

**NEW DIRECTIONS  
FOR CORRECTIONS**  
Creative Concepts for Future  
Criminal Justice Planning

~~X~~ **The Juvenile Justice System:  
New Directions in Policy and Programs**

April 25, 26, 1977

*Co-Sponsored by:*

The Institute for Urban Studies  
The University of Houston  
College of Social Sciences  
Houston, Texas

*and*

The Institute of Urban Studies  
Research and Service Programs Division  
The University of Texas at Arlington  
Arlington, Texas

Volume IV

MICROFILM

56707-  
56717

IN CURS

MAY 26 1979

## ACQUISITIONS

THE JUVENILE JUSTICE SYSTEM:  
NEW DIRECTIONS IN POLICY AND PROGRAMS

Institute For Urban Studies  
University of Houston

April 25, 26, 1977

Conference Convener  
Gerald R. Wheeler, Ph.D.

Editors

Peter J. Eck  
Brenda Bradshaw

Project Director

Douglas W. Denton

Project Advisor

Isabelle Collora

This conference is the fourth in a series of five held in Federal Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas). This project, New Directions for Corrections was made possible by the Texas Criminal Justice Division and the Law Enforcement Assistance Administration on grant #DS-77-E01-4307. New Directions for Corrections is administered by The Institute of Urban Studies, The University of Texas at Arlington. The views expressed by participants in this conference are their own, and should not be ascribed to The University of Texas at Arlington or the Law Enforcement Assistance Administration.

## ACKNOWLEDGEMENTS

This is the fourth of a five (5) volume set of conference proceedings produced as an aspect of a Law Enforcement Assistance Administration (LEAA) grant. The project goal is to enhance citizen efforts to address criminal justice issues. The conferences in this series were designed to be a dynamic research process which encouraged input by criminal justice professionals and practitioners, as well as the lay public and ex-offenders.

The people responsible for the success of this conference and preparation of this volume are numerous. Dr. William Simon, former Director of the Institute for Urban Studies, University of Houston, for the original ideas behind the conference and Dr. Gerald Wheeler, University of Houston, coordinated the physical arrangements for the conference and made sure we were comfortable, and served as the Conference Convenor; working long hours to secure a balance of professionals, ex-offenders, practitioners, and lay citizens for our sessions.

Peter Eck and Brenda Bradshaw managed the preparation of these presentations, working with the material which she had transcribed and drafted. Isabelle Collora and I did the final work on concept retrieval and clarity while Barbara Neylon labored over manuscript design, proofing, and production. If this sounds like a confusing situation, please consider that the other four volumes were in various stages of the same process. I am grateful to have been associated with these people.

One final note. The proceedings are intended to paraphrase the presentations instead of reproduce them word-for-word. We strived to remain faithful to the concepts which were shared in the conference while conveying the nature of the interaction. Human and machine fallibility may have caused some mistakes, for those we apologize. However, overall good fortune has aided in the high quality of this publication.

Douglas W. Denton  
Project Director  
NEW DIRECTIONS FOR CORRECTIONS

## CONTENTS

ACKNOWLEDGEMENTS	ii
CONFERENCE AGENDA	iv
Introduction	1
<i>Dr. Barry Munitz</i>	
X Coping With Youthful Offenders and Juvenile Crime in 1980's	2 56708
<i>The Honorable John Hill</i>	
X State of the Art of Juvenile Justice System	7 56709
<i>Jerome Miller</i>	
X Gault Attorneys In The Second Decade: Some Normative Reflections	5 4236 DUP. 15
<i>Richard McAnany</i>	
X Equity Versus The Indeterminate Sentence In The Juvenile Justice System	24 56710
<i>Fred Cohen</i>	
Reforming Juvenile Law: Problems and Issues	30
<i>Robert Dawson</i>	
X Anticipated and Unanticipated Consequences of Diversion	33 56711
<i>Irving Spergel</i>	
X Juvenile Delinquency - A Misnomer	43 56712
<i>Wilber G. Smith</i>	
X Dilemmas of Social Policy Reform: The Chins Example	58 56713
<i>Gerald R. Wheeler</i>	
X Counteracting Aggressive Behavior in the Community: The Police/Social Work Model	64 56714
<i>Harvey Tregler</i>	
X The Mission of Higher Education in Human Services for Youth	69 56715
<i>William Cannon</i>	
X Impacting the Juvenile Justice System: Implications for Education	77 56716
<i>Gary Lloyd</i>	
Community Service for Youth: New Directions in Graduate Education	83
<i>Ira Iscoe</i>	
The Role of LEAA In Criminal Justice Education	86
<i>William Pitt</i>	
X The Role of Child Advocacy and Community Action	90 56717
<i>Panel Presentation</i>	

THE JUVENILE JUSTICE SYSTEM:  
NEW DIRECTIONS IN POLICY AND PROGRAMS

Institute For Urban Studies  
University of Houston

April 25, 26, 1977

April 25, 1977

- Introduction: Barry Munitz, Vice President, Dean of Faculties,  
University of Houston
- Keynote: "Coping with Youthful Offenders and Juvenile Crime  
in 1980's"
- Address: The Honorable John Hill, Texas Attorney General  
"State of the Art of Juvenile Justice System"
- Address: Jerome Miller, Commissioner of Children and Youth,  
Department of Public Welfare, State of Pennsylvania  
"Gault Attorneys in the Second Decade: Some Normative  
Reflections"
- \*Address: Richard McAnany, Professor of Criminal Justice, University  
of Illinois at Chicago Circle  
"Role of Federal Government in Juvenile Justice"
- Frank Porpatage, Law Enforcement Assistance Administration,  
U. S. Dept. of Justice, Dallas.

THE YOUTHFUL OFFENDER: SOCIAL POLICY CONSIDERATIONS

- Paper: "Equity Versus the Indeterminate Sentence in the  
Juvenile Justice System"  
Fred Cohen, Professor of Law and Criminal Justice,  
State University of New York at Albany
- Paper: "Reforming Juvenile Law: Problems and Issues"  
Robert Dawson, University of Texas Law School
- Paper: "Anticipated and Unanticipated Consequences of Diversion"  
Irving Spengel, University of Chicago
- Paper: "Juvenile Delinquency - A Misnomer"  
Wilber Smith, Director, Rehabilitative Services NAACP

BUREAUCRACY FOR TROUBLED YOUTH

- Address: "Dilemmas of Social Policy Reform: The Chins Example"  
Gerald Wheeler, University of Houston, Director, Pre-  
Trial Release for Harris County
- Address: "Counteracting Aggressive Behavior in the Community: The  
Police/Social Work Model"  
Harvey Treger, Jane Addams College of Social Work,  
University of Illinois at Chicago Circle

April 26, 1977

Address: "The Mission of Higher Education in Human Services for Youth"  
William B. Cannon, Vice President, Business and Finance,  
University of Chicago

THE UNIVERSITY AND JUVENILE JUSTICE SYSTEM

Paper: "Impacting the Juvenile Justice System: Implications for Professional Education"  
Gary Lloyd, Dean, College of Social Work, University of Houston

Paper: "The Role of LEAA in Criminal Justice Education"  
William Pitt, Regional Office, LEAA, Dallas

Paper: "Community Service for Youth: New Direction in Graduate Education"  
Ira Iscoe, Professor of Psychology and Education, The University of Texas at Austin

\*Address: "Juvenile Justice and Congress"  
Ken Wooden, Author

\*Address: "The Future of Incarceration"  
Andrew Rutherford, Yale University Law School

THE ROLE OF CHILD ADVOCACY AND COMMUNITY ACTION

Panel Presentation:

Moderator: Ms. Pat Ayres, Chairwoman, Texas Youth Council  
Speaker: Larry Murdock, Director, Community Youth Services,  
Harris County Juvenile Probation Department  
Speaker: Felix Recio, Director, Court Volunteer Services,  
Harris County, Inc.  
Speaker: Rubin Graham and Allan Johns, Youth Sponsorship  
Program of AFL-CIO  
Speaker: Ron Lofstrom, Legislative Assistant, member, Board  
of Directors, Helpline Youth Counseling, Bellflower,  
California  
Speaker: Marie Oser, Texas Child Care 1976  
Speaker: Anita Marcus, Texas Public Affairs Chairwoman,  
National Council of Jewish Women and President, Texas  
Coalition for Juvenile Justice

\* The luncheon presentations and audience reactions of Frank Porpatage, Ken Wooden and Andrew Rutherford are not included in this publication due to a truly unfortunate equipment malfunction.

## INTRODUCTION

Dr. Barry Munitz  
Vice-President, Dean of Faculties  
The University of Houston

I had the great pleasure several months ago of introducing the attorney general at a meeting of the Federal Power Commission on this campus. For those out of state visitors attending this conference I would like to give a brief background on our attorney general so that they can be made aware of John Hill's accomplishments over the past few years.

He is recognized throughout the country as leading an anti-corruption strike force; he was the first state official since Miriam Ferguson to appoint women to a series of top legal and administrative positions; he has personally argued several cases that you have read about across the country including the Texas Death Penalty suit and the Howard Hughes estate issues. He led the fight against the public utilities commission in 1975 and waged a successful battle to help cut proposed phone company increases which, as I remember, resulted in savings of more than \$25,000,000. He is also noted nationally for his work in consumer protection. It is with great pleasure that we welcome back to our campus our State Attorney General, John Hill.

56708

COPING WITH YOUTHFUL OFFENDERS  
AND  
JUVENILE CRIME IN 1980'S

HONORABLE JOHN HILL  
TEXAS ATTORNEY GENERAL

*The Honorable John Hill became the 45th Attorney General of Texas four years ago and has been acclaimed by Washington Monthly Magazine as the most outstanding attorney general in the U.S. in 1975. He also serves as co-chairman of both the Texas Organized Crime Prevention Council and the State-Federal Law Enforcement Coordinating Committee combating the narcotics traffic across the border of Mexico into the United States. Mr. Hill is an honor graduate of The University of Texas School of Law and has recently been appointed Chairman of the National Association of Attorneys General Special Committee on Energy.*

In contemplating the past role of the juvenile justice system in our total system of justice administration, we must candidly admit that for too many years the juvenile justice system has been considered a "step-child" of the justice system. However, juvenile justice has made some significant strides in this country within the last five years. This can be accredited to growing public awareness and growing public concern of those recently focusing attention to this area. We can take great pride in the interest shown by other states in our system here and in the improvements we have made.

The long-stated policy of the juvenile system is considering juveniles in a non-criminal manner. It is certainly closer to a reality today in our state than ever before. It is recognized that there are some juveniles who will not respond to our efforts, but in my opinion, these are few. Even if our efforts only return reward in the form of behavior and attitudinal change in a few of the children, the effort has been worthwhile. The young people are our most valuable resources and deserve the great efforts required to help them find themselves.

Indeed, there have been great changes in the field of juvenile justice. Perhaps the most significant change has occurred in the juvenile

court system of Texas. The Supreme Court decided that the due process guaranteed by the fourteenth amendment was applicable to juvenile court proceedings. In short, the United States Supreme Court required for the Juvenile Court the same procedural safeguards which are also found in Adult Court. Such rights encompass a procedure, representation by counsel, right to have a record of the proceedings kept, and privilege against self-incrimination. The Supreme Court did not, however, hold an all procedural safeguard applicable in adult criminal court applicable to juvenile proceedings. So these systems were once again recognized as being unique and separate. Also, the Supreme Court has had repeated opportunity to venture into the "unsettled waters" of treatment, as opposed to procedural operations. It has, however, wisely remained out of this area.

All of those working on the juvenile justice system in Texas can look proudly to "Title III" of our family code. What we know now is a worthy example of the type of "procedural blueprints" that the Supreme Court has indicated by its decision that is necessary. "Title III" is, in my opinion, a giant step forward in the juvenile justice system of Texas. It is apparent to me that the problems of "Title III" have become less troublesome since its effective date in September, 1973. Our office has been most interested in this juvenile code from the start. While I certainly do not attempt to take credit for its adoption, I am very proud that I have been able to play a part in its formulation by our legislature. Our office has been continually involved in an active role in its implementation, and to some extent, in its alteration.

No valid purpose would be served by my giving here today an account of "Title III", but what cannot go without mention is the addition in Texas law for the first time of children in need of supervision (CHINS). The purpose of such classification is that the law mandates the commitment of The Texas Youth Council to be concerned with delinquent conduct rather than conduct indicating any need for supervision. While this amendment clearly gives a juvenile court authority to commit a child to the Texas Youth Council (TYC) for refusing to obey a lawful order of the court, they can go to school or remain in their parents' homes. I am

sure this authority is being used wisely and fairly. There are without doubt some instances where commitment is the only alternative, but we should be ever vigilant that such commitments do not become rule, rather than the exception.

One aid, concerning juveniles, is found in Chapter 25 of the Family Code. This agreement between the states (of which Texas is a member), provides for the cooperation of states in returning juveniles from one state to another who are delinquent or runaways, or provides for additional measures for the protection of the juvenile and the public, when the juvenile is not under proper supervision and control. I assure you that the interstate compact has been used effectively and wisely on numerous occasions around this state, and you surely want to take advantage of it as a useful problem solving device. It should be noted that Texas Youth Council is the agency served as interstate compact officer for Texas and our office. The Attorney General's Office represents that agency when these matters require court hearings.

It is essential, I think, that effective alternatives be developed in the area of juvenile justice. An excellent example of a type of elevated change that can be accomplished, even under adverse conditions, is readily apparent in the Texas Youth Council. I must add that I have heard unwarranted criticism of the TYC, and it is my opinion that this agency has made a most remarkable transition to a viable, workable service provider. It is a source of some concern that there is not more direct involvement in interchange between individuals operating within the various areas of juvenile justice. We can no longer afford to work in this important field independently. The efforts made in the past toward unified efforts must be increased and intensified. Our only hope for taking full advantage of the many excellent programs that are presently found in this state is by a cohesive effort with strong leadership.

The Texas legislature is certainly aware of the need for such uniform and yet multi-faceted acts for recognizing that local action is likely to be the most effective action that can be taken in this area. The 1975

Legislature gave us the ability to develop and utilize more alternatives. In 1975, they amended Article 5143 B which is geared toward developing community alternatives or community-based programs, a position that I have long advocated as a public official. In 1976, there was a total of \$4,000,000 appropriated; that figure has increased to \$5,000,000 this year. The purpose of these allocations is for the development of alternative care, the establishment of half-way houses, and the purchase of services including housing, meals, casework, and counseling from existing private or public agencies. Community programs, in cooperation with TYC, have included the creation of half-way houses, day programs, group homes, therapeutic wilderness or camping programs, foster homes, practice intervention programs, and emergency service. These programs are specifically aimed at youth who are under the jurisdiction of county juvenile probation authorities and youth who have had initial contact with law enforcement officials due to some delinquent conduct.

We must be in constant pursuit of the problems that are associated with juvenile justice, and it will be a continuing battle. One such problem that I feel deserves specific mention here today is becoming increasingly evident around the state, and represents itself in the difficulties in placement of those juveniles involved in unacceptable behavior, but whose mental state is abnormal or below normal (not mentally ill or mentally retarded). Those youths who are mentally retarded or mentally ill can be dealt with under "Title III", but that is not true for youths between normality and abnormality. Our office recognizes problems that juvenile workers have in locating proper and acceptable placements for those juveniles who have committed criminal acts, but who are not suitable for TYC placement because of unusually low learning levels. At the same time, these youths are not suitable for placement in the state schools of MHMR because their functional levels are much too high, in comparison with those students treated by MHMR. We have had some involvement in cases of this sort in juvenile court, and recognize the frustrating and unsatisfactory girth of alternative treatment facilities. We also have a valuable consolation of information in our office and other areas

affecting juvenile justice; you are urged to take advantage of this information. Not only do we deal regularly with "Title III", but we are also in close contact with Texas Youth Council, The Texas Department of Public Welfare, the Texas Department of Mental Health and Retardation. We have in the past and will continue to try in the future to help as a problem solver in your relations with those agencies. If there are problems, let us know because our staff is anxious to try to help with whatever information is available.

I made approximately eight commitments when I sought the office of Attorney General. One of these was to do whatever I could, as Attorney General, to upgrade and improve the juvenile justice system in Texas. While I have not done all that I would have liked, I do hope that we have made some gains in the area of leadership, and I hope in the remaining period to do even more.



*Attorney General John Hill reflects upon the future status of juvenile justice issues.*

56709

STATE OF THE ART OF JUVENILE JUSTICE SYSTEM  
JEROME MILLER

*Dr. Miller is Commissioner of Children and Youth, Department of Welfare, Pennsylvania, and editor of Institutions, Etc., a national investigative newsletter on institutions and alternatives. He closed the Massachusetts State Training Schools, and is nationally recognized as a leading authority in the development of community alternative care systems.*

Although there has been a great deal of talk concerning such national issues as institutionalization and development of community resources, not much evidence exists nationally on the stability of institutionalization. There are some dramatic exceptions, such as Texas with the closing of Mountain View, but that is certainly not the case nationally. A recent study done for LEAA shows that the number of youth institutionalized in the U.S. is growing. The rate decreased in 1972, primarily as a result of the Massachusetts Deinstitutionalization, but in most states the figure is not presently dropping. The issue of institutionalization should be the major concern of conferences like this one. But in terms of that actually occurring, I do not think it is happening at the present time.

There have been many community-based options, but be very careful in the development of community-based alternatives, which, in fact, are not alternatives but additional programs which will "draw in" more clients. An alternative means just that; it is an alternative to an institution, jail or detention center. The "bottom line" in terms of accountability for alternatives is that for every youngster in alternative care there

should be one less youth in the jail, state school, or the detention center. There should not be an alternative for a group that we previously left alone, or left at home, or left in the community.

Let me speak about the Massachusetts experience. Since January of 1972, Massachusetts, on any given day, has never had more than 50 to 75 youngsters locked up in a jail setting; that total includes all youth awaiting trial and all youth sentenced by the court, because our department is responsible for detention facilities as well. Depending on the time of year, between 1,000 and 2,000 youths would have been committed to the department, and in the "old days" would have been sent to an institution. They are now, however, placed in community-based alternatives of one sort or another. The department is using about 250 different programs, such as half-way houses, group homes, foster care and advocacy programs.

There have been some results considered to be of interest since 1972. Our move out of the training schools was too much in one direction. In 1971, for instance, approximately 800 to 1,000 juveniles were in the state schools, and at the end of 1972, you will find approximately the same number in group homes. We changed from two-or-three group homes in 1971 to group homes which would house 1,000 youths in 1972. The Center for Criminal Justice at Harvard Law School is probably the only place one can get the solid facts on what is happening concerning the Massachusetts experience. Their studies show that the move from the institutions to the group homes, although useful, proved that in terms of later recidivism and later problems, that the group homes are not that much more effective than the institutions.

The Harvard Center studies did, however, find other programs that were terribly ineffective, and also other programs that were very effective. The material will be generated over the coming months. I understand there will be four books published in September 1977 on this issue. It is the Center's impression that the smaller the setting, and the closer to the familial model one gets, the better the chance of success, including even the juvenile who would be classified as violent and dangerous.

By far, the most effective alternative program they discovered in the Massachusetts experience is specialized foster homes. These are not "Ma and Pa Kettle" foster homes common to the child welfare experience; these are homes in which a brother-sister relationship exists between an older adult or a younger adult and a youth in his later teens. The department pays this adult a "salary" to watch after one juvenile, or possibly two youths. Incidentally, that is cheaper than most institutions. In Pennsylvania right now, the average cost of a state institution was \$32,000 per child per year. In New York, it is between \$28-\$30,000. Thus, they have found that the far most effective program is the specialized foster program.

The second most effective program found is the advocacy program in which we hire college students who receive credit for their involvement. They are hired to spend some 20 to 40 or 50 hours a week with an individual youth, during his/her leisure time, especially the week-end and evenings. This is a flexible program which may be "piggy-backed" onto other services (for instance, some kids in group homes may have advocates assigned to them, others would live in their homes or in foster homes with advocates assigned to interact with the entire situation). This program also allows further control and monitoring. On the other hand, the Center found one of the advocacy programs equivalent to a security program. In that particular program the advocate has to account for his youngster five times every 24 hours in a face-to-face interview.

The one program that does not work and contributes the highest recidivism rate predictably is the security program. The "lock-up" or institutional programs do not work, have not worked, and probably will not work in terms of decreasing recidivism rates. All one can hope is to "cut down" on victimization while the youngsters are within the security setting.

What has been the state of the art since that occurred? I think it shattered the deterrence arguments surrounding institutionalization, which is basically that even though large institutions may not work, we keep other juveniles out of trouble for fear they might go there. That is, we sacrifice one child for the deterrence of the others.

There is no evidence that removal of the threat of institutionalization has created a crime wave among the young. Massachusetts has had no burgeoning crime rate since the closing of the institutions. Its crime rate has been pretty much "in step" with a number of other states in that regard; peaking in 1972-73, but decreasing since then. This year for the first time in a dozen years, there will be a natural reduction in the numbers of juvenile court cases heard in the state, a fairly substantial reduction of something like 20 - 30%.

The violent crime rate among juveniles has decreased in Massachusetts. However, our activities did not fulfill predictions which were made in the early 70's (that is, if we close these institutions there would be an increase in the crime rate, because there would not be this "big stick" to frighten youngsters). In fact, that has not been the case, and Massachusetts has done very well. The fact that the incidence of violence among juveniles has decreased is interesting. With all the school integration and busing problems, and the number of juveniles involved, particularly in Boston, one would have expected at least the arrest rates to increase, but they did not.

There is no move to go back to institutions in Massachusetts. One rumor was that Massachusetts was sending large numbers of juveniles out of the state because of the lack of institutions. This is not true. The other rumor was that there were large numbers going into the adult system, that because of the closing of the institutions, the adult population was ballooning with juveniles. The Harvard Study, because of that rumor, has done a month-by-month assessment of the numbers of juveniles in the adult system; the number of juveniles in the adult system this year is absolutely lower than it was in 1969, when we were totally involved in institutions. Thus, there has not been a large number of youths entering the adult system. For approximately 90 days following the closing of the last institution in 1972, there was a "ballooning" in the amount of waivers sent to the adult court by the juvenile court (30% more). But those juveniles did not end up in the adult system. Given the guarantees of the adult court, they were either returned to us by the Supreme Court, found not guilty, or they were put on probation. They did not, however, go into

the adult prison system. Given the practices in some of the courts, I would advise juveniles to seek an adult trial because because they may be better off. The system, therefore, seems to be moving fairly well.

Let us consider the issue of the violent juvenile who engages in some kind of violent behavior such as rape or murder. Personally, there are not many youth of this type, at least not in the states with which I have been associated. The approach that we have taken, and that we are taking now in Pennsylvania with violent juveniles, is to develop alternatives which will not make matters worse. We are not trying to develop alternatives that will rehabilitate, because I am not sure we can, but I do think we can develop alternatives that do not make matters worse or do not make a person more likely to get into more trouble. The major finding in President Johnson's Commission on Law Enforcement was that the best service that could be offered to any juvenile was to keep him/her out of the system; the deeper they get in, the greater the chance he/she is likely to come back. I think to a degree, there is still truth to that. In reference to the "so-called" violent juvenile, this still presents some problems.

We have just recently completed (not without a great deal of controversy) the closing of a large adult facility to juveniles in Pennsylvania. In the last year and a half, we moved 400 juveniles out of the adult facility, primarily to community-based options, and we handled an additional 200 youths who would have been referred to the adult facility. In Pennsylvania, the law allows juvenile courts to sentence juveniles to adult facilities. In fact, in Pennsylvania, any judge can sentence any juvenile to any facility for as long as the judge wishes, and no transfer is allowed without the court's permission. For this reason, it is a very difficult system to change. But we were able to at least get the intake closed to the Camp Hill Adult Facility through an opinion by the Attorney General Robert King. On the basis of that opinion, they began placing the youngsters (with the court's permission in all cases) and began handling the new intake. The experience with that has been relatively good.

However, there were a few exceptions; one juvenile was convicted

of second or third degree murder; a couple of juveniles were convicted of rape. Our statistics show that one had gone through the former release procedure at a large institution. The numbers of such incidents in our project would be somewhat lower than they were with the alumni out of the adult prison going through the normal route of imprisonment and release.

I remember a youngster just released from the maximum security unit in Richwater, who shot a Boston policeman. He was on parole at the time. I thought we would be inundated with calls asking what had happened, what our department had done. But there were no calls. In fact, there was almost no mention made of the fact that we had a juvenile in our facility. I think the reason is because we kept him quite a long time, 2 or 3 years after he had come to us on a conviction of car theft. The question that really should have been asked by the public and by the legislature was "How is it that someone comes to you on car theft, you keep him 3 years, then he goes and shoots someone. What happened? What is your responsibility?" I do not shirk from that responsibility, I simply would ask that programs be held accountable in equal terms.

Unfortunately, for administrative survival and career orientation for those of us in this field, it is a risky route to go the community-based route because, generally, the success or failure of one's career in corrections is based on three things that are irrelevant to the goals of the agency. These things are: 1) you have to stay within your budget; 2) you have to keep your staff happy; and 3) you have to avoid embarrassing incidents. That is a formula for long-term institutionalization, and I think we have begun to break up these ideas and start anew.

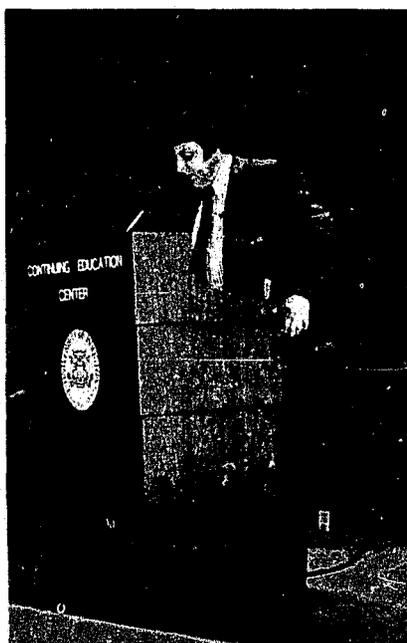
I do not feel there has been much progress in the area of juvenile corrections. Many of the new programs have not been developed for the youth that we presently mistreat, misdiagnose, or missentence. The answer to the problem is not more money. We are already spending too much money in systems that do not work very well. In the average state much more money is spent to destroy a juvenile than the average middle class parent would spend to send their youngster to the finest treatment and/or prep school. However, it is a matter of getting the resources channeled in the proper direction and to the proper clientele. That

sounds simple, but it is a major issue because we do not like to upset the existing arrangements. It simply is not a matter of, for example, institution "X" does not seem to be doing well, so close it and start "Y" and "Z" programs as alternatives. Institution "X" does not exist to provide that care for the juvenile; it exists to provide contracts with local vendors of services and food stuffs and contracts for buildings. (All I am suggesting is that their functions are not identical with the stated purpose of the institution).

We, in the profession, should be willing to take the most likely youth to fail, the least likely to succeed, and continue to offer community services over and over; rather than relegating them in this inverse system we now have. The youth who is most likely to hit an old lady on the head is the one we warehouse in the biggest place with the least services, the least trained people around, and the worst staff in terms of staff to clients. The youth most likely to "make it" is showered with services and our finest psychiatric sessions; he/she would probably "make it" without those services. Perhaps, we should concentrate on the youths who are likely to fail and likely to embarrass us, embarrass our clinics and our settings, and the youths who are sitting off in the jails, prisons, and those who will be a major problem. Let us at least give it a try.

The first institution to close in Massachusetts was Bridgewater, a maximum security institution housing the worst kids (supposedly) in the system. I would not want to suggest that anyone in this system thinks he/she will win all the time, but at least give it a try in order to help society advance. I am reminded of this quote: "The way society can judge itself is by how it handles those who are most vulnerable in that society." The most vulnerable are those who have broken society's laws and committed the most heinous crimes and have been caught, because those are the people that not only can be mistreated, but for whom mistreating will get tremendous public applause and support. The more one mistreats the rapist, the murderer, or the mugger, the more skillful the youth becomes, career-wise, and able to manipulate the system. That is the point at which we have to help society evolve a bit, being a vehicle for that evolution, and, perhaps, allow ourselves to get "ground up" in that process. If I were to

measure the level of humanity and decency of the California prison system, it would be to what degree can you treat Charles Manson decently as a human being, (which he is), and still guarantee public safety? If I were in Illinois, it would be to what degree can the system treat Richard Speck decently and humanely and guarantee public safety? Beware of new programs that make subtle distinctions between deserving and undeserving delinquents. We in the profession "sell out"; we need people who will speak out and question the non-system which our juveniles are caught up in.



*Jerry Miller responds to questions regarding his controversial decision to close institutions in Massachusetts.*

54236  
DUP.

GAULT ATTORNEYS IN THE SECOND DECADE:  
SOME NORMATIVE REFLECTIONS

RICHARD MCANANY

*Richard McAnany has received an M.A. - Arts from St. Louis University and a law degree from Harvard Law School. Being involved in the issue of juvenile legislation, he has written several articles and a book entitled Contemporary Punishment. He currently is a Professor in the Criminal Justice Department at the University of Illinois, Chicago Circle.*

My address is called "Gault Attorneys in the Second Decade: Some Normative Reflections", and it might be subtitled "The Lawyers Are Coming, and What They Do When They Get There". I want to bring to your attention one of the volumes that my discussion is based upon, Counsel for Private Parties. This is the first of twenty-four volumes, published by the American Bar Association. I think it will be a valuable aid for any of you concerned with juvenile justice.

I would like to reflect upon several propositions which I think will become realities, and which will have a bearing on how the juvenile courts as an institution will develop over the next decade. I will set out these propositions at the beginning. First, more and better trained attorneys will participate in juvenile proceedings. Second, the role of the attorneys will become more assimilated with that function, especially in representing solely the interests of the juvenile client in a participatory manner. Third, the increased presence of attorneys will not dramatically affect juvenile court statistics in terms of outcome differentials. Fourth, the real impact that attorneys will have is in greater client satisfaction,

if representation is measured in terms of role quality. Fifth, system change from presence of council may well take place in correctional agencies, for representation of client interests directly affects client environment treatment. Six, sustained system change across the entire juvenile justice system will take place through attorney participation in public standard setting effort at the legislative and administrative development. Seven, real reform is substantive, and attorneys in their roles of representing client interests, or even in procedural reform efforts, will leave the system unchanged unless they perceive and participate in the development of adequate theories of social reform. To summarize, the impact of attorneys on the juvenile court and the juvenile justice system will be real, but narrow and particularistic, unless substantive goals of juvenile court are addressed and changed.

Let us consider the increased presence of attorneys. If one were looking for confirmation at a national level, that the poor message (of Gault) has reached the line level of the courts. A recent comprehensive study from the University of Michigan would provide vital evidence that it had. In the national assessment of juvenile corrections entitled Brought to Justice, the authors indicate that in the national sample of approximately four hundred cases, court appointed counsels were presented in ninety-six percent of the juvenile cases. My own recent survey of Illinois juvenile court judges tends to confirm this estimate. Thus, one could conclude that minors proceeding in delinquency matters (currently) are almost universally represented by counsel. The problematic element in such figures is that we have no way of telling, at least nationally, what the quality is of such presence of attorney. For instance, it would be difficult to judge the amount of time attorneys must spend to prepare a case, what experiences qualify them to participate in the case, and who pays them. All of these things obviously bear upon the quality of representation.

In responding to a questionnaire about their perception of counsel and delinquency matters, a sample of Illinois judges indicated that a central deficiency for all counsel (public defender, appointed counsel, retained counsel) was a lack of preparation. One could conclude that counsel lacked

experience and motivation, but the most probable explanation is case load. While courts generally have counsel present when representing juveniles, there are not enough attorneys to deal minimally with the numbers of petitions. This becomes particularly true with screening. This has increased the seriousness factor of cases by diverting the significant proportion of cases at intake.

I see several factors as fundamentally influencing what is termed a "resource and appropriation" problem. First, a national legal aid and public defender association has created and is beginning to apply evaluation standards for the public defender system. This coincides with the same group's organization of the section for juvenile court defenders. This means that local courts will have outside and objective criteria used in assessing their own provision of council systems, and will be fortified with details and recommendations of a national group to go before local and state governmental units for an increased budget. This strikes me as a way to break through the bind in which many courts find themselves, namely that juvenile needs tend to be balanced toward the treatment or service side away from the legal side. Further, there are some issues of competency of council which the adult area has rather vigorously litigated in recent years, and which may lend support to this movement for better and more attorneys in juvenile court. In the first volume of juvenile justice standards to be published, entitled "Counsel for Private Parties", detailed guidelines for effective assistance of counsel are set out and will offer courts needed assistance in reviewing performances of attorney. Were such guidelines now generally available both to attorneys and judges, their mere presence might change present practice. Finally, there must be a change in much of the personnel practice of defender systems.

Judging by the Cooke County experience, the pattern for public defenders is to begin all or many of their new recruits in juvenile court as a training ground for the real practice in adult felony court. The prevailing sentiment has been that the juvenile court is a jurisdiction of disposition rather than adjudication, and attorneys simply are not trained to deal with these life solutions. They are trained to deal with the world of evidence and proof. Thus, even should an increase of appropriations for more

attorneys in juvenile court be made, there is a problem of recruiting them to come and to stay.

I see several potential solutions to this problem of aversion to practice before the courts. First, there is an effort to assimilate practices of juvenile court to the norms of process applicable elsewhere to the juvenile system in the judicial system. Thus, attorneys will find more recognizable terrain when they enter this court. But further, in terms of numbers and interest, I would foresee the juvenile court as being the beneficiary again, if the funds are available, of the current or predicted access of law graduates and law-related jobs.

Figures are confusing, but some are predicting that many qualified attorneys will not be able to find legal work in five years. One can suppose that many of these new lawyers will have been trained in law school curricula that have several courses in juvenile law which did not exist many years ago. Now, a second point is that the role of counsel in juvenile courts will move toward a conversion with standards for counsel across the law system. What the standards have done is to state, as clearly as possible, that the minor is the party whose interests are most directly affected and who needs representation by legal counsel; it is he to whom counsel must turn for decision of whether to contest the charge or not, whether to have jury trial or not (if it is available), and whether to testify in his/her own defense or not. This would not be so strange if the standards did not deal directly with the issue of immaturity in relationship with parent. But they do, and they resolve the doubts in favor of having the juvenile himself decide the major issues to the exclusion of parents if any diversity of interest develops. They even go to the extreme of insisting that the attorney look to the juvenile solely to collect his fee, for payment by the parent would jeopardize further loyalty to the client.

The standards, however, are not naive. They do not suppose that all juveniles, whatever age, are equally capable of handling their own problems. Counsel will have to strive very hard to communicate fully with his client so that any decisions are intelligently made. Nor are parents excluded from the start; they are included in the advisory discussions. When the

minor is not capable of authentic decision-making, counsel should seek the appointment of a third party guardian if the parents' interests are found adverse. This goes against the common practice in Illinois, and I suppose elsewhere where defense counsel in delinquency cases is appointed guardian "ad litem" where parents are absent or otherwise show a lack of or adverse interest. Such practice would undercut the very thing that standards attempt to do, because the attorney then becomes both the advisor and the decision maker.

Other threats to loyalty to the client's interest are also addressed. For instance, counsel's duty to the court is clearly separated and subordinated to his duty to his client. No longer need the counsel feel that he/she is the court's delegate to determine the best interest of the minor. That interest is determined by the minor himself, except in those situations already clearly delineated such as the promotion of participation in crime, presenting false testimony, and the like. Counsel must remain loyal to the interest of the client, even though his/her judgment may differ from that of the client. This raises another threat to total loyalty, that of probationary service. The standards very properly recognize the central role of probation officers in juvenile procedure, more than an adult criminal court. They serve a major defining role and set practices such as intake and informal plea discussions, and of course the dispositional selection. This does not imply that counsel will take an aggressively adversarial stance with probation, rather, it clarifies the true dimension of interest and loyalty. Where probation serves those interests of the client as determined by him after consultation with attorney, cooperation is encouraged and even demanded. But overall, the attorney is directed by his client and not by the judgments, however sound. The needs of the partnership are never so great as to require betrayal.

My third point is, what in fact will the presence of counsel have in juvenile court? If the above standards seem radical in their departure from accepted tradition, they will not necessarily impact radically on the court as an institution. One may be comforted or disturbed by this decision. Nevertheless, much evidence from the past ten years indicates

that the juvenile court has a life of its own. An early study of the impact of counsel on the juvenile court outcome indicated that outcome differential was mediated by court structure, much more so than by counsel presence or his competency. I believe that the most ardent supporter of better defender services will be unwilling to predict significantly changed outcome where the system is able to manipulate case load by so many interventions. One has a sense that the serious level of cases in our crime rich society is always going up as a process which will preserve the system.

The next point is attorney-client relationships. Perhaps this is the major point of my discussion. I will refer you to a new study that has come out which may become widely available, but currently is obtainable only in large column copies through LEAA. The report, authored by Professor Casper, is entitled "Criminal Courts - The Defendant's Perspective", and it is a final report which was prepared for the National Institute of Law Enforcement and Criminal Justice, December 31, 1976. Several earlier studies had suggested that client satisfaction may be measurably different for persons not represented at all or represented by different types of attorneys. Professor Casper's study showed a significant difference for client satisfaction between persons represented by public defenders and those represented by retained or appointed counsel in felony matters across three cities. Controlling for other factors, he found that sharply higher percentage of defendants who were convicted tend to blame their attorneys who were public defenders more than people who had other types of attorneys. The reason, he suggests, is that those represented by public defenders lack a sense of action taken by those public defenders. This sense of being out of control is surely a characteristic of juveniles in the court. The newly suggested role for attorneys under the juvenile justice standards would address this issue squarely. If nothing else, counsel would do well to keep the advisement standards and commentary that attorneys need to practice the art of communication with special skills in relation to juveniles.

The next point is the impact of attorneys on the correctional process. It seems to me that the impact can be more readily predicted when counsel represents the juvenile client via the correctional agency. I am aware

of the analogy between the autocratic figure of the wardens or superintendents of correctional facilities. But it is only an analogy, partly the same and partly different. The major element that differentiates the two types of control is wardship of the client. Under any system I know the wardship remains with the court which adjudicates him/her. This means that the correctional agency is answerable to the court in an ultimate sense. I think presence of counsel for minors committed to correctional agencies will impact upon those agencies mostly because any presence will be greater than no presence. If prisoner rights cases are familiar to the adult courts, it is mostly because some attorneys and many adult prisoners have been busy litigating conditions and issues. Among juvenile committees there have been far fewer cases and relatively fewer attorneys with time or interest to get involved. The standards on the role of counsel take up the issue of representing clients once they have been placed on probation or committed to an institution. Unrealistically perhaps, they assert that trial counsel should continue to serve his client throughout the tenure of his wardship, wherever he is placed.

The recent trend in correctional cases has become disturbing in Illinois. One case sought various remedies against the Illinois Department of Corrections. As to the merits of this claim, people could, I suppose, differ. But the court went beyond merits and denied the action on the ground that the juvenile court, which retained jurisdiction over its ward, have no other remedy in the face of an executive branch agency than retaking that guardianship, and the removal of him from the institution. This means that the court lacks the power to defend its own jurisdiction. The irony in Illinois is that the same juvenile court is none other than the circuit court of the town, with all the inherent remedial powers available to answer the problem. Yet, the supreme court indicated that these inherent powers ended at the door of its juvenile jurisdiction.

My sixth point concerns the attorneys and systemic change in juvenile justice. Attorneys, however skilled and dedicated to their clients in juvenile court, cannot impact upon the system systematically through litigation alone. It is true that over two hundred juvenile court cases are currently on review in the appellate court of Cooke County, and should

these cases be decided, will have an impact. But it is also true that precedence is a sometime thing, especially in juvenile law. Rather than looking to the one-on-one relationship as the "cornerstone of change", the juvenile justice project very properly has proposed system changes across a wide range of components, including the courts, corrections, and schools. The input of attorneys for this major standards setting project has been very considerable in reading lists of committee members and other contributors.

I fear, however, that the project may suffer from the very presence of so many able legal minds. It is not that these persons are not all closely associated with the workings of the juvenile justice system, nor is it that many of them happen to be academics in their careers, rather the system made up of non-lawyers may well resent and come to reject what was so carefully put together in the standards. One has to remember that attorneys really come to the juvenile justice system as outsiders in a real sense, standing outside the process that constitutes the matrix of that system. Thus, if attorneys are to function as change agents in proposing rules for changing the juvenile justice system, they will have to show a recognition for an understanding of the work of other professionals within the system. I believe that lawyers will not change the system, whatever the motivations, unless they are able to speak to those who somehow operate inside the system. And so, however well they do on a one-to-one client representational basis, they must make that move to get the system to accept the changes which they offer.

My last point is an important one, and I think it sums up my presentation. Attorneys feel more comfortable with procedural change than with substantive change, that is, rather than attempting to understand, critique, and transform the substance of juvenile justice, they are much more content in changing due process rules. They forget, however, that the process only becomes due in relationship to outcome, which I think is essentially substantive. I am reminded of the debate currently in the adult criminal law about punishment. The supreme court is reluctant to deal with this area because substantive issues are "afoot". Most of the suggested reforms about punishment and sentencing miss the point that punishment derives from one social theory about the meaning of the community. Surely, if

the point is valid for adult punishment theory, it will be valid for the juvenile justice system. I fear that the juvenile justice project was stated as if social intervention is bad, that is, if substance is not attainable, then procedure should be based upon a supposition that it is better to have clear cut procedure than to have a messy theory.

There is evidence that our vast rehabilitative efforts appear to have had no effect. To be sure, there is verifiable coercion within the system as it operates today. This, of course, provides some excellent benefits. First it allows for a period of maturing of new ideas whose complexity reflects the complexity of society. Further, it builds on the ancient Anglo-Saxon jurisdiction, namely the right of the individual to be left alone by the state. Finally, by supposing that interference by the state is an evil, procedure is clarified. Professor Allan identified this failure of conceptual initiative at the beginning of the current critique of rehabilitation when he spoke about the unchallenged dominance of the rehabilitation theory and the lack of other theories. Juvenile justice deserves a strong and viable base for athletic reform. It will not come from mere procedural reform alone. Whether we like the idea or not, sanction and theory demand an explanation of crime. Attorneys need to be aware of the need for conceptualization of processes which will guarantee the representation of client's interest.

56710

EQUITY VERSUS THE INDETERMINATE SENTENCE  
IN THE JUVENILE JUSTICE SYSTEM

FRED COHEN

*Fred Cohen received his L.L.M. from Yale University Law School and after a brief period as a practicing attorney he became an Assistant Professor of Law at Denver University Law Center and later Associate Professor of Law at The University of Texas. He currently is a Professor of Law and Criminal Justice at State University of New York at Albany, School of Criminal Justice. He has published numerous articles on juvenile justice and criminal law and is Editor-In-Chief of the Criminal Law Bulletin.*

The first assumption that I wish to discuss is that a juvenile justice system, per se, has little or nothing to do with the underlying causes of the great bulk of crimes committed by juveniles. The system receives only a small percentage of the youth who actually engage in offenses or who are caught. An even smaller number are processed through Juvenile Court. Whatever your point of view on delinquency, whether you think that it is linked to social and economical deprivation, or with racism, it appears quite certain that the agencies of juvenile justice can do nothing to remedy its causes. Justice agencies should be more sensitive, if not sympathetic, to these causes. Through their actions and statements some symbolic effect on those issues may occur. But neither sensitivity, sympathy, nor symbolism attacks and prevents delinquency's causes.

The weaknesses of the juvenile justice system are fairly obvious. These weaknesses deal only with symptoms and youngsters who are allowed to penetrate a highly discretionary and pre-judicatory system. In order to strengthen the system, officials should not continue making promises that cannot and will not be fulfilled, recognizing that procedural, substantive, and administrative reform are in fact worthy undertakings which can stand or fall on their own merits.



*Fred Cohen dispels myths concerning juvenile crime and the juvenile justice system.*

I propose a form of determinant disposition for juveniles, with a restraint on the system and on functioning within the system. The philosophical core of the juvenile court system is its concern for individualization, a concern for the personal condition and social situation of the delinquent child. That concern is in some fashion expressed in the judge's tailored and highly discretionary dispositions. While these dispositions are supposed to be individualized and indeterminate, they are not fully so, because ultimately at the end of the system they are also age based.

Unlike civil commitment, the duration and the intervention in juvenile justice is, nearly everywhere, limited by coming of age, rather than jury. Certainly, unlike criminal law, the nature and duration of a sanction in the juvenile system is not limited by or necessarily linked to the seriousness of the offense or the prior record of the offender. It is a "hybrid" system. We know that juveniles do not commit crimes. They engage in conduct that would be criminal if engaged in by an adult, and they are then (if adjudicated) found to be delinquent. There is no scale of seriousness for offenses, which in turn is linked by law to the seriousness of disposition. Delinquency laws are somewhat like civil commitment laws, and somewhat like criminal laws, but they lack any kind of internally consistent philosophy of their own.

It seems to me that since age of the juvenile serves as a legitimate rationale for entering into the system, delinquency is pathological. I cannot see where age serves as a rationale for leaving the system, but indeed it does. Delinquency is simply "short hand" for offenses by young people. It certainly makes no sense to combine the status offenses with penal offenses, and little sense to have dispositions that are undifferentiated as to the seriousness of the offense. Trying to determine why a judge selected or rejected a particular disposition is a difficult, if not impossible, task. We also know very little about the characteristics of juveniles who are diverted at various stages of the system. What criteria and procedures are employed? What objectives are sought?

The National Assessment of Juvenile Corrections Studies state that fifty percent of juveniles in institutions are members of minority racial groups, who in turn, represent only fifteen percent of the total population. The

Ohio State Youth Commission conducted a study recently, and expressed shock in finding youngsters (usually males) in the thirteen-year-old range indicted for non-criminal conduct. They usually remained in confinement longer than their counterparts who were committed for more serious felony offenses.

I assume that we can and should rid these coercive court systems of status offenses, and take steps to identify former social status offenders who are in fact victims. I understand that the term "status offender" is not sufficient to identify all of the problems that go on, such as disobedience, truancy, or running away from home. I can conceive of a system continuing to treat those people in an undifferentiated way from society's treatment of juveniles who commit crimes. We need a social service response to that condition, not a juvenile court response as we know it now. We can define the conduct which we as a society say is sufficiently harmful as to call for a course of intervention for juveniles. But the effort to do that can be to incorporate the penal code that the state has. We might be better served by eliminating some forms of criminalizing conduct, such as possession of marijuana or alcohol.

The case for a form of determinacy in juvenile dispositions is not necessarily made by trying to make the case against indeterminacy, but it certainly is not pertinent. Even on the assumption that you wash out status offenses, you are still linked with the dispositional scheme which makes no distinctions between the most serious offenses and the least serious offenses, which offers no guidance either to judges or administrators on dispositions and which is constructed on the notion of treatment (for which I believe is thoroughly discredited). My personal attack on treatment is not an attack on the efforts of some forms of treatment, not even on the failed effort that positively affect the lives of kids. The attack is on a system that is built around treatment assumptions.

The determinant sentence exists only because of its linkage to treatment. Certainly, the heart of any treatment program has to be an accurate diagnostic effort. There is no classification diagnostic system capable of systematic reliable applications, nor is there one even generally accepted by the professionals in the field. Diagnosis is not only this, it is also a form of

prediction by which the system administers the indeterminate disposition. Prediction of future criminology has been shown to produce such low yield of accuracy that it is indefensible to maintain an entire dispositional and correctional scheme around this primitive science. Suppose that the problem is not so much innate theory, but as is often said, lack of resources. If we only had the money, the argument goes, the best people would be hired and this would provide time and accurate diagnosis. A couple of faults with that argument are that: 1) a lack of resources is not responsive to my assertion that the knowledge can make accurate diagnoses, or to make them with sufficient regularity so you can actually support a liberty depriving system; 2) there is no evidence of any willingness to commit the amount of resources necessary for the time consuming individual task of differential diagnosis.

There is a rebuttal to my views. One I take seriously. I concede that diagnostic treatments are pious shams. I also concede that the rhetoric of rehabilitation remains just that, rhetoric; but these are valuable shams. The argument says, "Relatively few kids end up in confinement, even for offenses as serious as armed robbery, and now the average length of incarceration nationally is quite low anyway, 8.6 to 8.8 months per youth depending on the source. Take away the piety and rhetoric, it is argued, and you will release all the primitive impulses of legislations and judges, to say nothing of correctional personnel. Who would want to work in this non-rehabilitative system"? It is ultimately predicted there will be more juveniles doing more and stricter time under determinant dispositions than at present.

I take that rebuttal seriously. I call this the "punishment in the sky" argument. It is not at all clear that one needs determinacy to encounter the uncivilized and incredibly barbaric treatment of the field. Determinacy, as I am proposing it, is a limit on a coercive intervention, and if the good will and the resources are there to help, you can do it within the time frame that determinacy allows. If the system of determinacy operates as I have it in mind, so that more juveniles, particularly those with long records who engage in armed robbery, receive custodial confinement, while those on the other hand who engage in more frequent but less serious offenses against property stay out, then I do not have an objection.

I am not concerned about such issues as sorting out the serious and the non-serious offenses. Let me give you my position in a summary fashion. Is there any reason to have a separate court, a separate juvenile justice system? In my judgment, the answers are clear. The first point in my proposal for determinancy is that we get rid of the term "delinquency"; it carries too much pathological defective condition value. I suggest that if we adopt the term "juvenile offender" to cover whatever ages, and that the category be based on a legislative finding that a juvenile under the age of sixteen who is conclusively presumed to have diminished capacity at the time they engage in conduct which would be considered criminal if committed by an adult. By urging now, I am, in effect, adopting the view that a juvenile probably, before any court, is an "incomplete adult". By linking the category of juvenile offender to diminished capacity, a legislative finding that mens rea of a guilty man is or may be present, but to a lesser degree than adults creates several things: 1) we have a rationale for continuing the juvenile court; 2) we have a rationale to carry forward substantially reduced sanctions for juveniles; 3) we carry forth the notion of leniency, but we free ourselves from such anomalies as intervention, jailing in the best interests, talking about delinquency as a synonym for individual pathological; and 4) we also free ourselves of "procedural accident" based on the view that the state and the child have an identity of interest proposing and receiving help.

There is no identity of interest in my mind. There is the pursuer and pursued; the state is the hunter, and the child is the pursued. I think that this notion of diminished capacity is logically connected with the dispositional framework which correlates the seriousness of the underlying offense with the severity of the allowable disposition. I understand that by itself this predicate does not dictate whether disposition should be fixed and mandatory, or in some fashion modified by factors related to the offense or the offender in this dispositional conduct. I also recognize that this category of juvenile offender does not lead inevitably to retention of the juvenile court, although I think it more readily supports a dispositional scheme which is distinguishable from criminal laws applied to adults and a separate correctional system. The juvenile justice system, however, does serve to

physically separate adults and juveniles, a very positive factor in my mind. My position is that in selecting rationales for a dispositional scheme, only a principle of proportionality or "just desserts" provides a logical, equitable, and humane "hinge" between proof of forbidden conduct and an official, coercive response.

I would hope that this principle of proportionality would help to reduce discretion and disparity in the system, in that there would be greater impartiality and equity in the system. It would limit the potential for expansion which is inherent in every treatment based system, and it might bring to focus objective factors in dispositions, as opposed to the whole subject of factors associated with treatment and individualization. I would eliminate the provision for waiver for adult criminal court, but at the same time I would allow the duration of the time-fixed juvenile disposition to go beyond the attainment of a jury. In other words, if your juvenile court jurisdiction ends at eighteen, and the juvenile at sixteen does something that you say is worthy of a three year sentence, I do not see much point in letting the juvenile go at age eighteen. I would certainly eliminate from the prospect of any coercion those juveniles whose conduct is lacking in capability, and I would insist on independent processes and appropriate sources for those offenders whose mental condition is such as to call for mental health resources, not likely to be available in the juvenile corrections system.

## REFORMING JUVENILE LAW: PROBLEMS AND ISSUES

DR. ROBERT DAWSON

*Dr. Dawson received his Law degree from the University of Wisconsin and is presently associated with The University of Texas Law School. He has co-authored the Juvenile Justice Process and was involved in the revision of Title III of the Family Code adopted by the Texas Legislature in 1971.*

I would like to open my presentation with a brief history of the revision of the juvenile statutes of Texas which involved rewriting of Title III of the Family Code. Some of the important provisions in Title III strengthened the standards ranging from improving the conditions of detention facilities to providing counsel for juveniles as a non-waivable condition. Another part of the revision was that any judge involved in juvenile proceedings had to be an attorney. Furthermore, a provision was designed to expunge and seal records; thus, records might only be disclosed by petition of the juvenile in question.

There were two other provisions in the old Texas juvenile law dealing with non-criminal conduct. One provision defined a child as being delinquent by "habitually associated with vicious and immoral persons." A second provision classified a delinquent child as one who "habitually reports himself as to endanger the morale or health of himself or others." A child adjudicated under either of those provisions could have a sentence returned equivalent to an armed robber since there were no dispositional differences. These definitions of delinquency were exceedingly vague. They were an attempt to define incorrigibility and ungovernability beyond the control of the parent in equally ill-defined, vague language and as a result were rejected.

We took that provision, and then the question arose whether there was any kind of non-criminal jurisdiction. We ended up with two kinds: that

dealing with truancy and with runaways. In regard to this decision, we had met in Austin in 1970. It was a meeting of juvenile probation officers from all across the state. The legislation in question was discussed, adding input, and deleting some previous ideas. But the point of real debate came on what was to be done with non-criminal misconduct; that of truancy, and running away. I proposed that we simply not have any basis for dealing with non-criminal misconduct.

The rural probation officers, however, said they did a great deal of worthwhile work with truants and runaways. They felt that they were able to prevent many criminal violations by intervening in this pattern. The urban probation officers views were exactly the opposite. They stated, "Look, we're swamped with muggers, burglars, armed robbers, and car thieves who pose a serious threat to our community. We can barely keep our heads above water dealing with these people. If you begin saying that we also have responsibility to truants and runaways, we don't know what we will do."

Met with this kind of dilemma, what do you do? The urban probation workers did not think a juvenile should be removed from his home and sent to a state institution for missing school or running away from home. So we proposed to the legislature a compromise which would retain truancy and define runaway as a basis for juvenile court jurisdiction, but which would require the juvenile court upon adjudication to keep the child in the community on probation. Then, if the child violated a condition of probation, a new petition could be filed with the court, and the child could be sent outside the community.

We changed the legislation somewhat, and presented it to the legislature in 1973 after an earlier rejection because it appeared too controversial. The legislature told us in 1973 that a child adjudicated to engage in truancy or who was a runaway could never be committed to the Texas Youth Council; he/she could only be put on probation. If he/she violated probation, either put them back on probation or use some other alternative such as a boy's ranch or community correctional facility. The second thing the legislature told us was "your provision on waiver of rights does not go far enough. It is not enough that a child's con-

fession was agreed upon by parents, guardian, or lawyer; we want it to be concurred only by a lawyer." We made these two changes, and they went into effect.

In essence, this legislation prevented any questioning of juveniles. The only way a confession could be obtained from a juvenile was by having a lawyer co-sign, and most lawyers would not co-sign a confession. For this reason, there were no confessions at all from juveniles for two years in Texas. Also, truants and runaways could not be sent off to the Texas Youth Council. So, in 1975, when the legislature met again, they decided to back down a bit on their changes. They then enacted a specific provision permitting juvenile confessions without concurrence of a lawyer because they got a lot of pressure from many judges and lay citizens. The new legislation in 1975 provided that juveniles could be sent to the Youth Council who had been put on probation for truancy or running away or another violation of probation. But they did not limit the type of commitment that could be made, or places where the Youth Council could place the shelter, so now a truant or runaway may be placed by the Youth Council in state homes or children's homes; however, this youth may not be placed with children found by the court to be guilty of delinquent conduct. I do not know whether that provision conforms to the requirements of federal juvenile delinquency act for removing status offenders from standard facilities and placing them elsewhere.

I think the impetus for reform really had nothing to do with the merits of legislation that I worked hours on. But, as I say, I think that moment has passed. There is a need for another major effort for juvenile revision in the next ten years. I think we made a mistake back in '71. We should have deleted status offenses from juvenile justice procedures.

56711

ANTICIPATED AND UNANTICIPATED CONSEQUENCES OF DIVERSION  
PROFESSOR IRVING SPERGEL

*Dr. Spergel, author of several books and numerous articles, is one of the foremost experts on juvenile gangs. He received a Ph.D. in Social Work from Columbia University and has spent a great part of his career trying to demystify the Juvenile Justice System. He is presently involved in research evaluation on diversion programs with the School of Social Service Administration, University of Chicago.*

This presentation has two themes. One is that diversion is an incomplete idea which, when operationalized, results in both anticipated and unanticipated as desired and undesired effects, and the other is that we have not paid sufficient attention to the complementary concept of community. Diversion is an idea that has meant different things to various units of the justice system at different times. In its traditional sense, it has signified prevention of juveniles from entering the justice system; in the newer view, it represents an array of programs for youth to reduce penetration into the system. We have not been sufficiently oriented to linkages among organizations of the juvenile justice system and youth serving organizations in the community. It is not clear how units of the justice system interface or should be effectively linked with community to deal with the problems of juvenile misbehavior.

Diversion currently is a strategy for reduction of involvement of juvenile offenders with the juvenile justice system and especially reducing the confinement of juveniles in correctional institutions. In general, it refers to decisions by police and court personnel, to avoid or diminish justice system processing of alleged offenders. However, there are criti-

cal programs and political issues underlying these decisions. Does a program of diversion mean giving up all or some control of the alleged offender? Does it mean shifting responsibility to another special unit of the justice system or to an organization in the community? To what extent should judgment about the youth's social adaptation continue to be made by the court, particularly the judge and probation officers? According to the National Advisory Commission on Criminal Justice Standards and Goals, diversion refers to halting or suspending, before conviction, all proceedings against the person on the condition or assumption that he will do something in return. Diversion uses the threat or possibility of conviction of a criminal offense to encourage an accused person to do something. A fundamental question, however, is whether diversion can genuinely occur without justice system units giving up some control of the alleged offender(s).

Diversion is one part of a general reform movement away from incarceration of offenders in penal institutions. It is parallel, although not always related, to such efforts as community reintegration by removing all of the barriers to ex-offenders employment, use of pre-trial release arrangement, extensive use of plea bargaining and efforts to decriminalize certain types of status offenses and victimless crimes. The intent or expectation of these measures is minimizing the involvement of the offender with traditional processes and practices of criminal justice and correction and returning to the community at least some of the responsibility for dealing with these anti-social or deviant members. The assumption of diversion for certain reformers is that the system needs to shift its view of juvenile misbehavior as a problem requiring vigorous governmental action and broad social reform to regarding it as a non-problem, or one that can be solved by restraining public policy, narrowing the laws defining juvenile offenses and directing offenders from the juvenile justice system. On the other hand, many justice system officials regard diversion as an important means to provide additional services directly by or under supervision of the court which would more effectively prevent return of the youth to police or court attention. In

other words, diversion can be operationalized to mean either more or less attention to youth by justice system agencies or through programs supervised by the court.

Historically, diversion has long been practiced. For example, the police traditionally have had great discretion in regard to arrests, dismissal and community referral of youth. Prosecution and court officials have likewise had considerable discretion whether or not to process the youth. Correctional authorities have greatly varied the amount of time a youth spends in a community or non-community based facility. The criteria for all of these decisions are not necessarily clear, systematic, or sensible, however. The conception of diversion is further "muddied" since it is not clear who is the offender or what is the particular youth problem in the first place. The offense for which youth are charged, whether status offender, neglected or dependent child, or delinquent, varies with cross jurisdictions. Thus, in Illinois, a runaway may be petitioned as a neglected child in one jurisdiction, a status offender in another, or a delinquent in a third. The same court may vary in its treatment of the same offense. Furthermore, a runaway child may be treated informally as a status offender, while at another time more formally as a MINS (Minor in Need of Supervision). In the latter case, the distinction between status offender and MINS is not a legal one but a processing one. Also, a child who is out late one night in one jurisdiction may be charged for curfew violation as a status offender, but in another jurisdiction his parents would be charged with the violation. Of course, girls and boys tend to be treated differently. In Chicago, it is not at all uncommon for young ladies to be charged with running away, when in fact they are engaged in commercial prostitution.

It is possible to argue, as two researchers have recently, that these variable definitions and procedures reflect astonishing disorganization and localism. Their plea is to make the system more rational, more efficient, and if this fails, at least more humane. Undoubtedly, such variability makes for great confusion, at least from the perspective of a program evaluator or systems analyst. Another question, equally if not more

important, is do these variable definitions and these procedures make sense, depending on a set of distinctive community variables including resources, local values, and particularly organization of the justice system. For example, a runaway in Macon County, Illinois, is usually treated by the court as a neglected child because very limited resources are available to the court for services to status offenders. The state law, however, requires the Illinois Department of Children and Family Services to provide service(s) to the neglected child. Thus, by declaring a child neglected, a court can arrange services for the child, but by declaring him/her a status offender, it cannot. On the other hand, the Cooke County juvenile court has a fairly extensive budget for services to status offenders, although not enough, and children charged as being runaways in Cooke County are almost always classified as status offenders. Both Macon and Cooke counties have highly centralized juvenile justice systems with the presiding judges being extremely powerful and influential? In a more decentralized system such as LaSalle County (also in Illinois), the police appear to have more discretion in determining who is the status offender and who should deal with him/her. This represents still a third pattern and there is some preliminary evidence that more genuine, classic diversion may occur under this arrangement.

The idea of diversion is, therefore, deficient at the level of definition or diagnosis of the problem, as well as at the level of solution or what to do about it, unless it is connected to or specified in terms of particular community situations. (I use the term community here to refer to some geographic administrative area and usually a legal jurisdiction smaller than a state, and sometimes smaller than a county or a city). Of critical importance is the existence of an interrelated set of institutions dealing with the interest, concerns, and problems of people in a particular area. Diversion of young people from a justice system is a function not merely of the values, policies, and procedures of the particular justice system, but of the institutions more generally in that county dealing with youth and their interactions with each other in the larger society.

If young people are to be diverted from the justice system, primary and local institutions in the community, (that is family, school, churches, neighborhood), and local community groups and agencies as well as non-local groups, will have to be involved in definition of the problem, what to do about it, and where to acquire the requisite resources. There is no guarantee, however, that local and non-local groups are "all-knowing" and "all-wise" or that the acquisition of resources per se, especially from outside the community, necessarily means better control or reduction of delinquency of status offender problems.

A variety of social, political, and legislative forces may interact and the result may be a rise, decrease, or no change in offender rates. For example, it may be that the local county board of commissioners decides if there are insufficient funds for the new facility, none will be built. Consequently, fewer justice system referrals are made, official rates of status and delinquent offenses and detention are made and detention remains low. In Illinois, there is evidence that the county rate of detention for status offenders varies directly with the presence of state supported county detention facilities for juveniles. I would disagree with Professor Dawson with the implications of his remark that the urban judges and probation officers would prefer not to deal with status offenders and that the rural county officers would prefer to deal with them instead. This may be so, but in effect, one finds fewer resources in rural areas and more resources in the urban areas. In effect, most of these status offenders are kept in detention in urban areas. It costs too much money to send youth across county lines to a place with a detention facility.

The problem of diversion is further compounded when contradictory policies are established at the state level among agencies and even within an agency. It is possible for state agencies to support a program that keeps status offenders out of detention, and instead, place them in a community foster or shelter facility, at the same time referring them to detention, or supporting the building of even more facilities. Contradictory policies of this sort may be resolved or not resolved in various

ways, for example, through low visibility or public apathy, through political bargaining at the state level or negotiations among divisional executives in that particular department, or through local community development and/or reform or citizen group pressure.

If the idea of diversion is to become viable it must be made complementary with an idea of an active process of community development. Not only must there be adequate programs used in community agencies which will no longer be processed by justice system agencies, but a pattern of relationships supporting an appropriate balance of pressures must be established among community groups and the service and justice systems, so that adequate diversion patterns are not only developed but sustained. However, a diversion pattern itself may be insufficient and, at best, secondary to the development of a more basic structural arrangement, in which existing community institutions, e.g. church, school, local groups and agencies, absorb deviant youth and prevent their referral to law enforcement and judicial agents in the first place. Indeed, it is possible to argue that community prevention should be regarded a primary, and diversion a secondary or supplementary strategy in dealing with deviance of juveniles.

For practical purposes, system diversion and community prevention must be regarded as interactive strategies. Failure to recognize the essential importance of community institutions in the diversion process and exclusive focus on justice system development or change tends to result in a variety of distortions of reform objectives. Diversion programs may become only opportunities to delay mass processing rather than to reduce the entry of youth into the system. Alleged defenders are not so much diverted as permitted to wander in and among programs, whether attached to the court, or part of a court-supervised community agency. A commitment to genuine diversion is only "skin deep." Referrals to community agencies are made as alternatives to release rather than as alternatives to system assertion.

Diversion programs may widen the net of the juvenile justice system, draining their clients from the group ordinarily released. Police and probation officers may view diversion as an opportunity for youth and their families to get needed services. The program is viewed as benign, and

therefore, diversion services should be available to more young people. More persons are encouraged, or coerced, by the courts to become involved in these programs. The "bottom line" (political) of this analysis is that the justice system is unable, on its own, to stimulate and sustain genuine reduction of its own services and influence. Genuine diversion may be impossible without community interactions and a variety of checks on justice system efforts and a resulting balance of power arrangements.

A group of researchers at the University of Chicago are presently evaluating the Illinois status offender service program. This is part of the national test of effectiveness of alternatives to secure detention. This is a kind of diversion effort and still too early to tell whether it is a success. However, at this early point in Cooke County, the program appears to be a "mixed blessing." Fewer youth are placed in detention, but more youth are regarded as needing special services. Furthermore, for the youth to obtain these referral services he has to be referred by a unit of the juvenile court. In our desire to help, we have identified and urged more individuals to take treatment and to be handled in the system.

It is important to emphasize that unanticipated results of diversion are not part of a ploy by justice system officials to sabotage diversion programs, or even manifestly to sustain and augment their own power and influence. Court and police officials are genuinely concerned with the provision of improved services for deviant youth, but within their frame of reference and control. Justice officials are quick to point out that services provided by state mental health, youth service departments, or by private family agencies are not necessarily superior to, or even as good as, court services. In reality, court services are often more quickly and efficiently provided. Nevertheless, social reformers may insist that abolition of court jurisdiction over status offenders, dependent and neglected children, or even some categories of delinquent offenders, is a feasible solution. On the other hand, if courts are no longer involved in status offenses, would some state agency have to be appointed to deal with them? For example, would a non-justice agency have the power to force return

of runaway children, insisted upon by their parents? Is it possible to abolish all course of authority over children in flight?

The issue concerns not only which public agency is made responsible for the social welfare of children, but how much coercive power would be allocated to officially carry out its mandate. Of course, much, but not all, depends on what the state legislature determines is the mandate for jurisdiction of a juvenile court in the first place. In Illinois, we have very recently estimated that over eighty percent of all status offenders referred to detention are fifteen years of age or older. It is possible that if more jurisdiction of the court is limited to children who are runaways, ungovernable, or truants under the age of fifteen, the status offender problem would be largely wiped out, at least in these terms.

It may be that a principal role for the court should be indirect, rather than direct. The court should continue to represent the conscience of the community, but to exercise authority, not directly over many of these deviant children, but over organizations sanctioned to deal with them. The court can monitor the general efforts of the child serving agency, but need not directly contact the child or his family in most cases. The court should truly be an agency of last, rather than early, resort. The court should be one of several major institutions concerned with youth deviancy. Its power, however, has to be limited; it should be enlisted mainly as a "watchdog" to limit certain grandiose state-agency claims over children, and at the same time to assure viable assistance for these agencies. In fact, the courts may already be in the process of developing a new intermediary role, but a variety of problems appear to be arising. While the court is giving up penal sanction in criminal processing (e.g. drug users), the full legal transfer of jurisdiction of these cases to public welfare health agencies has not yet been provided. A compromise solution of civil processing and compulsory commitment is the current pattern. The fundamental problem is that there is still too much system, and insufficient community, involvement and responsibility.

The shift from system diversion to community prevention needs to be strengthened. Community institutions already exist and theoretically can be strengthened to deal with problems of juvenile misbehavior. In some

communities, these institutions work well, in others, they do not. The objectives should be increasing the capacity of local institutions, especially in weak communities, to more effectively deal with misbehaving juveniles. The collective capacity of schools, churches, local service agencies, and other neighborhood or community groups for controlling deviant behavior must be strengthened. Local community efforts can be stimulated to create a better system of local control and opportunities for conforming behavior by youth. This is not to deny that a fundamental problem may lie simply in the availability of basic economic resources to individuals and their families. To a large but not exclusive extent, the defects of community structure can be traced to the low socio-economic status of local residents.

The constellation of local organizations has both direct and indirect effects on the character of deviancy which prevails in that community. It can screen out deleterious definitions and influences and protect local people from large outside bureaucracies. It can transmit meaningful social and cultural values, controls and resources to the local population in a way consistent with local needs and concerns. On the other hand, local organizations identified with the interest and welfare of local residents may be able, if sufficiently powerful, to transmit local interests and exercise influence over the policies and procedures of extra community agencies. Central decision-making bodies in a democratic and formalistic society need to be subject to a variety of pressures, including those from local communities. In other words, there is a continuing need to constitute and reconstitute the term community, so that local organizations can effectively influence, not only the behavior of local youth and their families, but also definitions, procedures, and policies of external organizations, particularly as they relate to control and processing of deviants. Thus, local schools, churches, and the youth service bureau should provide not only adequate resources, but services to enable youth to grow and develop socially, and this means direct control of inappropriate youth behavior. They should also advise and check on the police and court procedures in regard to the appropriate handling of juveniles.

Most important, a high degree of solidarity between local institutions and the local population must be created. A condition of shared values and common fate must be developed between teacher, priest, youth worker, child and parent, so that a variety of pressures to conformity and control are brought to bear at the level of primary relationships, or interpersonal interactions. Definitions of deviant or aberrant behavior perhaps, need to be more parochial and informal, thus less centralized than bureaucratized. If the formal justice system is to be less involved in dealing with juvenile misbehavior, then a variety of local organizational representatives can deal with juvenile behavior, only in terms relevant to local norms and values. These justice system agencies, in turn, will need to become more directly and informally involved in these distinctly local efforts.

We may view the deviancy problem in ecological terms. Two systems of agencies, local and extra-local, are essential to the development of appropriate patterns of social behavior, and the control of aberrant activity by youth. These two systems, while they have similar purposes in regard to prevention and control of deviant behavior, represent different interests and perspectives. They are both engaged in the struggle for resources to achieve these similar and duplicative ends, although their means differ. The greater the relative resources available to justice system agencies, which tend to be highly centralized, the more likely the deviancy problem may be addressed in terms not sufficiently meaningful to local residents. On the other hand, the greater the relative resources available to local organizations, particularly in terms of strengthening the bonds of the local residents to local organizations, the more the community will be able to define, prevent, and control deviant behavior in a way which makes sense, both to the community and to the larger society.

If we would truly implement a concept of diversion, the concept of community would be simultaneously developed and operationalized. This involves not simply the decentralization of units of a justice system, but the clear allocation of resources and authority to local organizations in order to deal with programs of social development and social control.

56712

JUVENILE DELINQUENCY - A MISNOMER

WILBER G. SMITH

*Mr. Smith is currently serving as the Director of Rehabilitative Services and Prison Programs, NAACP. He is a former State Senator for the State of Connecticut and also a consultant to several national businesses on minority employment and hiring practices.*

The Greek philosopher, Aristotle, tells us that "Man is a political animal. He alone knows the difference between good and evil, of justice and injustice. Justice", he says, "is the principle order of civil society."

Now comes the test and the challenge to my own organization, the National Association for the Advancement of Colored People, and its challenge to others of like persuasion.

The N.A.A.C.P., the umbrella of more than 1700 chapters across the nation for nearly 68 years, has engaged in the moral and legal war against racial discrimination and social problems, often alone, but as in the case of this project with such stalwart allies as: AFL/CIO; American G.I. Forum; American Jewish Committee; National Alliance of Businessmen; National Council of Catholic Laity/U.S. Catholic Conference; and National Conference of State Legislators. It has borne on its back the aims and aspirations of, first ten, then twenty and now nearly thirty million black and other non-white citizens; indeed, the stated aims and aspirations of all Americans, for all the years of its existence. No doubt this burden must and will be carried for many years to come.

The struggle for civil rights of black Americans has been one for the integrity and equal opportunity for every individual regardless of race, creed, color or national origin. Can it truly be said by anyone

that any conflict in housing, employment, education and equality under law, in which the Association engaged itself, can be separated from the war on poverty, ignorance and racial and religious hatred, the prime breeding grounds of crime in our society? I think not. Yet, we share with you the same inability to recognize the relationships these problems have with one another and have delayed until recently our own direct attacks on the growing crime rate in America, and specifically the violence perpetrated against young people by the criminal injustice system.

What is the N.A.A.C.P. doing about the problem? What does N.A.A.C.P. propose doing about the problem?

This leads us to the Association's Prison Program. Founded in 1972, with the Chartering of the Lewisburg Federal Penitentiary Branch in Lewisburg, Pennsylvania, eleven (11) additional branches have been organized in five (5) states.

They are:

1. Atlanta Federal Penitentiary  
Atlanta, Georgia
2. Church Farms  
Jefferson, Missouri
3. Fordland Honor Camp  
Fordland, Missouri
4. Missouri State Penitentiary  
Jefferson City, Missouri
5. Missouri Training Center for Men  
Moberly, Missouri
6. Rahway State Prison  
Rahway, New Jersey
7. Auburn Inner City  
Auburn, New York
8. Eastern Correctional Institution  
Naponoch, New York
9. Green Haven Branch  
Stormville, New York

10. Great Meadows  
Comstock, New York (And)
11. Social Change in Prison  
Pittsburgh, Pennsylvania

Our Rahway, New Jersey Branch has a working relationship with the Lifer's Group at that institution. This program is geared to teenagers who have been in trouble with the law on past occasions, in trouble with the law for the first time and those who have had no contact with law enforcement agencies.

In this program, youngsters are given lectures and tours of Rahway State Prison by inmates imprisoned for life to hear and see it like it is - no holds barred. However, the program is largely predicated upon instilling fear within the minds of the youngsters and is presently under-going changes geared to make the program more beneficial through education.

Our Lewisburg, Pa. Chapter members organized and financially support an over 100 member youth council of the N.A.A.C.P. in Williamsport, Pa., and sponsor cooperative programs to help steer youths away from criminal activities.

Finally, the N.A.A.C.P., the only organization of its kind in the nation, is parent to the only youth organization of its kind - the more than 50,000 member strong N.A.A.C.P. youth councils and college chapters. These young people, by the very nature of their programs and activities in the fields of housing, education, employment, church work, and voter registration and education, are no doubt among the future leaders of this nation.

But what of this Juvenile Delinquency? In the State of New York, a "Juvenile Delinquent" is defined as any person over seven years of age and under 16 who commits an act which if performed by an adult, would be a crime. The term thereby embraces relatively insignificant crimes such as trivial mischief as well as the most serious of crimes - homicide or forcible rape. And New York's juvenile delinquency law emphasizes the rehabilitation rather than the punishment of the juvenile

offender.

However, New York State's definition of juvenile delinquency is not unlike that of other states, nor is its empty pronouncements on rehabilitation rather than punishment written on more valuable paper than the often comparable pronouncements of the laws of other states throughout the nation.

And like so many others, New York Law cloaks its juvenile justice process in secrecy. From the moment of arrest, the offender's name and identity, the seriousness of the crime, and the proceedings that follow, are protected by the doctrine of confidentiality.<sup>2</sup>

To the question of, "Why so much violence among youths?", I am prepared to offer some theoretical answers, somewhat contrary to those I have heard in response to the same question in the past. I suggest that the true answer would reveal that juvenile delinquency is, indeed, a misnomer and that we are in fact confronted with adult delinquency, and that punishment in dealing with juveniles, regardless of the infraction committed is the resulting rule, and these are what the doctrine of confidentiality cloak in secrecy more so than the stated reasons for which it exist.

But mere mention of, "Juvenile Violence", is enough to make elderly citizens shudder in fear. Judges and prosecutors throw up their hands in gestures of futility, while increasing numbers of the general population are virtually calling for the blood of any and sometimes all juvenile offenders. And why this fear, the wringing of hands, and the demands for blood?

"Murder Suspect, 16, Said to Have Record", reads one headline. "Indict Youth, 17, in 5 Rapes", reads another. Yet another, "Violence Flares in High School Killing", and yet another, "12 Teens Arrested in Attacks on 3 Subway Passengers."

But at the same time, in those same newspapers there are other headlines, too! "Report, 2,000 Child Abuse Cases in '76", reads one. "Family Court: New York's Lost Children", reads another. "Family Court: Stage Where Human Tragedy Unfolds", states yet another, and another,

"Runaways House Opposed", and another, "Hell Freezes Over."

All of the above mentioned headlines are self-explanatory except for the last one, "Hell Freezes Over". And although it concerns the deaths of two elderly persons, I chose it to underscore the points I will make with this presentation.

The article of which the headline was titled, was written by Denis Hamill of the New York Voice, and appeared in that paper's January 31, 1977 edition. It told simply of two men living on Social Security and Welfare Assistance, who froze to death in a New York City tenement building in the borough of Manhattan on the Tuesday before. The article revealed, too, that the landlord, who lives in Miami, was \$53,000 in arrears in property taxes, that there were 40 violations on the building in excess of the non provision of heat to tenants, and that between the State and City, the landlord was paid a total of \$223,000 of taxpayers' money every year for rent.<sup>3</sup>

Or I can mention a fact of which many of us are well aware, that though we live in the wealthiest nation on earth, many of our petless elderly purchase more dog food than hamburger. Not because dog food has more protein than the regular meats we consume, rather their meager incomes from Social Security, when added to their work ethic pride of long years of labor, would not stretch from month to month without such innovative short cuts to "wholesome" meals.

A friend asked me sometime ago, while in a discussion of disgusting teen attacks on elderly persons, "What should we expect of our children when they witness our seeming dislikes and hatred for the elderly?" As if to answer her own question, she continued, "Today's youth have simply adapted to the only culture they know. A culture of violence."

How much of that is truth?

It has been said, "The American fear of becoming a victim of crime in the streets is seemingly exceeded only by American's love of violence in the movies and other mass media." The remark of an alleged riot leader in 1967 has become a national truism: "Violence is as American as apple pie."<sup>4</sup>

During the Vietnam War, the sights of mangled bodies and GIs' coffins piled end on end shown nightly on the TV news forced a shocked America to reevaluate what it was doing and why. When was the last time you saw a war story on TV which accentuated the misery and the death and the agony of the wounded, rather than the glories of those who star in the show?<sup>5</sup>

TV is rife with the violent, yet at the same time, it is unrelated to the real thing. We have taken violence and removed from it the element of horror. By deluding us to the real nature of violence, TV hardens us to it without giving us any comprehension of what violence really is - or means - or does.<sup>6</sup>

It has become commonplace for purveyors of media violence to excuse themselves by claiming that we live in a violent society, rather than face the fact that what they claim as an excuse is actually an underlying cause.

A recent Gallup Poll concluded that, while no evidence has been amassed linking television violence conclusively with crime and anti-social behavior, the large majority of parents believe there is a relationship. At the same time, however, the poll reports reveal that these same parents favor showing violent TV programs after 10 at night, after bedtime of most children. Additionally, these parents would not go so far as to remove entirely all TV shows that portray violence, nor support a proposal to boycott the products of companies that sponsor such shows.<sup>8</sup>

It can be assumed, therefore, that those polled were and are of the opinion that violence depicted on TV has no influencing effect on adults, while admitting a belief that such violence effects, apparently, minor children or certainly those who ought to be in bed at such an hour.

This leads me to suggest that Saturday morning TV cartoons should be shifted to Sunday-Thursday nights after 10 p.m., and newspaper comic strips of the Dick Tracy category ought to be placed in "For Adults Only" sections of daily newspapers.

A Duke University psychologist recently completed a study showing that fairy tales read by children in western cultures are significantly

more violent than those read by children in Japan and India. Said the psychologist, "Fairy tales are important transmitters of culture, found virtually in every society possessing a written heritage and are read to children at any early age, often before the child has developed the capacity to distinguish between fiction and reality and before the child has been systematically exposed to other forms of media, such as TV and comics."<sup>9</sup>

The study pointed to examples of aggressiveness, such as an elephant trampling a man's head, a crab cutting a crane's throat and in Snow White, the wicked queen salting, cooking and eating an animal heart she believed had been cut from the murdered heroine.<sup>10</sup>

The author said his study was conducted along the broad lines of trying to find out why the "United States is clearly the most aggressive culture in the world."

In addition to violent mass media, slums, poverty and deprivation cause another kind of crime - the highly visible antisocial crimes of economic inopportunity. A violent home environment and mental illness causes others.<sup>11</sup>

Perhaps not the greatest contributing factor, but a significant one, is the pestering unemployment rate of teenagers; or worse, the growing necessity for teenagers to have to work so their families may have a decent living by our own standards. The present level of joblessness among this group is perilous. These future family heads of households are afflicted with a pervasive disease called idleness, and is especially endemic to urban centers of our nation because of the dynamics of these areas.

It is common knowledge that idleness leads to boredom and pervasive feeling of uselessness and lack of purpose. So, disillusioned and psychologically maimed at a critical juncture in life, they turn to crime, drugs, vandalism and a host of other anti-social behavior.

In the process, they destroy themselves and pose a real threat to communities in which they are confined. Undereducated and unskilled, their situation is compounded with crime records. The recent increase

in concern about teenage crime and demands for stiffer punishment attests to the burgeoning impact of their destructiveness.

Even more damaging are the physical and psychological destruction from drug addiction. Again, this problem effects not only the ever increasing number of users, but also peers who are in constant association with the afflicted. The result is that a whole new sub-culture has developed that is wholly anti-social.

While teenage unemployment afflicts whites as well as blacks, the problem is especially acute among the traditional victims of racial discrimination. The teenage unemployment rate is 20 per cent, three times as high as for adults. But for black youngsters, it hovers between 40 and 50 per cent across the nation. Particularly striking is the rapidly widening gap between white and black teenage unemployment.

The picture over the years has looked like this:

1955 - Black 15.8 per cent, white 10.3;

1965 - Black 26.3 per cent, white 13.4;

1973 - Black 30.2 per cent, white 12.6;

June 1976 - Black 40.3 per cent, white 16.1.

Based on the current scope of the teenage unemployment problem, it is evident that a greater stress must be placed on meeting the critical needs of a larger segment of the afflicted population. New approaches must be found that rid youths of their immediate environment. Programs must be imaginative as well as practical. And they must take into consideration the realities of racial and ethnic discrimination as well as regional manpower needs for the present and future.

Then there is another, under-surface cause of crime among our youth. It is as pervasive in our society as is the polluted air residents of Los Angeles are forced to breathe on a windless, hot summer day.

For the most part, we have silently stood by and said little, if anything, about the immoral and corrupt live-in arrangement between justice for the well-to-do and injustice for the poor which have spawned their illegitimate babies of hypocrisy all across the land.

And these children, unvaccinated with the serum of truth and equality have spread the contagious disease of racism into every nook and cranny of our halls of justice.

Whether by plan or design, or by accidental birth, they have taught and continue to teach that all that is white is good, pure, decent and holy. All that is black is evil, bad, indecent and unholy.

And whether by plan or design, or by accidental birth, we have arrived at our classifications of good crimes vs. bad crimes. The good crimes, of course, are those committed by the poor. Thus have we created an entirely separate "Judicial System" for crimes designated as, "White Collar".

These are the millions of crimes which never make the F.B.I. major "Index" list, but which are just as serious as those that do. Even those that are listed - murder, rape, assault and robbery (crimes against property), commonly occur among families, friends and business associates of "good people", and more often than not routinely go unpunished.

It was just over thirty years ago that sociologist Edwin Sutherland dubbed these crimes "White Collar". But not all "White Collar" crimes are perpetrated by the proverbial button-down gray-flannel-suited white collared corporate executive. "White Collar" is more a state of mind than a state of dress. It refers to serious crime committed under the veil of "respectability". It reflects human nature's desire to be (or be thought of) as "good," but to actually partake in evil. All such "White-Collar" crimes are psychologically justified by the perpetrator as "good" or "necessary".<sup>12</sup>

Not only is white-collar crime growing rapidly, it is also far outpacing the more widely publicized "crime in the streets" (or shall we call that "Black-collar crime?"). Fraud and embezzlement cost the U.S. over \$1.5 billion yearly - or about five times the loss from conventional robberies. Bank embezzlements alone total ten times the loss from bank robberies; yet embezzlement is often settled "discreetly" out of court and off the criminal record.<sup>13</sup>

On the same day recently, a bank president was convicted of embezzling 4.6 million dollars and was sentenced to ten years imprisonment; meanwhile three youths who robbed a bank of \$14,000 were given 16 years punishment - in the same court, on the same day.<sup>14</sup>

The stated philosophy of a local prosecutor in my adopted hometown of Hartford, Connecticut, on prosecuting two (2) youths for allegedly assaulting a police officer, was that any youth brought into "his" court (his court) on assault charges would be treated as adults and that he would seek the maximum penalty for such a violation.

The same prosecutor just three (3) months before that, refused to sign a warrant for the arrest of a police officer, charged by the department for admittedly assaulting a 14 year old, on grounds that the officer's dismissal from the force was punishment enough.

This is the same prosecutor, who himself has been guilty of drunk, disorderly and assaultive conduct, but has never been arrested, only to sober up for the next day's program of prosecutions of others. This, too, is an every day form of "White Collar" crime.

The white collar criminal justifies his behavior, but then so does the street criminal. Both kinds of criminals only perform crimes that their mind at that point will justify. Sociologist John Lofland writes in his "Deviance and Identity", "A society of (no values) makes it relatively easy to justify almost anything in the name of almost anything. Under such conditions almost anybody can see almost anything as morally right, for at least a time."<sup>15</sup>

Embezzlers are merely "borrowing" the money; shoplifters complain about stores overpricing (and vice-versa); tax evaders complain about the government misusing "their money"; hotel patrons assume that the towel, silverware and Gideon Bible are part of the hotel bill (even though the Bible they take says "thou shalt not steal"; they're merely "borrowing" it). Insurance claims are invariably padded (since "it's coming to me"); inside stock tips are "fringe benefits"; and a corporate price conspiracy is good business".<sup>16</sup>

There is a euphemism for every crime. Even the highest "white

collar crime" in American Government history, the Watergate Scandal - was excused by the highest office as "zeal in a righteous cause". Nobody, high or low, wants to be labeled a "common crook", but they will perform or condone the dirty work of a "common crook".<sup>17</sup>

However, despite the injustices of the judicial system, what has led both rich and poor alike to adopt criminal activity as a course to follow? In my opinion, the answer is obvious. Despite incomparable economic and educational class differences, each of us begin the game of life in the same way - born into a violent society. Most, pathetically mimic adult models, and our first exposure to criminal behavior is usually in the home.

Combined with a steady diet of favorite fairy tales, simulated criminal activity in cartoons and adult shows on television, in movies, and in neighborhood play, the child also learns to disrespect law and mimic criminal behavior.

This combination of powerful vicarious violence and parental disrespect for law creates a firm association in the child's pliable mind. Whether a child becomes an actual juvenile delinquent or prosecuted criminal, a great majority of "normal" children have a disrespect for law, government, and constituted authority. These same, "normal" children grow up to break what we ostensibly label "lesser laws" such as traffic ordinances, corporate laws, I.R.S. regulations, personal and sexual codes, and other so-called "victimless" or "white-collar" crimes.

In short, our children are nothing more, or nothing less, than our agents for good or evil. We give birth to them, we raise them, we train them, we teach them everything they know; we tax them at certain ages, yet give them no voice, and when they follow in the path we have cut through the forest, like Pontious Pilate we wash our hands on hearing demands for their blood.

And just what have we reaped from our sown seed? U. S. Senator Birch Bayh, points out that the most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17

make up only 16% of our population, they account for fully 45% of all persons arrested for serious crimes. More than 60% of all criminal arrests are of people 22 years of age or younger. We can trace at least part of this unequal distribution of crime to idleness. But the overwhelming majority of it is directly attributable to negligence and mis-treatment of children. When they are arrested, they often end up in institutions with both juvenile offenders and hardened adult criminals. We call them "neglected" or "dependent" or, even more euphemistically, "persons in need of supervision," but whatever the label, they often end up in jails. Fully 50% of all children in juvenile institutions around the country could not have been incarcerated for the same conduct had they not been minors.<sup>19</sup>

In addition, sex discrimination is rampant in the "Industry." It is not surprising that many of the prejudices our society has against females are reflected in the juvenile justice system, but the ramifications of such are shocking. Girls are jailed for such offenses longer than boys.<sup>20</sup>

Between 70 and 85% of adjudicated girls in detention are there for status violations compared with less than 25% of the boys. Thus, there are 3 to 4 times more girls than boys in detention for non-criminal acts! Such arbitrary and unequal treatment, at the very least, produces more criminals. It is well documented that the earlier a young person comes in the juvenile justice system, the greater the likelihood that person will develop and continue a delinquent and criminal career.<sup>21</sup>

And what has been our response? We continue pouring funds into treating results of the real causes rather than a systematic effort to cut at the roots of crime.

It is pathetic that there's nothing strange in these approaches. For as members of that higher order of animal, we are a strange breed. It is a fact, that last year, we donated more money to the society for the Prevention to Cruelty to Animals, than to the Society for the Prevention of Cruelty to Children. We are strange indeed!

I am convinced that more attention must be placed in the following areas listed under "Areas of Concentration."

AREAS OF CONCENTRATION

1. Schools
  - Reading Programs
  - Corporal Punishment
  - Menus
  
2. Mass Media Violence
  - Movies
  - Television
  - Cartoons
  - Comic Strips
  - Fairy Tales
  
3. Courts
  - Qualifications of:  
Judges, prosecutors, defense counsels,  
probation officers, social workers
  
4. Facilities
  - Detention
  - Halfway Houses
  - Foster Homes
  - Medical
  
5. Elderly
  - Work with the elderly as examples of conduct.

While the programs about which I spoke earlier and these latter recommendations are to be recognized and commended for their objectives, it must be recognized also, that they do not deal with the causes. Consequently, unless we redouble our efforts and begin to deal more openly and more forcefully with the causes of crime - unless we begin meaningful concentrated attacks on the psychology of crime in society, in toto, we are destined to self destruct as a people in the not too distant

future.

Initially, I quoted the Greek philosopher, Aristotle. May I conclude with a warning advanced by one of the nation's founding fathers, James Madison, who, in his Federalist #51 echoed Aristotle's words on the meaning of justice when he reflected, "Justice is the end of government. It is the end of a civil society. It ever has been and ever will be pursued until it be obtained, or, until liberty be lost in the pursuit".



*NAACP Policies and Perspectives on Juvenile Delinquency are outlined by Wilber Smith.*

FOOT NOTES

W. G. Smith

1. Marino, Ralph J., Trial Magazine, Vol. 13, No. 2, February, 1977, p. 25.
2. Ibid.
3. Hamil, Denis, Village Voice, (New York), January 31, 1977 p. 11.
4. Crime Can Be Stopped - Here's How, Ambassador College Press, (Pasadena, CA), 1975, p. 28.
5. Killian, Robert K., Hartford Courant, (Hartford, CT.), February 18, 1977, p.27.
6. Ibid.
7. Killian, p.27
8. Gallup, George, Hartford Courant, (Hartford, CT), February 17, 1977, p.3.
9. Gentry, Dr. Doyle, Hartford Courant - UPI, (Hartford, CT), February 15, 1977, p.17.
10. Ibid.
11. Crime Can Be Stopped, p.23.
12. Ibid., p. 12
13. Ibid., p. 13
14. Ibid.
15. Ibid., p. 15
16. Ibid., p. 16
17. Ibid.
18. Ibid., pp. 39-40.
19. Bayh, Sen. Birch, Trial Magazine, Vol. 13, No. 2, February, 1977, pp. 20-21.
20. Ibid., p. 21
21. Ibid., pp. 21-22.

56713

## DILEMMAS OF SOCIAL POLICY REFORM: THE CHINS EXAMPLE

DR. GERALD R. WHEELER

*Dr. Wheeler is currently the Director of Pre-Trial Release Programs for Harris County, Texas. He holds a doctorate degree in social work and was formerly associated with the Institute for Urban Studies, University of Houston.*

The purpose of this report is two-fold. First, I will summarize research findings on entry and utilization of youth services. Secondly, the report will discuss social policy implications of these results on the bureaucracy for troubled youth. We know that thousands of petitions are filed in courts each year by police, social welfare agencies, probation departments, and parents. Knowledge of service effects, however, and what happens to children after they are taken from their parents remain scarce. Rights of children, and the legal standards concerning these rights, are scarcely more precise than a hundred years ago. However, far more complex administrative processes are involved.

Today, a case usually reaches a court after "wading" through the social welfare bureaucracy, including numerous officials such as social workers, probation officers, and court personnel, who may have had contact with the youth and family. Who are these youth? They are children in need of supervision, such as runaways, physically abused children, malnourished kids, and youth displaying criminal behavior. Profile data show that these youth are disproportionately poor, stemming from a minority background and broken homes. However, no causal relationship between these factors in legal classifications can be inferred from

represented surveys. The vast majority of low income minority youth living in single parent homes do not generate delinquency.

In terms of foster care entry, we found that judgment in foster care placement was a function of predominant placement patterns of the child welfare agencies. In 1967, Rynn's study of service acceptance of public and private agencies found that cases representing parental problems were least accepted, cases representing unmarried mothers most accepted, and cases reporting childrens' problems were between the two extremes. Surprisingly, suburban residents were related to higher service acceptance rates. The researcher concluded that white collar workers have about twice as great a chance of being accepted than persons receiving public assistance in regard to all referral sources, with medical referred sources resulting in a relatively high proportion of acceptance. Self-referral and referral from relatives and clergy resulted in a low proportion of acceptance.

In 1969, the study by the Child Welfare League of America concerning placement decisions showed a range in different communities from 1 to 23% of placements to institutions for normal children. Similar variations were observed in Davenport's reports (1966 national analysis). He observed that the type of institution in which a child was placed was also influenced by practical factors that were extremes to the child's needs, for example, availability of facilities. Interestingly, Davenport found that private residential programs keep youngsters two to three times longer than their public counterparts. When a youngster goes to a private setting, we are talking about an average stay of three to five years.

Because of the similarities of a service structure, the decision-making process is appropriate to compare research findings on detention entries with foster care. In Sonner's 1970 analysis of detention rates of 11 California counties, characteristics found to be unrelated to detention decisions were the sex of the child, the source of referral, and the nature of the alleged offense. Another surprising finding on an organizational level is that staffing a case load size appeared not to have much impact on California's high and varying juvenile detention rates.

The authors concluded that this raises a basic issue: has the time come to forego the notion that manpower shortages account for all shortcomings in job performance and to investigate, instead, the possibility that how existing manpower is used is a more important variable?

Indeed, a pattern of arbitrary and random selection of youth for detention was indicated in a 1975 study in Denver, sponsored by the LEAA. About the only thing the study could find that entered into the youth being selected for detention was the number of prior court referrals. Issues like present activity of a youth, i.e., whether he was working or at school, family stability (had he lived in an intact home), referral agents, age, sex, seriousness of offense, socio-economic status and ethnicity has nothing to do with whether the youth was being detained in terms of statistical finding. Together these variables accounted for less than 10% variation in detention decision outcomes. This means 90% of the detention decisions are unexplained. These findings suggest that entry to foster care and detention is extraneous to legal and social characteristics of the child. What we are doing is basically demonstrating statistically the hard evidence of why some of these issues are being raised and there is a different look in terms of juvenile justice in reference to the determinant vs. the indeterminant sentence.

For children under twelve, it was observed in a 1971 study that 46% were still in foster care after a three and a half year period. In 1973, a similar study found that 62% of the foster children were expected to remain in placement throughout childhood. The average length of stay in foster care was five years. Remarkably, in 1924 a child dependency study at Columbia University showed that only 31% of the children in foster care remained after five years; 37% were discharged in the first eleven months. These results contrasted with previous findings. They also contradict Fanchel's 1976 five year analysis in which 44% of subjects were found still in placement after five years; only 24% were discharged in the first year. This suggests that in comparison to a half century ago, time in foster care today is longer and discharge more difficult. Obviously, having no way to compare proofs, any conclusion was reduced to speculation. However, recent

studies are beginning to shatter popular assumptions about factors contributing to foster care length of stay and the discharge process.

Let us look at the correctional rehabilitation analysis. Investigation of the legal and social factors relating to release practices of institutions for delinquent youth has also been revealing. Taking into account individual characteristics such as sex, offense at commitment, age, and race, this investigator found that the average length of institutional stay was a function of arbitrary release practices of individual institutions. This was a control study where we followed youngsters for two years. Nothing showed any significant relationship to institutional stay when you controlled it for the institutions. (This was within a single state). You may have a 14 year old in one institution for six months, if that is the average length of stay in that institution. In institution B the average length of stay may be 12 months for a status offender, but the average length of stay for a violent offender may be around the same amount of time. The institutional effect on average length of stay is clearly demonstrated.

Analysis also revealed a pattern of reverse discrimination when controlling for type of offense. Whites showed a slightly longer average length of stay than blacks in high cost treatment-oriented facilities. The converse was true for low cost custody-oriented settings, but again these differences were minimal when you controlled for the institution. So, what we had was a significant mismatch of resources without any consideration for the offense of commitment, whereby it was a random process again in terms of not only youngsters who were entering the system, and how long they stayed there, but also the type of institution to which they were assigned. Thus, we found a state-wide practice of granting institutional administrators and staff autonomy over intake selection and release process resulting in serious misapplication of correctional resources, and unjustified long-term confinement of minor offenders. In this instance, elimination of sentencing disparity called for enforcing entry and discharge standards at a higher level than the institution staff of the agency in question.

In conclusion, the outcome of our program indicated that agencies serving troubled youth displayed a decision-making process that was relatively random and independent of the needs of society and the youth in question. What had emerged was an irrational intake and utilization process, which produced a serious mismatch of services and resources for troubled youth. In terms of coercive intervention, agencies allowing such discretion in their practices unduly extended what the teaching profession referred to as a "therapeutic state" and its implications of control.

Where do we go from here? Unless policies are changed to reduce the random nature of intervention for the bureaucracy for troubled youth, additional funding will only perpetuate the present abuses. In the past five years, some state and local agencies have attempted to address these issues. The following represent a few examples:

1. Innovative policy can reduce negative consequences of random, coercive intervention which in my summation is a "state of the art." In foster care, deliberate introduction of case review procedure significantly reduces time in foster care. Mandated judicial review of children in foster care in New York has shown a decrease in length of stay of foster placed children.
2. Appropriate authorities should engage in effective utilization of homemaker services to families in which children are labeled for adjudicated neglect. In Los Angeles during the 60's, when I was a Child Welfare Supervisor, we found that homemaker services remarkably prevented or lessened the likelihood of removing a child from the home. The court at the time was sensitive to this issue. Since then, the homemaking services funding has been cut, and consequently, there is some evidence that children are staying longer and more children are being removed because of the absence of a mechanism.
3. Subsidized adoption has been found useful in removing children from the "limbo" state of long-term foster care. These are basically orphans or youngsters whose parents have deserted them, and who are no longer interested in their care. For the first-time offenders, the juvenile citation arbitration program has been affected. Once again, this is a punishment model and these programs for youth provide the alternative to work off the punishment in the community for such crimes as vandalism, shoplifting, auto theft, and crimes that do not involve violence. Some state statutes, e.g. Maryland, address this as an alternative; it is written in the law. We have also seen the attempt

to implement deinstitutionalization of status offenses in a number of jurisdictions.

The most critical issue in terms of the juvenile justice system is the institutionalization of status offenders. I can only give you an example, as an official in Ohio, of a status offender that was locked up in an institution for seven years. He was 17 years old and got one home visit. I contacted the superintendent and asked him why that juvenile was still there. We found that a computer monitoring system indicated that he had a family problem. I said, "What do you mean? He hasn't been home but once in seven years?" I ordered that youngster to be returned home. Some status offenders are incarcerated longer than offenders convicted of armed robbery.

One of the most effective intake controls I have found was the placement of social workers in a police department at the intake level, and they get involved with interviewing families right there "on the spot" with the police, thereby diverting youngsters from probation and court to a group project. I think this is one of the most under-utilized approaches in existence, yet, I think it may be the answer.

56714

COUNTERACTING AGGRESSIVE BEHAVIOR IN THE COMMUNITY:  
THE POLICE/SOCIAL WORK MODEL

HARVEY TREGER

*Professor Tregar received his Master's Degree from the School of Social Service Administration, the University of Chicago. He is presently a professor in the College of Social Work, and Department of Criminology at the University of Illinois at Chicago Circle. Prior to becoming an academician, Mr. Tregar served as a United States Probation Officer for several years. He has also written several publications, including a book entitled The Police Social Work Team.*

When the Jane Addams College of Social Work, University of Illinois at Chicago Circle placed social workers and graduate students in community police departments, this innovation provided new relationships and opportunities for public service, new knowledge was developed, and a workable model for systems change was discovered. On March 1, 1970, the Illinois Law Enforcement Commission funded a 453,000 dollar, three-year action research project under the sponsorship of the university. The social service project was designed as a pioneer effort in police social work and inter-professional cooperation. The design called for placement of two professional social workers and graduate social work students in two suburban police departments in Illinois. The grant was later extended to a third Illinois community.

Each unit was under the direction of the project director and myself and consisted of a secretary, two professional social workers, and four graduate students under professional supervision. Students received stipends from the grant, and free tuition from the university. They worked a minimum of 24 hours a week, some at regular hours, to meet client and police needs as early as possible. A research associate worked at both sites. Also, police, legal and medical psychiatric consultation was available to the staff. A professional technical advisory team consisting of persons with expertise in law enforcement, law social service,

and research made inputs as needed.

An important design feature of the social service project was to provide early and often times immediate intervention services to non-violent misdemeanants, juveniles, their families, and other adults with socially-oriented problems coming to the attention of the police. In this manner, the project was designed to alleviate the overloading of law enforcement and the courts. As one of the results, the effects of negative labeling were diminished. It also led to a turnabout in inter-professional attitudes between police and social workers. There were three major classifications of official objectives of the social service: 1) direct services; 2) interchange and cooperative work between police and social workers; and 3) relationship with the community agencies and resources. Professional social workers and students training provided four basic services: 1) social assessment to law enforcement of the client; 2) a twenty-four hour crisis intervention service at critical times; 3) individual marital and family group counseling services; and 4) referral community agencies. Services in all three communities were family focused because it was believed that children in trouble meant families in trouble. The three areas of results in the social service area were that: 1) there was a decrease in the referral rate; 2) there was a change in the police-social worker attitude; and 3) there developed a new use by the community of the police department as well as the new area for social services previously unserved group.

In August of 1971 an outside researcher was engaged for a police-social work attitude study designed to reduce the risk of bias in reporting the police attitude within the police department itself. A major finding in the study showed that police attitudes while they were not unanimously positive (at the beginning of the project apprehension and hostility emerged), 97% were in favor of the project. However, those few policemen who professed neutrality based on the lack of contact and knowledge, clung to the same negative stereotypes that their fellow officer "pinned" on social workers such as "do-gooders", "bleeding hearts", "busy-bodies", etc.

Police attitudes toward the Social Service Project after fourteen and a half months were strongly positive. The officers described the project as follows: "We expected social workers would be at one end and we would be at the opposite end in our approaches. We found they could be "hard-hearted" too, and even refer people back to us if they just weren't cooperative. They have not thrown their weight or intellectual superiority around and the guys have appreciated this. They are available at all hours. The Social Service Project is definitely a part of us now, and as one officer said, it represents the policeman's concern for people." Also, the social workers had brought some negative attitudes and stereotypes about the police when they first began, many of these attitudes formed by early experiences with poor police practices. They now spoke appreciatively of the experience gained from working in a police setting.

The model for police-social work cooperation began as a simple idea and became quite complex as it continued to unfold. We began with a demonstration of public service project and proceeded to research education and training which was followed by the acquiring of knowledge. There are few contact points between police and social workers. The National Council on Standards and Goals indicates that less than 2% of arrests of juveniles are referred to other community agencies by police departments. Our own research and experience indicates that a void exists between the two professions.

One of the studies of the Special Service Project showed that social workers did not fully understand police role and objectives. The police did not understand what a social worker did. However, due to the results of the project, now both professions can be useful to each other. This lack of exchange and poor communication in relationships also exists among other professionals in the justice system. As a result of a common objective, differential skills and a system of communication cooperation between police and social workers became possible. Similar relationships can be developed between other professionals in the justice system. As a result of police-social work cooperation, social workers are now offering services to new populations and developing new styles of service to enable people to

deal constructively with the factors in their environment. Police departments are expanding protection in their community through the provision of social services.

Since the inception of the program, approximately 10,000 people have received early intervention service. Also, police and social workers have been cooperating in mutual training sessions for crisis intervention with victims of rape and family disturbance. There is a need for professions to identify mutual objectives and marshal professional resources, mutual consultation and service. Community problems and situations are frequently complex and interlocking. They require input from many professionals and systems working cooperatively. In this way, each profession may add to its knowledge and expand its services.

The Special Services Project functioned as a part of the law enforcement system, especially juvenile justice, and worked within the university system, along with the social welfare network. Thus, it was realized that when working with a range of professionals, it becomes necessary to be sensitive to the impact of decision-making. With the proliferation of early intervention programs such as the Special Service Project, a new balance between the due process system and the social welfare system will be achieved.

Lastly, there must be university community cooperation. It can be a vehicle for achieving even broader social goals by testing and learning how applicable concepts become for resolving a broad range of community problems. Through university-community service arrangements, the urban university can fulfill its public service role by providing leadership in developing innovative ideas into a viable program. The community, by putting forth its particular problems and needs, will challenge and stimulate the university to apply and develop its knowledge in new and creative ways. When education involves itself in contemporary problems and issues it can become more effective in improving conditions of life. In this way the university will provide leadership to the community and develop new directions in social policy. Cooperation between the university and community could result in more efficient use of available resources.

This concept of matching resource and expertise with need has already been properly utilized by large industry and consulting firms and is rooted in the prosperity of this country from colonial days to the present. The university's reputation as being an "ivory tower" and impractical will then change; it will be perceived as useful and knowledgeable, the services of its graduates will become more valuable and in demand. University-community cooperation can be further extended by developing consortiums among universities which meet community and educational needs. If this model is developed for public service the universities should relate to each other in a mutually beneficial arrangement for the public interest.

We need to expand our concepts of juvenile justice to include not only the needs of the juvenile justice system and the people already in it, but to improve the society's conditions which are associated with the problem of juvenile crime.

We can begin by identifying social indicators associated with the development of juvenile offenders. In this way, you will be investing more resources and maintaining the well being of people rather than dealing largely with crisis and the consequences, the social breakdown. Our emphasis should be on keeping children out of the justice system while still protecting the community. Experience with the police-social work project indicates that young people enter the juvenile justice system partly out of the failure of institutions to be responsive to human needs for survival and safety to the higher levels of self-actualization. Social and other professional services should be available at the point of greatest need. This future-oriented approach is a new direction for social policy development.

56715

THE MISSION OF HIGHER EDUCATION IN HUMAN SERVICES FOR YOUTH

WILLIAM CANNON

*William Cannon received his M.A. in Political Science from the University of Chicago. During President Lyndon Johnson's Administration, Cannon served in the Bureau of the Budget in the planning of the poverty program. He is the Vice President of Business and Finance at the University of Chicago, and was Professor of the Social Service Administration and Public Policy Studies.*

I want to raise three points concerning the mission of higher education in human services for youth. The first point is that the greatest service or disservice in higher education provided for youth is the way it asks us to think about its purpose. There are serious current misconceptions about youth that academic institutions take special pains to examine and correct. Second, the greatest service that higher education can render to youth is through putting it in a better position to devise or enforce human services in service structures that better fit policy areas, such as youth. I will argue also that universities and colleges are not doing what they might, probably because of the way their programs are presently organized. I would suggest an organization which might better provide government and other users a structure that would overcome the effects of a partial approach to a complex policy problem. The third greatest service is to involve higher education directly in human services for youth, to stimulate and test its ideas, directly participating in community action programs. I would argue further that community action is not only important as a direct contribution to the service group, but

it can also contribute to the fundamental work of the university or college itself, and be important from the viewpoint of helping the critical part of policy making concerning decentralized decision making and resource allocation. I will not draw much on the particulars of the range of such services or on the individual problems of youth. I will focus on all-around service, such as community action.

Due to the special nature and involvement with youth, and the fact that it probably is the major service to youth, higher education should take a supportive and a protective approach toward youth. It should be an advocate. It should positively seek to create favorable conceptions and devise measures to implement.

The university should look, first of all, at the merit and validity of the conception of youth as a category as such, and especially at the impact of policy programs under persons currently defined as "youth." It is not self-evident that the best service to be done to people at certain ages is to segregate them into those categories called "youth". It is not unanimously certain that by so doing, human services and service structures emerge which, in fact, sufficiently support and protect people of those ages.

Classifying a group basically under the single group reference of age may be a measurement, but it is not necessarily enough progress. At the base, such classification creates segregation and tends to bring, in its wake, trials and tribulations. For example, classifying persons with certain ages as unavailable for employment has prevented child abuses. But, it has also segregated that group and prevented its participation in real life. I urge, therefore, that universities take a greater role in reevaluating the concept of youth itself.

We now have had experience with enough programs of sufficient scale addressed directly to youth that we should return to origins, as some researchers are starting to do. We should increase our attempts to discern the consequences for persons in this age group and organize public policy around them as a segregated group. We should begin, for example, to examine the issue whether there should be public policy segregating

people by age in educational institutions. Implicit in such a re-examination would be at least a reevaluation of the validity and usefulness of the concept of youth.

Putting aside the basic question, I would now like to turn to conceptions of youth which do not challenge youth as an important analytical policy category. While it may seem so, it is not just a natural occurrence that youth emerged as a major public policy object in the 1960's. The way was prepared by much academic research making strategic decisions that youth was an important researchable topic. President Kennedy's efforts put a new and intensive policy focus on youth, out of which emerged a conception in the Kennedy message and the subsequent juvenile delinquency community action and other programs in the mid-1960's. The conception of youth in the Kennedy message bears resurrection. The youth of the nation are the trustees of posterity. Such attributes as energy, a readiness to question, imagination, and creativity are all attributes of youth that are essential to our total national character to the extent that the nation is called upon to promote and protect the interest of our younger citizens. It is an investment certain to bring a high return, not only in basic human value, but in social and economic terms.

Professor Rosenheim, a colleague of mine at the School of Social Work Administration at the University of Chicago, notes that running away is a nearly universal activity of youth in the course of growing up. It is now generally conceded that running away is not "deviant" behavior. In effect, she is saying that runaways are not all that different from youth in general. In viewing the various categories of runaways, Rosenheim described the "rule of the roost" in the 1940's to the 1960's, namely the psychiatric conception which viewed running away as symptomatic of severe pathology. Underlying the pathology conception, the work of these researchers who obtained the data from broader sources, school records, parents, and runaways themselves leaves Professor Rosenheim in a position that the new data "support what might be termed a normalizing view of running away; that is, running away alone does not demonstrate pathology. On the contrary, it might be a healthy response to an uncomfortable

environment." This leads us then to view young people as inherently normal even when engaged in such apparently deviant behavior as running away. "Thus, these observations justify looking at runaways not as cases of pathology, but as youngsters displaying normal problems." Rosenheim would normalize youth, but she urges that we do not problemize youth. She notes, "too often obtaining help depends on being pronounced a problem. For many of us it would be more accurate to say we have problems."

It is important to practice which conception is chosen. Professor Rosenheim is very clear that conceptions have specific program consequences. She notes that persons who only have a problem "are not very interesting to professionals, but professionals display an attractable tendency to problemize." As a result, specialists find it hard to think straight about human services in general, and runaways in particular. On the other hand, a normalizing concept, because the problem is not located solely and strategically in an individual, opens up new human service options, alternatives to standard professional categorical approaches. Community becomes a distinct and important option. I would conclude that since conception is so important and since universities and academic service to youth is the creation and judging of conception, that an institution of higher education has a special protective perception of youth. It is obliged to "come to grips" with the well-defended trajectories of the system, especially the youth matters. I do not mean to substitute solicitude for science, and there is no credit simply in defending (past) idealism. But there is undoubtedly gain from building on views that are sensible data based on and solicitous of their subject. The harsh views will always be a strong presence, and government planning bureaucracies will continue to be under pressure for developing harsh, concept-based programs.

I wish now to come to my second point. This point is that the high desirability of education providing services and structure is as broad as the public policy problems they address. There is a worthy argument often vehemently made in higher education that higher education should innovate conceptions which should stop at the innovation stage, leaving the applied functions and the expression of a concept in action "foreign

policy" to other institutions. A less vigorous version of this argument leaves the question of follow-through from concept policy to action to serendipity, that is, to the chance emergence of apparent usefulness of an idea, either because its usefulness or application is self-evident once the basic concept is formulated.

However, I question whether or not serendipity (chance) or aggregating market-type actions are enough. The complexity of problems in the area of youth, or any major policy area, requires the consideration of the insights and methodologies of numerous disciplines if there is to be a chance to do any more than merely live with current major social problems. It is very clear after the past decade of experience that partial approaches, and categorical approaches, are of limited help. Universities are one of the few places where it is at least possible to transcend the partial, and produce service structures which program administrators will find deal more adequately with the many-sided problems common here.

However, it is only fair to deal with the counter arguments, namely that such action orientation not only lies outside the true essence of the university or college, but will positively get in its way. Attempts have been made in the past 10 or 15 years to cut across policy structures in the universities, which have by and large produced academic units which have failed to find a permanent "niche." With few exceptions, these attempts have produced trivial or shoddy products that are judged by higher education, or that the inventions called for are better done by other institutions. For example, government planning units would do that anyway regardless of university output in the field. In my view, these arguments will not "wash."

In a real sense, higher education, whether research or teaching, cannot fulfill its own basic mission without traveling along the entire path from conception formulation to program and organizational design. Avoiding this path unwisely limits essential academic contact with empirical material. The mission to invent human services and organizations provides an experimental context. The proper approach to dignifying the university's fundamental work is to shift its perspective from that of the detached observer, from an observer-participant to an observer-operant. If these

points are true, then the fact that higher education has failed today in the way it has gone about policy service structure invention is not a major objection to higher education taking on policy services invention as an important mission.

The argument still remains to let government do it. The difficulty of that position is that government does not know how to do it. Government is simply not a hospitable place to the kind of fundamental and interdisciplinary thinking about human services and structures that is required. Even after the arguments against organized institutional action can be overborn, there still remains the problem of the design of the unit which will create, continuously, rational domain and effective human services in the human service structure.

There are presently units and universities which lead this way. Institutes such as the early institute of this university are a step in the proper direction, though still not broad enough based perhaps. Schools of social work are another effort. However, social work ignores wide sectors of humanity which, in its own way, needs as much attention.

There has emerged in the past ten years another interdisciplinary focus organized at a broader basis than the area of special institutes or social work. They generally are referred to as public policy programs. As they have developed throughout the country, they have shown a potential facility for bringing together faculty from many parts of the university or college and from many disciplines, bringing them together in an organized effort to connect the conceptual work with the disciplines with the operating needs of public policy. They can approach policy areas, such as those which involve youth, from a perspective as broad as the area itself. Of all the interesting units, these may hold as the most promising, focusing the basic and applied work of the institution of higher education and the research and educational program properly on broad ground. They possess an orientation toward bringing out of that focus services and structures dealing with special problems such as those involving youth. The encouragement of the development of public policy programs may make a major difference in services to youth.

Finally, I wish to argue that universities should involve themselves in

a systematic policy in their own communities. That is, purveying in sensible form its formulation of youth and other concepts, testing them, adapting its service and structural inventions to a place, and in so doing, developing and strengthening the concept of community. There are many benefits which can follow from such bold action for the institution teaching research programs to the community. There are many benefits issuing from community action that I have stressed which universities can uniquely help develop. The timeliness, of course, derives from the unusual position taken by President Carter, namely, that federal reorganization is of top priority. While there is a strong general case for community, a specific modality calls for the kind of thinking and analysis as well as a kind of sympathy, or empathy, which can often be found in institutions of higher education. This requires universities to create matrices or models for operating programs, to build and plan on evaluation training mechanism, and to train planners and administrators to work these so-called models.

I find that there is a pressing need for some form of community action simply in order to get the business of government done. Consider, for example, that there are states which are little more than assemblies of mindlessly competitive men cancelling out sub-governmental jurisdictions. Their program focuses are almost impossible to obtain. There are states which opt out of government as a mode of hand, in poor cities and rural populations ill-staffed, and there are cities which govern only part time, where the program recipients are engaged in a continuous "shell game" at the three levels of government which intermittently and uncoordinatedly operate there.

There are also city-state combinations which together make bad problems even worse. A city, for example, is constitutionally required to care and offer concern for its own poor; on the other hand, a state whose administrative performance, which consists of erecting blockades for poor by leveling eligibility determinations, are chronically slow. Even after that, service is always delayed, and checks always late. Not all localities have as severe progressive deterioration of municipal services, social disorganization, racial isolation, lethal impediments to free mobility, and incidents of uncontrolled civic crime unknown and unacceptable

to the previous generation. Problems such as these will not yield to conventional organization. Redemption is required, not simply reorganization. Neither a new Hoover commission, new Human Resources Department, new boxes on the chart, new civil service rules, new staff or supervisory training program, new pay scales, nor another new round of federalism, will help.

It is merely a fashion of revenue sharing which results in newer or bigger holes to pour money down. All of these have been tried for a sufficient time and on a sufficient scale, and the situation is yet as I described it. There is only one possible reorganization option, to build a new local organizational base. That is to reinforce or create new local units for planning, coordinating, and delivering programs. Its focus will not come from the top down, it has to be from the bottom up, in order to reinforce or create new local units for planning and coordinating and delivering programs. This means to turn to the blocks of neighborhoods of towns and cities, villages and districts of our rural areas, to create self-sustaining units able to use resources to solve its own problems in its own way.

As I see it then, this is the specific challenge to universities, the mission of training and eliciting the services of youth and others in the communities, by helping to create genuine autonomous small units of self-government. Thus, building on continual research findings should be the primary mission of institutions at this time to help reinforce and build local structures. This is the way to serve youth by an implementation arrangement which can deliver unprogrammed goals, which almost alone have the potential to synergize federal programs.

56716

IMPACTING THE JUVENILE JUSTICE SYSTEM: IMPLICATIONS FOR EDUCATION

DR. GARY LLOYD

*Dr. Lloyd received his Ph.D. in social work from Tulane University and has served as a consultant on Juvenile Justice Services for the Mayor of New Orleans. He also has been Director of a Gestalt Training Center in Houston and is presently Dean of the College of Social Work, University of Houston.*

I will be discussing the education of professionals/practitioners in the context of higher education. This topic is frustrating because most of us in professional education for human services, and particularly for juvenile justice services, assume that children in trouble are the focus of our attention. However one cannot read the literature or attend those seminars without being nagged by the suspicion that the welfare of children is not the real focus of our efforts.

The juvenile justice system draws needed personnel from many sources and backgrounds, the gamut of preparation ranges from lack of a high school diploma up through a doctorate, experience ranging from none to too much; of attitude from idealists to "case-hardened" cynics. The personnel include paraprofessional cottage parents and caretakers, as well as primary providers of services recruited from social work, psychology, medicine, law, and the interdisciplinary criminal justice corrections program.

The assumption underlying my discussion is that neither the thirty different graduate programs offering specializations in criminal justice or corrections, or the specializations in several schools of social work, (allegedly preparing graduates for juvenile correctional settings) have

had, or are now having, any appreciable impact upon the juvenile justice system itself. A further assumption is made that the criminal justice system and systems of professional education exist in a symbiotic relationship, supportive both of maintenance and of those respective systems and extraordinary displacement. The fact of the matter is simply that we do not have a juvenile justice system. An observation is offered on the premise that we ignore those facts which are most visible. Some professions have impacts on some of these systems and none on others; I am awed by the numbers of programs of the professional education which seem to believe that we are preparing graduates to go into the monolithic system.

Units within the juvenile justice system include juvenile courts, police, holding units, reformatories, protective care units, and educational programs. Let me comment briefly on each of those. With respect to juveniles, the police force is our major "de facto" social service system. Although the social service function sometimes is discussed, it is most frequently denied, at best downgraded. Requirements for induction into this system are higher now than at any other time in history. Increasing numbers of graduates enter directly from college by joint university police department programs; police academies more frequently than in the past rely upon experts in universities.

Despite this semblance in university police relationships, I would raise the issue as to whether changes in the police system have not been more cosmetic than sensitive with respect to the treatment of children. The introduction of professional education under the police system may have provided a sociological, psychological and social work jargon to explain police abuses, to support "Blame the Victim" points of view and to officiate understanding of juvenile problems, but the enriched vocabulary cannot detract from the consistent difference of behavior toward juvenile justice of the times. The court system has its own culture.

Although many judges and juvenile courts are lawyers, one would be hard pressed to demonstrate how their legal training has prepared them specifically for hearing juvenile cases. Despite lack of pertinent training, juvenile court judges are expected to balance the unyielding protection of

rights of the individual child and the safety and rights of the larger society. A judge may bring to the task an encyclopedic mastery of case law. But where does he/she acquire the necessary sense of ethics to balance the social forces which may be brought to bear on a child in trouble? For both juveniles and adults, imprisonment has been viewed alternately and sometimes simultaneously, as punishment and rehabilitation, being charged with carrying out two contradictory functions, despite assertions that our "youth-oriented" society (neither state nor legislative bodies), has not moved assertively to provide adequate facilities for juveniles. As recently documented by the Southern Regional Council and by the Children's Defense League, large numbers of young children are spending time in inadequate adult quarters of county jails.

The juvenile justice education system is the final component of this conglomerate to be mentioned here. Comprised of undergraduate and graduate programs of many disciplines, heavily subsidized by federal, state and local funds, these programs could not exist without the police, court, and prison systems they purport to assist. Since juvenile crime was high in public awareness, since the systems set up to deal with it are often charged with causing it, and since funding patterns politicize all levels, it is not surprising that professional education for juvenile justice is somewhat timid in outlook and never far removed from ideological battles. Juvenile justice education systems could not exist without young offenders, police, courts, and prisons. The police, courts, and prisons could exist and indeed have done so without systems of professional education. In today's climate, we do not find it desirable to do so. The systems of professional education legitimize the juvenile justice system. At times the association between professional education and the juvenile justice system can produce innovative, exciting, and more humane approaches in handling offenders, whether they be "first-timers" or hardened recidivists.

Now let us turn to the education of professionals and practitioners. By definition, those persons inducted into a profession have something to profess. That "something" is usually understood to include knowledge about problems, skills at resolving them, and values to guide the application of

the resources of the juvenile justice system. Problems are quickly discerned at all three levels. The knowledge we have to transmit to our students who wish to work as counselors in reformatories, courts, probation departments, or as administrators of corrections programs, is neither definitive nor tested because professional educators in the field of juvenile justice have often not been a part of research inquiries about the system. Information is often irrelevant, stale, and inaccurate. While one could survey theories of causation of deviant behavior, ranging from interpsychic analytic to social structure, the application of those theories should be of pre-eminent concern in professional education. The testing of assumptions, even upon a single case of "ad hoc" basis, should be undertaken. Instead, the literature assigned to students is often a collection of insignificant figures, or idiosyncratic case studies without framework or rationale.

What do we know about youth crime, young offenders and juvenile justice? We know a lot about a set of statistics we call the juvenile justice system. We know something of how people enter that system and what will probably happen to them. However, it seems to me that we do not know very much about the young people who enter the system, or what brings them there. In our ignorance, we teach courses called social deviance, designate our published biases, and socialize students to view inmates, parolees, and ex-cons in a stereotyped way. Since we know something about the workings of the juvenile justice system, knowing very little about the inmates and workers in that system, it might appear to the untrained eye that professional education programs attempt to prepare skilled and humane managers of the juvenile justice programs; to some degree, some programs do.

As we move to the area of skills, we are brought back to the inter-relationship between the juvenile justice and professional education system, and to contradictory expectations placed on both. The skills often offered by university professional education programs to potential workers in the juvenile justice system are of themselves quite often harmless and may be of some use to some people. Serious doubt needs to be raised, however, about the amount of time and effort devoted to training students to con-

duct, for example, individual and group therapy, in a system which is not conducive to such activity, and where counseling often serves to thwart the system or provide not so subtle means of plea bargaining for the young offender or parolee. Professional educators, to the degree that we ignore the politics of policy making, ignore community action strategy.

We do not provide the fullest understanding of total institutions; we provide students with inappropriate roles, thereby sustaining ourselves while not threatening the receiving systems. The juvenile justice system will take our graduates and resocialize them, and at legislative budget hearings, point to the number of professionally trained staff. Everyone benefits through maintaining two systems intact, and contributes to displacing the manifesto of helping young offenders. Although there are undoubtedly exceptions to the rule, it seems to be safe to conclude that professional education has little, if any, impact on the juvenile justice system, if by impact we mean influence on policy directions or philosophy. If impact is measured by the numbers of graduates entering the juvenile justice system to be absorbed and molded by that system, then impact can be seen. However, the quantity of people entering the juvenile system is of minimal importance to the ultimate care and rehabilitation, or where necessary, humanely restraining children in trouble.

The rhetoric used to justify systems and their behavior is in itself a fascinating subject. As the old thing has it, "anything worth doing is worth doing to excess." Universities and professional schools preach community involvement, extoll the virtues of the community as a laboratory, and in general, behave as if there were real interest on the part of the faculties and administrators in universities in what goes on in the real world, including the real world of juvenile justice. Impacting the juvenile justice system would demand a level of community involvement, a degree of university commitment to certain value positions, and a willingness to use research in applied and evaluative functions and ways that I find missing. Even in urban universities, such as this one, one must seek hard to find the characteristics present which are necessary if the true impact of professional application on juvenile justice is to be made.

The kinds of applied research essential to take us beyond our ignorance of causes of juvenile delinquency, our uncertainty about targets for intervention, and our bemusement about various strategies to prevent and control rehabilitative punishment, are not the kinds of research which, in most institutions, bring rich reward at promotion time. Intensive organizational analysis of one system of juvenile justice, even a highly value laden analysis, might have some utility for constructing services and teaching us something about how to influence adjudicated use. There is no room in that kind of research for regression analyses, nor understandable language on which debates about policy can be based. Such research would have the damning attribute of practicality. Universities like to discover and transmit knowledge with applications that we talked about. Professional education may have some impact on the juvenile justice system. When we begin to understand that the juvenile justice system and the professional education system feed off each other, are faced with the fact that goal displacement is advantageous to all parties (except, of course, the children), then we may seriously begin talking about impact in a different fashion.

It should be accepted that nothing is as practical as a good theory. We must recognize that attention must be turned to applied research, to facts, and to the policy implications of, for example, long pre-trial delays which add to risks faced by incarcerated children. Many of us who work in both systems help to create the situation noted in the New York State Commission's Investigation Report released recently, "The Guilty Flourish, the Innocent Suffer: The Criminal Justice Process is a Revolving Door in Which Only the Guilty Prosper." Upon the realization of these problems, will evolve a difficult, perhaps contentious relationship, between the now congenial university and juvenile justice systems. A new university commitment to children's rights, and a willingness to live and work in a hard and real political world will disturb most of us in academia and disrupt our more important labors of replicating each others unprovable, implausible, but highly publishable studies on juvenile criminal behavior.

COMMUNITY SERVICE FOR YOUTH:  
NEW DIRECTION IN GRADUATE EDUCATION  
UNIVERSITY OF TEXAS

DR. IRA ISCOE

*Dr. Iscoe is a Professor of Psychology & Education at The University of Texas and has published extensively on the subjects of Psychology & Mental Health. He is Director of the Psychological Services Center and Twenty-four Hour Telephone Counseling & Referral Service and also Director of Graduate Training in Community Psychology, National Institute of Mental Health Support, both with The University of Texas.*

What is community psychology? It is in some ways the legitimate fostering and transfer of power. And for juvenile justice, it is a transfer of power to some of the victims. One of our problems in juvenile justice is that we know very little about the "norm." We are not a youth-oriented society, except for the economics of youth. There is little knowledge or research about youth between the ages of twelve and fifteen, and age is a very important factor relating to juvenile justice. It is doubtful whether more than five percent of the pages of a developmental psychology or child development textbook over the past five years has been devoted to the subject of adolescence. Adolescence is a crisis period. We have been "slaves" of the Freudian idea that personality developing factors occur before the age of six in a child, and there is nothing we can do to change this situation. If you look at educators, it is hopeless. It is within the junior high that you have the worst teachers and the worst possible specialists. At a period of time when a tremendous amount of coping skills are needed, when help is needed, the junior high is the "Siberia" of the educational process.

The last public address of Martin Luther King (1968) was to the American Psychological Association, which presented him with a distinguished service award. He called on the behavioral sciences to aid in a solution to the problems of American cities which included crime. After his speech, he

received a five-minute standing ovation. No action was taken on King's plea because Americans were not ready to move from the "laboratory" of the university to the "laboratory" of the community. Essentially the same situation exists today. There is a mutual distrust for people who venture "out of line."

If the research knowledge were available, would it be used? There are a lot of good findings today which are not used. For example, there is a finding that many juvenile offenders have low reading abilities. Rather than sentencing someone on the basis of "you get out of here when you reach a certain reading level," it might be useful to "spot" kids with reading problems as soon as possible upon their entering the school system. Conclusive evidence shows that if a child is not reading up to an expected level by the third grade, then there is no way that the child will improve his/her reading level under the ordinary school situation.

Minority children and Caucasian children begin divergent behavior patterns after the age of six, not earlier. The "Head Start" program worked; it activated parents to impact the school system. "Head Start" was discontinued because it brought about a political reality that urban schools could not take. It is clear that those people who run drug programs think they know everything and do not care about research findings. The same things may be true of Criminal Justice. I was surprised how little our people knew about poor people.

In a study comprising over 9,000 children, it was noted that by age ten there is a steady rise in arrests, peaking at age sixteen and dropping at age seventeen; the age for the onset of delinquency is 14.2 for whites; 13.3 for non-whites. The earlier the offender commits the first offense, the greater number of offenses he/she will most likely have committed by age seventeen. Boys will begin delinquency at age twelve, committing more offenses through seventeen than boys at any other age. Less than one percent of criminal justice system expenditures is on research. Community treatment, use of volunteers, and special school projects, is "competency enhancing," even to the extent of having a child learn how to run 100 yards, is advantageous. Programs should pursue the areas where youths are having trouble.

I will formulate a few things here. Three distinctions must be made between the family, the school, and the street. Find out through research what the approaches are; how do these approaches fit when related to people who are not making it, and see what we can do using our local resources, tailoring them to fit our needs. It would amount to an enormous sacrifice of power, of translating the power, and of negotiation of who may lose power if this takes place. This is what I mean about community psychology degeneration and the orderly transfer of power. There is a criminal justice and juvenile justice industry, a mental health industry, and a drug enforcement industry. These are industries in which people are gainfully employed and if they succeed, it will mean some people are not employed. We need to develop alternatives. One of the ways we cut down on crime in Texas, that is, developing an alternative, was to change the marijuana law. The question is to make it worthwhile for the middle class to have a really good juvenile justice system. If it becomes worthwhile, they will find away.

I wish to quote Lucas, which in turn summarizes my beliefs:

We have not yet as a society fully committed ourselves to the earnest, expensive task of reclaiming our fellow youth. Perhaps, such an expensive and often wasted effort would not be necessary if we as a society had a real commitment to all of youth. Perhaps a general lack of concerted research effort means that a better understanding of adolescence, at the developmental stage, contributes as much as anything to our failure to understand and help troubled juveniles. We do not thoroughly comprehend how they grow; we have inadequate knowledge of how they learn; we really don't understand what alters the delicate emotional structure of their inner world. We know that for many of them our society isn't a healthy place, and we do not know how to cure them or ourselves.

THE ROLE OF LEAA IN CRIMINAL JUSTICE EDUCATION  
WILLIAM PITT

*Mr. Pitt is the Director of Education and Training for the Regional Office of LEAA, U. S. Department of Justice (Dallas, Texas).*

As you are all aware, the Law Enforcement Assistance Administration (LEAA) is under very close inspection by the incoming Carter administration, such that what has existed in the past may change considerably tomorrow.

I want to, at this time, dispell a current myth concerning the likely demise of LEAA. While a new administrator has not been named, our new Attorney General has indicated that he believes that 90% of what we are doing is good and that we must concentrate on the remaining 10% in order to maximize the use of financial and human resources. There are expected changes in both organizational and program priority adjustments. Very little is known about the nature or expense of these planned changes. The following indications have been received from the Attorney General, along with some recent comments to indicate the following: 1) He intends to maintain a direct interest in LEAA policy direction through the Deputy Attorney General; 2) the state and local government activities should only be started with law enforcement funds; 3) LEAA's continuation policy will further require tightening and more stringent cut off proposals nearing the annual evaluation of discretionary grants, and the firm recommendation as to whether the grant has achieved its goals and objectives or should be terminated; and 4) LEAA's National Institute research findings should be

more integrated into LEAA Programs.

Now that we are reasonably satisfied that LEAA will continue in some recognized form, we must consider the agency's role in criminal justice education. The agency's involvement with criminal justice education began in 1969 when the Law Enforcement Education Program (LEEP) was funded at about 6.5 million in that first partial fiscal year. Funding increased to nineteen million the next year and to twenty-five, then thirty-three, to a level of forty million dollars maximum for the next four years. LEEP went from forty participating colleges and several thousand students to the present level of about 1,000 institutions and an annual student enrollment in excess of 100,000 per year.

Initial recruiting was heavy in the pre-service student area. A ratio of seventy in-service students to thirty pre-inservice was encouraged. This ratio was reversed the following year as the in-service demand (seventy) increased and in certain years increased more rapidly than available LEEP dollars could satisfy. Requirements for funding appeared, prompted by in-service demand and wide spread abuse of some in-service eligibility. The pre-service department program was subsequently suspended. It is now given very limited consideration according to strict criteria. The need for pre-service encouragement and development is clearly recognized by LEAA, and very deliberate and careful efforts will be forthcoming to develop pre-service programs in the coming years.

In the beginning, there were a few junior colleges participating in the LEEP program. For example Tarrant County Junior College in Fort Worth, Texas, was one which, in fact, received a special grant to develop a criminal justice associates degree program. The two-year programming grew very rapidly throughout the nation and nearly all of the two-year programs are police-oriented.

Other LEAA educational programs were developed following LEEP. The LEAA internship program began as a summer employment concept which has evolved into a supervised, applied academic experience. A few institutions are complementing the LEAA internship program, which provides student support with HEW's cooperative education program, Title IV D, which is institutional

support. This trend carried into a further full-scale cooperative education concept which allows a student to work full-time and alternate semesters with cooperating agencies.

A very limited program is for graduate research fellowships. It annually funds about fifty new fellowships as based upon competition among submitted concept papers. Another small program is a visiting fellowship program in the National Institute program, usually of one or two year duration. LEAA also provides numerous specialized training grants. An example of these is the grant to the National Colleges of District Attorneys, at the University of Houston.

In the past four years, LEAA spent about a hundred million dollars on crime research. It spent about a hundred and sixty million dollars for relief programs. The total LEAA budget for 1977 is \$735 million, of which about \$44.3 million is a line-item for educational systems and special training programs. LEEP, itself, received about forty million of this amount, leaving about \$4.3 million for all other educational training programs. The budget offered by the administration in January reduces the total LEAA budget from 735 million to 704 million dollars and education assistance and special training was reduced from forty-four million to thirty-four million. Furthermore, discussions have been reported which suggest that there may be further reduction in the federal LEAA budget.

Let us turn to several current activities that should have some effect on criminal justice education. The Office of Education and Training is developing the following projects: 1) Phase one of an educational assessment/planning conference with a group of educators and practitioners. The objective is to gather data on criminal justice employment; identify skills and knowledges existing in operating agencies and at what level; and to catalogue the requirements of operating agencies for the training of the personnel, determining their real needs, measuring and identifying deficiencies or gaps. They want to avoid training excess numbers of people and/or training people with unneeded skills; 2) the development of minimum standards for co-secondary criminal justice academic degree programs by working closely with professional associations such as the American Society

**CONTINUED**

**1 OF 2**

56717

THE ROLE OF CHILD ADVOCACY  
AND COMMUNITY ACTION

This part of the program will be moderated by Pat Ayres, the Chairwoman of the Texas Youth Council, who was appointed by Governor Briscoe a year and a half ago.

LARRY MURDOCK  
Director of Community Youth Services  
Harris County Juvenile Probation Department

About seven years ago we wrote and received a LEAA grant. Essentially community services in Harris County at this moment are a project that deals with status offenders as defined in Harris County. The two different thrusts of what we are doing here concern schools and juvenile probation. At the moment we have fourteen different centers at various schools throughout the county. Each center has a service specialist, and the people have counselors and teachers. Ideally, what will go on in one of these centers is that a child who is acting up to the point where a teacher or an assistant principal thinks that he/she should be separated from the classroom, is no longer expelled from school, but is sent to these centers. There we have a chance to work with the kid, identify the problem and symptomatic behavior, and decide how to address the issue. A year and a half ago through LEAA money, we were able to place two people within the intake division of the juvenile probation department in Harris County. The idea was to divert kids who would be classified as status offenders, straight out of the intake position, away from the juvenile detention home. I would be less than honest with you if I neglected to say that we don't see people in essence at the intake division as a project. That concept is largely responsible for any results that we have had from it. In the last twelve months or so, we can count 300 kids who would have been incarcerated without that change in policy in the intake division. In addition, there were another 3,500 to 4,000 kids who would have gone into the system

who did not go into the system.

-----DISCUSSION-----

Question: What are the basic problems you encounter?

Answer: They are, on the whole, systematic problems. We have found that the issue of school is really not a kid's behavior, but you're dealing with the system and its problems. Frequently, you find a principal or assistant principal who is trying to keep a lid on the can. The main problems which I find are ego problems: Who's going to control the program? Who's in charge? Who's the boss?

FELIX RECIO

Director of Court Volunteer Services  
of Harris County, Inc.

Our program is approximately eight and a half years old and it grew out of a committee from the Methodist Church. The program began and was associated with the Juvenile Probation Department. For the last two years we have been under a LEAA grant. The purposes of our program are three-fold. We are responsible for: 1) Recruiting citizens from the Harris County area to provide a one-to-one relationship with the children who have been adjudicated delinquents by the courts, or who have been declared to be children in need of supervision. 2) Providing assistance to the juvenile probation department. As you know, probation departments are understaffed and overworked. We assist probation officers in those cases which are not as serious as others you might have. 3) Establishing a diversionary program to the juvenile justice system. At the present time we have a budget of \$20,000, with 265 active volunteers who service some 400 to 600 children per month. Our staff consists of our secretary and myself. We work very closely with the voluntary action center and other community agencies to do our recruiting. We provide a three day training program which includes two hours each evening. We give the volunteers a pretty good idea of the juvenile justice system in Harris County, give them an idea of the methods of parent effectiveness training, and give them some tours of the juvenile detention facility. We do a screening process whereby we assign a volunteer to a child. The volunteer is required to work with the child for one year and spend a minimum of one hour per week with the child,

## INTRODUCTION

A very interesting development over the last few years has been a program sponsored by the Labor Organizations in Tarrant County, the Labor Youth Sponsorship Program. We have two persons from that program today, and I think that Mr. Rubin Graham is going to speak to us first. He is a board member of the Labor Youth Sponsorship Program, and Community Services Representative for the AFL-CIO in Tarrant County. Also here is Allen Johns, Coordinator of the program.

## RUBIN GRAHAM

I guess that question that you are all thinking, is what are labor unions doing in Criminal Justice? Because if you want any attention, you'll just strut up to the court house or city hall and ask to see the people in charge and say you're from the labor union. Then you've got their attention, because they assume you want to organize the whole organization. All they do is fight people and things like that.

It is estimated that about 25 out of 100 in this country belong to organized labor, involving the middle class and lower middle class, who pay more taxes than anybody else. Why should they get involved? There are a whole lot of people who do not understand the criminal justice system, and we are not doing a whole lot about trying to change that. A few years ago, labor, especially in the East, decided to try and do something about it. We waited outside for the world to act, and then we would react (mainly the world of business). We do have an obligation, which means that the service part of the AFL-CIO is a completely separate part of the whole. With all due respect to Mr. Wooden (you caught what he said about organized labor, didn't you?) can you name anyone else that he mentioned? Well, he did mention lobbyists. State, county, and municipal employees are one piece of the AFL-CIO. It is certainly not the policy of the AFL-CIO, and of the Community Service Department in particular, to support building any more institutions. The building trade has an unemployment rate of about twenty percent, but they stopped building an institution in San Diego, and it made a difference. But the way to do a job in that community is if I build that institution. So,

different strokes for different folks. And we are indebted to the working class because he is hurried and will get up there and punch somebody to make the guy do something. The point I am trying to make to you is don't paint us all with the same brush. Everybody wants to do that. We're an easy party, and that's a fact. The Community Services Department is low key, nobody ever hears about us, because our work is telling other folks that we have these problems. The people we work with and their immediate circle of family and friends know about us. The rest of the world does not. That is probably good. They wouldn't come to us. So anyway, labor is a problem, more so in the past ten to fifteen years. We care about people with alcohol problems, and drug problems. We fought for social security. We get accused that everything we do is to fatten the pocketbook. I guess the only thing to say is that we are probably some of those "amateur fools" that you heard about yesterday trying to do our bit, and we are going to do that. We have an obligation to do it. Juvenile justice? Why should we be involved in it? Whose kids are most likely to wind up in that system? Ours, or friends of ours, and our neighborhood kids. We're not too likely in the Labor Youth Sponsorship Program to get the kids of bank presidents, but we're likely to get some of our own.

In 1975, we had a seminar which got the word to lots of folks. At the end we had a thing called community action, so we agreed that "Yeah, we ought to do something. How much money is in the fund?" and things like that. But talk about a tremendous amount of work and research! We wound up with a group who talked more about youth and criminal law than about any other single thing, so we went for this program. Gary Townsend has led us gently and patiently down the path of how we should get it done.

Our purpose of the Labor Youth Sponsorship Program is to divert adjudicated delinquents and pre-delinquents from further penetration into the criminal justice system by providing employment, training programs, and social services. The objective is to identify a variety of resources including foster care, recreation programs, employment, training, and special needs such as clothing, medical needs, etc., in the community. That's what we have done. We care. We have a good program. It is the first one in this country. We owe a lot to the Texas Youth Council, because without that help and encouragement, the program would never have become a reality.

## RON LOFSTROM

*Ron Lofstrom is employed as a Legislative Assistant to an Assemblyman in the California Legislature. He also is Director of the Board of Directors of the Helpline Youth Counseling in Bellflower, California.*

Right now the state law says that no person under eighteen years of age may be detained in a secure facility, unless they have been charged with a felony. Therefore truants, runaways, incorrigibles, and status offenders are no longer locked up in secure facilities in the state of California. There is no supervision of status offenders in California whatsoever. There are no community based programs. The legislature appropriated no monies to any jurisdictions to maintain juvenile hall. They just passed the law, and that was it. The result has been that the state is full of twelve to fifteen year old hitchhikers. Voluntary care facilities have been set up by local jurisdictions to give truants and runaways on the road some place that is safe. The law changed overnight and everybody else in the local government did not know what to do. As a result, everybody cried to Sacramento, and Assembly Bill 958 was introduced which would bring back the detention of status offenders under certain conditions. The conditions were: 1) Detention of up to 40 hours for the purpose of determining if there were any outstanding warrants, or holds against the minors, or to arrange the return of the minor to his parents until a detention hearing. 2) If the probation officer has reasonable cause to believe that the minor is a danger to himself, has drug or alcohol related problems, or is potentially suicidal, or if a judge finds the juvenile a danger to himself, or others, etc.

A program which the governor instituted last year called "California Conservation Corps" is a voluntary work program for eighteen to twenty year olds, who have the highest unemployment rate in California. They are paid \$254 to \$550 dollars a month working in a wilderness environment. In the first month, the program had 3,000 applications for 200 slots. Kids are

realizing that they have situations to deal with. One way to deal with the situation is to go out and help the environment and plant some trees. Unfortunately, they had to go through a random selection process. This is a strictly voluntary program.

Statistics show that no matter what you do, long or short sentence, recidivism is about the same. But if you bring in the total family environment, this brings about a reduction of anti-social behavior,

The staff consists of full-time professional counselors, administrative staff, receptionists, community workers, and volunteers. The counseling staff includes marriage, family, and child counselors, which are a junior psychologist, office workers, and bilingual bicultural counselors. There were over thirty interns, graduate students from local universities,

## INTRODUCTION

We have two people coming up who have very different ways of addressing advocacy and community awareness. I want to call first of all Marie Oser, representative for Texas Child Care 1976.

## MARIE OSER

On Thursday of this week in Austin, Texas, we have put together what we call the Texas Children's Act. The Texas Legislature goes into session every two years. None of us are safe, and especially not the children. We have been hard at work the last couple of years building networks across the state in different areas dealing with children's services. Specifically we have dealt with day care, foster care, family planning, and one of these days we hope to get the elderly involved. All of the various networks that deal with the California coalition came together because of our concerns for the needs of children, and therefore of their families. They operate under a couple of basic premises: 1) That the family is whatever that family is with those children: the first social service, the first educator, the first advocate, the first everything. The best prevention is to give those kids a good beginning in life, to provide for them as much as we can in the early years, so that some day you and I won't have to come to conferences like this. I got into this whole thing when I taught first offenders in the city of Detroit. Everything that I experienced there told me that anything I was doing for those kids then was pretty much just throwing on band-aids, and we had to start a whole lot earlier.

What happened in the legislature? There will probably be no advocacy increase this year. All we were asking for was 25 cents a day per person. And as you know in Texas, gang, it's only women and children and not intact families who are concerned. The Senate decided we would not have that increase this session. So the state of Texas is at the same level as in 1969. This is a state which follows a surplus in its treasury, right? Where the Governor says "I'll sue if you make us stop driving these big cars and doing all these things." Okay? It seems very strange to me that this

legislative session would have appropriated 526 extra million dollars to build more streets and roads when the President of the United States is saying "Hey, gang, get off of them!" But we haven't got 25 cents a day for those little kids and their moms.

Okay, what happened to day care? Well, currently we are running a 31.5 million dollar program in the state of Texas, and it is a program that very honestly has seen a massive increase in the last six years, serving approximately 90,500 children in a given day. In the House, we have fought vigorously to maintain the current level of our coalition, with no increase at all. The Senate bumped it back to 30 million, which means that by 1979, 4,000 children currently being served will be out of service.

Let's talk about foster care. I don't know how many of you have recently been in touch with foster parents. How many of you have kids of your own? You know what it costs to raise children today. Right? Very expensive. What do they want foster parents to do? They want them to try to raise these kids on \$5.00 to \$5.50 in a house. Okay. But in the Senate, they took that and bumped it back to \$4.75 a day. During the hearing of the House Appropriations Committee, one of the foster parents got up and was talking about what it costs to raise a child these days. One of the erstwhile legislators told her that he had raised his six children on his legislative pay of \$428 a month. When she asked him if he had any other source of income, he said "No." He is a millionaire several times over in the city of El Paso. If she had to get up and tell the truth, why don't some of our legislators?

Protective services got cut back from their current level of programming. It is my considered opinion that one of the problems that we continually have is that we never seem to get ourselves organized well enough to continue along a pendulum long enough to get anything going that's constructive, positive, that we can say "Yeah, we did or didn't do a good job." When you're changing case workers every four or five months, who can tell whether you did a good job or not? And that's what is currently going on up there. I am absolutely incredulous. Every legislator that I have talked to, including our friends, say "Well, Marie, the child care community in this state is so weak and disorganized and fights among themselves, and

blah blah blah and that's why you never get anything for kids in this state."

Let me tell you what's happened in the last five days. Seventeen communities across this state held city-wide meetings and organized a letter-writing campaign on the behalf of these kids like the state has never seen. There were press conferences all over the place. On Thursday, each of those communities are sending delegations into Austin with those letters in their hot little hands to call on the conference committee that will deal with the budget, the Lieutenant-Governor, Governor, and the Speaker of the House.

I would just like to say a couple of things in closing. I have mentioned the California Coalition. For any of you who don't know about it, I would be happy to hang around after this is over to tell you about it. There are two things that we are currently doing. We have a task force working on welfare reform at the national level. The basic philosophy under which we are operating is: that any national policy we have for kids and family should begin with that child in that family, not end there. We should not expect Mr. and Mrs. Jones and their children to have to find their way through a system that you and I do well to find our way through. The system should be accessible and available to them. Presently, at the state level, we have come out of this session with one thing. Number one, we will stop reacting. When the TYC budget got cut with the community based program by a million dollars, I called people all over this state and the general lament was "What can we do?" It's always late when we're reacting. My suggestion is that we are at the door at the next session when it opens with our agenda for kids in this state, and say "We want this, this, and this, and we're all ready to see that we get what we want." I think the time has come when we have enough going on in the local community, have a big enough base support at that level, with a massive education campaign and with an agenda of our own, that we can begin to make some difference. It is very clear to see that the kids of our state are not on anyone's primary agenda. When I called the AFL-CIO about our prices the other day, (as you know, they have been working very hard on the welfare issue), I was told very nicely "We would like to do all that we can on the child

care issues, but we cannot sacrifice the votes on workman's compensation and public school finance." So all that says to me is that teachers are well organized, workers are well organized, and we had better get organized for the kids.

## INTRODUCTION

I think it goes without saying that the kind of sub-assistance that we are giving to the families of the state is part of the problem of kids coming into our juvenile justice system, and there is a new group which is intensely concerned about advocating the lives of the poor program, and Anita Marcus has come to tell us something about that. Anita is the Texas Public Affairs Chairwoman for the National Council of Jewish Women and is President of the Texas Coalition for Juvenile Justice.

## ANITA MARCUS

I am a full-time professional volunteer and I think my role is to try to explain the segment of the community which is not as well represented at this conference as I would have hoped. Citizen advocacy has some things in common with the volunteer. Take a citizen with a conscience and give him just a little bit of knowledge to motivate him to be a participant rather than a spectator, and provide a vehicle which is usually an organization. I am on this road because of my association with the Council of Jewish Women and with the Coalition. Other organizations have their unique modus operandi for arriving at their social action in public affairs and advocacy in the community. I have worked with Marie on quite a few of those. The National Council of Jewish Women operates under a series of resolutions which deal with everything from governmental organization to public education, to foreign affairs and juvenile justice. We enter into legislative action, public affairs, community advocacy, programming and projects, and a variety of options available to us. One of our national priorities has for many years been juvenile justice, and just last May we met together in Washington at an LEAA funded symposium with a national grant from our section involved. We got together the major heads of personnel from voluntary and private sectors with some of the public agencies from around the country to try and address ourselves to the problems, particularly of status offenders, and to go back to our own states and initiate some of the options which vary in an enormous way.

We came back and decided that we would align ourselves with professionals in a conference called "Trouble and Texas Children and the Justice

System." We invited a sector of about 200, and invited some of the lay leaders of some of our voluntary organizations and the professionals involved in youth serving agencies, both public and private. We addressed ourselves to where we are, what our needs are, and designed options for action. We have found, by studying our various options for action, that we really have to stay together, and we really need to have a coalition. Pay Ayres was president at that conference with one of our facilitators, and during the facilitator training I said that we might want to start a coalition. One of the evaluations that came back from the conference said that if you had a hidden agenda, you should have told us. Actually, they didn't know that it was hidden from the programs committee. We were going through flak after the conference because of this. So we passed out a sheet of paper, and three quarters of those still present signed it. A small committee of those of us who were interested contacted others who were interested and asked them for comments and suggestions concerning the forming of a coalition. Then we called a meeting in Austin and thought that maybe 15 or 20 of us could meet and really get down to some hard planning. Sixty-one people came, and I found that they came either as individuals, or represented 30 different groups from around the state. There are several representatives here, such as Pat Ayres, and Rubin Graham over there from the Texas Commission for Juvenile Justice. One of the mistakes which we are not going to make (and this is the decision of the members of our coalition), is that we will not be a one-issue coalition. This leads to frustration when solutions for this one issue cannot be found.

Our membership is very broad based. We have such organizational members as Junior League AFL-CIO, West Dallas Community Center, Girl's Town USA, and a number of youth-serving agencies. From the public sector, we have a number of personnel who work for public agencies who are very concerned citizens, and individuals such as the Director of the Child Guidance Clinic, the chief probation officer of Girl's Town, people who are MH and MR in youth-serving agencies. What we are trying to be is an organization, broad based in its membership, which involves both the lay and the citizen volunteer and the professional. I think this idea has a good deal of wisdom, because what we don't want to be is another agency

serving our own ends. Our goals are to raise community awareness. What is interesting to me is the kind of people who have been calling us. Some are from public law enforcement, saying "We don't want you well-intended ladies (that's the way they usually start out) to put LEAA down as occupation" (when I put housewife, they don't know what to make of me). I am very pleased with the kinds of support and offers to help us again.

In addition to our community awareness legislation, our youth serving agency personnel asked for a coordinating committee. They have not fully defined their purposes, but some of the goals which they seek are to build the kind of support for their legitimate needs such as obtaining for their membership a combination of both the private and the public sectors, the lay citizen and the professional. We also have an advocacy committee in which the regions will decide the needs for their own town and their own community. I forgot to mention that we have divided ourselves into five regions geographically, each of which is electing its own chairperson who serves on the state board in the Houston meeting, which will be May 25.

It is a very encouraging sign, because a lot of people are able to take us on faith, and I think we have some demonstrations of some particular programs that are involved. We want to involve not ourselves as juvenile justice chairpeople or the vice president of public affairs or the professionals who are not concerned with the Council of Jewish Women. Our meeting will be designed for those citizens who have never become involved in juvenile justice and who know very much about it. With or without the grant, we will proceed with these kinds of plans for programming. I think our innocence combined with a little bit of cunning can make some kind of impact.

**END**