons into custody. Those guidelines should embody the factors set out in Standard 1.1. After a person has been taken into custody, the decision to proceed with a formal prosecution should rest with the prosecutor.

No complaint should be filed or arrest warrant issued without the formal approval of the prosecutor. Where feasible, the decision whether to screen a case should be made before such approval is granted. Once a decision has been made to pursue formal proceedings, further consideration should be given to screening an accused as further information concerning the accused and the case becomes available. Final responsibility for making a screening decision should be placed specifically upon an experienced member of the prosecutor's staff.

The prosecutor's office should formulate and apply written guidelines to be applied in screening that embody those factors set out in Standard 1.1. Where possible, such guidelines as well as the guidelines promulgated by the police, should be more detailed. The guidelines should identify as specifically as possible those factors that will be considered in identifying cases in which the accused will not be taken into custody or by which formal proceedings will not be pursued. They should reflect local conditions and attitudes, and should be available to the public as well as to those charged with offenses, and to their lawyers. They should be subjected to periodic reevaluation by the police and the prosecutor.

When the defendant is screened after being taken into custody, a written statement of the prosecutor's reasons should be prepared and kept on file in the prosecutor's office. Screening practices in this or any other office should be reviewed periodically by the prosecutor himself to assure that the written guidelines are being followed.

The decision to continue formal proceedings should be discretionary on the part of the prosecutor and should not be subject to judicial review, except to the extent that prietal proceedings provide for judicial determination of the sufficiency of evidence to support a defendant to trial. Alleged failure of the prosecutor to adhere to stated guidelines or general principles of screening should not be the basis for attack upon a criminal charge or conviction.

If the prosecutor screens a defendant, the police of the private complainant should have recourse to the courts. If the court determines that the decision not to prosecute constituted an abuse of discretion, it should order the prosecutor to pursue formal proceedings.

1. Officially Known Endorsements and Objections

The tone of all endorsements of the intent of this Standard is reflected in a quote from a publication of the NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE (NIEJC):

"The appropriateness of subjecting all offenders arrested by the police to full criminal proceedings presupposes that discretion to institute formal criminal charges should reside in an agency independent of the police."

The NIEJC strongly advocates station-house screening whereby assistant prosecutors, assigned to police stations, perform the primary screening function as arrests occur or questions arise. In the NIEJC's view, the basic purpose of the system is to allocate manpower and resources where they are most needed. Through the use of station-house screening, the prosecutor can set up viable screening criteria and assist the police in determining when to arrest and charge. The station-house screening program also has the advantages of allowing immediate investigations, avoiding delay, providing beneficial police access to warrant and complaint drafting assistance, and allowing on-the-spot interviews with police officers, witnesses, and defendants.

The NATIONAL CENTER FOR PROSECUTION MANAGEMENT'S (NCPM) screening guidelines call for the prosecutor to initiate thorough police screening efforts. The NCM guidelines include:

"The most fruitful method of screening is to train police officers on the practical legal criteria to apply in making arrests."

By setting up guidelines for screening, police overtime can be reduced, police effectiveness and the criminal justice image improved, and costs can be prepared more adequately.

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) approaches the problem in a divergent manner. The NCCD agrees wholeheartedly that the police should improve their guidelines for the taking of persons into custody, but suggests that the courts should help set such guidelines. The NCCD gives clear and elaborate court rules defining the police function and proposing a solution to the practical problems of arrest and release. The Model Rules of Court does point out the need to abide by due process and the rule of probable cause, but does not discuss the prosecutor's role in the criminal justice process.
CHAPTER 2 - DIVERSION

Standard 2.1 GENERAL CRITERIA FOR DIVERSION

In appropriate cases offenders should be diverted into noncriminal programs before formal trial or conviction.

Such diversion is appropriate where there is a substantial likelihood that conviction could be obtained and the benefits to society from channeling an offender into an available noncriminal diversion program outweigh any harm done to society by abandoning criminal prosecution. Among the factors that should be considered favorable to diversion are: (1) the relative youth of the offender; (2) the willingness of the victim to have no conviction sought; (3) any likelihood that the offender suffers from a mental illness or psychological abnormality which was related to his crime and for which treatment is available; and (4) any likelihood that the crime was significantly related to any other condition or situation such as unemployment or family problems that would be subject to change by participation in a diversion program.

Among the factors that should be considered unfavorable to diversion are: (1) any history of the use of physical violence toward others; (2) involvement with syndicated crime; (3) a history of antisocial conduct indicating that such conduct has become an ingrained part of the defendant's lifestyle and would be particularly resistant to change; and (4) any special need to pursue criminal prosecution as a means of discouraging others from committing similar offenses.

Another factor to be considered in evaluating the cost to society is that the legalized concept of diverted offender has with the criminal justice system may have the desired deterrent effect.

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION endorses the concept of diversion fully, arguing that it is imperative to use such a system because of the volume of cases the judicial system must handle. The Commission recommends:

Prosecutors should endeavor to make dispositive charge decisions, ensuring that offenders who merit criminal sanctions are not released and that other offenders are either released or diverted to noncriminal methods of treatment and control by:

- Establishment of explicit policies for the dismissal or informal disposition of the cases of certain marginal offenders.
- Early identification and diversion to other community resources of those offenders in need of treatment, for whom full criminal disposition does not appear required.

The NATIONAL INSTITUTE OF MENTAL HEALTH in its monograph series reported favorably on the use of diversion programs. The monograph expresses the idea that many arrests involve violations of moral norms or instances of annoying behavior which are better solved by the use of social services in the community than by the courts.

The AMERICAN TRIAL LAWYERS ASSOCIATION also approves diversion programs. Their "Program for Penal Reform" (specifically recommendations 5, 6, and 7) cover this topic. They do express one caveat, however, that the therapeutic social program not become a different form of incarceration or be imposed solely as a condition for avoidance of imprisonment.

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Courts endorses the use of diversion, giving examples of the kind of crimes for which diversion would be a suitable disposition for the offender.

The NATIONAL DISTRICT ATTORNEYS ASSOCIATION (NDAA) has a publication detailing the use of screening. While the NDAA does not address the concept specifically, diversion is inapplicable from screening. The overall purpose of screening is to eliminate (divert) all those cases in which prosecution is unwarranted. Therefore, the NDAA's support of screening can also be seen as endorsement of diversion. In addition, the NDAA has published a series of successful case histories of diversion programs, thus giving further weight to their support of such efforts.

The NATIONAL COUNCIL OF CRIME AND DELINQUENCY (NCCD) endorses the concept of this Standard. The NCCD recommends that alcoholics and problem drinkers not committing other crimes should be diverted. Legal sanctions do not resolve these problems. Benefits to the alcoholic will be enhanced by treatment and rehabilitation and benefits to the criminal justice system will accrue as the burden of this kind of case is removed from an already overburdened system.

In regard to narcotic offenders the NCCD recommends a more flexible law to permit cooperation between prosecutors and defense to effect diversion. Again legal sanctions often do not solve the problems. An added problem here in regard to youthful first offenders is that legal sanctions do not apply because the severity of the penalty is such that juries are reluctant to convict. Again more efficient use of resources is affected by diversion.

For:


For:


*In re,* p. 29.

---

**Standard 2.2 PROCEDURE FOR DIVERSION PROGRAMS**

The appropriate authority should make the decision to divert as soon as adequate information can be obtained.

Guidelines for making diversion decisions should be established and made public. Where it is contemplated that the diversion decision will be made by police officers or similar individuals, the guidelines should be promulgated by the police or other agency concerned after consultation with the prosecutor and after giving all suggestions due consideration. Where the diversion decision is to be made by the prosecutor's office, the guidelines should be promulgated by that office.

When a defendant is diverted in a manner not involving a diversion agreement between the defendant and the prosecution, a written statement of the facts of, and reason for, the diversion should be made and retained. When a defendant who comes under a category of offenders for whom diversion regular is considered is not diverted, a written statement of the reasons should be retained.

Where the diversion program involves significant deprivation of an offender's liberty, diversion should be permitted only under a court-approved diversion agreement providing for suspension of criminal proceedings on the condition that the defendant participate in the diversion program. Procedures should be developed for the formulation of such agreements and their approval by the court. These procedures should contain the following features:

1. Offdence(s) should be placed on the offender's file in a form representative by counsel during negotiations for diversion and entry and approval of the agreement.
2. Suspension of criminal prosecution for longer than 6 months should not be permitted.
3. An agreement that provides for a substantial period of institutionalization should not be approved unless the court specifically finds that the defendant is subject to nonvoluntary detention in the institution under noncriminal statutory authorizations for such institutionalization.
4. The agreement submitted to the court should contain a full statement of all things expected of the defendant and the reason for diverting the defendant.
5. The court should approve an offered agreement only if it is approved under the applicable criteria if it were a negotiated plea of guilty.
6. Upon expiration of the agreement, the court should dismiss the prosecution and no future prosecution based on the conduct underlying the initial charge should be permitted.
7. For the duration of the agreement, the prosecutor should have the discretionary authority to determine whether the offender is performing his duties adequately under the agreement and, if he determines that the offender is not, to reinstate the prosecution.

Whenever a diversion decision is made by the prosecutor's office, the staff member making it should specify in writing the basis for the decision, whether or not the defendant is diverted. These statements, as well as those made in cases not requiring a formal agreement for diversion, should be collected and subjected to periodic review by the prosecutor's office to ensure that diversion programs are operating as intended.

The decision by the prosecutor not to divert a particular defendant should not be subject to judicial review.

1. Officially Known Endorsements and Objections

Even though several organizations do comment pro or con regarding diversion programs, there is no organization which specially advocates procedures.

The NATIONAL DISTRICT ATTORNEYS ASSOCIATION (NDAA) is in agreement with this standard. Their manual on screening and diversionary programs details the procedures used in their diversion programs. The procedures parallels those of this standard.

The AMERICAN BAR ASSOCIATION (ABA) is also in accord with this standard. Their Standard 3.8, relating to the prosecution function, states that it is part of the prosecutor's job to be familiar with the resources of the various social agencies to which the accused could be referred. The ABA standard does not detail all the procedures which might be involved in diversion programs but rather leaves this to local custom or rule.

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) has endorsed the basic standard arguing that diversion programs are beneficial to both the individual concerned and the criminal justice system. However, in regard to this specific Standard, NCCD is silent as to exact procedures for diversion programs, preferring to leave this as a local responsibility.

*---*


*---*
CHAPTER 14 - JUVENILES

Standard 14.1 COURT JURISDICTION OVER JUVENILES

Jurisdiction over juveniles of the sort presently vested in juvenile courts should be placed in a family court. The family court should be a division of the trial court of general jurisdiction, and should have jurisdiction over all legal matters related to family life. This jurisdiction should include delinquency, neglect, support, adoption, child custody, paternity actions, divorce and annulment, and assault offenses in which both the victim and the alleged offender are members of the same family. The family court should have adequate resources to enable it to deal effectively with family problems that may underlie the legal matters coming before it.

The family court should be authorized to order the institutionalization of a juvenile only upon a determination of delinquency and a finding that no alternative disposition would accomplish the desired result. A determination of delinquency should require a finding that the State has proven that the juvenile has committed an act that, if committed by an adult, would constitute a criminal offense.

The family court's jurisdiction should not include so-called dependent children, that is, juveniles in need of care or treatment through no fault of their parents or other persons responsible for their welfare. Situations involving these juveniles should be handled without official court intervention. The definition of neglected children or its equivalent, however, should be broad enough to include those children whose parents or guardians are incarcerated, hospitalized, or otherwise incapacitated for protracted periods of time.

Specialized training should be provided for all persons participating in the processing of cases through the family court, including prosecutors, defense and other attorneys, and the family court judge. Law schools should recognize the need to train attorneys to handle legal matters related to family problems, and should develop programs for that training. These programs should have a heavy clinical component.

1. Officially Known Endorsements and Objections

The President's Commission on Law Enforcement and Administration of Justice urges that careful consideration be given

"proposals to create family courts that, by dealing with all intrafamily matters including those now generally handled by juvenile courts, would provide one means of achieving the consistency and continuity of treatment now too often undercut by fragmented jurisdiction."1

The Commission also recommends a general narrowing of the jurisdiction of present juvenile courts (and thus of the proposed family courts). This would abolish dependency jurisdiction:

"... since such cases involve instability rather than willful failure to provide properly for children and can appropriately and more appropriately be dealt with by social, nonjudicial agencies."2

Neglect cases jurisdiction would be retained, since neglect involves parental custody disputes as well as the physical and mental well-being of children. The juvenile court's jurisdiction would continue over children charged with acts which, if committed by an adult, would be considered crimes.

In cases involving the noncriminal conduct of a child, the Commission urges serious consideration be given to complete elimination of court jurisdiction. At the very least, the Commission favors a decrease in the number of noncriminal acts (i.e., acts which are illegal only for children) which lie in a juvenile court's jurisdiction so that only acts which entail a real risk of long-range harm to the child be handled. It urges an increased use of community agencies and other non-judicial means for dealing with noncriminal behavior of juveniles. The Commission would exclude jurisdiction over minor traffic violations by juveniles, preferring that the Traffic Court deal with such cases.3

The Commission endorses the use of the consent decree (which sets forth a description of a treatment plan) whenever the situation calls for measures less than commitment of the child to an institution.4

The Commission also encourages the formulation of written guides and standards and in-service training, especially for the intake staff of the juvenile court.5

The Commission's Task Force Report: Juvenile Delinquency further emphasizes the importance of limiting the role of the juvenile court.

"It is properly an agency of last resort for children, holding to a doctrine analogous to that of appeal courts which require that all other remedies be exhausted before a case will be considered."6

The Center for Studies of Crime and Delinquency in the National Institute of Mental Health, argues that many of the actors of children and parents which are presently defined as delinquency or nuisance are merely inevitable, everyday problems of living and growing up. It urges the juvenile court adopt a stance of non-intervention, and require high standards of proof from those who would have the court intervene into families' lives. The Center also feels that many problems
presently considered to be delinquency or pre-
delinquency should more accurately be deemed as
familial, educational, medical, or other problems, suchpro-
blems should be diverted away from juvenile courts and
into other community settings.

"Ideally the diversion of cases from juvenile
courts will become a state of mind, an
unquestioned moral position held by all
child and youth welfare organizations, con-
sidered on a good in itself rather than a
means to an end. Reformation will be shored infor-
marily into the community, or if they are
deemed sufficiently serious they will be
funneled into some type of diversion
institution..."8

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY
(NCCD) also urges the creation of a family court,
which would incorporate the present juvenile court.
The family court would be a division of the high-
est court of general jurisdiction.9 It is felt that
"all jurisdictions will ultimately
find that a family court will best serve
the legal, social, and emotional needs of children
and families, and that for many jurisdictions
the immediate creation of such a court is
desirable and sound.10"

The NCCD, in Guides for juvenile Judge Judges,
states that cases without an element of neglect
or where no custodial disposition should be dealt
with by administrative agencies.11

In the Standard juvenile Act, also by the
NCCD, Section 8 at p. 24 sets forth the recom-
medated jurisdiction for juvenile courts. The
juvenile court should have exclusive original
jurisdiction in all of the following cases:

1. Cases concerning minors (ages 18-20) and
children (under 18 years) who are alleged to have
violated any federal, state or local law or municip-
al ordinances, provisions of school policies or
rules, that are not minor offenses that do
not require judicial attention, referring such
cases to the juvenile court.

2. Cases concerning children who are
neg-
lected or incorrigible.

3. Cases concerning the custody of a child.

4. Cases involving the adoption of a child of
any age.

Cases terminating the legal parent-child
relationship involving minors.

Cases involving juvenile court jurisdiction over
juvenile delinquents and youth crime (Washington,

The Standard Juvenile Act Court does not
favor complete juvenile court jurisdiction over
all traffic offenses committed by children, for
both practical and theoretical reasons. From
the practical viewpoint, in areas where the juvenile
court covers one or more counties, the expense in
time and travel to the juvenile court might prove
to be a hardship for the minor or family involved.
Additionally, since the juvenile court is the highest
court of general jurisdiction, it is felt that
ordinary traffic violations would not be, of
appropriate concern for the juvenile court.

The NCCD, in a policy statement entitled
Juvenile Traffic Offenders, urges the court to
traffic courts handle minor offenses, such as
parking violations. All other offenses would be
handled by the juvenile court, using several alter-
native procedures. By employing a screening
process, an intake officer of the court could dis-
pone of minor offenses without formal appearance
in court. Disputed out of court and more seri-
ous offenses would be settled in court.

The Public Officials' Traffic Safety Con-
ference of the President's Committee for Traffic
Safety, the American Bar Association, and
the American Bar Association, Traffic Court
Program of the American Bar Association
(Chicago, Ill.: American Bar Association, 1967),

10 Ibid., p. 4.
11 Ibid., p. 84.
12 Ibid.
13 Ibid., p. 92.
14 Ibid., p. 9.
15 Ibid., p. 5.
16 Ibid., p. 9.
17 Ibid., p. 12.
18 Ibid., p. 13.
19 Ibid., p. 13.
20 Ibid., p. 15.
21 Ibid., p. 16.
22 Ibid., p. 17.
23 Ibid., p. 18.
24 Ibid., p. 19.
25 Ibid., p. 20.
26 Ibid., p. 21.
27 Ibid., p. 22.
28 Ibid., p. 23.
29 Ibid., p. 24.
30 Ibid., p. 25.
32 Ibid., p. 27.
33 Ibid., p. 28.
34 Ibid., p. 29.
36 Ibid., p. 31.
37 Ibid., p. 32.
38 Ibid., p. 33.
39 Ibid., p. 34.
40 Ibid., p. 35.
41 Ibid., p. 36.
42 Ibid., p. 37.
43 Ibid., p. 38.
44 Ibid., p. 39.
46 Ibid., p. 41.
47 Ibid., p. 42.
48 Ibid., p. 43.
49 Ibid., p. 44.
50 Ibid., p. 45.
51 Ibid., p. 46.
52 Ibid., p. 47.
53 Ibid., p. 48.
54 Ibid., p. 49.
55 Ibid., p. 50.
56 Ibid., p. 51.
57 Ibid., p. 52.
58 Ibid., p. 53.
59 Ibid., p. 54.
60 Ibid., p. 55.
61 Ibid., p. 56.
62 Ibid., p. 57.
63 Ibid., p. 58.
64 Ibid., p. 59.
65 Ibid., p. 60.
66 Ibid., p. 61.
67 Ibid., p. 62.
68 Ibid., p. 63.
69 Ibid., p. 64.
70 Ibid., p. 65.
71 Ibid., p. 66.
72 Ibid., p. 67.
73 Ibid., p. 68.
74 Ibid., p. 69.
75 Ibid., p. 70.
76 Ibid., p. 71.
77 Ibid., p. 72.
78 Ibid., p. 73.
79 Ibid., p. 74.
80 Ibid., p. 75.
81 Ibid., p. 76.
82 Ibid., p. 77.
83 Ibid., p. 78.
84 Ibid., p. 79.
85 Ibid., p. 80.
86 Ibid., p. 81.
87 Ibid., p. 82.
88 Ibid., p. 83.
89 Ibid., p. 84.
90 Ibid., p. 85.
91 Ibid., p. 86.
92 Ibid., p. 87.
93 Ibid., p. 88.
94 Ibid., p. 89.
95 Ibid., p. 90.
96 Ibid., p. 91.
97 Ibid., p. 92.
98 Ibid., p. 93.
99 Ibid., p. 94.
100 Ibid., p. 95.
101 Ibid., p. 96.
A. Separation of Adjudication and Disposition

The President's Commission on Law Enforcement and Administration of Justice recommends that the disposition hearing be provided in all delinquency cases.43 At the adjudication the determination of evidence should be strictly controlled so as to exclude inappropriate information, such as the child's social history.44

The U.S. Children's Bureau considers separate adjudication and disposition hearings to be necessary only in cases in which the child denies commission of the act alleged. Where the child admits to the act (as in most juvenile cases), the adjudicatory hearing can be made to serve a dual purpose by broadening the hearing to cover the disposition. The advantage of this approach lies in the savings which the court will make through the greater efficiency in the handling of cases.45 The court should not consider the social study, however, until the adjudication has been made.46

The National Council on Crime and Delinquency (NCCD) does not absolutely favor the separation of the two hearings. In cases where the child admits to the act, it is best that the court move right on to the disposition. "As many working parents are paid by the hour, they suffer financially when they must attend two hearings, and this may turn any effect their attitude toward the child or the court."47 The NCCD does, however, impose strict rules with regard to the admission of evidence at the adjudicatory portion of the hearing. The study should not be submitted to the judge before the adjudication. If the social study has not yet been made when the adjudication is reached, the dispositional hearing may be postponed till a reasonable time.48

3. Precedural Due Process at Adjudication

The President's Task Force on Juvenile

should not be available in delinquency cases. In all delinquency cases, a legal officer representing the State should be present in court to present evidence supporting the allegation of delinquency.

If requested by the juvenile, defense counsel should use all methods permissible in a criminal prosecution to determine that the juvenile is delinquent. He should function as the advocate for the juvenile, and his performance should be unbiased to the extent that he may have that a finding of delinquency might be in the best interests of the juvenile. As advocate for the juvenile alleged to be delinquent, counsel's actions should not be affected by the wishes of the juvenile's parents or guardian if those differ from the wishes of the juvenile.

I. Officially Known Endorsements and Objectives

A. Separation of Adjudication and Disposition

The President's Commission on Law Enforcement and Administration of Justice recommends that the dispositional hearing be provided in all delinquency cases. At the adjudication the determination of evidence should be strictly controlled so as to exclude inappropriate information, such as the child's social history. The U.S. Children's Bureau considers separate adjudication and disposition hearings to be necessary only in cases in which the child denies commission of the act alleged. Where the child admits to the act (as in most juvenile cases), the adjudicatory hearing can be made to serve a dual purpose by broadening the hearing to cover the disposition. The advantage of this approach lies in the savings which the court will make through the greater efficiency in the handling of cases. The court should not consider the social study, however, until the adjudication has been made.

The National Council on Crime and Delinquency (NCCD) does not absolutely favor the separation of the two hearings. In cases where the child admits to the act, it is best that the court move right on to the disposition. "As many working parents are paid by the hour, they suffer financially when they must attend two hearings, and this may turn any effect their attitude toward the child or the court." The NCCD does, however, impose strict rules with regard to the admission of evidence at the adjudicatory portion of the hearing. The study should not be submitted to the judge before the adjudication. If the social study has not yet been made when the adjudication is reached, the dispositional hearing may be postponed till a reasonable time.

3. Precedural Due Process at Adjudication

The President's Task Force on Juvenile
DELINQUENCY takes the position that juvenile court procedures must be brought into closer harmony with the fundamental concepts of due process of law. To this end, the juvenile should have all the procedural safeguards that are given to adult criminal defendants, with the exception of jury trials. The Task Force believes that the use of procedures similar to those followed in a civil case. In Re Gault and other recent Supreme Court decisions.4

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY would guarantee the child the following rights and privileges: (1) the right to be present at the hearing; (2) the privilege against compelled self-incrimination; (3) the right to confront and cross-examine witnesses against him; (4) the right to call his own witnesses. The NCDC advocates that the rules of evidence and procedure in his own case be followed. Hear-say testimony will not be permitted. Only "clear and convincing" proof would be required, rather than proof beyond reasonable doubt, the criminal standard. Legal counsel would be permitted; jury trials would not be allowed because to do so would be incompatible with the informal nature of the juvenile court.1

The NATIONAL COUNCIL OF JUVENILE COURT JUDGES also notes the need to implement the adjunctory hearings the procedural requirements outlined in In Re Gault and other recent Supreme Court decisions.5

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY would guarantee the child the following rights and privileges: (1) the right to be present at the hearing; (2) the privilege against compelled self-incrimination; (3) the right to confront and cross-examine witnesses against him; (4) the right to call his own witnesses. The NCDC advocates that the rules of evidence and procedure in his own case be followed. Hear-say testimony will not be permitted. Only "clear and convincing" proof would be required.6

The U.S. CHILDREN'S BUREAU views delinquency proceedings as non-criminal in nature. Thus, it would support rules of evidence which are the same as those followed in a civil case. It would require only "clear and convincing" proof, rather than proof beyond reasonable doubt, the criminal standard. Legal counsel would be permitted; jury trials would not be allowed because to do so would be incompatible with the informal setting of the juvenile court.7

C. Representation in Court by the Child

The CHILDREN'S BUREAU recommends that the State's case against the child be presented by an attorney, and not by a staff member of the court. Otherwise, the child is, in essence, a party to the proceeding.11

The NCDC would require a prosecutor (or other State legal officer) only when the court anticipates complex questions about the introduction of evidence. It would avoid the prosecutorial atmosphere of criminal trials in a juvenile hearing. Thus, the NCDC recommends that the Judge elicit testimony.12

D. Role of Defense Counsel

The NATIONAL COUNCIL OF JUVENILE COURT JUDGES states that the function of defense counsel in a juvenile court is that of counsel in a criminal court: "that is, it is function to intervene on every legitimate defense to counsel, examine vigorously, and to object to the introduction of improper testimony."13

The CHILDREN'S BUREAU views the role of defense counsel at the adjudicatory hearing as one that is of "aiding the court's hearsay evidence, fully presented."14 Where parents and child are in conflict, the child may be entitled to representation by his own counsel.15

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE argues that provision of counsel is one of the major ways that juveniles will achieve procedural justice. The lawyer should function as an adversary for the child.11

The NCDC also views the role of defense counsel as that of advocate for the child. If the interests of the child and those of his parents conflict, the court shall appoint counsel for the child.17

President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 67

The dispositive hearing in delinquency cases should be separate and distinct from the adjudicatory hearing. The procedures followed at the dispositive hearing should be identical to those followed in the sentencing procedure for adult offenders.1

1. Officially Known Endorsements and Objections

In Model Rules for Juvenile Courts the NATIONAL COUNCIL ON CRIME AND DELINQUENCY recommends that the dispositive hearing be conducted so that all evidence or testimony relevant to arriving at a disposition be presented. Counsel shall be permitted to cross-examine the appearance of any persons to testify at the hearing. The social study may be withheld from the parties in certain cases, but in all cases the information upon which the court bases its disposition must be made known.1

The U.S. CHILDREN'S BUREAU would require that the facts upon which the court relies be open to public inspection by the child's counsel. The entire social study need not be made available to the child or his parents, "if it often contains confidential data that is not relevant to the disposition.

"Injudicial decision should be based upon an undisclosed fact," p. 7. The Children's Bureau would permit the admission of evidence of certain facts contained in the social study, even though the person responsible for that portion of the study is unavailable for examination. "Under the circumstances, the more important value of the information, when challenged, is considerably lessened."1

The NATIONAL COUNCIL OF JUVENILE COURT JUDGES would give a copy of the social study to counsel for all parties on request, and to all adult parties not represented by counsel.1

The Council views the lawyer's function at the dispositive hearing as an adversarial role between the court, the child and family. The lawyer presents the family's proposed treatment plan to the court, and interprets to the family the court's treatment plan.5

The Council notes that In re Gault only outlines required procedures for adjudication. The Council urges only that the concept of fundamental fairness expressed in Gault be followed in the non-adjudicatory juvenile court proceedings, and that advantage be taken of the fact that the court is more free to consider the specific needs of the child, and less bound by procedural requirements.6

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE believes that the defense counsel, at the dispositive hearing, should assist the court in developing an appropriate treatment plan and in implementing the plan.7


3U.S. Children's Bureau, Standards for Juvenile and Family Courts, p. 67.


* * * * *


1U.S. Children's Bureau, Standards for Juvenile and Family Courts, p. 133.

16 Ibid., p. 72.

1President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 86.

1National Council on Crime and Delinquency, Model Rules for Juvenile Courts, p. 82.

1President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 86.

Corrections

Including all Standards from:

Chapter 3 - Diversion from the Criminal Justice Process
Chapter 8 - Juvenile Intake and Detention

and selected Standards from:

Chapter 16 - The Statutory Framework of Corrections
CHAPTER 3 - DIVERSION FROM THE CRIMINAL JUSTICE PROCESS

Standard 3.1 USE OF DIVERSION

Each local jurisdiction, in cooperation with related state agencies, should develop and implement by 1975 formally organized programs of diversion that can be applied in the criminal justice process from the time an illegal act occurs to adjudication.

1. The planning process and the identification of diversion services to be provided should follow generally and be associated with "total system planning" as outlined in Standard 9.1.
   
   a. With planning data available, the responsible authorities at each step in the criminal justice process where diversion may occur should develop priorities, lines of responsibility, courses of procedure, and other policies to serve as guidelines to its use.
   
   b. Mechanisms for review and evaluation of policies and practices should be established.
   
   c. Criminal justice agencies should seek the cooperation and resources of other community agencies to which persons can be diverted for services relating to their problems and needs.

2. Each diversion program should operate under a set of written guidelines that insure periodic review of policies and decisions. The guidelines should specify:

   a. The objectives of the program and the types of cases to which it is to apply.
   
   b. The means to be used to evaluate the outcome of diversion decisions.
   
   c. A requirement that the official making the diversion decision state in writing the basis for his determination denying or approving diversion in the case of each offender.
   
   d. A requirement that the agency operating diversion programs maintain a current and complete listing of various resource dispositions available to diversion decisionmakers.

3. The factors to be used in determining whether an offender, following arrest but prior to adjudication, should be selected for diversion to a noncriminal program, should include the following:

   a. Prosecution toward conviction may cause undue harm to the defendant or exacerbate the social problems that led to his criminal acts.
   
   b. Services to meet the offender's needs and problems are unavailable within the criminal justice system or may be provided more effectively outside the system.

   c. The arrest has already served as a desired deterrent.
   
   d. The needs and interests of the victim and society are served better by diversion than by official processing.
   
   e. The offender does not present a substantial danger to others.
   
   f. The offender voluntarily accepts the offered alternative to further justice processing.
   
   g. The facts of the case sufficiently establish that the defendant committed the alleged act.

I. Officially Known Endorsements and Objectives

The term "diversion" is one with no very precise meaning and is of recent origin. It first seems to have been used in 1967 in the report of the President's Commission on Law Enforcement and the Administration of Justice which recommended: "procedures are needed to identify and divert from the criminal process mentally disordered and deficient persons." But the Commission did not limit its recommendation to "mentally disordered or deficient persons." It spoke of "certain marginal offenders" and those "in need of treatment for whom full criminal disposition does not appear required."

The AMERICAN BAR FOUNDATION has defined diversion as:

"...moving a person from the criminal process to some non-criminal process, whether it be a medical or social agency or simply sending the person home. While diversion denotes a complete change of process from criminal to civil 'diversionary practices' do not by-pass the criminal process but are less punitive than tradition might warrant (such as probation following a guilty plea on a condition of psychiatric treatment as opposed to a jail term) or are alternative to invocation of the criminal process (when a policeman takes an alcoholic to a detoxification center or a mentally ill person to a mental health clinic)." Continuing, the Foundation points out:

"Diversion thus is an elastic term. Prosecution of 'full criminal disposition' is enough to be "inappropriate" for some citizens who are then 'diverted' from the criminal process to the presumably more hospitable climes of the mental hospitals, outpatient clinics, and work release programs, or are released to the custody of neighborhood workers, big brothers, probation officers, or religious and social agencies, or are simply sent home." Besides being one of the first groups to have recognized the existence of diversion (as noted above), the President's Crime Commission

53
2Ibid., p. 134.
4Ibid., p. 124.

The formal sanctioning system and pronouncement of delinquency should be used only as a last resort. In place of the formal system, dis- positional alternatives to adjudication must be developed for dealing with juveniles, including agencies to provide and coordinate services and procedures to achieve necessary control without unnecessary stigma. Alternatives already available, such as those related to court intake, should be more fully exploited. The range of conduct for which court intervention is authorized should be narrowed, with greater emphasis upon consensual and informal means of meeting the problems of difficult children.

II. Special Considerations

It should be noted that closely associated with diversion is the issue of screamed, i.e., stopping formal action against some individuals who are about to enter the criminal justice system. The National Institute of Law Enforcement and Administration of Justice points out that:

[The inappropriateness of subjecting all offenders arrested by the police to full criminal proceedings presupposes... discretion to institute formal criminal charges...]

Although screening is not recognized as diversion per se, the two are closely related.

3President's Commission on Law Enforcement and Administration of Justice, The Challenge

CHAPTER 8 — JUVENILE INTAKE AND DETENTION

Standard 8.1: ROLE OF POLICE IN INTAKE AND DETENTION

Each juvenile court jurisdiction immediately should take the leadership in seeking out with local police agencies policies and procedures govern- ing the discretionary diversion authority of police officers and separating police officers from the detention decision in dealing with juveniles.

1. Police agencies should establish written policies and guidelines to support police discretionary authority, at the point of first contact as well as at the police station, to divert juveniles to alternative community-based programs and human resource agencies outside the juvenile justice system, when the safety of the community is not jeopardized. DISPOSITIONS MAY INCLUDE:

a. Release on the basis of unfounded charges.
   b. Referral to parents (warning and re-release).
   c. Referral to social agencies.
   d. Referral to juvenile court intake services.

2. Police should not have discretionary authority to make detention decisions. This responsibility rests with the court, which should assume control over admissions on a 24-hour basis.

When police have taken custody of a minor, and prior to the admission under Paragraph 2 above, the following guidelines should be observed:

1. Under the provisions of Gault and Miranda, police should first warn juveniles of their right to counsel and the right to remain silent while under custodial questioning.

2. The second act after apprehending a minor should be the notification of his parents.

3. Extrajudicial statements to police or court officers not made in the presence of parents or counsel should be inadmissible in court.

4. Juveniles should not be fingerprinted or photographed or otherwise routed through the usual adult criminal justice procedures to determine whether the child shall be re- leased to his parents or continued in detention. The child should not be detained longer than necessary for his protection.

5. Juvenile records should be maintained physically separate from adult case records.

6. Officially Known Endorsements and Objections

The President's Commission on Law Enforcement and Administration of Justice Task Force Report: Juvenile Delinquency states that:

"The police as the first point of contact between juveniles and the legal authorities, occupy a critically important point in delin- quency control. Greater efforts must be made to examine the consequences of different nodes of police handling of juveniles and to provide the referral resources in the neighborhood and community that might enable the police to make frequent use of court referrals."

The following recommendations were made by the Task Force:

To improve our system of planned non-judicial handling for delinquents:

1. First if the further limitation of referrals into the juvenile court system and the ability of that system to accept such referrals.

2. Second in the creation and strengthening of alternative agencies and programmes to deal with delinquents.

3. Third in the development of an improved capacity on the part of the police and juvenile court system to make appropriate dispositions and refer delinquents to alternative agencies and organizations.

Furthermore:

1. Formal guidelines need to be drawn for use by police in the exercise of their discretion. These guidelines would encourage police to make greater use of non-judicial means of handling, and where appropriate to avoid the call for my intervention at all.

2. Use of external hearing practices.

3. Training should be instituted to provide police with an insight into the problems and needs of young people.

4. Alternatives to detention should be explored.

The National Council on Crime and Delinquency in a 1961 report entitled Standards and Guidelines for the Detention of Children and Youth, generally agreed with this standard. Specifically, they said:

Law enforcement agencies have the right to release a child in the custody of his parents or to take him to the court or to the place of detention designated by the court, either directly or through delegated authority, to determine whether the child shall be re- leased to his parents or continued in detention. The child should not be detained longer than necessary for his protection.

Cooperation between court and law enforce- ment agencies in a sound policy of detention intake is crucial. It can be most effective when special police officers are selected and trained for work with juveniles. In the larger law enforcement agencies, juvenile divisions or bureaus can provide consistent
police work with children and youth and are based on the following principles of delinquency detection policies. In small jurisdictions, specially designated and qualified police officers may be appointed.

Their recommendations include the following:

1. When a child is taken into custody, the police should immediately notify his parents or guardians. He should be released to the parent if this is possible, on the parent's promise to bring him to court at a specified time.

2. Law enforcement officers should telephone the Intake Division of the court (or the detention home after office hours) prior to bringing the child into detention or court custody.

3. In cases where the police, after diligent efforts to reach the child's parents, and application of the criteria would not call for his detention, he should not be placed in the detention facility. The child's age, type of offense, and family situation, if known, should determine whether he should be released under supervision, taken to relatives or persons known to the child who could accept responsibility for him, or placed in a shelter facility.

The AMERICAN BAR ASSOCIATION is less specific in its statement on juvenile disposition. The ABA states that there should be cooperation between the police and juvenile justice systems. It may be inferred that diversion of juveniles would be included in such cooperative efforts.

Other organizations direct their attention to intake and diversion functions of detention center personnel rather than to the possibility of diversion by police on the streets.

II. Special Considerations

The MARYLAND� COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE in the Comprehensive Plan for 1973 states that in their search for a better solution to the problem of procedures to deal with juvenile delinquents were introduced in Article 26, Section 30 of the Annotated Code of Maryland. In this article, it is stated that an intake consultant or other persons authorized by the court is required to make a preliminary inquiry as to the character of the child alleged to be delinquent, in need of supervision, neglect, or abuse before a petition is filed in order to approve or disapprove the filing of the petition.10

Shaffer and Knudsen in their book, Juvenile Delinquency: An Introduction, state:

"Most states permit a child to be taken into custody only if the juvenile court issues an order or if the child's welfare or his violation of law creates an emergency which necessitates some state action. The place of detention is entirely subject to the approval and supervision of the court. If the child or juvenile is taken into custody, his parents, guardian or legal custodian is usually notified as soon as possible. Detention should last no longer than two days, excluding Sundays and official legal holidays, unless it is extended by court order."

"The prevention of juvenile delinquency and the rehabilitation of delinquents require the flexible application of social rules and appropriate use of police authority. The police officer has a wide variety of choices at his disposal, including simply warning a delinquent, visiting his home, offering to aid the child and his family, referral to an agency other than the police, or making a referral to the juvenile court for judicial procedures. The right choice cannot be made by following rigid rules. If, however, the police officer adequately understands his preventive, protective, and helping role and is well integrated into the community he serves, his choice can be a positive contribution to the struggle against juvenile delinquency. In this context the appropriate use of police authority extends the functions of detection, investigation, and suppression to social participation. Although social participation will not replace social control as a function of the police and detection of delinquency or crime will not be neglected, different attitudes toward the use of authority in questions of delinquency and crime and the delinquent and the criminal are likely."

---


Ibid., p. 296.

Ibid., p. 299.


Ibid., p. 23.

Ibid., p. 23.

Ibid., p. 34.

Ibid., p. 35.

---


Maryland Governor's Commission on Law Enforcement and the Administration of Justice, Comprehensive Plan 1973 (Cockeysville, MD: Executive Department, Governor's Commission on Law Enforcement and the Administration of Justice, 1972), p. 46.


Ibid., p. 272.

---

Standard 8.2 JUVENILE INTAKE SERVICES

Each juvenile court jurisdiction immediately should take action, including the pursuit of enabling legislation where necessary, to establish within the court organized intake services operating as part of or in conjunction with the detention center. Intake services should be geared to the provision of screening and referral intended to divert as many youngsters as possible from the juvenile system and to reduce the detention of youngsters to an absolute minimum.

1. Intake personnel should have authority and responsibility to:

a. Dismiss the complaint when the matter does not fall within the delinquency jurisdiction of the court or is so minor or the circumstances such that no intervention is required.

b. Dismiss complaints which seem arbitrary, vindictive, or against the best interests of the child.

c. Divert as many youngsters as possible to another appropriate section of the court or to alternative programs such as mental health and family services, public welfare agencies, youth service bureaus, and similar public and private agencies.

d. Intake personnel should be advised of the court.

e. No consent decree should be issued without a hearing at which sufficient evidence appears to provide a proper foundation for the decree. A record of such hearing should be kept, and the court in issuing the decree should be responsible for the reasons for the decree and the factual information on which it is based.

2. Intake personnel should seek informal service dispositions for as many cases as possible, provided the safety of the child and of the community is not endangered. Informal service decisions may provide for continuing contact with the part of the court at disposition without the filing of a petition, including:

a. Informal adjournments.

b. Informal probation.

c. Consent decrees.

d. Consent dispositions.

3. Informal service dispositions should have the following characteristics:

a. The juvenile and his parents should be advised of their right to counsel.

b. Participation by all concerned should be voluntary.

c. The major facts of the case should be undisputed.

d. Participants should be advised of their right to formal adjudication.

e. Any statements made during the informal proceeding should be excluded from any subsequent formal proceeding on the original complaint.

f. A reasonable time limit (1 to 2 months) should be adhered to between date of complaint and date of agreement.

g. Restraint placed on the freedom of juveniles in connection with informal dispositions should be minimal.

h. When the juvenile and his parents agree to informal proceedings, they should be informed that they can terminate such dispositions at any time and request formal adjudication.

4. Informal probation is the informal supervision of a probation officer who wishes to reserve judgment on the need for filing a petition until after he has had the opportunity to determine whether informal treatment is sufficient to meet the needs of the case.

5. A consent decree denotes a more formalized order for casework supervision and is neither a formal determination of jurisdictional fact nor a formal disposition. In addition to the characteristics listed in paragraph 3, consent decrees should be governed by the following considerations:

a. Compliance with the decree should be further proceedings based on the events out of which the proceedings arose.

b. Complainant in the decree should not result in subsequent removal of the child from his family.

c. The decree should not be in force longer than 3 to 6 months.

d. The court should state that it does not constitute a formal application.

6. Cases requiring judicial action should be referred to the court.

a. Court action is indicated when:

(1) Either the juvenile or his parent requests a formal hearing.

(2) There are substantial discrepancies about the allegations, or denial, of a serious offense.

(3) Protection of the community is an issue.
Children should not be detained for the juvenile court when, after proper intake in­


7. The LEAA gives no exact figures as to size of centers, but finds smallness of the center as a whole not an important small individual group­

8. Detention facilities should be conducted, regional, and federal programs and alternatives to deten­

9. Citizen advisory boards should be estab­


1. Officially Known Endorsements and Objectives

The LEAA recommends locating facilities in residential areas, near courts, and community resources, it says: "Centers are often located far from politically powerful districts because of belief that they actually affect land values or there is community hostility to such centers."

2. The LEAA says: "Recrea­tional programs, arts and crafts, music, drama, writing, and environmental. Outdoor recreational areas are essential.

3. As the question of whether to build a facility is the most important CRIME AND DELI­LINQUENCY (NDCO) argues: "Only the most populous states have more than two or three counties where the number of children to be detained is large enough to justify building a facility."

4. With the LEAA saying that "only the most populous states have more than two or three counties where the number of children to be detained is large enough to justify building a facility.

5. As to the feasibility of using existing residential facilities for detention centers, the NDCO says safety and security needs may not be what is needed for detention centers, and adds:

6. The disadvantage of utilizing old buildings for detention purposes is demonstrated in the many makeshift facilities in
II. Special Considerations

The last reference points out some consideration lacking in the Standard. There are two types of detention of juveniles for which planning is needed. One is the secure custody of certain children for their protection and that of the community which the Standard implicitly concerns itself with, and to which the above comments refer. The other is the above-mentioned "shelter care" which is used for a child who for one reason or another cannot be sent back to his regular environment, be in his home or the streets. Plans for detention centers should take both these types of detention into consideration, perhaps with small renovated residential homes serving the shelter function.

1. PERSONNEL PLANNING

4. Job specifications should call for experienced, specialized professionals, who should receive salaries commensurate with their education, training, and experience and comparable to the salaries of administrative and governmental positions requiring similar qualifications.

5. Job functions and spheres of competency and authority should be clearly outlined, with stress on teamwork.

6. Staffing patterns should provide for the use of professional personnel, administrative staff, community group workers, and counselors.

7. Particular care should be taken in the selection of line personnel, whose primary function is the delivery of programs and services. Personnel should be selected on the basis of their capacity to relate to youth and to other agencies and their willingness to cooperate with them.

8. The employment of rehabilitated ex-offenders, new careers, paraprofessionals, and volunteers should be pursued actively.

9. Staff development and training programs should be regularly scheduled.

10. The standards set forth in Chapter 14, Manpower, should be observed.

II. Special Considerations

The CHILDREN'S BUREAU OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE has not addressed itself to the particular personal needs of detention and intake centers.

II. Special Considerations

It must be remembered that staffing of such centers as these Standards envision is basically a county function at present in Ohio. Although Ohio's youth detention centers can apply many of the same guidelines, the Standards in Chapter 8 are concerned with local centers where a juvenile offender stays in his community rather than being shipped to another part of the state.
Standard 16.9 DETENTION AND DISPOSITION OF JUVENILES

Each State should enact legislation by 1975 limiting the delinquency jurisdiction of the courts to those juveniles who commit acts that if committed by an adult would be crimes.

The legislation should also include provisions governing the detention of juveniles accused of delinquent conduct, as follows:

1. A prohibition against detention of juveniles in jails, lockups, or other facilities used for housing adults accused or convicted of crime.

2. Criteria for detention prior to adjudication of delinquency matters which should include the following:
   a. Detention should be considered as a last resort where no other reasonable alternative is available.
   b. Detention should be used only where the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for him and able to assure his presence at subsequent judicial hearings.

3. Prior to first judicial hearing, juveniles should not be detained longer than overnight.

4. Law enforcement officers should be prohibited from making the decision as to whether a juvenile should be detained. Detention decisions should be made by intake personnel and the court.

The legislation should authorize a wide variety of diversion programs as an alternative to formal adjudication. Such legislation should protect the interests of the juvenile by assuring that:

1. Diversion programs are limited to reasonable periods.

2. The juvenile or his representative has the right to demand formal adjudication at any time as an alternative to participation in the diversion program.

3. Incriminating statements made during participation in diversion programs are not used against the juvenile if a formal adjudication follows.

Legislation, consistent with Standard 16.8 but with the following modifications, should be enacted for the disposition of juveniles:

1. The court should be able to permit the child to remain with his parents, guardian, or other custodian, subject to such conditions and limitation as the court may prescribe.

2. Detention, if imposed, should not be in a facility used for housing adults accused or convicted of crime.

3. Detention, if imposed, should be in a facility used only for housing juveniles who have committed acts that would be criminal if committed by an adult.

4. The maximum terms, which should not include extended terms, established for criminal offenses should be applicable to juveniles or youth offenders who engage in activity prohibited by the criminal code even though the juvenile or youth offender is processed through separate procedures not resulting in a criminal conviction.

1. Officially Known Endorsements and Objections.

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE has suggested several courses of action encompassed in the legislation proposed by this Standard. These recommendations include: "Legislation should be enacted restricting both authority to detain and the circumstances under which detention is permitted (and) adequate and appropriate separate detention facilities for juveniles should be provided."

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) has published Standards and Guides for the Detention of Children and Youth. This supplies a series of standards to aid legislators in the field of juvenile detention and disposition. Among their suggestions is: "Detention, even if it is only for overnight, may contribute to delinquency by confining some children unnecessarily. These youngsters, when placed with more sophisticated law violators are given additional delinquency status."

NCCD also suggests that the police may take a child into custody, question him, and bring him to the court or the designated place of detention, his ultimate admission to the detention facility is the responsibility of the court.

NCCD further suggests that the state develop standards for detention facilities.

Four groups of state standards should be established and reviewed periodically whether or not the state operates regional detention homes: (1) intake control standards, including general criteria for detaining, length of stay, and special procedures to assure coordination of law enforcement, probation, detention, and court services. (2) Building standards, for regional homes and standby homes for overnight care, including location, design, construction, and maintenance. (3) Operational standards, based on the four objectives of detention care (see p. 36) and including standards of staffing, program, casework, and clinical services. (4) Statistical reporting. State subsidies or reimbursements should be made conditional upon meeting
the established standards.  

The COUNCIL OF STATE GOVERNMENTS has also suggested the need for state responsibility. Article IX of the Interstate Compact on Juveniles states:

That, to the extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or delinquent persons.

The problem has been viewed and defined by the CHAMBER OF COMMERCE.

One of the problems of the juvenile court is that there is not a screening process to filter out those whose conduct—particularly noncriminal conduct—is more appropriately controlled and corrected by means other than court action, which so often only serves to perpetuate delinquency through a process by which a child acts as he is perceived and as he perceives himself—namely, as a delinquent. Fortunately the necessary community resources to serve as effective alternatives to formal court action are frequently unavailable. Those cases that would pass through the screening process and fall within the narrowed jurisdiction of the court would pertain to offenders whose adjudication should no longer be viewed solely as a diagnosis and prescription for cure, but should be frankly recognized as an authoritative court judgment expressing society's claim to protection. The President's Commission.

Such adjudicatory hearings should be consistent with the basic principles of due process, which has often been absent in the past.

**Notes:**


3. Ibid., p. 12.

4. Ibid., p. 112.


---

**BIBLIOGRAPHY**


END