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AN EVALUATION
OF THE
CITY OF KEENE DISTRICT COURT
"Juvenile Coordinator for the Court"

GRANT NUMBER

78-II-A-1994 E01

PROJECT PERIOD

December 2, 1977 to May 31, 1979

Joseph M. Horton
Evaluation Specialist

NEW HAMPSHIRE GOVERNOR'S COMMISSION ON CRIME AND DELINQUENCY

April 9, 1979

57271

SUB-GRANTEE City of Keene District Court

PROJECT TITLE "Juvenile Coordinator for the Court"

PROJECT DIRECTOR Peter Cheney, City Manager
Dana Zucker, Juvenile Court Coordinator

GRANT NUMBER 78-II-A-1994 E01

GRANT PERIOD December 2, 1977 to May 31, 1979

GRANT BUDGET \$13,976.00

<u>Item</u>	<u>Total</u>	<u>Fed. 90%</u>	<u>State 5%</u>	<u>Local 5%</u>
Personnel Services	\$12,702	\$11,432	\$635	\$635
Consultant Services				
Travel and Subsistence	1,200	1,080	60	60
Construction and Renovation				
Rental				
All Other	810	729	40	41
Indirect Costs				
Total Cost	<u>\$14,712</u>	<u>\$13,241</u>	<u>\$735</u>	<u>\$736</u>

PREVIOUS PROJECT HISTORY

<u>Grant Period</u>	<u>Total Funding</u>	<u>Fed.</u>	<u>Percentage State</u>	<u>Local</u>
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EVALUATOR: Joseph M. Horton
DATE: April 9, 1979

PROJECT DESCRIPTION

The purpose of this project is to employ a Juvenile Coordinator for the Keene District Court to assist in providing an alternative to adjudication for the youth of the City of Keene and sixteen surrounding communities served by the Keene District Court. The Court has operated for several years with the services of a Juvenile Conference Committee which has screened, counselled and frequently diverted youngsters from the court system.

The principal goal of this project is to maintain the capacity to make assessments, identify problems and make referrals for 100 youths during the project period. Referrals of youths are accepted primarily from police departments, parents and schools, however, self-referrals are also accepted.

The primary objective of the Juvenile Coordinator is to develop, implement, and coordinate all activities of the Juvenile Conference Committee. The authority for this position is derived from the Presiding Justice of the Keene District Court. The principal duties of the Juvenile Coordinator can be broken down into six main areas. They are:

- 1) Responsibility for youth assignments, after a conference with youth aid officers and probation officers, to either the Court or the Juvenile Conference Committee;
- 2) Responsibility for following each case through for the Juvenile Conference Committee;
- 3) Responsibility for the presentation of cases to the Juvenile Conference Committee;
- 4) Responsibility for follow-up whenever applicable;
- 5) Responsibility for disposition of each case after Juvenile Conference Committee action; and
- 6) To work with and through the Probation Department.

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ACQUISITIONS

PROJECT PERSONNEL

Notification of grant acceptance was received by the Keene District Court on January 24, 1978. After review by the Juvenile Conference Committee, minimum requirements were established and the position was advertised on

March 12, 13 and 14, 1978. Applications were received until March 31, 1978 with forty-seven individuals applying. After a complete review by the Conference Committee, Judge Davis and Peter Cheney, the City Manager Mr. Dana Zucker was notified on May 10, 1978 that his application had been accepted.

Dana Zucker began work in Keene on May 22, 1978. He holds a J.D. degree from Washington College of Law at American University and a B.A. degree in Economics from the University of Rochester. He has had some experience in juvenile advocacy by working for the Public Defender's Office of Prince George's County, Maryland as an attorney.

JUVENILE CONFERENCE COMMITTEE

The Juvenile Conference Committee operates under the auspices of the Keene District Court and is presently composed of ten volunteer members. These members are appointed by the court, and in addition to committee membership, they hold full-time, youth related positions within the community. The primary function of the Committee is to divert juvenile offenders who have not had previous court involvement and to refer them, when necessary, to an appropriate community-based program or service for help.

COMMITTEE MEMBERS

Bonnie Hood - School Social Worker; Lee Bayer, Keene High School Counselor; Cecile Goff, Family Planning Services Director; Larry Levine, Big Brother/Big Sister Director; Ed Main, Monadnock Regional High School Counselor; Don LeBrun, Southwest Employment Training; Del Hickey, Keene State College, Education Department; Dave Kyle, Keene Park and Recreation; Father Connors, Newman Center; Keene State College; and Mitch Greenwald, Keene Businessman.

The Juvenile Conference Committee has been found to be very effective under the Keene District Court. Similar arrangements have been terminated in some other programs (i.e., Nashua Intake Project), due to increasing caseloads which make it impossible for committee members to meet as frequently as necessary. In Keene, a schedule has been worked out whereby the Juvenile Conference Committee meets every week with five members, and the remaining five members meet the following week. Since the Conference Committee is composed primarily of persons employed by community service agencies, rapport with these agencies is excellent, and referrals can be made with a minimum of complication.

METHOD OF SERVICE

All juvenile cases entered in the Keene District Court are initially considered by Mr. Dana Zucker, the Juvenile Court Coordinator. He then makes preliminary determinations as to whether clients should be counselled and released, brought before the Conference Committee, or handled in court. Cases arrive before the Juvenile Coordinator generally in three ways: 1) by the filing of a formal juvenile petition; 2) by referral from outside agencies; and 3) by parental or self-referral ("walk-in"). There is a step process followed in every case, which is set forth below.

Step 1 -- This step is described briefly above as that point in which juveniles initially come into contact with the Juvenile Court Coordinator. Cases may be of any of the following types: 1) status offenders; 2) adolescents accused of felonies or misdemeanors; 3) first offenders; 4) persons who have had little prior police contact; 5) those whose needs are best met outside the court process; and 6) "walk-ins" who request help but who have committed no offense for which they could be prosecuted.

Step 2 -- No case is considered by the Juvenile Court until the petition has been screened. At present, all juvenile cases are screened jointly by the arresting police officer, County Juvenile Officer or Police Chief and the Juvenile Coordinator. At this point, a decision is made as to whether a juvenile will be counselled and released, dealt with by the court or sent to the Conference Committee. If a client is on probation, the case may not go to the Conference Committee and must be referred to the Court. The criteria that have been established to assist with screening decisions are: seriousness of the offense, prior contact with the police, and the client's family situation. In rare cases where two irreconcilable opinions exist as to the appropriateness of Juvenile Court or the Juvenile Conference Committee, Judge Davis of the Keene District Court has final authority in the matter.

Step 3 -- After a case has been deemed appropriate for consideration by the Juvenile Conference Committee, a thorough background investigation is conducted by the Juvenile Coordinator. In serious cases, a background investigation is conducted before the screening. The Juvenile Coordinator goes to the home in all cases as a part of the background investigation, and a waiver form is signed. All clients who are diverted are required to sign this document which waives the right to a speedy trial. Juveniles do not have to admit guilt to qualify for diversion and they are informed that they may transfer their case to court at any time without fear of prejudice.

Step 4 -- After all of the above steps have been accomplished, the Juvenile Conference Committee meets with the juvenile and at least one parent. At this time, a background report is given to each member of the Conference Committee for review. Also present at the Conference Committee hearing are representatives of agencies that the youth has had

contact with (i.e., school personnel, big brother) and possibly a police officer.

Step 5 -- A decision is made on each case by the Conference Committee. Each juvenile is provided with a copy of Committee recommendations and the consequences for non-compliance. Usually, if the youth does not comply with the recommendations of the Committee, the case is referred to the Court. After the recommendations of the Committee are satisfactorily carried out by the youth, he is notified that he has properly complied, and that provisions for the destruction of individual files will be made one year after the case has been closed. All information received both from the juvenile and from other sources are guaranteed to be confidential and will not be used in court should a formal hearing become necessary.

Step 6 -- All cases in which recommendations are made by the Conference Committee are followed-up by the Juvenile Coordinator. It is felt by the Coordinator that this follow-up has increased the effectiveness of Committee dispositions, thereby allowing law enforcement personnel to express greater confidence in the Conference Committee.

REFERRAL AGENCIES

Several outside agencies have been used by Mr. Zucker as referral agencies since he began as Juvenile Coordinator. He has also demonstrated an interest in improving contacts between the Conference Committee and outside referral agencies, and in adding to the resources available for dealing with juvenile clients. The services provided by these agencies are summarized below.

1. New Hampshire Division of Vocational Rehabilitation -- Physically and emotionally handicapped adolescents are referred to this division of the state Department of Education for testing and training with a view towards eventual development of marketable skills and gainful employment.

2. Keene Recreation Department -- The Keene Recreation Department has installed a juke box and dance floor at the recreation center in an attempt to attract more young people who might not be interested in purely athletic pursuits. They also accept youths for work detail in the community.

3. New Hampshire Division of Welfare -- The Division of Welfare is responsible for handling cases of suspected abuse or neglect under the provisions of RSA 169:40 and 41. The division conducts investigations in neglect and abuse cases, often calling upon the probation office to submit reports and recommendations. Children placed in foster homes, licensed by the division, are referred to the division for Medicaid benefits.

4. Family Planning -- Cecile Goff, a member of the Conference Committee, is in charge of Family Planning in the Keene area. This allows for an excellent linkage between the Conference Committee and Family Planning. Services include medical examination, counselling, pregnancy testing, venereal disease testing and sex education.

5. Area School System -- School districts within the Keene District Court jurisdiction have a cooperative arrangement with the Juvenile Coordinator. Guidance counsellors and the Coordinator often deal jointly with problems arising from poor school performance. Also, school personnel are often utilized for counselling.

6. Y.M.C.A. -- The Y.M.C.A. has provided unlimited "scholarships" for needy Committee referrals. This gives these clients access to all facilities at the Y.M.C.A.

7. Medical Services -- The Conference Committee and the Coordinator have good working relationships with several local doctors and dentists in the Keene area who are willing to provide free or discounted medical/dental services to referrals. Also, in cases of medical emergency, there

are funds available through Keene High School and the Kiwanis Club.

8. Big Brother/Big Sister -- The Big Brother/Big Sister organization in Keene furnishes volunteers to work with referrals of the Conference Committee on a one-to-one basis. It is hoped that this organization will be able to provide volunteers for a proposed work program which will be available to referrals in the near future.

9. Division of Employment Security -- The Division of Employment Security assists in furnishing referred juveniles with employment.

10. Monadnock Family Services -- The Monadnock Family and Mental Health Service furnishes the Committee with the services of professional counsellors. If the committee recommends professional counselling, the counsellor is available immediately after the decision is made to arrange follow-up appointments for the client and his family.

11. Volunteers -- There are some volunteers furnished to the Conference Committee by the Probation Department. Also, interns have been made available from the Keene State College Department of Psychology to assist as volunteers.

PROJECT OPERATION

In 1977, 212 offenders came before the Juvenile Court and forty-eight before the Juvenile Conference Committee which indicates that 18.8% of all juvenile cases went before the Committee. During the first five months of 1978 (before the Coordinator was appointed), the Court heard ninety-two individual juvenile cases, while the Juvenile Conference Committee heard twelve cases. These figures indicate that before the Coordinator was hired, the Committee handled only

11.5% of all cases. Since June 1978, when the Coordinator was hired, the Conference Committee has handled 29.7% of all cases, excluding those individuals who were counselled and released.

During the period from June 1, 1978 to present, four juveniles were re-arrested who had previously been before the Juvenile Conference Committee. Three were charged with delinquency and the fourth with being a person in need of supervision. This indicates a recidivism rate of 6.4%. Three had originally been charged with theft (ages: 14, 16, 17) and a fourth with burglary (age 12).

In the first ten months of the Juvenile Coordinator project, sixty-three children came before the Committee Coordinator as compared to forty-eight for the entire year in 1977. Thirty-five cases were referred by the Keene Youth Aid Bureau and twenty-eight from the rest of the jurisdiction. In 1977, the figures were twenty-seven and twenty-one respectively. It is expected that seventy-five to eighty cases will be handled for the first project year by the Juvenile Coordinator.

CONCLUSIONS AND RECOMMENDATIONS

Pre-adjudicatory juvenile diversion has been practiced informally in New Hampshire and nationally for decades, by way of police officer discretion in whether to proceed with formal petition and hearing, and through involvement of probation officers in advisory capacities with respect to disposition of juvenile cases. This acceptable yet unorganized effort began a process of dramatic change in the 1960's, when diversion approached the focal point of the juvenile justice process. Juvenile courts were found to be failing in the effort to rehabilitate juveniles, and it became apparent that the adjudicatory process had no power to deal

thoroughly with the causes of delinquency in many cases and hence is not able to prevent recurrence of juvenile crime. See C. Hess and E. Hoglund Compendium On The New Hampshire Juvenile Justice Process, at 31, 32 (1978). Another criticism given significant authority currently is that the juvenile court as presently constituted is simply not equipped to deal with PINS' underlying social attitudinal and psychological problems. See e.g. P. Kfoury, "A Short Paper on PINS and the Juvenile Court", 18 New Hampshire Bar Journal 187-189 (1977). The legislative intent of 1975 New Hampshire Senate Bill 18, which amended the statute law to remove PINS from the status of delinquents and to provide for separate means for PINS disposition, manifests a recognition of the inability of traditional juvenile adjudication to strike at the major contributing factors in cases of delinquency and need of supervision.

Also during the 1960's, the United States Supreme Court began to hand down a series of decisions affecting the rights of juveniles in formal court. The cumulative effect of the Court's rulings in Kent v. United States, 383 U.S. 541 (1966), in re Gault, 387 U.S. 1 (1967), and in re Winship, 392 U.S. 358 (1970) has been to formalize the juvenile court process and expand the rights of juveniles to notice, hearing, a decision on the record, legal counsel, and many of the other guarantees of the adult legal process, despite the inherent informality and flexibility of the parens patria philosophy of juvenile justice. As a practical matter, the new requirements have prompted resolution of juvenile matters outside the formal court process.

More directly, Congressional policy giving rise to the passage of the Juvenile Justice and Delinquency Prevention Act of 1974 was declared to be the diversion of juveniles from the "traditional juvenile justice system". 42 U.S.C.A. § 56.02 (B)(1970). LEAA's funding priorities with respect to juvenile justice programs identify diversion projects and utilization of

community resources as optimal approaches to prevention of juvenile crime and of the social conditions giving rise to neglect, abuse, and the need for supervision.

Finally, the immediate rationale for diversion projects such as the one outlined in this report is the reduction of the size of the juvenile calendar by culling out those cases which need not, and probably should not, consume the court's time.

Diversion in New Hampshire

In New Hampshire, approximately sixty percent of all juvenile matters are diverted or otherwise disposed of at the police level. See Commission on Crime and Delinquency Detailed Study of Needs, 61 (1978). Other diversion projects are undertaken by the individual courts and municipal probation offices, there being no state-established diversionary process. Nor are there presently any statutes affecting the jurisdiction of the district and municipal courts, or the authority and responsibility of probation officers, specifically to engage in intake/diversion projects. The proposed revisions of New Hampshire RSA 169 include provisions specifically for children in need of services and empower the court to order supervision of children and families by social service agencies, defining "services" to include care, guidance, counselling, therapy, and placement. See proposal for §§ 169-D:2(b) and 169-D:17. Nonetheless, the present statutes and the case law do require appropriate rehabilitative treatment in a manner consistent with the best interest of the child. New Hampshire's juvenile statutes are to be construed liberally to effect protection and rehabilitation of the state's children. If this policy can be fulfilled at the pre-adjudicatory stage, there is no need for formal adjudication as long as children are given full protection of the court. Arguably then, those courts and municipalities which have operated intake and diversion projects, such as

Keene, Nashua, Hooksett, Concord, Claremont, Goffstown, and Conway, have come closer than the others to effectuate the purposes of the juvenile law in New Hampshire. Hess and Hoglund, supra, at 35, 57-58.

Advantages Presented to the Keene Diversion Program Client

Court appearances are known to be traumatic experiences for both children and parents. The diversion program in Keene, headed by the Juvenile Coordinator, offers an opportunity to avoid Juvenile Court. Voluntary participation in the diversion program has proven beneficial in two related ways; it has encouraged free flow of personal information, particularly sensitive information necessary for the successful resolution of problems, and it has motivated parents, guardians, and juveniles to actively participate in solving their problems. Where the parties have so participated, progress has frequently been the result, and those involved have thus been prodded to rely more and more upon their own strengths and abilities to avoid further difficulty.

There are three main advantages afforded to clients of the Keene Diversion Program. They are:

First, clients benefit from the position of authority that the diversion program in Keene holds, as an adjunct of the court, with respect to the outside agencies involved in referrals. A significant share of the responsibility of the Juvenile Conference Committee is to work with clients and outside agencies in a combined effort to solve problems that contribute to delinquency, the commission of status offenses, and the occurrence of domestic problems. This effort sometimes involves coordination among several agencies, and the Juvenile Coordinator in Keene is very able to secure participation of each service agency necessary to arrange suitable care plans for clients.

Secondly, because the Juvenile Coordinator in Keene derives his authority from the court, clients are reassured that successful participation precludes further action from the court. No information developed during interviews with the Coordinator or follow-up can be used as evidence in subsequent proceedings.

Third, the present program represents a remedial course of action, which in certain cases is beyond the practical power of a court to order, oversee, and enforce. The nature of the relationship between the client and the Juvenile Coordinator in Keene allows for the development and beneficial use of facts and other information not always relevant or competent in formal judicial proceedings. Further, all information is destroyed one year after the closing of the case which is not true of the court's juvenile records.

This writer concludes that the diversion program in Keene is a highly workable method for providing services to juveniles and the community. Since its inception, Mr. Zucker has consistently expanded the service capabilities of the project. The Juvenile Conference Committee has attracted and retained conscientious and hard-working professional people with a sincere interest in the community, and has managed to secure for its clients the services of highly competent outside professional persons and agencies in the Keene area.

Although the Juvenile Coordinator probably will not deal with 100 juveniles as was stated in the project proposal, he has dealt with seventy-two clients in the first ten months of the project period with a recidivism rate of 6.35%. For purposes of this report, recidivism is defined as the number of clients coming back to the attention of the Conference Committee for an offense not related to the first. The recidivism figure effectuated in Keene is substantially below the national rate reflecting very high

success. This project appears to be operating very successfully and has the internal strength to continue to provide quality services for Keene and the surrounding area.

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