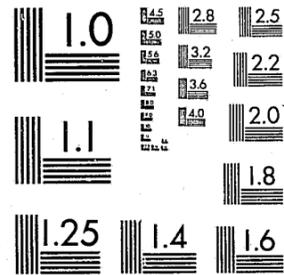


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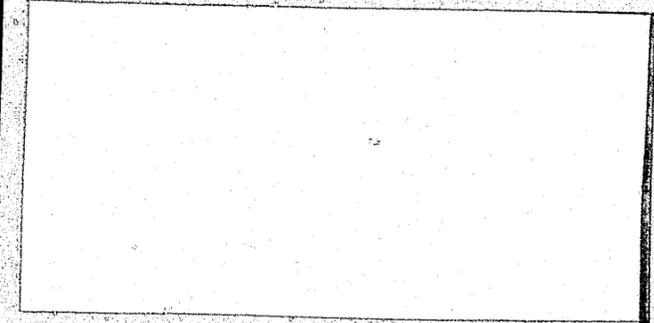
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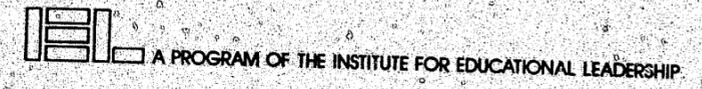
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**JUVENILE INCARCERATION  
AND ALTERNATIVES IN TENNESSEE**  
by  
**Woody Register**  
The Tennessean  
Nashville, Tennessee

89432

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a final report of the  
**Fellows in Education Journalism  
Juvenile Justice Program**  
**INSTITUTE FOR EDUCATIONAL LEADERSHIP**

PREFACE

Woody Register prepared this report on juvenile justice in Tennessee as a Fellow in Education Journalism. The 1982 Fellowships provided six outstanding and competitively selected journalists with the opportunity to study and report on specific aspects of juvenile crime and justice while on six weeks leave from their newspapers. In addition to this final report, Register wrote a series of articles for The Tennessean. His series and those of the other Fellows appear in the IEL monograph, Juvenile Justice: Myths and Realities. The 1982 Fellows and their topics were:

Charlotte Grimes  
St. Louis Post-Dispatch

Girls and the Law

Wiley Hall  
Baltimore Evening Sun

Getting Tough With Violent  
Juvenile Offenders

Leslie Henderson  
Knoxville Journal

Violent Juvenile Crime in East  
Tennessee: A Family Perspective

Andrew Petkofsky  
Richmond News Leader

Locks and Lessons: Virginia's  
Reform Schools

Woody Register  
The Tennessean

Juvenile Incarceration and  
Alternatives in Tennessee

Gary Strauss  
The Idaho Statesman

Juvenile Justice in Idaho

Margaret Beyer, PhD  
Freelance (received study  
grant)

Not Getting Away with Murder:  
Serious Juvenile Offenders in  
the District of Columbia

The Fellows in Education Journalism program seeks to strengthen the media's reporting and the public's understanding of education and social service issues by providing journalists with the resources and time to conduct comprehensive studies. Initiated at the Institute for Educational Leadership in 1976 by The Ford Foundation, the program is also sponsored by participating news organizations across the country and other foundations, government agencies and national organizations. The list of 1976-82 Fellows, sponsoring news organizations, and topics of study is included in this publication.

*Susan Farkas*

Susan C. Farkas  
Director  
Fellows in Education Journalism

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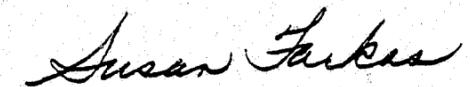
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Susan C. Farkas  
Director  
Fellows in Education Journalism

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ACQUISITIONS

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Juvenile Incarceration and  
Alternatives in Tennessee

INTRODUCTION

A consensus of philosophies is rare among persons connected with juvenile justice in Tennessee. On what to do with children who commit crime, the police do not agree with the judges, child advocacy groups clash with both judges and police, and the victims of crime and the public in general want protection and swift punishment. Then there are the children and their parents.

Parents flock by the tens of thousands every year to juvenile courts in Tennessee, seeking someone who can make their child stop drinking and talking back to his mother and father, or stop running away or simply make him behave. It is the juvenile justice system to which they turn to find answers and help. Seldom do they get either.

What they find is a chaotic maze of courts, judges, private and public treatment and rehabilitation programs, detention facilities or jails, foster and group homes, and correctional institutions and group homes. They encounter four monolithic state bureaucracies: Correction, Mental Health and Mental Retardation, Education, and Human Services.

In Tennessee, this is called the juvenile justice system. Yet it can hardly be said that there is a statewide "system" since the services and courts in each county seldom resemble or

have any connection with the services offered in other counties in the state. In reality, there are 95 separate juvenile justice systems in Tennessee--one in each county. Few are good; not a few are bad.

What causes this chaos is the inevitable conflict between what the Tennessee public expects and demands of the juvenile courts and institutions, what the law prescribes for children who commit crimes, what the system is capable of accomplishing and finally what the taxpayers are willing to pay for. It is generally accepted in Tennessee by lawmakers, police, juvenile court personnel, ad infinitum, that the roots of adult crime are bred in juvenile criminals unless the state intercedes and stops the problem before it gets too old to change. Hence the reason for the state's loose array of courts, social agencies and juvenile institutions--the system.

While there is no consensus on what should be done to "young criminals" most observers who are familiar with juvenile justice in Tennessee agree that the system is not working. Commonly the argument is that children are getting away with too much, that the system needs to be tougher. Less commonly, although more accurately, some argue that the system is more concerned with being "tough" than dealing with the true needs of children brought to the attention of the courts. Rehabilitation has not failed, they say. It has yet to be tried.

There is much evidence to support this contention. First of all, all but a few juvenile courts in Tennessee are ridiculously underfunded and understaffed. Charged with finding the least restrictive and most ameliorative treatment program for juvenile offenders, juvenile court judges in most counties face an impossible task. State funding of local social service or psychological programs is declining in most areas and nonexistent in some. Residential psychological treatment is a luxury to which only a few courts achieve access. Probation as a vital form of counseling and monitoring virtually does not exist in any court in the state.

Responsibility for funding juvenile justice falls squarely into the lap of the local county governments. Consequently the money the court receives from the local government depends on the importance of juvenile justice in the community (it seldom is a priority) and the influence or political clout of the local judge (which can be considerable). As tax revenues decline during the current recession, courts are losing necessary staff as well as many of the treatment programs run by juvenile courts. For many rural judges, the choice is either let the child go free or commit him to the state Department of Correction, and it costs juvenile courts nothing financially to commit a child.

Compounding the courts' problems is the absence of structural or procedural guidelines for the courts. Court hearings are conducted in 95 different ways in Tennessee.

depending on the style of the local judge. There are at least seven different types of juvenile courts in the state. Some of the judges are licensed attorneys; at least 29 of them are not. Consequently there have been serious questions raised concerning the rights of children to due process hearings and adequate representation by counsel. The fact remains that no one accurately knows what is happening in the courts because there are no requirements to keep records of depositions or hearings. What occurs in Tennessee's juvenile courts is, for the most part, a mystery.

One thing that is continuing to happen is that children are being committed to the state Department of Correction in large numbers. As much of the rest of the country moves away from the expensive, some say obsolete form of rehabilitation known as the juvenile institution, or training school, Tennessee holds fast to five large institutions which were operated in fiscal year 1982 at a cost of \$16 million. Administrators in the Correction Department's central office and in the institutions admit that there are too many children in juvenile institutions, that many of them do not belong there and could be more effectively rehabilitated in community programs than in a remotely located juvenile institution.

Juvenile institutions in Tennessee are not pretty places. Contrary to public opinion, not all children committed there are hardened criminals. Yet they are thrown into worlds often

hundreds of miles away from their homes where their individual needs are usually overlooked in order to placate the whole population. In some cases these training schools are characterized by a level of violence in the form of beatings, fights, rapes, and homosexuality that mirrors that in adult prisons. In the words of one juvenile justice expert not affiliated with the state, they are "mini-prisons."

Almost 10,000 Tennessee children are thrown into jails--not juvenile detention center "secure bedrooms"--each year. Generally this is a problem confined to the rural counties in Tennessee, but the numbers of children involved are staggering. The common misconception by the public is that these children are common criminals and deserve no better or worse. But in rural areas where there are no other residential facilities to place children brought to the court, all children are treated the same whether they are "criminals" (delinquents), dependent and neglected children, victims of child abuse, runaways or truants. They all go into the jails. To comply with state statutes, law enforcement authorities must separate the children by "sight and sound" from the adult inmates. This is a lame attempt to bring the state temporarily into compliance with federal guidelines that call for the removal of all children from adult jails by 1985. What this has come to mean in some jails is children being placed in drunk tanks or isolation cells.

To summarize, the problems besetting the juvenile justice system in Tennessee fall into nine categories:

1. Fed up with crime, the public wants harsher, quicker handling

of juvenile crime; popularly elected judges are very much aware of this.

2. There is declining local, state and federal support for social services tapped in the past by the juvenile courts. In many rural areas, outside of commitment to the Correction Department, there is little to do with juvenile offenders other than send them back home.
3. Juvenile courts operate independently of state control or funding with no set standard rules of procedure, resulting widely in violations of due process guarantees.
4. Juvenile judges control the entire court operation from the probation staff to the detention facility. In several noteworthy counties they have been able to construct huge, politically powerful and influential court bureaucracies that are almost totally immune to change or modernization. The court becomes the judge's own personal fief where he is lord.
5. An increasingly expensive and outmoded juvenile correction system anchored by large training schools still forms the foundation of the punishment-minded brand of juvenile justice in Tennessee.
6. With diminishing availability of local services, youths who would benefit more at home and who do not represent a threat to the community are being committed to the Department of Correction.
7. In addition, juvenile institutions are failing to provide the individualized treatment they are mandated by law to give juveniles in the custody of the state.

8. Violence continues to plague institutions. Child abuse has been documented at all of the institutions. Also violence among the youth population is not uncommon.
9. Almost 10,000 children are locked in adult jails each year, which places Tennessee in direct violation of federal guidelines restricting the use of millions of dollars in federal funds. At present, no serious attempts have been made to remove juveniles from adult jails.

In discussing the above, this report will be divided into five sections on the children, the courts, the institutions, the alternatives and a conclusion.

WHO ARE THESE CHILDREN?: The lack of information on juvenile crime in Tennessee.

Little is known about juvenile crime in Tennessee. The total absence of a statewide system of data collection on juvenile crime makes only generalizations possible when trying to list the characteristics of juvenile crime and juvenile delinquents. No one knows for whom the system is working or not working. "We have no idea what juvenile crime is here," said Linda O'Neal, director of the Institute for Children's Resources (ICR). The institute, located in Nashville, is a federally funded child advocacy group specially interested in formulating and guiding juvenile justice legislation in Tennessee. "There are no requirements for recordkeeping in the courts. And even

where records are kept, there is no centralized collection for the state," O'Neal continued. Consequently, policy decisions directly affecting juveniles are made in the blind.

Partly due to lobbying efforts by ICR, the Tennessee General Assembly passed a bill in the 1982 session directing the Tennessee Children's Services Commission to construct a uniform information sheet that would be completed when a child enters the court. Still, according to Dr. Karen Edwards, director of the commission, the information form is not expected to provide reliable information on juvenile crime for another one or two years. There will have to be training of court personnel, not only to instruct them on how to fill out the form but also to show them the importance of the information, Edwards said.

Still a vague picture of the juvenile delinquent is shown through the 1979-1980 Correction Department annual report on children in the custody of the state. (Correction officials expect to publish another annual report by December 1982.)

--66% were white and 33% were black.

--Only 25% lived with both of their natural parents when they were arrested.

--Parental neglect was listed as the major family problem for 58% of those committed. Parental alcoholism was next at 16%.

--37% of those committed had dropped out of school or been expelled at the time they were arrested.

--The average expected grade level was the tenth grade, but the average tested level of achievement was between the fifth and sixth grades.

--Approximately 39% had been institutionalized two or more times.

There are several caveats that need to be mentioned here. First, the rate of divorce, separation or abandonment among parents of children committed to Correction is not necessarily indicative of the whole delinquent population in the state. Judges are less likely to remove a child from a family of two natural parents than they are from a broken home. The same can be said of the school attendance and achievement figures, and the parental problem figures: judges, viewing the child's entire social history, tend to commit the child who has the school problem or whose family has problems.

As a comparison, the Davidson County Juvenile Court annual report for 1969 showed that 56% of all children who came before the court lived with both natural parents. Only 23% were not in school at the time they were arrested. In 1980, figures for those same categories were 33.5% and 33.3% respectively. Each year divorces in Tennessee involve approximately 25,000 children, according to figures provided by the Children's Services Commission. Of all the divorces in 1980, 51% involved juvenile children. State Rep. Mike Murphy of Nashville, who serves as the vice chairman of the House Judiciary Committee, says the problem of the juvenile cannot be isolated from those of the family as a whole: "If the kid is in trouble, a great percentage of the time the family is in trouble. A lot of delinquent acts are a method of striking back at the parents through society."

Juvenile crime is equally hard to pin down. By far the greatest percentage of Correction commitments for felony offenses in 1979-1980 was for burglary (29.7% of all commitments, status and delinquent) followed by petit larceny (9.2%), vehicle theft (7.4%), assault (5.9%) and robbery (5.2%).

However, in Shelby County during the 1981 the greatest number of charges was brought for shoplifting (1,766), followed by malicious mischief (667), disorderly conduct (663), burglary (533), violation of drug laws (452) and assault and battery (446).

THE COURTS: A reluctance to change.

To hear many of the workers in juvenile court talk, the juvenile court judge died in 1965 with the Gault decision by the U.S. Supreme Court which guaranteed children their right to adequate legal representation. On that day the law began creeping into juvenile courts. The law still only has a leg in the door to most juvenile courts in Tennessee. Juvenile courts run the full spectrum from being a "mini-adult court" to being the old fashioned paternalistic juvenile court of old. In Davidson County, for example, every court hearing involves a judge or referee who is a licensed attorney, a court appointed attorney from the Metro Public Defender's office or a private attorney, an assistant district attorney general, as well as the usual support staff of the court. Hearings in Davidson County

are often as heated and competitive as anything in the adult criminal court. One inspector of the court, working on appointment by the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C., said the court meets every legal standard necessary. This is not true of every court in Tennessee, however.

Historically Tennessee juvenile judges have run their courts in whatever manner they pleased, often with little regard to the law or the legal rights or needs of the child or parents. And part of the problem with the role philosophy plays is that judges are hearing from the voters that they should be stern disciplinarians; on the other hand, state law requires that they find the least restrictive means of treating a juvenile. The attitudes of judges reflect this diversity of public opinion and law. Philosophies of handling juveniles are as diverse as the state's 95 counties. One former judge of a rural county said his guiding principle in deciding what to do with juvenile delinquents was "this thing called love." Another judge who was voted out of office in the last election has proposed publicly in the past that the best way to rid society of juvenile crimes is to have a public hanging every day.

Judge Kenneth A. Turner of Shelby County perhaps stated the conflict best when he said, "I know what the public wants to hear and what the facts are. The public is very intolerant of juvenile crime. So we have to differentiate between both the

serious offenders and the minor offenders. The paramount consideration is the right of the public to be protected from the juvenile law violator. If we can protect the public and deal at the same time in a helpful, remedial way with the offender, then that's fine."

With the way Tennessee courts are run, a judge's personal philosophy on juvenile crime can have the most significant bearing on what happens to the child. There are not general established guidelines for conducting hearings or deciding on dispositions (the juvenile form of sentences). If identical crimes were committed by identical children in each of the state's counties, it is likely that each child would receive a different disposition, some harsher or stricter than others. As Madison County Juvenile and Probate Judge Walter Baker Harris--the leading progressive judge in the state--put it, "There are 103 courts and 103 individuals making decisions and guidelines." Rep. Murphy called the courts a "hodgepodge of juvenile court judges, some of whom are excellent and some of whom are disasters." The problem, though, is that the level of justice a child receives from the court is to a large extent dependent upon the personality of the judge.

Until September 1982 juvenile matters were relegated in many counties to the county judge who conducted juvenile court along with his other duties as chief administrative officer of the county. Many of these judges are not licensed attorneys. In

September 1982 the juvenile court duties were automatically shifted to the general sessions court unless a county chose to establish or had already established a separate juvenile court. Consequently the number of non-attorney juvenile judges was reduced to at least 29, a tremendous step forward, in the eyes of many observers, toward guaranteeing due process hearings for juveniles. Nevertheless, there still exists the "hodgepodge" array of courts. Juvenile courts, now go by a different variety of names: "Trial Justice," "Probate and Family," "Probate and Juvenile," "Juvenile and Probate," "Law and Equity," or simply "Juvenile" courts. In most cases, however, jurisdiction lies with general session judges who do not have to be licensed attorneys.

This absence of unity in court structure does not bother everybody. Juvenile Judge Carol Catalano of Montgomery County (Clarksville) says the absence of uniform rules of procedure, not court structure, is the greatest obstacle to just, fair processing of juvenile cases. Under a bill passed by the General Assembly--again partly due to efforts by the Institute for Children's Resources and the Children's Services Commission--a Tennessee Bar Association committee chaired by Catalano is constructing a set of court procedural rules that will ultimately be submitted to the state Supreme Court and legislature for approval. The lack of procedural court rules is the "major stumbling block to the orderly, fair processing of juvenile cases through due process," according to Catalano.

However, neither Catalno nor most of the juvenile court judges in the state want to interfere with the judge's traditional role as lord of the court. It is presumed that the juvenile court judge has the superhuman ability to peer into a child's personal and social history--the income and marital status of the parents, his school attendance and past criminal record--and determine the best course of action to deter a future criminal career. The judge has the entire court apparatus at his disposal, from lock up to the probation staff. Defying a national trend toward a more formalized processing of juvenile cases, juvenile judges in Tennessee continue to run their courts as they please.

Again Murphy: "I think the informed, kindly uncle or stern uncle approach was more effective in days gone by when society was stronger and the moral values of the community were more widely shared. But in industrialized, modern Tennessee, it doesn't make as much sense as it used to. You need a more formal approach. There needs to be flexibility but in a more formalized way. There's a tradeoff there." Betty Adams, the secretary of the state Council of Juvenile Court Judges--a powerful and conservative lobbying group representing the judges--said the "legalization" of juvenile courts is coming: "Within ten years, there will be very little distinction between the juvenile court and the adult court. As it becomes more complicated legally, it's going to become more of a legal system. I can't say if that's good or bad."

THE INSTITUTIONS: The way it's always been done.

The isolation cells at Spencer Youth Center are in the back of the building--eleven individual white rooms, toilets and concrete risers covered by pads manufactured across the Cumberland River by adult convicts. Outside, in the sunshine, the sweltering August heat is overwhelming, but here the air conditioning is more than adequate. In fact it is cold and several of the boys, who are allowed to wear only their underwear, lie listlessly on the pads, their sheets wrapped tightly around them. "It's for their own protection," Albert Dawson, the director, says referring to the dress regulations. "They'll hang themselves with their clothes."

The attendant on the hall gets up from his desk and drowsily walks down the narrow corridor, pushing buttons by each of the cells as methodically as if he were turning off the lights. Twelve toilets flush at once. The rushing waters subside, but a distinct splatter continues. Water seeps from beneath the door of one of the cells. "They've stopped up one of the toilets again," Willie Robinson, director of group life, says as though he might have expected it.

No, a boy is urinating on the door.

"Let's go. That's why I didn't want to stay down here this long," Robinson says. "They'll do anything for attention."

The scene is a familiar one in Tennessee juvenile institutions--boys acting out for attention and not getting it. For most boys the only way they can get attention is to behave violently or strangely. Otherwise the rule is to "lay low," "play the game," or as a placard on the wall of a Spencer office reads, "Either lead, follow or get the hell out of the way." Juvenile institutions are not structured to make any changes in a child. In Tennessee they are holding cells, a five-month time out for a child's home or community where he has acted out and can no longer be tolerated. In Tennessee, that is the way it has always been done.

At any given time there are approximately 900 children in the custody of the state Department of Correction. The children come from all over the state. Some counties send as few as one to five a year. In 1981 Memphis-Shelby County committed the most--258. Ninety percent or more of these children end up in state juvenile institutions, or training schools. The reasons these children are committed to the state vary with each child. Some are sent because there are no other programs available locally for them; they might have drug or psychological problems that require intensive care. Some are sent as a "threat to society" because of the seriousness of the crime they committed. Others are sent away because the local judge has a "get tough" attitude regarding juvenile crime, regardless of the nature of the crime.

In fiscal year 1981-82 it cost the state more than \$16 million to lock these youths in institutions. However, few juvenile court judges in Tennessee have great expectations from the state correctional system. Shelby County Juvenile Judge Kenneth A. Turner, head of the largest court in the state, said: "Correction does a ...poor job....We do everything we can to keep the kids out of the Department of Correction's hands. When we send a kid to Correction, they're a write-off. I've had people say the worst kids they get are from Shelby County. I consider that the supreme compliment."

Training schools are given an impossible task to accomplish. Unlike the adult system where the state's role is simply to incarcerate those who are committed, the primary reason for the existence of the Youth Services division of the Department of Correction is to provide a structured treatment format for children adjudicated delinquent. Except for being tried as an adult, the Correction Department is the strongest action that a court may take against a child. The boys and girls who end up in the correctional system, however, are not always those who need to be there. Correction administrators as well as county juvenile court judges admit that few children committed to Correction actually belong in a highly structured, secure facility.

Paul Humphries, who is assistant commissioner for Youth Services, says the 800 secure beds the department operates could

easily be cut in half without posing any danger to the communities where the youths live. Even more important, according to Humphries, most of those youths would be served better by local, community-based programs where they could live in their homes rather than in a remote correctional facility.

In many rural counties and some metropolitan areas where there are few services available for working with juvenile delinquents, courts often commit children to Correction who do not belong in a highly secure treatment format. On the other hand, metropolitan area juvenile judges commit children--mostly boys--who have failed in every other program. For many of the boys involved, their commitment to Correction has come after their fourth, fifth or sixth arrest. They are the "hard core" offenders. Within a very limited time, the state is expected to "rehabilitate" these children, whether they are hard core delinquents or a child who is a runaway or needs inpatient psychiatric care. Few officials in Correction maintain that the state system rehabilitates. In most cases, placing a child in a correction institution is equivalent to putting him in a time warp. When he emerges neither he nor the environment to which he returns has changed.

Tennessee juvenile courts incarcerate more children in institutions than most states. While most of the country has been shifting away from institutions as a method of treating juveniles who commit crimes, Tennessee has done almost the

opposite. As Humphries explains, "We are placing kids in correction institutions and paying bucks for them that could be placed in other programs at a cheaper cost....I don't believe we need 800 beds in our institutions. I believe we could get by on half that many." Humphries said there have been moves to reduce the number of institutional beds, but those efforts have been unsuccessful: "We hear very clearly from the legislature that they don't want us to close the institutions. We (Correction) believe the money is better spent in the community." Per capita, he said, Tennessee incarcerates "more children than any of the states around us." In Georgia, only 57% of its juveniles are in institutions. Alabama incarcerates approximately 86% of the 381 youths in its custody, but the largest institution houses 130 youths.

The department is making efforts to reduce the institutional population through better classification procedures in order that youths who do not belong in a correctional environment can be placed in a community treatment program. In addition, the number of institutional beds has been reduced through modernization of living arrangements at Taft and Spencer. "Open bay" dormitories where dozens of boys lived in one large room are being converted into single-room living spaces, reducing the capacity of the dormitories. On one hand these structural changes have reduced the number of beds; on the other hand, however, by the size of the monetary investment in the modernization, they have insured that institutions will remain indefinitely the state's primary method of rehabilitating juveniles.

There are numerous reasons for Correction's inability to reduce the number of secure institutional beds. Patronage politics is a major stumbling block. Correction facilities are major employers in small towns like Tullahoma, Pikeville or Somerville, and efforts to close or reduce them in size meet strong opposition in the legislature. Efforts to close Highland Rim met strong opposition from the General Assembly even though the facility is the most expensive run by Correction; last August 64 girls were assigned to the facility which has 179 beds.

The major obstacle to reducing the number of institutional beds is the public's attitude regarding juvenile crime. Five years ago, Sam Haskins, who later would become Youth Services assistant commissioner, and several other young minds in the Correction Department conceived of eliminating all the institutional beds and replacing them with 70 small group homes that would provide less expensive, more individualized treatment for juveniles. The plan never got off the ground, although under Haskin's leadership the department started ten group homes.

"Emotionalism and misinformed opinions" on the part of a punishment-minded public and state legislature have blocked any further reduction in institutional space, according to Humphries. The public is fearful of juvenile crime and juvenile delinquents. Fear, heightened by political demagoguery, rather than reason, is the motivating force behind the operation of the correctional facilities. Historically juvenile institutions have been the

accepted method of dealing with juveniles who commit crimes, whether they are status offenders or delinquents. Spencer was constructed in 1911, Highland Rim in 1917, and Taft (as a training school for black youths) in 1918.

Training schools are an expensive and generally ineffective method of treating juveniles. For instance, costs have risen dramatically in the last five years. The average cost per child in the 1981-82 fiscal year was \$46.25, up from \$41.55 the year before. The most costly institution to run on a per student basis was Highland Rim School for Girls in Tullahoma (\$60.79), followed by Spencer Youth Center in Nashville (\$52.99), Taft Youth Center in Pikeville (\$52.17) and Wilder Youth Development Center in Somerville (\$37.41), according to Correction Department statistics. Figures provided by the Joint Finance Ways and Means Committee of the state legislature listed the following per day costs for institutions in 1976-77 fiscal year: Highland Rim \$34.30; Spencer \$20.50; Taft \$29.40; Wilder \$25.62. In fiscal year 1976-77, the department ran six institutions on a total budget of approximately \$10.7 million for 1,864 youths committed to institutions; in 1981-82, the total cost for five institutions with significantly fewer youths was approximately \$16.2 million, according to department statistics.

Of course the success of institutions as treatment methods is harder to measure than cost, but few persons involved with juvenile justice think the system is effective. At worst some

observers view the institutions as "crime factories," where some children learn more about how to commit crimes than how not to. At best Correction Department officials see the institutions as a place where children receive more of an academic education than ever before.

Nevertheless, the greatest criticism of institutions is that they do nothing for the child. Mike Engle is a Nashville attorney who is past chairman of the Friends of Spencer, a group of volunteers who provide free counseling and legal advice to youths at Spencer Youth Center. As a critic he falls into the latter category: "The training schools have done some of the kids some good--a real good job, that is, at teaching them how to get out of institutions. The boys learn what you have to do to get out of Spencer, to get you your weeks."

Programmatically the institutions are poor sources of rehabilitative treatment. First, they remove a child from his home and community, breaking most of his community ties considered important in teaching a child proper and legal social behavior. Visits by the parents, many of whom are poor, are rare because of the remote locations of all the institutions but Spencer. Most juvenile justice experts agree that the best treatment for a child is one that is close to his home, where he can receive regular visits from his family and where he can continue to live in the community without receiving the indelible mark of having been sent to a training school.

Second, the way institutional life is set up, youths do not have to make any decisions for themselves. They are not made to progress in their ability to handle responsibilities. Most often the reason they do not return to an institution is because they do not want to go back, not because they have learned any new skills that will retard a further criminal career. For the cases of minor offenders, that is, those children who would never get in trouble again, this course of action is fine. Correction Department officials boast a 40% recidivism rate, which they claim is a mark of success. The troublesome youth--the 40%--is treated the same as the child who will never come back. There is little specialization in services for those children who will continue to present troubles.

Mike Whitaker administers a violent juvenile offender project in Memphis. He says juvenile institutions are not set up to change the child or even to guide the child to change: "Kids don't make any decisions when they are in there. The majority of the kids can get along fine. If the kid can learn to interact, fine, but when he goes back home, that institutional environment isn't there. If you look at it, nothing is done to change the kid's behavior, just to control it." The average length of an institutional term for a juvenile is five months; after that, he will usually be out whether his home community is ready for him or not and whether he is prepared to be released or not. "The truth of the matter is though these kids are going to come back

to the community and in a relatively short period of time," attorney Engle said. Madison County Juvenile and Probate Judge Walter Baker Harris said, "When we commit a child to a training school, all we're doing is buying time. It's not like you can forget them when you send them off."

Although the department is trying to gear its rehabilitative efforts to the individual needs of each child, the individual is seldom recognized in an institution. There are simply "too many kids," according to Howard Cook, who for 12 years was director of Spencer Youth Center. "You simply cannot treat or rehabilitate a large, hard to manage institutional population....A youth program does not need to be so large that kids can hide. They can hide at Spencer because there are just too many boys to handle." In November the population at Spencer was 284 boys.

The basis of the training school program is supposed to be the IPP, or individualized program plan. The IPP is supposedly a highly specialized treatment plan involving behavioral, academic and psychological goals for each child. The IPP is developed upon a youth's entrance into the state system. A youth is released from Correction's grip only after he has completed the programming, usually after about five months. The IPP is a relatively new term in Correction's language. A Chancery Court agreed order between attorneys who originally sued the state in 1976 over improper treatment of juveniles in Correction and the State of Tennessee put the wheels in motion for guaranteed

individualized programming only since 1979. The department has recently issued a manual outlining the policies for developing and implementing IPPs and training of institutional personnel has begun.

There have been numerous criticisms of the programming thus far: some critics say all the so-called individualized programming ends up looking the same. But the major obstacles to full implementation of IPPs fall into two major and related categories: resources in the institutions and staff and staff training.

A major component of every IPP is vocational training, yet the only institution offering a wide range of vocational training is Taft Youth Center in Pikeville. Not only is Taft erroneously considered the "end of the road" for the state's toughest juvenile offenders, but also it is the most remote facility run by the state for juveniles. By car it is a six- or seven-hour drive from Memphis and a three-hour drive from Nashville. This means a tremendous separation from his home community for a child committed from either of those two counties--which commit more than any others in the state--in order to receive the department's best vocational training. And even at Taft the vocational skills taught are irrelevant to the modern job market. Taft offers shoe repair, furniture upholstery, woodworking, carpentry and masonry, welding, laundry services, small engine repair, food services and barbering. In the case of all of these

training programs, the boys provide free service to Taft, the Bledsoe County Regional Prison and other correctional facilities. In return they learn skills that will probably never get them a job.

The interests of the boys are often overlooked in the cynicism of the staff. For instance, the director of the woodworking shop at Taft proudly displayed several pieces of furniture featuring elaborately worked wood. When this reporter commented on the impressive work, the director responded that he did most of the "hard" work at home and brought it to the shop at Taft for the boys to finish putting together or painting. He added that it is difficult to interest the boys in anything.

Even with the new manual, which one expert says could eventually "save" Youth Services as a viable treatment resource for juveniles, there remains the question of whether the plan will be carried through. David Dillingham has monitored the department's compliance with the agreed court order from the Doe v. Bradley suit since 1979. In that time he has found significant noncompliance with the order in areas of the use of mechanical restraints, lock up or isolation, grievance procedures and insufficient implementation of IPPs. As to whether the department can carry out the IPP format, Dillingham said, "I am not yet convinced they can do it." In addition to the shortage of resources, Dillingham said, Correction faces a serious problem with the institutional staff. The problem is twofold: insufficient training and an inability to attract qualified personnel.

Although the department, through the efforts of Commissioner Harold Bradley and Humphries, is increasing training time offered employees, it is still woefully short of what the counselors and dormitory supervisors (guards) need, according to Dillingham. Recently, however, the department received funding to pay overtime to staff members who attended training sessions; prior to that workers were given "comp time" or time off later for days spent in training. This presented a problem because of the shortage of manpower in the institutions; what the institution gained through the training of its employees was often negated by the days of manpower lost.

The training dilemma is exacerbated by the quality of job applicants the department receives for its institutional positions. The wages offered are among the lowest in state government: Level I counselors start at \$921 a month and Level I dormitory supervisors start at \$884 a month. Counselors are the essential components in the implementation of IPPs; dormitory supervisors spend the most time with youths and are responsible for maintaining order in the dormitories. "They pay such lousy wages for people at least at the counselor level. I don't know how I can attract the people they need," Dillingham said. Bobby E. Fesmire, who until September was a counselor at Spencer, said few counselors who come to Correction intend to make a career there. The pay is so poor and the work so strenuous, he said, that most come there for the experience to go elsewhere. He did

that himself, taking a better paying counselor position with the Veterans Administration Hospital in Memphis. A staff psychologist position has been budgeted for Spencer Youth Center but has never been filled because the pay cannot match what is offered in the private sector.

The only course of action for the department to take if the IPP programming is ever to be effective, according to Dillingham, is to invest millions of dollars to provide "massive amounts of training and hire many new people." This is not likely to happen. The state faces record shortfalls in tax revenues. In addition, the Correction Department must make some expensive changes in its adult system in order to comply with a federal court order that ruled the adult system was unconstitutional.

Poor training and a shortage of staff positions cause several problems. Counselors, who are overloaded with work, tend to ignore the needs of the individual youth. Again Fesmire: "The way the department and the money is geared up, they treat everybody (in the institution) pretty much the same." Howard Cook, former director at Spencer, said, "The smaller number of kids you deal with, the more attention you can give them, the more you can keep them from hiding. When I was there, I never said we turned out a rehabilitated product. Rehabilitation as the goal of the institutions is simply not true. It is unfair to say rehabilitation begins in the institution. It begins with the family and continues through the whole juvenile justice system."

The greatest problem, though, is an exaggerated concern with institutional security. The worst and most barbaric violations of Correction Department policies have occurred in the name of the security of the institution. From August through October 1981 children at Taft Youth Center were hung by their hands from chains suspended from pipes running along the ceiling of what was then a makeshift intensive treatment unit. These boys were reportedly "out of hand" and represented a danger to the facility. Others were chained to their beds without clothing for hours or days. Youths who met the disfavor of certain employees of the institution were beaten by other boys in the institution. Youths were placed in isolation cells for hours or days, without clothing or proper food. All of these events took place, according to Humphries, outside the knowledge of the Department of Correction central office. At Spencer, Dillingham found that boys were being placed in isolation cells for periods of time far in excess of the limits provided by department policies. Again, these boys supposedly represented a threat to the institution.

Taft's reputation as the toughest institution for boys is only partly realistic. Life there for the boys as well as the staff is often violent. Since last February at least 15 boys there have been tried as adults for crimes they committed while in the institution. Among the original charges were rape, assault to commit murder and aggravated assault. It is unrealistic, however, to characterize the entire population at

Taft as being violent. Taft Director Larry Lively says only about 10% of the boys there represent any problems for the staff. The rest merely want to get out of the institution and go home.

Nevertheless, Taft as well as Spencer is run as though all of the boys could at any time lapse into a fit of violence. Large security staffs are maintained at each. At Taft there is a 15-foot security fence trimmed with razor sharp wire surrounding the institution. In 1981 approximately 95 escapes occurred at Taft in spite of the fence. It is difficult, therefore, to believe the administration's contention that the fence is there to deter runaways. The more realistic explanation is that it serves to placate the Pikeville residents who perceive the Taft boys as barbaric, crazed youths from the big cities.

THE ALTERNATIVES: An absence of innovation.

A severe shortage of money for juvenile justice has restricted the initiation of new programs for juveniles. There are two notable exceptions, but only one deals directly with children: Tall Trees, a federally funded violent juvenile offender program operated through the Shelby County Juvenile Court in Memphis. Tall Trees is the exception. It received a \$700,000, 18-month grant from the Office of Juvenile Justice and Delinquency Prevention in Washington. Similarly, the Madison County Juvenile Court in Jackson purchased the entire Union

University campus in downtown Jackson with the help of a federal grant in excess of \$400,000. The campus is slowly being turned into a training center for juvenile justice counselors, probation staff and court workers. The focus is on the line workers, not the administrators, and Judge Walter Baker Harris wants the center to become a national training facility.

The presence of federal funding has been the essential ingredient of what innovative juvenile justice programming has been developed in Tennessee. The state Department of Correction opened a dozen group homes through a grant from the federal government. A comparison of the Tall Trees program, which handles the "worst" offenders in Memphis, and the state group homes, which handle the "best," sheds significant, and ironic, light on the range of juvenile justice treatment philosophy that exists not only in Tennessee but also across the country.

TALL TREES: An experiment.

Once a tuberculosis sanitarium, Tall Trees still has the self-contained, alienated atmosphere of an artificial world for those rejected and feared by society. No longer a home for the consumptive, Tall Trees is the most ambitious project yet to occur in Tennessee that is specifically designed for treating children who commit violent crimes. The boys who come here would normally be tried as adults for the crimes they commit. It is a "last chance" opportunity for them--and most of them know it.

"These kids are chronic violent offenders," said Tall Trees director Mike Whitaker. "They are violent and there are real victims out there. Every Wednesday when we go to court, I ask myself why we are working with these kids. The purpose is to see if something can work."

The problem with the program is that there are not many of "these kids." They represent only 1% of the juvenile delinquents in Memphis. As of October 31, nine months after the program began, only eight boys had qualified and been picked through a random selection process to go to Tall Trees. They have all committed violent crimes, including:

- Earl, who was the first to come here. Then 16 years old, he robbed a convenience market and attempted to rape the clerk.
- Kelvin, 17, who robbed the same Kentucky Fried Chicken twice in the same day.
- Isaac, who belonged to Robbery, Inc., a Memphis youth gang. He robbed, kicked and beat several elderly women on the Mid-America Mall in downtown Memphis.
- Joseph, the youngest looking of the boys, who pulled a gun and robbed an Exxon station.
- Tyrone, who put a gun to a man's head in an apartment complex parking lot and robbed him.

There is little new about the Tall Trees program: intensive, individualized treatment that teaches the boys decision-making and problem-solving skills. The difference, and what distinguishes this program from all the others in Tennessee, is that the program makes the boys responsible for their own actions and forces them to make all the decisions for themselves. There are no negative sanctions, no punishments, no lock-ups where troublemakers are put away. The object is to make living at Tall Trees as much like living in the boy's home environment. This has been a problem. Since February 12 staff members have resigned, primarily because they could not work in the unstructured, undisciplined environment, Whitaker said.

"We are not trying to let the boys act (out). We are trying to deal with them in the context of how they really act," he added. Ultimately, all of these boys, as violent as they are, will end up on the streets, back in their home neighborhoods where there is no one but themselves to make decisions for them. For that reason, "There is nothing a kid can do here to get locked up. This is not an artificial environment....There is no impulse control. It is totally non-structured like life at home," Whitaker said.

Despite the risk of housing violent children, there are no security fences, no bars on the windows and few locks on the doors. The boys, most of whom have been incarcerated in one or more state juvenile institutions, could easily escape. But they

don't. "I told them if I was going to leave, I was going to leave," Kelvin said with a keen awareness of the consequences of his actions. "I thought about it. If you do run, everywhere you go you got to look over your shoulder. You be running the rest of your life. I figure, go on and do your time. Six or seven months and you go home."

Before they can go home, the boys must complete the four-level program. During the first stage, they live in the back of the old TB sanitarium. Their days are planned for them: they are told when to get up, where they can go, when to study and when to go to sleep. "We make the decisions," Whitaker said. "We tell them what to do....Some have been there for 10 weeks. They don't want to leave."

In the second stage, the boys move to the front of the building. At this point they are still told what to do, but it is their responsibility to do it, Whitaker said. "They're responsible for getting up in the morning, washing their clothes. They know what has to be done," the director said. Earl and Kelvin were the first boys to progress this far. Initially they could not handle it, and moved back, according to Whitaker.

Three boys, Earl, Kelvin and Tyrone, have progressed to the third stage. They are now sharing a house on the Tall Trees grounds, away from the main building, with no security, nothing to keep them in. At this point, everything is their responsibility: cooking, cleaning, getting up on time, getting to

school. "Me and Earl we fixed up this place so quick so we could get out of the building," Kelvin said. Earl will soon be attending vocational school off campus, and the other two are looking for jobs.

No one has made the fourth level, where the boys move back to their homes but keep in regular touch with the staff. Before they can leave, they must have definite plans, including jobs or school.

Because the program is so unstructured, the boys get bored. "I'm bored all the time. Every day I'm bored," Kelvin said. "Boredom gets to be a real problem," Whitaker said. "The kids are bored and the staff is content to let them be bored....If we structure their time for them, when they get home they don't know what to do with their free time." This situation is changing. Rather than structuring their time for them, the staff is helping them to find ways to use it. Andre has joined a canoe club in Memphis. He has not been deterred by the fact that he is the only black in the club. Accompanied by staff from Tall Trees, he has already been on two canoe trips with the club.

As each of the boys goes through the program, he is participating in a major research project. An 18-month, \$700,000 federal grant is supporting the Tall Trees project, a monstrous expense for a program that benefits only seven or eight boys. For research purposes, the Office of Juvenile Justice and Delinquency Prevention of the U.S. Justice Department,

erroneously believing there were more violent kids around than there actually are, designed the program with strict admittance guidelines, in order to keep the "episodic" or one-time violent child out of the program. As a result there were few boys who fit the qualifications. Those qualifications were loosened considerably starting the first of November, and at the last report two additional boys were added to the program. A tentative cap has been set at 15 boys, Whitaker said.

Despite the small number of boys involved, Whitaker said the expense is justified because of the research being conducted. "There are no magical, mystical solutions or cures for the kids and delinquency. There are tools to work with. We just have not learned how to use them yet." That is the point of the project. Specific behaviors of the boys are plotted by staff members every four hours, to the point where their moods and actions are almost predictable, Whitaker said. The night shift takes the reports on the individual boys, synthesizes the information and plots it on a graph. "The whole program is built so that we have to know what's going on with each kid," Whitaker said. The boys are acutely aware of their part in the experiment. "That's what me and Earl is, guinea pigs," Kelvin said.

Whitaker believes that without the research emphasis the program is replicable and could be funded by the state once the federal money is exhausted. In fact, he said, the price of the Tall Trees program could be less per day than the training schools.

GROUP HOMES: Only for the best.

The only distinctive mark about the house in East Nashville is the American flag hanging from a column on the front porch. Although there are eight teenaged boys living in the Nashville group home, little noise comes from inside. In fact, the only noise that can be heard is from across the street where a drunken trio of two men and a woman are crooning to the twang of an old guitar.

Very few children from Nashville get placed in the group homes here. Nashville kids who are committed to Correction are too "hard core" to fit into the group home treatment program; they have often committed numerous crimes before being committed, group homes officials explain.

Very simply, according to NGH director Ken Leary, the group homes do not want children who are going to present trouble. They want the best, the "cream of the crop," he said. "We get criticized for being too picky. If we're bringing armed robbers and rapists in here, it just wouldn't be fair to the community. I would not want to bring a boy in here I wouldn't want to live next door to me. We pick kids we feel can make it in the community," Leary said. Carl Carlson lives in the house four days a week with his wife and infant son. "It's a very tough thing for my wife and me to say, 'Hey, we don't want you,'" Carlson said of the selection process.

Although then Youth Services assistant commissioner Sam Haskins' plan was to replace institutional beds with group home placements, that has not been the case. Rather the group homes are being used as placement spots for youths who "do not belong in institutions." Morning Star group home, also in Nashville, was founded as a residential treatment source for boys who were committed to Correction with mental health problems. As a rule, Leary said, the boys sent to group homes have been committed to Correction only once and for minor crimes. "Mostly property offenders," Leary said.

Carlson runs the home like a family household. He calls the boys "son," and the attachments he develops with the kids are like that of a father and his sons. "We teach them values, integrity, just basic values, man," Carlson explained of his approach to the boys.

Every minute of the day is organized for the boys: they are told when to study, when to play, when they can watch television. Activities like horseback riding, basketball and football are games arranged for them. Showers are even scheduled for the boys. "We don't want them to get bored," Leary said. "One of the reasons kids get in trouble is that they don't know how to use their leisure time." So the group home staff fills their time with activities.

In addition, weekly goals are given each boy and progress sheets are displayed in the house. "Do not tease or have conflicts with other boys," was one boy's instructions. "Do not complain or grumble. Smile and be positive," was another's.

Unlike the institutions, where most kids express a longing to go back home, the kids at Nashville Group Home develop a strong attachment to the home and the staff there. Leaving the group home becomes as much of a crisis as being sent away from home. "You cry a lot," Carlson said. "We just hate letting one of them go back. For the ones who don't have something to go to, it just breaks your heart. Some of the kids don't want to go back home. They have someone to love them, care for them here. They get attached."

Group homes, even without the security fences and 24-hour guard squads, can be as structured and restrictive as the institutions. Of the youths who "graduate" from the group home program, few "fail." But, then, the staffs take very few risks with the boys they allow in the homes. At any time a child who continues to present problems may be transferred back to the institution. Critics say the boys who end up in the group homes don't belong in the state's care in the first place. Meanwhile, the problem youths--those who need individualized, intensive care--are being ignored for the most part in the institutions.

Compared to the group homes, Tall Trees is a radical departure from the normal method of treating juvenile offenders. The major distinction, however, is not the type of youth in the programs. Tall Trees is a risk. Of the original eight boys committed to the Memphis program, all but one faced trial as an adult. The program there is totally the opposite of the group

home. A watchful eye is constantly kept on the boys at Tall Trees until they earn a less vigilant treatment, but the program itself is less structured.

The boys at the Nashville Group Home are reared through a six-month familylike situation where a strong paternalistic figure exists to help them make decisions. Once they get back to their homes, that same strong authority figure does not always exist. At Tall Trees, on the other hand, the emphasis is on making the boys learn how to make decisions. Rather than being dependent on the program, as apparently occurs in the group homes, the Tall Trees boys are anxious to leave, to establish a life of their own.

Ironically, the least problematic boys in the state's care receive the best services in the strictest environment while the worst boys in Memphis are in the least structured environment. Whether the Tall Trees program will be successful or not, measured in terms of the boys not getting in trouble again, is yet to be seen. In Whitaker's words, however, something different has to be tried.

#### CONCLUSION

This study originated to discern why Tennessee juvenile courts have failed to develop methods of treating juveniles other than to lock them away in institutions or jails. A variety of explanations has been given, most have to do with money. But

there is more to the problem than merely a shortage of money. Juvenile justice is a priority in very few Tennessee counties. The fact that until September most of the counties in the state relegated juvenile court duties to the county judge along with his other functions as chief executive officer is indicative of the importance of juvenile justice in the priorities of local governments. All around the state, children are being locked in jails for charges that range from murder to being a victim of child abuse. State figures estimate that almost 10,000 children are locked for some period of time in adult jails in Tennessee each year. Again the explanations are that there is not enough money to provide better facilities for children.

A shortage of funding is a problem in most of the state's 95 counties, but there is also a severe shortfall in initiative and commitment to juvenile justice. Consider that in Nashville-Davidson County the "best" program administered by the juvenile court is a tour of the state penitentiary by first-time juvenile offenders. Rather than develop a meaningful program for treating juvenile offenders, the court hauls youthful offenders off to the prison and scares them to death with tales of homosexuality, murder and rape. Like most courts, the Nashville court pleads that it has no money. This is certainly true, but the funds they do have are poorly utilized, wasted in an antiquated court operation. Probation authorities explain that "everyone deserves his day in court," but that "day" saddles the probation staff with worthless, "nickel and dime" cases that should never receive any formal attention.

H. Ted Rubin, a senior associate with the Institute for Court Management in Denver and a former juvenile judge there, and Don Rademacher, a special consultant with the University of Illinois Community Research Center, recently completed an inspection of the Nashville Court. Rubin found that comprehensive social studies of juveniles are never done by the probation staff. A social study is usually the essential ingredient in a judge's decision on what treatment program is best for the child. In addition, he found that probation as a source of close counseling and monitoring of a youth does not exist in the court. Instead, probation officers are spending most of their time filling out petitions.

In 1981, 4,920 delinquent cases involving 9,479 petitions were prepared for court by the probation staff of nine officers and three supervisors, according to Clarke Harris, chief probation officer of the Court. In Memphis-Shelby County, with about twice the juvenile population of Davidson County, there were just 7,373 delinquency petitions filed. "This means a lot of paper work. They (the court administrators) need to look at their procedures, maybe even change some policies so that the intake officer can accept or reject a petition." The court administrators balk at this suggestion. Harris says intake officers are not judges or police officers and do not have the authority or the ability to dismiss someone's request for a petition.

On the other hand, where money is available, it is sometimes put to questionable use. OJJDP money available to develop programming for serious juvenile offenders is being used in Davidson County to pay the salary of an extra prosecutor at the juvenile court. Although the prosecutor, Keith Jordan, says a prosecutor's role is not necessarily to lock up juveniles and raise the effectiveness of the court process, it is hard to imagine that the intention behind making the money available was to increase the prosecution's staff. In a time when resources are diminishing and no programs exist in Davidson County for serious juvenile offenders, the federal government is spending in 1982 \$28,153.94 to pay an assistant district attorney's salary. In addition to that, Davidson County Juvenile Judge Richard Jenkins wrote a letter in favor of the grant, and Jenkins is the first to complain that there are no programs for juveniles in his country.

As resources are fast diminishing with tax collections falling short of projections for state and local governments, juvenile courts and juvenile justice in general are at the end of the line for funding. It is much easier to incarcerate the children than to develop treatment programs. The level of incarceration in juvenile institutions that exists in Tennessee negates the level of improvement in juvenile treatment programs. For instance, the state Department of Correction currently operates 12 group homes, each with around nine or ten children

living in them. Status offenders--although some are still in institutions--have been removed for the most part from the state system. There still remains, however, a level of juveniles, mostly delinquents, for whom services have not changed despite the development of treatment programs. Children from rural counties are in institutions because there is nothing better to do with them in their home communities. Those from urban counties are in institutions because everything else has failed, whether the "everything" was meaningful programs or not. Training schools are an unchanging, indelible fact of juvenile justice in Tennessee.

Progress is being made in some areas, particularly due to the efforts of some legislators, child advocacy groups and attorneys in the state. Efforts are underway to get legislation removing children from adult jails. Some state lawmakers expect the state eventually to appropriate money for regional facilities to relieve the jail problem in rural Tennessee. A uniform set of rules of procedure is expected to be passed by the legislature and approved by the state Supreme Court sometime in 1983. A statewide system for gathering information on juvenile crime is being implemented and should provide juvenile justice policy makers and state legislators vital data for developing future legislation.

Somewhere along the way, however, the state is going to have to invest money in the juvenile justice system. In the 1982

session of the legislature, the General Assembly appropriated \$4,000 for each county to hire a youth services officer. Every county in the state is expected to qualify for the money. For some counties, it will provide the first full-time juvenile services worker. The General Assembly will also have to face problems in jail detention of juveniles and court funding.

But the most pervasive obstacle facing reform of the system in Tennessee is the mood and attitude of the public. The public--and state and local governments reflect this--does not perceive juvenile justice as a priority. Until there is a commitment to juvenile justice, children will continue to be locked away and forgotten.

Department of Correction officials often quote figures from the 1979-1980 annual report showing a recidivism rate in institutions of "only" 40%. In their minds this is substantial evidence that something good is coming out of the institutional treatment programs. One must wonder, however, if 40% is clear evidence of "success" or of failure. As a paradigm, Clarence, a 17-year-old boy from Humboldt, Tennessee, illustrates the confused and pointless way the courts and juvenile institutions treat children who are committed to their care.

Clarence has been committed to a juvenile institution seven times. There are not many boys like Clarence. Most get in trouble once and never return to juvenile court. Most are sent to an institution once and never get sent back. But for Clarence

nothing seemed to work. In the words of the judge who originally committed him, former county Judge Edwin Pigue of Gibson County, "Clarence seems like he does not have a full stack, so to speak." In fact, Clarence's IQ of 55 is five points above the moderately retarded stage. Last May, he finished his seventh individualized treatment program at Spencer Youth Center in Nashville and was prepared to go home, "rehabilitated" again. But the Gibson County judge would not let him go home. So Clarence spent the next three months performing another program; this time he attended class for 15 minutes each day, then mowed grass and did other chores for the institution's maintenance man. Now Clarence is in his hometown of Humboldt, with nothing to do, except, perhaps, get in trouble again.

Randy LeFevor, an assistant public defender in Davidson County who represented Clarence in trying to have him released from Spencer, said the boy will probably get in trouble again. "To continuously put him back in a correctional environment where the goal is pretty much punishment, it's just not going to change him. It's not that he's going to do anything horrible (while he is at home), but if he does anything at all he's going to get sent back (to Correction). It's easier for the judge to send him back to Correction and get him out of his hair than to look for the proper disposition and treatment."

Clarence alone has cost the state tens of thousands of dollars and neither the state nor Clarence has much to show for

that investment. Certainly Clarence's experiences in the Department of Correction illustrate the fruitless and pointless effect of the treatment programs there. More broadly and importantly, though, his experiences show that the problems in Tennessee juvenile justice are not confined solely to institutions, but begin in the foundation of the system--the courts--and continue unbroken to the state level. For Clarence, like most youths in the institutions, it was simply easier to lock him away than to provide him with treatment services he needs and the state pledges to provide.

The problems in juvenile justice in Tennessee do not lie solely with the Department of Correction, the juvenile courts, the social services agencies, the police or the child's family. The shortcomings of the system--the lack of money and treatment resources, the disorganization of services, and the lack of commitment to and interest in juvenile justice--exist throughout the network of services offered juveniles.

A clear philosophy on what to do with juveniles who commit crimes does not exist in Tennessee. Yet the General Assembly as well as local county governments will face several extremely difficult problems in juvenile justice that will require answers in the next few years. With no clear understanding of what they want juvenile justice to be or what it should be, the General Assembly is going to have considerable difficulty resolving problems regarding funding, legal rights guarantees and incarceration in adult jails.

During times of economic uncertainty there is not much likelihood of any experimentation in treating juveniles. On the other hand, the times demand experimentation. The shortage of available funding for courts and the Correction Department offers an opportunity for developing diversionary programs for juvenile offenders that do not involve expensive forms of incarceration. Neither the state nor the counties can afford to lock up children. Thus the most profound effect on juvenile justice in Tennessee could come from the federal requirement to remove children from adult jails by 1985. Certainly one way to resolve this dilemma is to construct regional juvenile "secure bed" facilities or juvenile jails; this is a a very expensive alternative. If, however, lawmakers could be convinced that courts are too prone to incarcerate children, that few of those locked away actually need a secure lock up, then the state will have made a significant step toward a philosophy of treatment and rehabilitation, and juvenile justice will have taken an even larger step toward becoming just that--justice.



### Journalism Fellows

THE INSTITUTE FOR EDUCATIONAL LEADERSHIP, INC.

Since 1976 The Institute for Educational Leadership has administered The Fellows in Education Journalism Program, enabling journalists to conduct studies of education and related social issues. Journalists who have participated in this Fellowship and their study topics are listed by year.

#### 1976

|                   |   |                          |
|-------------------|---|--------------------------|
| DAVID BEDNAREK    | <i>The Milwaukee Journal</i><br>Milwaukee, WI         | Desegregation            |
| MICHAEL BOWLER    | <i>The Sun</i><br>Baltimore, MD                       | Textbook Selection       |
| HELEN CARRINGER   | <i>The Beacon Journal</i><br>Akron, OH                | Parent Power             |
| JAMES A. KILLACKY | <i>The Daily Oklahoman</i><br>Oklahoma City, OK       | Teacher Unions           |
| JACQUELYN KING    | <i>WRR News Radio</i><br>Dallas, TX                   | Testing                  |
| ANDREW MILLER     | <i>The Kansas City Star</i><br>Kansas City, KS        | Testing                  |
| LAEL MORGAN       | <i>Tundra Times</i><br>Fairbanks, AK                  | Bilingual Education      |
| LINDA STAHL       | <i>The Courier-Journal</i><br>Louisville, KY          | Basic Skills             |
| STANLEY WELLBORN  | <i>U.S. News &amp; World Report</i><br>Washington, DC | Federal Education Policy |

#### 1977

|                     |  |                          |
|---------------------|--|--------------------------|
| CONSTANTINE ANGELOS | <i>The Seattle Times</i><br>Seattle, WA            | Basic Skills             |
| MURIEL COHEN        | <i>The Boston Globe</i><br>Boston, MA              | Teacher Education        |
| REBECCA KUZINS      | <i>The Muskegon Chronicle</i><br>Muskegon, MI      | Special Education        |
| LORENZO MIDDLETON   | <i>The Washington Star</i><br>Washington, DC       | Desegregation            |
| CYNTHIA PARSONS     | <i>The Christian Science Monitor</i><br>Boston, MA | School Finance           |
| WAYNE F. REILLY     | <i>The Bangor Daily News</i><br>Bangor, ME         | Competency Based Testing |
| DALE ALAN RICE      | <i>The Post-Standard</i><br>Syracuse, NY           | Magnet Schools           |

1978

|                  |   |   |
|------------------|---|---|
| HUNTLY COLLINS   | <i>The Oregonian</i><br>Portland, OR                        | Gifted & Talented Education                 |
| JIMMIE COVINGTON | <i>The Commercial Appeal</i><br>Memphis, TN                 | Competency Based Testing                    |
| JOE DONOVAN      | <i>KYW News Radio</i><br>Philadelphia, PA                   | Basic Skills                                |
| GARY FIFE        | <i>United Indian Planners News</i><br>Washington, DC        | Indian Education                            |
| ROBERT FRAHM     | <i>The Journal Times</i><br>Racine, WI                      | Competency Based Testing                    |
| DIANE GRANAT     | <i>Chicago Daily Herald</i><br>Arlington Heights, IL        | Parent Power                                |
| SAUNDRA IVEY     | <i>The Tennessean</i><br>Nashville, TN                      | School Finance: Tax Revolt<br>Issues        |
| RICK JANKA       | <i>The Milwaukee Sentinel</i><br>Milwaukee, WI              | Achieving Quality Education                 |
| ROSA MORALES     | <i>KCET Television</i><br>Los Angeles, CA                   | Desegregation                               |
| ETHEL PAYNE      | <i>St. Louis Sentinel</i><br>St. Louis, MO                  | Black Colleges                              |
| DONALD SPEICH    | <i>Los Angeles Times</i><br>Los Angeles, CA                 | Effect of Proposition 13                    |
| MONTE TRAMMER    | <i>The Sun</i><br>Baltimore, MD                             | Declining Enrollments<br>and School Closing |
| LINDA WILLIAMS   | <i>Daily Herald/South<br/>Mississippi Sun</i><br>Biloxi, MS | School Finance Patterns<br>in the South     |

1979\*

|                   |  |   |
|-------------------|--|---|
| ROBERT BENJAMIN   | <i>Cincinnati Post</i><br>Cincinnati, OH                               | Educating Low-Income<br>Students          |
| JOHN CUMMINS      | <i>The Salt Lake Tribune</i><br>Salt Lake City, UT                     | Education in<br>High-Growth Areas         |
| CHRISTIE DUNPHY   | <i>The Evening Gazette</i><br>Worcester, MA                            | Declining Enrollment in<br>High Schools   |
| CHARLES HARDY     | <i>The Charlotte Observer</i><br>Charlotte, NC                         | Black Achievement/Operation<br>Push       |
| WISTA JOHNSON     | <i>The New York Amsterdam News</i><br>New York, NY                     | Health Education in<br>Urban Schools      |
| MARK LIFF         | <i>New York Daily News</i><br>New York, NY                             | Education of Indochinese<br>Refugees      |
| BETTE ORSINI      | <i>St. Petersburg Times</i><br>St. Petersburg, FL                      | Suicide/Depression on College<br>Campuses |
| BARBARA REINHARDT | <i>Options in Education</i><br>National Public Radio<br>Washington, DC | Teenage Pregnancy and<br>the Schools      |
| LINDA WERTSCH     | <i>Chicago Sun-Times</i><br>Chicago, IL                                | Teacher Accountability                    |

|                     |  |  |
|---------------------|--|--|
| FRAN ZUPAN          | <i>The Columbia Record</i><br>Columbia, SC         | Sex Barriers in Job Preparation                                      |
| JANE EISNER         | <i>The Virginia-Pilot</i><br>Norfolk, VA           | What's Effective in Virginia's<br>Integrated Schools                 |
| JACK KENNEDY        | <i>The Lincoln Journal</i><br>Lincoln, NE          | Rural vs. Consolidated<br>Districts: What's Effective<br>in Nebraska |
| JANET KOLODZY       | <i>Arkansas Democrat</i><br>Little Rock, AR        | What's Effective in Arkansas<br>Schools                              |
| MARGO POPE          | <i>The Florida Times-Union</i><br>Jacksonville, FL | What's Effective in Florida's<br>Suburban Schools                    |
| WAYNE REILLY        | <i>Bangor Daily News</i><br>Bangor, ME             | What's Effective in the<br>Rural Schools of Maine                    |
| M. WILLIAM SALGANIK | <i>The Sun</i><br>Baltimore, MD                    | Academic Achievement in<br>Urban Schools: What Works<br>in Baltimore |
| ROBERT BENJAMIN     | <i>The Cincinnati Post</i><br>Cincinnati, OH       | Towards Effective Urban<br>Schools: A National Study                 |

\* In 1979, one group of Fellows looked at general education issues; a second group focused on "What Makes Effective Schools?"

1980-81

|                   |  |  |
|-------------------|--|--|
| MEA ANDREWS       | <i>Missoulian</i><br>Missoula, MT              | Middle Schools in Montana  |
| LINDA AUSTIN      | <i>Dallas Times Herald</i><br>Dallas, TX       | How High Schools Serve<br>Minorities in Texas                        |
| JOHN MCMANUS      | <i>The Ledger-Star</i><br>Norfolk, VA          | How Inner City Schools Work<br>for Minority Children                 |
| ELIZABETH OLDER   | <i>Charleston Daily Mail</i><br>Charleston, WV | From Coal Mines to Gifted<br>Education                               |
| CAROL RUBENSTEIN  | <i>Oregon Journal</i><br>Portland, OR          | How Elementary Schools Work<br>for Four Different Minority<br>Groups |
| STEPHANIE SEVICK  | <i>The Hartford Courant</i><br>Hartford, CT    | Schools That Work in<br>"Gold Coast" Towns                           |
| PATRICIA SULLIVAN | <i>Sun Sentinel</i><br>Fort Lauderdale, FL     | Schools That Serve the Gifted<br>in Florida                          |

1982

|                   |   |  |
|-------------------|---|--|
| CHARLOTTE GRIMES  | <i>St. Louis Post-Dispatch</i><br>St. Louis, MO | Girls and the Law  |
| WILEY HALL        | <i>The Evening Sun</i><br>Baltimore, MD         | Getting Tough with Violent<br>Juvenile Offenders                     |
| LESLIE HENDERSON  | <i>The Knoxville Journal</i><br>Knoxville, TN   | Violent Juvenile Crime in<br>East Tennessee: A Family<br>Perspective |
| ANDREW PETKOFISKY | <i>The Richmond News Leader</i><br>Richmond, VA | Locks and Lessons: Virginia's<br>Reform Schools                      |
| WOODY REGISTER    | <i>The Tennessean</i><br>Nashville, TN          | Juvenile Incarceration and<br>Alternatives in Tennessee              |
| GARY STRAUSS      | <i>The Idaho Statesman</i><br>Boise, ID         | Juvenile Justice in Idaho  |



The Institute for Educational Leadership (IEL) was created in 1971 as a part of The George Washington University, and became an independent, nonprofit organization in 1981.

The Institute seeks to improve the quality of education policymaking by linking people and ideas in order to address difficult issues in education. IEL serves state, local, and national education leaders as well as other individuals who have or will have an influence on education policymaking.

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