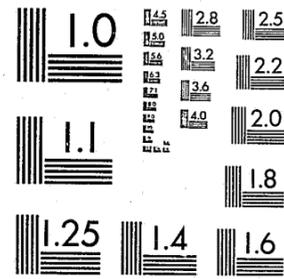


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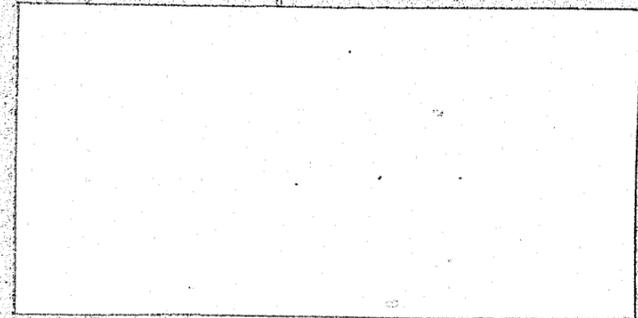
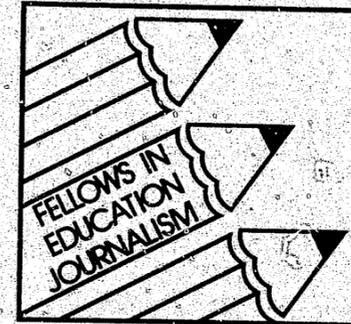
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**GETTING TOUGH WITH
VIOLENT JUVENILE OFFENDERS**
by
Wiley Hall, 3rd
The Evening Sun
Baltimore, Maryland

U.S. Department of Justice
National Institute of Justice

89437

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

PREFACE

Wiley Hall prepared this report on juvenile justice in Maryland 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, Hall wrote a series of articles for The Evening Sun in Baltimore. 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

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Additional copies of this report may be obtained for \$3.50 each from IEL Publications, 1001 Connecticut Avenue, Suite 310, Washington, D. C. 20036.

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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ACQUISITIONS

INTRODUCTION

"When I first met Kevin, he impressed me as a very quiet, very respectful boy...."

Richard Cremin, defense attorney.

"Other than the act itself, there was no evidence that (Kevin) was hardcore...."

Judge James A. Perrott,
Supreme Bench, Baltimore City.

"This worker was impressed with Kevin and his attitude about his situation...."

Dave Hayden, Juvenile Services
Administration caseworker.

"Far more important to me is the nature of the offense...."

Dr. Lee Weatherly,
court psychiatrist.

Kevin Priestly Smith is becoming a hardened person. It is a slow process, happening so gradually that neither he nor his parents seem fully aware of it. But Kevin's older brother sees it. So does his lawyer. And juvenile justice officials and researchers familiar with the metamorphosis of other juveniles incarcerated in adult institutions would have predicted it, without even knowing Kevin.

Kevin has spent the last two months in the Maryland Correctional Training Center in Hagerstown, a medium-security prison nestled in the rolling hills of Western Maryland.

He is serving a 25-year sentence for attempted armed robbery and a handgun violation--part of a plea-bargaining agreement after Kevin admitted his involvement in the brutal and senseless murder of a 72-year-old Baltimore physician last fall.

Kevin's case illustrates the system-wide dilemma posed by juveniles accused of violent crimes, or juveniles who have seemingly made crime a career.

Before his arrest on homicide charges last fall, Kevin had never been in trouble with the police. He was an usher at his family's church and had a B plus average in high school. That summer he had worked as a counselor at a recreation center near his home, supervising youths 10 to 14 years old. He planned to study accounting in college, and had worked as an apprentice with a small accounting firm in his northwest Baltimore community under a city-sponsored youth achievement program.

But Kevin was also an alleged killer, a member of a group of other teens that stalked an elderly man with the intent to rob him, then shot him to death after their victim had surrendered his wallet.

Kevin's court assigned caseworkers were convinced that he would have benefitted from an intensive one-on-one counselling program provided by the juvenile system. They agreed with Kevin's defense attorney that Kevin's involvement betrayed a lack of self-confidence (because he lacked the courage to risk the censure of his friends by refusing to participate in the proposed robbery) and a lack of maturity (because he apparently believed that the fact that he tagged along with the group and did not actively participate in the robbery and shooting absolved him from guilt).

Juvenile workers were impressed by Kevin's academic and work records, and by the support given him by his close-knit family.

Prosecutors, who were not convinced of Kevin's passivity, also believed that the seriousness of the offense dictated that the 17-year-old youth be tried as an adult, and eventually face imprisonment in an adult institution, if not face the death penalty.

Criminal Court Judge James A. Perrott eventually ruled that Kevin should be tried as an adult, mainly, he said later, "because the juvenile system could not convincingly demonstrate success in rehabilitating violent juvenile offenders."

Would the public's interest have been best served by punishing the youth, or by attempting to rehabilitate him?

Spurred by Congress with the Juvenile Justice and Delinquency Prevention Act of 1974, most states have adopted a philosophy embracing the rehabilitation of juveniles over their punishment. The majority of youngsters referred to the juvenile system in Maryland respond to this approach and stay out of subsequent trouble.

But there is also a growing conviction among the public that a specific subclass of juvenile offenders - those accused of violent offenses, and those who repeatedly commit crimes despite the system's efforts to rehabilitate them, endanger the public safety to such an extent that they ought to be incarcerated.

Many youths in this category have already gone through most of the treatment programs offered by juvenile authorities. Some say the environmental influences shaping the behavior of such youths are so pervasive, or that the youth's patterns of violent and criminal behavior are so engrained, that rehabilitation appears futile.

Others counter that the number of truly violent and incorrigible kids is very small. They say that many youths now incarcerated in juvenile or adult institutions are being warehoused, even though they are not hardcore offenders. They say such a policy endangers the public safety because such institutions may have a hand in creating violent and hardcore offenders.

This paper will examine some of the issues concerning the system's response to the problem of violent and hardcore juvenile offenders. It is a problem partly summarized recently by the URSA Institute of San Francisco, CA, in a background paper for the Office of Juvenile Justice and Delinquency Prevention:

"At issue is whether the disposition of this subset of the delinquent population shall focus on rehabilitation and treatment, or on punishment and accountability."

The writers might also have added that the resolution of this problem depends greatly on which approach best guarantees the public safety.

CHAPTER ONE
MYTHS AND REALITIES

"We find ourselves battling myths as strenuously as we battle realities...."

Rex C. Smith, director of
Maryland's Juvenile Services
Administration.

The myth is simple: an epidemic of juvenile crime threatens society.

The reality is complex: juvenile crime is down, but juvenile violence is up. Few youths get into trouble more than one or two times, yet those few repeat offenders have been almost flamboyant in the nature and scope of their crimes.

Leon is one of those: a 17-year-old charged with murdering a man during an attempted street robbery in March. He has a record that includes four purse-snatchings, two burglaries, and the brutal beating and robbery of a 25-year-old man near the Inner Harbor.

Leon received delinquent findings--the juvenile system's version of a guilty verdict--in each case, but he has never spent time in a juvenile institution.

Until Leon's arrest for homicide, his counselor considered him a reasonably safe risk to the community, and felt he was progressing well in a counselling program for juvenile delinquents.

Paul, also 17, had at least 15 delinquency findings for burglary, larceny and drug abuse, and was on probation when he was charged with the murder of a prominent art restorer this year. Paul's father, an uncle, and three of his older brothers all had had prior contacts with police. Paul's counselors considered him "non-violent."

Eric, a 16-year-old charged last month with the murder of a 60-year-old Carroll County egg delivery man, was free on weekend parole from the Maryland Training School for Boys at the time of the killing. The youth had been committed to the training school on a burglary charge, and had a record of runaways and fights within the institution.

Larry, a 15-year-old arrested for armed robbery this spring, had been referred to the juvenile justice system 40 times. He had spent time in nearly every counseling program offered by the system before his caseworkers concluded that he was "not amenable to treatment" within the juvenile system. The city state's attorney's office had repeatedly sought to have the youth tried as an adult, but the courts considered him too young and physically small to risk in the adult prison.

Juvenile officials insist that cases such as Leon, Paul, Eric, and Larry are the exceptions rather than the rule.

"The perception that the juvenile system is not working for the public's safety is simply not true," says Rex C. Smith, director of the state Juvenile Services Administration (JSA). JSA is an umbrella agency responsible for the adjudication and treatment of most youngsters referred to the system. "Misconceptions should not drive the system," he says, "but to a certain extent they do."

"Delinquency is certainly serious, it is certainly a problem," added Jesse B. Williams, deputy director of JSA. "But it is not the epidemic that I think many people imagine. Most kids are not out there doing all of these terrible things the way some may think."

The conflicting perceptions about the problem extends to officials and their statistics as well as to the public.

The number of crimes reported in the state has risen steadily over the past five years--by 1 percent in 1977, 2 percent in 1978, 8 percent in 1979, and 5 percent and 1 percent in 1980 and 1981 respectively.

Many police and prosecutors insist that much of the increases in crime is fueled by juveniles--youths 17 and under.

"We have maybe 300 juveniles who are responsible for over 50 percent of the crime here," said Capt. Dennis Klein of the Baltimore County police youth section. Police in the city and in surrounding jurisdictions quote similar statistics.

Yet the arrests of juveniles for serious crimes in Maryland have declined by nearly 4,000 since 1976--from 26,597 to 22,966 last year. The proportion of juvenile arrests to total arrests for serious crimes during that period dropped from 48 percent to 38 percent.

Also, victimization studies and interviews with delinquents and adult criminals consistently show the same picture--that juveniles are less active criminally than they used to be.

Critics of the system paint a gruesome picture of an increasingly vicious and one-sided generation war: youngsters targeting the elderly for street yokings, purse snatchings, and house robberies.

"Crime and fear of being victimized is one of the biggest concerns of elderly persons," said Ellen Stoffer, director of the Victim's Assistance Unit of the Waxter Center for the Elderly in Baltimore.

"There are elderly persons in the city who are literally afraid to venture out of their homes after sundown."

But statistics indicate that fear may be unfounded.

"The overwhelming majority of victims of juveniles are other juveniles," according to Terrence Farrell, director of the JSA's Victim Assistance unit. Last year, Farrell said, only 85 victims out of 8,400 persons referred to his unit, were 60 or older.

Some critics allege that crime-prone juveniles are laughing at the courts, manipulating judges and other officials with the expertise of criminal lawyers.

"The whole system has become one big joke," says Stanley Jett, who worked with juveniles in the Southern District before his recent retirement from the police department.

"Kids are more aware of their rights than ever before. They know they'll have their first case dropped or placed on parole. The second case gets probation. So right away, they get two freebies."

City prosecutor Alexander Palenscar estimates the average delinquent commits five to seven crimes for every arrest showing on his record.

"So right away, a kid has gotten away with a minimum of 15 crimes before he even gets to court," he says, agreeing with Jett that the average juvenile is not sent to court until his third or fourth arrest.

Police officers say that the system's "revolving door" encourages youths to graduate to increasingly more serious crimes.

"They start out with something like breaking a window, we arrest them, the case might get dropped," said Officer Ernest Graham, a Southwestern District officer decorated by the department for his

success in solving juvenile crimes.

Next time they're up for loitering or for (a minor drug) possession. We bust them again. They're out on the streets again. Next thing you know, we've got them for burglaries or purse snatching. They they're carrying a gun or a knife. Then they've killed somebody. I've seen it happen again and again."

But, in fact, some juvenile officials say Maryland has not been tougher in its treatment of juvenile delinquents since the reform movements of the mid-70s.

Against a backdrop of a decrease in the number of cases handled by the juvenile justice system, waivers, detentions and commitments to juvenile institutions are increasing.

The number of youths under 17 tried in the adult courts in fiscal year 1981 jumped by 100 compared to 1980; from about 400 to 500, and that number is expected to show an even sharper increase this year.

The number of youths detained in a state institution before trial dropped by only 22 cases from 6,633 in 1980, but the number of youths committed after a court hearing rose by 4.1 percent and also is expected to grow even more sharply in 1982.

Smith said the juvenile system appeared to have been successful in preventing repeat offenders: 86 percent of all youths referred to JSA last year had had only one or two prior contacts.

But youths also accounted for far more crime than their percentage population.

While youths between the ages of 10 to 17 made up 14 percent of Maryland's population according to the 1980 census, they accounted for 41.5 percent of those arrested for felony crimes that year, and 38 percent last year.

And while arrests of juveniles for property crimes have dropped since 1976, arrests for murder, rape, armed robbery, and aggravated assault have remained stable.

Last year, young persons were accused of committing 13 percent of the murders in the state cleared by arrests, 38 percent of the armed robberies, 47 percent of the burglaries and 36 percent of the thefts.

Also, nearly everyone working closely with youngsters involved in crime describe a growing coldness and lack of remorse in the youths arrested--a hardness formerly associated only with adults.

"There is less respect for people than there used to be, less respect for human life," said Edward J. Lang, JSA director of the region that includes Baltimore.

"It seems there are fewer juveniles coming into the system, but those coming in are seemingly more violent," said Helen Bartholomee, who conducts the initial screening interviews for the juveniles referred to the Public Defender's office.

"There is less of the petty and more of the scary," she said.

And Klein said the phenomenon of violent crimes formerly associated with city youths has been spreading to the suburban counties.

"Everything is escalating, intensifying," he says. "We're getting the type of problems the city had 10 years ago. In 10 years, if something drastic doesn't happen, we'll be where the city is today."

"It's not the law that's 'get tough,' but public pressure on the system to lock kids up. If the public feels children are out on the streets acting like orangutans, judges are going to act accordingly ..."

Jerry Wasson, Director
Washington State Division
of Juvenile Justice and
Rehabilitation

No more Mr. Nice Guy.

Spurred by a public fear of a rising juvenile crime wave, states across the country have adopted laws and procedures that, in effect, crack down on juvenile offenders. New York can now try youths as young as 12 years old in adult court. Utah has begun construction on two secure juvenile institutions. Indiana, Colorado, and Connecticut have adopted provisions that require mandatory incarceration of juveniles found guilty of various offenses.

Incarcerations of youths in juvenile institutions and the number of juveniles tried in adult courts have crept upwards in several states, despite a coast-to-coast decrease in the numbers of youths for almost every category of crime. Meanwhile, legislatures in many states are considering provisions that would make the system's response even tougher.

"The net effect of many of these provisions is to attempt to insure that juveniles accused of violent crimes are tried in Criminal Court," said John Hutzler, of the National Center for Juvenile Justice in Pittsburgh, PA. "And that is obviously motivated by a goal to lock people up. There are so many fewer alternatives to incarceration in adult court than in juvenile court." URSA researchers agreed.

"Underlying current reform policy are principles of sanction and control as well as of retribution and deterrence," they wrote in an April, 1981 paper on violent offenders.

"These legislative and administrative responses represent a significant philosophical and policy shift away from support for the individualized decision process of the juvenile court, where dispositions are often made 'in the best interests of the child'."

Legislators have sought to accomplish this by broadening provisions and circumstances under which a juvenile can be waived to adult court. Many states now call for automatic waivers of older juveniles (15 to 18) charged with serious felony offenses. At one time, "serious" often meant the violent crimes of murder, rape, armed robbery, and aggravated assault. Now, in states such as Colorado, California and Maryland, they can include all Part One offenses included in the Federal Bureau of Investigation's Uniform Crime Reporting System. Among these are the property crimes of burglary, larceny, theft, and auto theft. In California, a 14 or 15-year-old charged with a serious offense must now demonstrate to the court why he should not be tried as an adult. Traditionally, the burden was on the state to prove why such a youth should not be tried as a Juvenile.

Other states have included provisions for mandatory waivers of repeat felony offenders.

Another goal, according to juvenile officials, has been to remove the one characteristic that most distinguishes the juvenile system from the adult system--its flexibility.

The traditional juvenile model of treatment and therapy for young offenders is based on the precept that each youth requires different solutions to his or her unique problems. The Juvenile Justice and Delinquency Act of 1974 established individualized treatment in community-based programs as a justifiable goal for juvenile systems--a lead many states followed. Thus, most systems allowed broad avenues of discretion to officials at various levels.

Some states have sought to jell this flexibility by providing for mandatory dispositions even for those youths retained by the juvenile justice system. In Georgia, a youth 13 years or older found guilty of one of the Part One crimes, remains under the jurisdiction of the Division of Youth Services for five years, and must be committed for at least a year of that time. Delaware's mandatory sentencing provisions for violent offenders requires at least six-month commitment for certain "serious" crimes.

In a "get tough" atmosphere, even provisions intended to make the treatment of juveniles fairer can have the effect of an increase in the rate of incarcerations.

Such was the case in Washington State, according to Jerry Wasson, director of the state's division of Juvenile Rehabilitation and Juvenile Justice.

Washington's Juvenile Justice Act of 1977 was inspired by a realization that the system's attempt to act in the best interests of the child often produced the opposite effect. A study of Juvenile Court dispositions there found that judges often made decisions based on factors other than a youth's interests--factors such as the youth's race, demeanor in court, and family background. They found juvenile

justice to be uneven, inconsistent, and racially biased. Minority and disadvantaged youths found themselves incarcerated more often than others. The average status offender found himself serving four months longer in institutions than the average juvenile murderer. A status offense is one which would not be deemed a crime for an adult.

Legislators eventually adopted a system very similar to that recommended by the American Bar Association in 1980 in its 20 volumes of juvenile standards.

Those standards, the result of a nine-year study by lawyers and judges, recommended replacing the Juvenile Court's "Father Knows Best" philosophy with a due process, evidentiary model similar to that used in adult courts, said Laurie Robinson, a member of the ABA's Criminal Justice staff.

Such a model emphasizes "sanctions" based on the seriousness of the offense rather than the judge's perception of what would be best for the child. Defendants are represented by counsel at each step in the proceedings, hearings are open to the public, and the youth has a right to request a jury trial. "The standards do not reject the idea of rehabilitation, but they do include the idea of punishment," said Robinson. "The idea is to insure that a youth does not get swept under the rug because of his background," Robinson explained. "It is to make judges accountable for their decisions. You can appeal a decision based on evidence. There's no way you can appeal coming from a poor background."

The ABA's reasoning convinced officials in Washington State, who in 1977 adopted standards calling for empirical rules of evidence

and standardized sentences based mainly on the youth's offense. If the judge believes certain factors in a child's life make the standard sentences unjust, he can exercise a "manifest injustice" provision in the law and either raise or lower the sentence. Also, under Washington's law, status offenders cannot be detained at all unless they are considered a danger to themselves or others. Even then, the state can only hold them for 72 hours without a court hearing. "It is not necessarily a 'get tough' model," explained Wasson. "It specifies uniformity and proportionality of sentencing. It is much more fair."

Yet, yearly admissions to Washington's institutions have actually climbed from an average of 1,450 a year to 1,750 since the new standards. This is despite a general decrease in the number of serious crimes committed by juveniles during the same period. Wasson said that while juvenile referrals went up 1.7 percent last year, commitments increased by 29 percent, and the daily population in the institutions rose by 7.8 percent. "It's not the law that's 'get tough'," he insisted, "but public pressure on the system to lock kids up. "If the public feels children are out on the streets acting like orangutans, judges are going to act accordingly," Wasson said.

Further increases in juvenile commitments are expected for 1982.

Massachusetts, which outraged the nation's corrections officials a decade ago by closing down all of its juvenile institutions, has gradually increased the number of youths committed to secure facilities from a little under 300 four years ago to 855 youths this year.

Edward J. Kennedy, a spokesman for the Massachusetts Department of Youth Services, said officials there see a need for at least 100 more secure beds. As in Washington and other states, Massachusetts finds itself needing an increasing amount of space to incarcerate serious offenders coming into the system.

A paradox? Not to Paul DeMuro, of the National Center for Crime and Delinquency, in New Jersey. "The get-tough philosophy is so diffuse that it affects almost all youths who come into the juvenile justice system," he said recently. "Harshness increases for both petty offenders and for serious ones. The system soon finds its institutions crowded with young people who should not be in them." Proponents of tougher provisions against juveniles bristle at suggestions that they just hate kids, or that they are fanning public fears to fatten their own political careers.

Underlying the so-called get-tough rhetoric, is a conviction that juvenile crime and violence has continued to grow despite the statistics. Coupled with that conviction is "a deep and abiding lack of faith in the juvenile system's ability to handle violent juvenile offenders," according to a New York prosecutor who preferred that his name not be used.

Like most statistics, the numbers describing the extent of juvenile crime are open to interpretation. Juvenile arrests for serious crimes dropped three consecutive years beginning in 1978, according to the FBI's Uniform Crime Reports. Index, or serious crimes, include murder, rape, armed robbery, aggravated assault, burglary, larceny, auto theft and arson. In 1980, according to the FBI's Uniform Crime Reporting system, police agencies arrested

776,248 persons 17 or under, for a drop of 6.1 percent compared to 1979 arrests. Juvenile arrests dropped by 2 percent in 1979, and by 3 percent in 1978. But juvenile arrests for the violent crimes of murder, rape, armed robbery and aggravated assault, actually climbed by about 4 percent during that period.

In 1980, juveniles accounted for 19 percent of all violent crimes. Also, while juvenile crimes as measured by arrests may have declined in recent years, it has climbed by 7.1 percent since 1971. Violent crime over that same 10-year period grew by 28.4 percent.

URSA's researchers reported in 1981 that most of the juvenile violence is concentrated among a small number of delinquents--only 6 percent according to recent studies. About a third of these so-called "heavy hitters" have had extensive previous contacts with the juvenile system. Most are older--16 to 17--and nearly ready to "graduate" out of the jurisdiction of most juvenile courts anyway. Most come from low-income, broken families. Most are minorities.

Therefore despite the philosophy advocating treatment over punishment that arose from the Juvenile Justice and Delinquency Prevention Act in 1974, legislation in general is increasingly weighted toward punishment and/or containment of juveniles, especially of those considered violent repeat offenders. Also, this is happening despite the fact that a) overall juvenile crime has dropped by 6 percent since 1979, and that b) although juvenile violent crime has risen, it is committed by only 6 percent of the delinquents, one-third of whom are repeat offenders.

These facts lead to several possible hypotheses: a) punishment is not deterring these juveniles, b) violent offenders should be contained for their entire lives, and c) something is happening during incarceration that is increasing the likelihood of further violent crime. Since more and more juveniles are being institutionalized for less crime, this matter needs to be investigated.

CHAPTER THREE
INSTITUTIONALIZATION

"For every young kid that I've had that went to the Department of Corrections, there's been a radical transformation in personality and attitude. And its always been to the worst."

Richard Cremin, Defense Attorney

When it comes to serious and violent juvenile offenders, few disagree on what the system's goals should be. From judges to juvenile caseworkers, parents to prosecutors--nearly everyone agrees that the system's goals should be twofold: to rehabilitate the youth, if possible, while at the same time guaranteeing the public safety.

But virtually no one can agree on the best way of meeting these goals.

Much of the debate centers around institutions. But even that is not much of a debate. Most officials agree that institutions can have a negative effect on youths. The longer a youth is incarcerated, the longer the negative effect.

Robert B. Coates, a professor at the University of Chicago's School of Social Work, found in a recent study of the backgrounds of serious juvenile offenders, that the single most reliable predictor of whether a youth will become a serious offender, is whether or not he had been held in an institution, even for one night. Incarcerated youths almost always became repeat offenders, he found.

But while some officials see such institutions as regrettable but necessary evils to protect the public from dangerous and

incorrigible children, others believe specific alternative programs can rehabilitate serious offenders in a community-like setting without endangering the public. "The habitual offender is the unfortunate result of the system not being able to handle the problem," said Alexander J. Palenscar, Jr., director of the Juvenile Division of Baltimore's State's Attorney's Office. "They're in limbo. We can't stop them from being habitual offenders, and there's not a whole lot we can do with them after they become habitual offenders." "The truly dangerous kid is not one who has been coddled by the system, but one who has been brutalized by the system," countered Jerome Miller, of the National Center on Institutions and Alternatives in Arlington, Va. "The longer you keep a kid in an institution, the more likely it becomes that he will become a serious offender."

At its best, an institution severs a youth completely from his or her community and holds him in an artificial setting, often with rules and social mores that are distinct from the outside world. "Institutions teach kids how to survive in institutions--they tell them nothing about interacting with the real world," said Ira Schwartz, of the University of Minnesota. At their worst, institutions can be brutal, dehumanizing places that can embitter and en Harden a youth who might otherwise have turned himself around.

"Remember," said Schwartz, "a lot of these kids got there because they had poor social skills to begin with. Youths with warm, nurturing backgrounds rarely become heavy hitters. So we take these kids, and we isolate them even further, and then we

throw them back on the streets."

"Putting a kid in an adult facility is exactly like burying nuclear wastes in your backyard," added Andrew Vahss, a New York lawyer and criminologist specializing in juvenile justice matters.

Despite the debate, the United States locks up more children than any other country with the exception of the Soviet Union and South Africa, said Douglas Dodge, of the federal Office of Juvenile Justice and Delinquency Prevention. Youths are held in: 1) adult jails--defined as short-term facilities run by local jurisdictions to detain suspects for trial or to hold those convicted to terms under a year; 2) adult institutions--long-term corrections facilities run by states and the federal government; and 3) juvenile institutions. And the majority of the institutionalized youths were not held for violent crimes.

OJJDP estimates that some 500,000 children are held in adult jails and lockups each year. Of those held, only 4 percent were charged with violent crimes. Sixty-nine percent were charged with property offenses, 18 percent were status offenders such as runaways and truants, and 4 percent were being held without any charges.

In a survey of juveniles held in adult institutions on a specific day--January 1, 1979, the National Center on Institutions and Alternatives found nearly 3,000 juveniles sentenced to long-term incarcerations. The majority of those youths (44 percent) were sentenced for property crimes or for being a public nuisance, the researchers found.

The U.S. Census Bureau's annual tally of youths confined to juvenile institutions in 1979 counted 564,875 youths admitted to

institutions. The average daily number of youths held came to 47,642. The majority of those youths were also held for property crimes.

If the only value of institutionalization aside from punishment is its ability to separate juveniles from victims, and if institutionalization continues the process of developing a child from a juvenile offender of any status, to a full-grown, violent, adult offender, then perhaps alternatives are needed.

CHAPTER FOUR

ALTERNATIVES

"Success in this type of program is very subjective, and is based on the improvement the child has made rather than on some standardized achievement list...."

Susan Wayne,
executive director,
Justice Resource, Inc.

In 1972, Massachusetts shut all of its juvenile institutions down. Hardcore violent offenders, burglars, and purse snatchers were all placed in community-based treatment programs, operated by private vendors rather than state agencies. Most were allowed to live at home, or with specially trained foster families. The number of incarcerated youths went from over 500 to 49. Juvenile crime dropped in ensuing years at about the same rate it dropped elsewhere around the country. Freed, the hardcore violent offenders did not embark on an orgy of crime and violence. In fact, a Harvard University study showed that the recidivism by juvenile offenders dropped slightly compared to when the institutions were in operation.

Dr. Jerome Miller was commissioner of the Department of Youth Services in Massachusetts then, and one of the architects of the "revolution." He claims his counterparts in other states have not forgiven him. "What we proved, and I think conclusively, is that the rate of incarceration has no effect on crime," Miller said recently. "In fact, if anything, it may have a slight deleterious effect."

The Massachusetts experiment was inspired by seemingly daily reports of fights, rapes, and other forms of brutalization within the institutions. Runaways were so frequent that the secure walls at times seemed to leak like a sieve.

Miller, now director of the National Center on Institutions and Alternatives, remembered the public outrage and the subsequent clamor

that the institutions be closed, with a mischievous smile. "One thing I did was to make all of our daily reports public to the Boston Globe," he said. "Usually, institutions like to keep records of their problems as far away from the public as possible, and with good reason."

For all of its daring, Massachusetts soon found that it could go only so far without secure facilities. By 1977, a Task Force appointed by Miller's successor, John A. Calhoun, called for a total of between 126 to 168 secure slots for serious offenders.

"In any community-based system, you've got to have a locked, secure setting for the most violent, delinquent youth," Calhoun said vehemently. "There are a variety of substantive reasons for this, most of them political. The public simply will not stand for a system that does not include this type of security."

Today, even the most ardent defenders of community-based care acknowledge the necessity for a secure setting for the most dangerous juvenile offenders. But their definitions of "violent juveniles" differ considerably from the working definitions of most states. They usually talk about youths convicted of violent crimes of murder, rape, armed robbery, and armed assault. They look for the instigators of the violent act, not those who tagged along (most juvenile crimes are committed in groups). They also identify a violent youth as one who has had multiple convictions for violent acts.

The type of facility espoused by proponents of the deinstitutionalization of violent offenders differs from the traditional, large-scale juvenile institutions, the school-behind bars found

in Maryland and most other states in several important ways.

*These facilities are small-scale, holding no more than 10 to 15 kids.

*The ratio of staff to client is very high, approaching two to one in some programs.

*The facilities themselves are designed to be as home-like as possible.

*The youths confined there are given as much contact with the community as the staff deems they can handle without endangering the public.

*The youths' daily routine is far more programmed than that found in institutions, but the tasks they are assigned are "reality-based" -- designed, in other words, to improve their life-skills in the community.

A major difference is the emphasis on the offender's family, and on attempting to modify the environment the youth will return to upon release.

This type of facility is not just pie-in-the-sky, there are a number of such programs in operation in such disparate places as Boston, Denver, Chicago, Philadelphia, and Baltimore. The federal Office of Juvenile Justice and Delinquency Prevention has financed four similar pilot programs. The National Youth Alliance will conduct a number of regional seminars starting this fall, to help officials throughout the country set up their own programs.

"Running this type of thing isn't easy," warned Calhoun. "It's expensive and it's harder to administer. It's easier for any agency to just warehouse kids in some large-scale institution.

It's easier for the agency, but not necessarily better for the public."

Justice Resources, Inc. operates one such program in Boston. Set up for 15 chronic delinquents convicted of violent crimes such as murder, rape, and armed assault, the program often finds itself trying to reverse a decade and a half of anti-social conditioning in 6 to 12 months, said Susan Wayne, the executive director.

Each youth has his own room -- small, Wayne acknowledged -- but private. The rooms give the youth a feeling of ownership, but it also helps for security. There is no opportunity for the crime school sessions that occur at night in the dormitories of large institutions. On a typical day, there are 10 staff persons assigned to 15 youths. The youth's time is so blocked with vocational training course, tutorial sessions (two youths per teacher), and counseling that security more or less takes care of itself, Wayne said. Also, "Success in this type of program is very subjective, and is based on the improvement the individual child has made, rather than on some standardized achievement list. Whether he has shown an interest in life, has learned to work and share with others, has shown an interest in going back to school -- it may all sound elusive, but often these things are the first step towards becoming a useful citizen. Sixty percent of the youths assigned to the program are not arrested again and manage to keep a job."

Jeanne Granville, a staff worker at Project New Pride, a similar program in Denver, Colorado, said the program successfully prevented 50 percent of the 200 serious delinquents committed to the program each year from having another police contact. Of the kids

who are arrested again, only 10 percent are recommitted. New Pride, which has similar programs in Chicago, Camden, New Jersey, and five other cities, has seen 70 percent of the youths assigned to it by the courts, return to school.

Therefore, Maryland can look to several other states for models of successful alternative treatments for repeat violent offenders. Unfortunately, the trend in Maryland and across the country, is towards increased institutionalization, which has not proved to be successful.

CHAPTER FIVE
MARYLAND ISSUES

"Maryland is clearly retrogressing in the way it treats juveniles."
Marion Mattingly, citizen.

Franklin is one of the juvenile justice system's success stories: in two years free on the street, he hasn't killed anyone and no one has killed him. Juvenile authorities predicted otherwise.

"The system had literally given up on him," said his caseworker. "The only thing we could do was put him on the streets and wait for him to seriously injure somebody, and then lock him up. That is blunt, and sad, but true."

Too violent either to be released or held in a juvenile institution, and lacking the legal grounds to send him to adult prison, a city juvenile master sent Franklin to the one place most likely to control even the most uncontrollable youth--a caring family.

Actually, the master sent Franklin to the Baltimore Family Life, Inc.--one of two private agencies in Maryland that uses a family approach to deal with the most violent, unmanageable juvenile offenders. Working only with youths considered lost causes, Baltimore Family Life (BFL) and the Martin Pollak Project in Annapolis have been successful in keeping most of their charges out of further trouble with the law.

"They brought Franklin to us in manacles," said Henry Gregory, a counselor at BFL on West Reed St. "In the courtroom, he even went after the judge."

"Franklin was a terrifying youngster--and a terrified one," said Jeanette Merriweather, a family therapist with BFL.

The tall, muscular teenager mastered boxing and martial arts during the ten years he spent in juvenile institutions, and he lifted weights

until his body was rock-hard and massive.

But this same youth was afraid of the dark, and had to sleep with a nightlight. He beat up guards at training schools in Maryland, Texas, and Florida until none of those institutions wanted him, but he was terrified of riding the city bus. He had a hair-trigger temper, yet introductions to new people struck him speechless with fear. He couldn't read, he could barely write, and mastering such necessary skills such as counting out change or telling the time, were major achievements even though Franklin possessed average to slightly above average intelligence. He had been in juvenile institutions since he was seven, and at 17, only the fact that most of his recent violence had occurred behind bars drawing administrative rather than criminal charges, kept him out of adult prison.

"Actually, its a compliment to the system, and to certain people within the system that we even got a chance with Franklin," said Gregory.

Franklin was one of the lucky ones.

Slowly, and with the deliberate motion of a swinging gun turret Maryland's criminal justice community has begun to take aim at the problem of serious juvenile offenders. But officials believe the state has adopted a shotgun approach.

The state is locking up more and more youthful criminals even though juvenile crime is down, even though predictions of crime for the future show further decreases, and despite the fact that many officials feel such an approach will ultimately cause more harm than good. Officials said they are compelled to take this approach for two reasons: because the public is demanding it, and because the

juvenile system cannot produce proven alternatives to institutionalization for these youth. Yet, those same officials admit that such an approach neither guarantees the public's safety, nor necessarily helps the youth.

"I don't think you'll find anyone knowledgeable who really believes that locking a kid up in an institution will help that kid turn his life around," said an assistant prosecutor in Montgomery County.

"We're warehousing them for three or four months," said city Juvenile Court Judge Milton B. Allen, "then we're turning them out into the community with the same lack of tools that they had when they came in. But on the other hand," Allen added, "I don't see that we have a lot of choices."

The comments of officials at all levels of both the juvenile and adult systems reflect a growing frustration with the state's response to serious offenders-- youths who have failed to respond to community based treatment programs offered by the state. Officials generally agree that serious offenders make up a small portion of the juvenile offender population-- estimates range from 6 percent to 10 percent-- but they account for more than 50 percent of all juvenile crime. But state officials cannot agree on whether society should count these youths as lost causes, or whether there remain resources yet untried.

In Maryland, as elsewhere, the trend is to consider the repeat offenders lost causes.

"Day after day," wrote Joseph J. Link, foreman of a city grand jury in a report on the problem, "members of the Grand Jury listened

to one horror story after another. Murders at the age of 15, multiple robberies with injury or shooting of victims, etc. We were shocked to find that persistent juvenile offenders were not being detained but rather were remanded to neighborhood treatment, which permits the offender to resume his association with his peers who may reinforce his bad habits."

The grand jury this summer "strongly urged" Governor Harry Hughes to build a secure juvenile prison. That call was echoed by gubernatorial candidate Robert A. Pascal, incumbent Baltimore State's Attorney William Swisher, and his opponent, Kurt Schmoke, and another of other elected officials during their election campaigns.

State Senator Victor L. Crawford (D. Montgomery) who is retiring from the Senate this year, summarized the feelings of many: "These kids have already been through the programs. Maybe we should give them a taste of adult prison. Maybe the time has come to lock them up."

This fall, a Policy Review Group appointed by the governor called for the adoption of standardized intake procedures that would restrict the discretion of intake officers, and provide escalating punishments for each subsequent offenses. After three offenses, most youth would be sent to the state's attorney for formal disposition.

The Policy Review Group also recommended the governor expand the state's network of Youth Centers. Indications from the governor's office are that he will follow the recommendations.

Meanwhile, officials said the perception that the public wants stricter treatment for juveniles has led to the following: community based treatment centers admit they are more apt to drop a youth who

gets in trouble while participating in their program; prosecutors are calling for more youths to be tried in adult courts, and judges are granting more of those requests; and detentions, commitments, and formal court hearings inside the juvenile system are climbing.

"Maryland is clearly retrogressing in the way it treats juveniles," complained Marion Mattingly, a member of the state's Juvenile Justice Advisory Committee. "And the sad part about it is, there is no strong voice here in the state to stand up and say, 'This is wrong. Stop'."

Added Marty Schugan, a researcher with JSA, "About 10 years ago, the criminal justice field saw a movement away from rehabilitation (as a goal of treatment) and towards punishment in the adult system. Now that movement is arriving to the juvenile system."

Meanwhile, statistics show that only 20 percent of the youths incarcerated at the state's juvenile institutions--the Maryland Training School for Boys, the Montrose School, and the network of Youth Centers-- are there for violent crimes.

Most were incarcerated for multiple property offenses, or for committing crimes against other juveniles. Similarly, the majority of those juveniles turned over to adult courts for presumably sterner punishments last year, were also charged with multiple property offenses.

The biggest complaint about Maryland's approach to juvenile crime is that the state largely ignores the family-- considered by many to be both the source of most youth's behavioral problems, and the ultimate solution.

JSA statistics show the majority of the youths considered serious

offenders come from single-parent homes, usually living only with the mother. Statistics showed a pattern of early abuse in the homes of serious offenders; drug and alcohol problems in the homes; and that the youths suffered from a lack of affection, possibly because their parents were preoccupied with the struggle to survive.

Howard Bluth, director of the state Office for Children and Youth, said the recession and cuts in social service programs have added to the isolation of certain families from the community, and family members from each other.

"Nowadays, unless a parent has a surplus of love inside him, he or she is going to have a hard time giving that love to their children," Bluth said.

Theodora Oom of the Family Impact Seminar at Catholic University in Washington, believes more of the system's resources should be spent in supporting the family structure.

"There are a great many services available within the juvenile justice system to take a troubled kid out of the home and put him into an institution, but there are few services that support the family in the home," Ooms said. "The further away the child moves from home, the more willing we are to spend the money."

BFL and the Martin Pollak Project strive to reverse that trend in Maryland.

"We have spent years breaking up families, and we're facing the consequences in this wave of cold-blooded juvenile criminals," said Kay Lanasa, director of the Martin Pollak Project. "It's time we started expending the same energy to bring families back together."

"In most juvenile programs a kid has to earn the right to go home. In our program, every kid has a right to go home."

"An institution can force a certain type of behavior on the youth," said Paul Norman, of BFL. "And it can control him. But it can't provide the nurturing and caring he needs to develop into a responsible citizen. Only a family can do that."

Franklin, for instance, had been in juvenile institutions since he was seven. His records show that he was first removed from the home because his parents felt they could not control him. He was one of 13 children in a struggling west Baltimore family. His embattled parents struggled with unemployment, illnesses to older children, and intimidating social workers and school officials until each retreated into their own personal shells, Gregory said. The father, for instance, became an alcoholic. The mother experimented with drugs.

"This was a family where there was a lot of shouting, a lot of animosity, and very little communication of deeper feelings," said Gregory. "The family was in total chaos."

The family situation was such that workers did not feel Franklin could immediately return home. Instead, they placed him with an especially trained foster family. In the meantime, counselors worked with both Franklin and his natural family.

Gregory said much of that work was little more than getting the family members to express their love for each other. The family therapists helped the parents reestablish control of their household by laying down rules and making them stick. They worked with the children so that they were aware of their obligations to the family as a unit.

Equally as important, Gregory said, the therapists contacted members of Franklin's extended family and encouraged them to join in the helping efforts. Counselors did similar work with the foster family now keeping Franklin. And, miraculously in the eyes of some members of the system, the youth considered too violent for an institution, stayed out of trouble outside of one.

SUMMARY

The system's goal of providing rehabilitation and treatment to juvenile offenders while not endangering the public safety, has clearly been eroded with public and official concern about serious and violent offenders. This group of youths clearly represents a threat to the public safety. Just as clearly, the system's efforts to treat them has, by definition, been unsuccessful.

My personal concern, however, arises from evidence of my research that the system's officials are responding to the public's fears by taking dramatic, but ultimately short-term solutions to a problem that demands a considered, long-range response. The characteristics of institutions that led Congress and most state legislatures to conclude that a viable goal of the system should be to treat juveniles elsewhere, is no less true today.

The social and economic costs of a warehousing policy towards juvenile offenders (or for that matter, adult offenders) continue to outweigh the costs of a humane, community-oriented approach. Some programs have demonstrated that this approach can be pursued without endangering the public's safety.

Finally, it is obvious to me that the ultimate role of the system should be a supportive role in helping families raise their own children. Not even the most humane bureaucracy can provide the support and nurturing that a family can. In the final analysis, it is that support and nurturing that marks the difference between a "good" kid and a "bad" one.



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

1977

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

1978

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

1979*

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

FRAN ZUPAN	<i>The Columbia Record</i> Columbia, SC	Sex Barriers in Job Preparation
JANE EISNER	<i>The Virginia-Pilot</i> Norfolk, VA	What's Effective in Virginia's Integrated Schools
JACK KENNEDY	<i>The Lincoln Journal</i> Lincoln, NE	Rural vs. Consolidated Districts: What's Effective in Nebraska
JANET KOLODZY	<i>Arkansas Democrat</i> Little Rock, AR	What's Effective in Arkansas Schools
MARGO POPE	<i>The Florida Times-Union</i> Jacksonville, FL	What's Effective in Florida's Suburban Schools
WAYNE REILLY	<i>Bangor Daily News</i> Bangor, ME	What's Effective in the Rural Schools of Maine
M. WILLIAM SALGANIK	<i>The Sun</i> Baltimore, MD	Academic Achievement in Urban Schools: What Works in Baltimore
ROBERT BENJAMIN	<i>The Cincinnati Post</i> Cincinnati, OH	Towards Effective Urban 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> Missoula, MT	Middle Schools in Montana
LINDA AUSTIN	<i>Dallas Times Herald</i> Dallas, TX	How High Schools Serve Minorities in Texas
JOHN MCMANUS	<i>The Ledger-Star</i> Norfolk, VA	How Inner City Schools Work for Minority Children
ELIZABETH OLDER	<i>Charleston Daily Mail</i> Charleston, WV	From Coal Mines to Gifted Education
CAROL RUBENSTEIN	<i>Oregon Journal</i> Portland, OR	How Elementary Schools Work for Four Different Minority Groups
STEPHANIE SEVICK	<i>The Hartford Courant</i> Hartford, CT	Schools That Work in "Gold Coast" Towns
PATRICIA SULLIVAN	<i>Sun Sentinel</i> Fort Lauderdale, FL	Schools That Serve the Gifted in Florida

1982

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



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