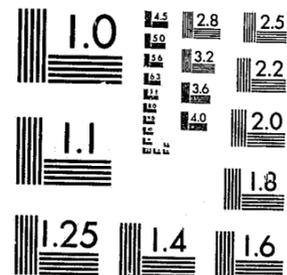


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The "286" Judicial Placements Program

A Survey of Juvenile Court Personnel

NCJRS

OCT 24 1983

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## I. THE PROBLEM AND ITS SETTING

### A. Overview and History of the Special Placements Program

In 1976, the Virginia General Assembly enacted section 16.1-286 of the Code, which today is known as the "Community", "Judicial" or "286" Special Placements Program. This program allows the Virginia Department of Corrections to provide a direct route from the juvenile courts to certain kinds of residential placements. Prior to enactment of this section, juveniles had to be committed to the Department and then could be placed into private residential facilities for care, treatment and supervision which were not available within the Department's own resources. Presently, the court service units are able to directly refer children into the Program, children who exhibit behaviors which cannot be controlled in the community and for whom no resources are available in the community.

The Code mandates that the State Board of Corrections develop policies and procedures for such placements. It provides, as well, that the Commonwealth will pay the cost of these placements, up to an amount which does not exceed that incurred if such services were provided in a facility operated by the Department. The Department has the responsibility for approving placements and keeping a roster of children in placements. The courts are responsible for reviewing recommendations for continuing care at least semi-annually.

During the first ten months of operation of this Program (1976-77), the average number of children in special placement each month was 13. After that time there was a dramatic increase in utilization of the Program, with 59 the average monthly caseload in 77-78; 105 in 78-79; and 173 in 79-80.

In 1980, the Program ran into severe financial difficulty. In June, it was temporarily shut down for a five month period. Applications were once again accepted in November of that year, under temporary guidelines established by the Board of Corrections. These included the requirement that each application be approved by a Funding Review Committee. A gradual increase in utilization followed the program's reopening and on May 31, 1982, there were 225 children in the "286" Program.

A Task Force was formed by the Department to study both this Program and the "325" Placement Program, which places children who have been committed to the Department directly from the Reception and Diagnostic Center into the same type of facilities. This group was charged to make recommendations for possible Board action regarding changes in the policies and procedures. Representation on this Task Force was from both public and private agencies, and at present the guidelines which they developed are awaiting approval by the Board.

#### B. Recent Problems with the Program

In addition to funding shortages, several other problems with the Special Placements Program have arisen. Currently, a majority of the children are placed by a small percentage of the courts. This and other problems have been attributed to such factors as a lack of communication and commitment to the Program from the Department, paperwork which is considered prohibitive, interviewing and other administrative requirements which are complicated by long distances from some courts to the placement facilities, and a lack of commitment to the Program within some of the individual court service units.

A question about the effectiveness of these placements has arisen as well. Effectiveness has been questioned as compared to placement in the learning centers, and as compared with the alternatives of non-placement or non-residential placement.\* Related is the issue of the impact of these placements on the numbers of children committed to the learning centers. This brings to mind consideration of "widening the net", or, whether this Program is diverting only children who otherwise would have been committed to the Department.

\*Note: Legislation which opened up the Program to non-residential placements became effective on July, 1, 1982. This change in the Program was largely the result of efforts by those who felt that the incentive of monies being available only for residential placement was causing the option of non-residential programs, which are a fraction of the cost, to be overlooked. This research was completed prior to the enactment of that legislation, and questions the need for non-residential placements as though they were not available. For the sake of continuity, "Residential

placement" is used in the definitions and throughout the data collection and analysis.

C. Delimitation of the Study and Issues Addressed

This study involves juvenile court judges, probation counselors and court service unit directors in the state of Virginia. It focuses on the attitudes of juvenile court personnel toward the Special Placements Programs. Of particular concern are their views as to which children are placed in the Program and why; whether this Program is "widening the net" or is a diversionary program; internal agreement or conflict within the courts concerning these placements; the responsibilities and assignments at the court service level in making these placements; perceptions of the Department's administration of the Program; and perceptions of the Program's effectiveness.

D. Definition of Terms

"286" Program (Also "Judicial" and "Community" Special Placements Program): The program of the Virginia Department of Corrections, as defined in Section 16.1-286 of the Code, which provides for funding for the residential placement of children with behaviors which "cannot be dealt with in the child's own locality or with the resources of his locality".

The Department: The Virginia Department of Corrections.

State Board: The State Board of Corrections of the Virginia Department of Corrections.

Special Placements: Private residential facilities which provide care, treatment, and supervision of children with emotional, social, or behavior conditions not deemed appropriate to be serviced in the localities' or in the Department's own facilities or programs.

The Court ("Juvenile Court" or "Juvenile Court Service Unit"): The juvenile and domestic relations courts in each judicial district and/or the staff thereof, including the Judge, Director and Probation Counselors.

"Juvenile" or "Child": A person less than eighteen years of age and under the jurisdiction of the juvenile and domestic relations court.

E. Assumptions

In conducting this study, it was assumed that all persons involved in making these placements will be acting in the best interests of children before the juvenile courts; and that by doing so, community public safety will also be achieved. It was assumed, as well, that the juvenile court personnel work to accomplish these goals and that their effort is in cooperation with the Department of Corrections. In singling out this population, the assumption was made that juvenile court personnel are essential to the initiation of

placements and to the placement of youths in this Program.

In developing this research methodology, we assumed that a sufficient number of questionnaires would be returned to provide meaningful results. We assumed, also, that information provided from court personnel would not be tainted according to the expectations of supervisors or to researcher effects.

F. Need For The Study

This study is vital to a comprehensive look at this placement program for juvenile offenders. The success of the "286" Program depends upon the initial referrals received from the juvenile courts. The attitudes of court personnel toward each aspect of the operation and administration of the Program are a vital influence on their participation in this dispositional process.

Information gathered in this research is beneficial to all interested in the present status and future success of this Program. Of particular note is its use to the Department in considering the policies and procedures of the program, to court personnel in developing an awareness of attitudes and activities of other courts, and to the legislators and government agencies who have conceived of and implemented the program and are responsible for the fiscal maintenance thereof.

II. LITERATURE REVIEW

A. Diversion and Alternative Programs in Juvenile Justice

The creation of the Special Placements Program reflects a general dissatisfaction with the present methods for handling juvenile delinquents. This is a position which has received increasing support in recent years, from juvenile justice, mental health, and adult corrections professionals (Bullington, et. al., 1978). Few tested techniques are known concerning the causes and cures of various behavior problems of youth, which results in ambiguity both in working conditions and in the handling of youths (Blombert, 1977: 140).

"Alternative" and "diversionary" programs are mushrooming throughout the juvenile justice system, yet these, too, are receiving mixed, often negative, reviews. Critics point out that the concept of alternatives or diversion is so ambiguous that it allows for expansion of the juvenile justice system, ("widening the net"), in lieu of truly diverting from deeper involvement in it. Others say that the goals of these programs, such as eliminating stigmatizing labels and the duplication of existing informal processes (Bullington, et. al., 1978: 59), are unattainable and that these are incompatible with constitutional principles of due process.

Alternative and diversionary programs range from pre-trial to

post-adjudicatory. The recent effort toward deinstitutionalization of youth has reportedly been successful nationally in reducing the numbers of youths confined in traditional correctional facilities. This decrease, however, has been accompanied by an increase in the use of private correctional treatment-oriented facilities, with public subsidies (Lerman, 1980: 292). Population figures in the "286" Program (as well as in the "325" Program) and in the learning centers tend to support this finding in the state of Virginia, with the variation that learning center populations are remaining more or less stable, while other programs expand.

Klein (1979: 186) in his review of more than 200 published and unpublished articles and books on diversion and deinstitutionalization, concludes that the programs described "fail the test". His test is one of "Program Integrity", in which he determines whether program activities implement and embody program rationales. Original program rationales, he writes, are replaced by alternative rationales which are "more convenient, but inappropriate". Definitional ambiguity is a major factor influencing this and is also an impediment to successful program activities. This author names inadequate rationales, inappropriate client targeting, inadequate or inappropriate service delivery, professional staff resistance, inappropriate program location, and backlash from unintended consequences as other impediments to program activities.

Klein's review leads him to conclude that neither

deinstitutionalization nor diversion programs have been implemented. The "286" Program, if assessed by this author's rigorous standards, would undoubtedly be sorely lacking in many of the areas he considers.

#### B. The Juvenile Court as a Decision-making Body

Decision-making in the juvenile courts has been addressed by a number of authors in recent years. Two issues have received a preponderance of attention, yet neither is germane to this study. One is the effect of background characteristics on the attitudes of judges and court service workers. The other is the effect of "legal" (court history, present offense) versus "extra-legal" (race, age, sex, social class, etc.) factors on juvenile court dispositions. Horwitz and Wasserman (1980:47) suggest that we turn to "decision-making . . . guided by reference to a substantive goal or by the best decision in the individual case . . . ." This framework for decision-making is consistent with the ideals of "individual" justice espoused by juvenile court philosophy and is a major factor in the consideration of children for the "286" Program.

A third issue addressed in the literature is that of decision-making within the organizations of the juvenile courts. Organizational decision-making has been studied across a wide variety of disciplines, with orientation toward such areas as business, economics, and psychology. Most is geared toward developing a formalized process for systematically analyzing possible decisions, a

process which will result in maximal benefits and minimal costs (Lee, 1975).

Lamiell (1979) proposes social judgment theory as a framework for empirically describing and evaluating discretionary practices in the juvenile justice system. Glick (1980), in applying organization theory to a juvenile court, found it to resemble a "firm". The court "displays decision-making behavior common in small, stable organizations, with emphasis on cooperation, harmony, shared goals, and predictable outcomes" (p. 337).

Blomberg (1977) describes juvenile courts as distinct organizational and decision-making systems. He outlines four characteristics of juvenile courts:

1. They operate with conflicting goals and ambiguous treatment technologies.
2. They are subject to ever-present conditions of operational uncertainty and resource scarcity.
3. Goal conflict and operational uncertainty facilitate a variety of programmatic developments and operations presumed consistent with the needs of the courts' clients, and
4. Practices reflect a need to routinely process a potentially

broad range of cases into limited dispositional alternatives which vary over time and between court jurisdictions.

Each of Blomberg's characteristics of the courts can be applied to one or more of the "problem issues" of the "286" Program. He effectively sets the stage for this study of the "286" Special Placements Program, particularly when one reviews his emphasis on conflicting goals, ambiguous treatment technologies and the limiting effect of available resources.

### III. METHODOLOGY

#### A. The Population

The population studied was juvenile court personnel, including Judges, court service unit Directors, and Probation Counselors from the 37 court service units in 32 Judicial Districts in the state of Virginia.

#### B. The Sample

The targeted sample was of one juvenile court judge, one court service director and two probation counselors from each Judicial District. The actual sample, determined by those who responded to the questionnaire, consisted of 29 Juvenile Court Judges, 31 Court Service Directors and 58 Probation Counselors.

C. Research Design

A survey of the sample was conducted in doing this descriptive study. The issues raised were translated for use on the research instrument, the questionnaire.

D. Data Collection Procedures

Data was collected by use of a questionnaire sent to each individual in the sample. This questionnaire was pre-tested in the field and with research specialists and was then carefully re-worded to avoid the detected possibilities for error. (Of note is that the pre-test resulted in several of the questions being changed from a choice of provided responses to open-ended questioning.) The areas covered on the questionnaire included: a general evaluation of the "286" Program, reasons why this officer of the court does or does not refer children for special placements, the administration of the program within the court service unit, perceptions of the Department's support and encouragement of these placements, and evaluation of the program's effectiveness in treating juveniles with special needs.

Three questionnaires were distributed; one designated for Judges, one for unit Directors, and one for Probation Counselors. The wording of each was identical. These were addressed to the individual and sent by mail, with an introductory letter and self-addressed envelope enclosed for ease in responding.

Identification by name was optional for respondents, to encourage candid responses.

E. Data Analysis Procedures

The Data has been compiled into a descriptive report, with the findings stated in narrative and chart form. Percentages are used to describe the frequency of particular responses and to show variations between categories of personnel. The mean and mode of interval level responses have been calculated, and Chi Square analysis done of portions of the ordinal-level data. The Findings are then further discussed in a narrative report.

IV. FINDINGS

A. Validity and Reliability of the Sample

The sample population represented a substantial proportion of the juvenile court Judges, court service unit Directors and Probation Counselors from across the state. Though the sample was not randomly selected, it provided a quota sampling by Judicial District and external validity was achieved by the extensive size of this sample of the population.

The threat of non-response was allayed by the number of questionnaires returned. A total of 173 questionnaires were sent out; 35 to court service unit Directors; 66 to juvenile court Judges,

and 72 to Probation Counselors. Of the number distributed, 118, or 68 percent of the questionnaires were returned. The percentage of Judges responding was much lower than the other two groups, with 44 percent, or 29 of the 66 distributed. In contrast, 89 percent, or 31 of the 35 Directors returned their questionnaires, as did 81 percent, or 58 of the 72 Probation Counselors.

B. Validity and Reliability of the Data

This survey, however carefully designed and conducted, is like all reactive research in that it is prone to inaccuracies in internal and external validity. This has been countered to the best possible extent, with the careful wording and pre-testing of the questionnaire. Additional considerations, of which this researcher is aware, are the fact that this project was done under the auspices of the State Crime Commission, which may have affected the candidness of the responses, as may have the fact that respondents were rating a program directed by the agency by which they are employed. Important, too, is that court service personnel are generally overwhelmed by paperwork. This six page questionnaire was certainly obtrusive and the relative weight of other duties may have distracted full attention from the survey. The questionnaires returned were generally completed, and of note, is that responses were given to the open-ended questions.

External validity may be questioned in terms of the conclusions drawn, with the possibility that the attitudes of those responding does not accurately represent those of the court service personnel

across the state. Again, the extensive sample from the population should counter this problem. Unavoidable is that those most displeased with the Program will not respond at all, leaving the results skewed positively.

The statistical tests of significance performed show little that can be deemed statistically significant; yet the presentation of percentages of the sample who responded in various ways provides information which can be used by the lay reader.

It should be noted that further strength could be added to this study by the addition of non-reactive research methods. Data is available which shows which courts place children in the Program. That data could be considered in conjunction with a review of the actual applications for placement. This would undoubtedly provide an even more comprehensive look both at this Program and at the performances of the population studied.

C. Findings in Relation to the Issues Enumerated for Study

The Findings of this study have been grouped under five major headings. The first deals with program experience of the respondents. This is intended to acquaint the reader with the respondents. The remaining four headings are in direct answer to the questions raised in the setting of the problem. Information is provided which describes the cases in which respondents utilize the services of this Program and the probable disposition of youths

without the availability of the Program; the internal workings of the court service unit, including assignment of responsibility for making these placements and agreement within the court service unit; evaluation of the Department's administration of the Program, and suggestions of how to improve upon it. Several measures of the effectiveness of the Program in providing improved services for juveniles are discussed; and, finally, ways in which the court personnel would change the Program if they were able to are presented. These four areas provide a comprehensive inquiry into the main arena in which juvenile court personnel work with the "286" Program.

D. Discussion of the Findings

1. Program Experience of Respondents

The respondents had varying amounts of experience with the "286" Program, as was measured by the number of placements they reported that they had made during the previous year. The responses ranged from 0 to 103, with the mean response of 7 (see figures 1a and 1b). The median number of placements for the entire sample was 3; the most frequently occurring score, 0. It is important to note that Probation Counselors listed 0 much more frequently than did the Judges or Directors (Probation Counselors: 16 times; Judges: 1; Directors: 3). Considering only the Judges and Directors combined, the mean score is 7.8; the median, 7; and the most frequent score, 3. The "103" was an

extreme score, (listed by the Judge and the Director of the Fairfax Court Service Unit). The next highest score was only "38".

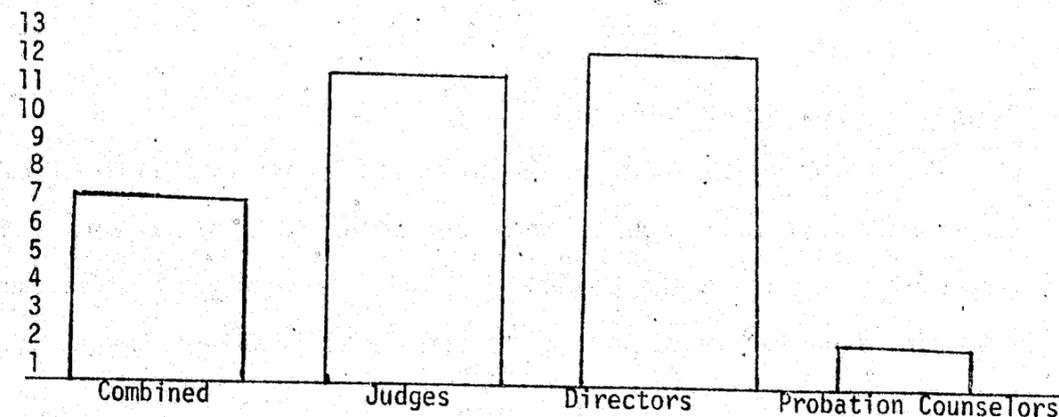
Figure 1a

Number of Children Placed in "286" During The Previous Year

| Judges: N=22            | Directors: N=29 | Probation Counselors: N=56 |
|-------------------------|-----------------|----------------------------|
| Range: 0-103            | Range: 0-103    | Range: 0-12                |
| Median: 7.5             | Median: 6       | Median: 2                  |
| Mode: 3                 | Mode: 7         | Mode: 0                    |
| Mean: 11.5              | Mean: 12.1      | Mean: 2.6                  |
| Combined Results: N=107 |                 |                            |
| Range: 0-103            |                 |                            |
| Median: 3               |                 |                            |
| Mode: 0                 |                 |                            |
| Mean: 7                 |                 |                            |

Figure 1b

# of Children Placed      Average Number of Children Placed By Respondents



2. Which Children Are Placed In The "286" Program?

As with the number of placements made, the responses concerning the percentage of children before the court who are considered for "286" Special Placements varied greatly. From less than 1 to 100 percent of the children were reported by the respondents as being considered (see figure 2a). The mean response was 9.8 percent, with 10 percent the most frequent. The Kruskal-Wallis analysis of variance shows us that the difference between these groups is significant at the .01 level of confidence.

Figure 2a  
Percentage of Children Considered for "286" Placement

|                         |                 |                            |
|-------------------------|-----------------|----------------------------|
| Judges: N=24            | Directors: N=29 | Probation Counselors: N=48 |
| Range: 1-25%            | Range: 1-50%    | Range: 0-100%              |
| Median: 5               | Median: 5       | Median: 10                 |
| Mode: 5                 | Mode: 21        | Mode: 10                   |
| Mean: 6.8               | Mean: 9.2       | Mean: 11.6                 |
| Combined Results: N=101 |                 |                            |
| Range: 1-100%           |                 |                            |
| Median: 5               |                 |                            |
| Mode: 10                |                 |                            |
| Mean: 9.8               |                 |                            |

Reasons for Considering Placement

The reasons given as to why juveniles are recommended for the Program may be described in two groups. Responses saying that there were "no other resources available in the community" were those most often given, numbering 114. The need for foster or residential care, long-term counseling, for a

structured environment, to get away from a bad home situation and due to special drug or alcohol problems were listed in detail to these responses.

The other group consisted of comments saying that "286" Placements are used as an alternative to commitment. These were made by 54 respondents. Remarks as to why such an alternative was needed included "opportunity for better rehabilitation", "less stigma", "lower client-staff ratio", "less recidivism", and "increased family involvement".

Reasons for Ruling Placement Out

The most frequent reasons given why children are ruled out for "286" Placement were rather general remarks concerning their not being "suitable" (95 responses). Serious mental health, physical health, or drug problems, lack of motivation or cooperation, the need for a secure environment, and failure in other programs were listed. The next most commonly cited reason was that appropriate placement was available elsewhere (36 responses). "Red tape", including paperwork, time and travel requirements, and the confusing application process was third most frequent, with 21 responses. This was followed by: nature or seriousness of offense (11), lack of funds (2), a need for immediate placement (2), that placement facilities would not accept a child or were not available (2); and one probation counselor listed as his reason for ruling out placement that "the placements should be by the Diagnostic Center and not the court service unit".

### Commitment of Eligible Juveniles

Not all eligible children are placed. Eighty percent of the respondents reported that eligible juveniles have been, instead, committed to the Department of Corrections (see figure 2b). A greater percentage of the Judges felt this to be true (90%), as compared to 84 percent of the Directors and 72 percent of the Probation Counselors.

Like the reasons given for ruling out consideration of a juvenile for "286" Placement, the most frequent reasons given for committing eligible juveniles were related to the child's not being "suitable" (44 comments). Also, as before, frequently listed were "red tape" issues (11 comments); here often accompanied by "it's easier to commit and have the child placed by the Reception and Diagnostic Center". The need for immediate placement and inability to wait for processing of the case (11 comments), the lack of funds (10 comments), denial by prospective placements (5), and nature and seriousness of offenses committed (4), were mentioned numerous times, as well. Reasons named for committing eligible juveniles, which were not also mentioned in the previous question, were: lack of pursuit or of a coordination of the placement effort within the court service unit (10 comments) and, "that's what the judge decided" (9 comments).

Figure 2b

Have "286" Eligible Juveniles been Committed to the Department of Corrections?

|                              | % Yes |
|------------------------------|-------|
| Judges<br>N=29               | 90    |
| Directors<br>N=31            | 84    |
| Probation Counselors<br>N=57 | 72    |
| Combined<br>N=117            | 80    |

### Probable Dispositions Without "286"

In an attempt to ascertain the probable disposition, had the "286" Program not been available, respondents were asked if children would have had their cases dismissed, would have been placed on probation, or would have been committed to the Department of Corrections, without this Program.

A majority (81%) of the total respondents said that none of the juveniles would have had their cases dismissed (see figure 2c). Twenty-eight percent of the Directors responded that "A Few" of the juveniles recommended for this program would have had their cases dismissed without it. Probation counselors were more reluctant to indicate this answer; only nine percent did so.

Figure 2c

Without "286", children would have had their cases dismissed

|                              | A Few | None |
|------------------------------|-------|------|
| Judges<br>N=29               | 28%   | 72   |
| Directors<br>N=31            | 26    | 74   |
| Probation Counselors<br>N=53 | 9     | 91   |
| Combined<br>N=113            | 19    | 81   |

Fifty-seven percent of the respondents indicated that "Most" of the juveniles recommended for "286" Placement would have been committed without this program and 31 percent indicated that "A Few" would have been. Figure 2d shows the percentage of responses for each of the three groups. A higher percentage of the Probation Counselors (18%) than of the other groups indicated that "All" would have been committed.

Figure 2d

Without "286", children who would have been committed to the Department of Corrections

|                              | All | Most | A Few | None |
|------------------------------|-----|------|-------|------|
| Judges<br>N=29               | 3%  | 66   | 31    |      |
| Directors<br>N=31            | 3   | 65   | 29    | 3    |
| Probation Counselors<br>N=55 | 18  | 49   | 31    | 2    |
| Combined<br>N=115            | 10% | 57   | 31    | 2    |

The responses indicating children who would have been placed on probation without the "286" Program are more dispersed. Thirty-seven percent of the respondents indicated that "A Few" of the juveniles would have been placed on probation without the "286" Program and 35 percent said that "Most" would have been (see figure 2e).

Figure 2e

Without "286", children who would have been placed on probation.

|                              | All Children | Most | A Few | None |
|------------------------------|--------------|------|-------|------|
| Judges<br>N=29               | 10%          | 41   | 41    | 7    |
| Directors<br>N=30            | 17           | 33   | 47    | 3    |
| Probation Counselors<br>N=52 | 25           | 33   | 29    | 13   |
| Combined<br>N=111            | 19%          | 35   | 37    | 9    |

Eligibility for Non-Residential Services

A final question concerning those who are placed in the "286" Program asked about alternative dispositions for those who would ordinarily be placed in the Program. Seventy-six percent of the respondents indicated that only "A Few" (54%) or "None" (22%) of the juveniles would have been eligible for non-residential services in lieu of "286" placement, had these and funding been available (see figure 2f). On the other hand, almost one-fifth (19%) said that "Most" children would have been eligible for non-residential services, and five percent said that "All" would have been.

Figure 2f

Would children placed in "286" have been eligible for non-residential programs?

|                              | All Children | Most | A Few | None |
|------------------------------|--------------|------|-------|------|
| Judges<br>N=27               | 4%           | 22   | 48    | 26   |
| Directors<br>N=30            | 7            | 13   | 57    | 23   |
| Probation Counselors<br>N=54 | 4            | 20   | 56    | 20   |
| Combined<br>N=111            | 5%           | 19   | 54    | 22   |

Services similar to those provided in "286" placements are reportedly very limited in the communities. Ninety percent of the respondents indicated that similar services are available for only "A Few" or "None" of the children before their courts (see figure 2g). Probation Counselors were the least

likely to mark "none", indicating, perhaps, their closer direct contact with community resources than that of the Judges and Directors.

Figure 2g

Are non-residential services available in your community?

|                              | For All Children | Most | A Few | None |
|------------------------------|------------------|------|-------|------|
| Judges<br>N=28               | 0%               | 11   | 46    | 43   |
| Directors<br>N=31            | 0                | 10   | 55    | 35   |
| Probation Counselors<br>N=57 | 2                | 7    | 65    | 26   |
| Combined<br>N=116            | 1%               | 9    | 57    | 33   |

Vocational and job placement programs were named most often as non-residential programs which are needed in the community. This was followed, in order of frequency, by the need for social skills building, family counseling, substance abuse services, recreation, psychological and psychiatric services, foster care for adolescents, group homes or probation houses, independent living skills instruction, alternative education, and programs for the mentally retarded and emotionally disturbed.

3. The Mechanics of "286" at the Court Service Unit Level

Initiation of the Process

Eighty-six percent of the respondents reported that the probation counselors are responsible for initiating consideration of a juvenile for "286" Placement (see figure 3a). Judges do so only four percent of the time. "Others", including special placement coordinators, and combinations of the court service unit staff with judges, defense attorneys, social services and school personnel were cited by ten percent of the respondents.

Figure 3a

Who Initiates Consideration for "286"?

|                              | Judge | Probation Counselor | Others |
|------------------------------|-------|---------------------|--------|
| Judges<br>N=29               | 7%    | 83                  | 10     |
| Directors<br>N=31            | 3     | 90                  | 7      |
| Probation Counselors<br>N=57 | 3     | 84                  | 13     |
| Combined<br>N=117            | 4%    | 86                  | 10     |

Information

The Probation counselors were, in a majority of cases, indicated to have the most technical, or "nuts and bolts" information about "286" Placements. (see Figure 3b). "Others", including those individuals and combinations listed above, were frequently cited, as well. Fifty-five percent of the respondents

indicated that this information is "Always" shared; 42 percent said "Usually", with several of these answers modified by "when requested" (see figure 3c).

Figure 3b

Who has the most information concerning the "286" Program?

|                              | Judges | Directors | Probation | Others |
|------------------------------|--------|-----------|-----------|--------|
| Judges<br>N=29               | 0%     | 7         | 48        | 45     |
| Directors<br>N=30            | 0      | 7         | 47        | 46     |
| Probation Counselors<br>N=58 | 2      | 9         | 60        | 29     |
| Combined<br>N=117            | 1%     | 8         | 54        | 38     |

Figure 3c

Is the information shared with the court service unit personnel?

|                              | Always | Usually | Rarely |
|------------------------------|--------|---------|--------|
| Judges<br>N=29               | 59%    | 41      | 0      |
| Directors<br>N=30            | 67     | 33      | 0      |
| Probation Counselors<br>N=58 | 46.5   | 46.5    | 7      |
| Combined<br>N=117            | 55%    | 42      | 3      |

Recommendations to the Court

The Probation Counselors were named, again, as making a majority (59%) of the final recommendations for "286" Placement to the court (see figure 3d). Judges were said to make final recommendations 23 percent of the time. (Interestingly, the judges named themselves a greater percentage of the time than they were named by the other two groups, as did the Probation Counselors). Directors were named only six percent of the time, and others, including combinations of court service unit workers, judges, attorneys, social services and school personnel, made up 12 percent of the responses.

Figure 3d

Who makes final recommendations for "286" Placement?

|                              | Judges | Directors | Probation Counselors | Others |
|------------------------------|--------|-----------|----------------------|--------|
| Judges<br>N=29               | 38     | 3         | 45                   | 14     |
| Directors<br>N=31            | 25     | 13        | 48                   | 14     |
| Probation Counselors<br>N=56 | 14     | 4         | 70                   | 12     |
| Combined<br>N=116            | 23     | 6         | 59                   | 12     |

The court service units and judges were reported to "Always" or "Usually" agree on recommendations for Placements in 96 percent of the cases. "Rare" agreement was indicated by two Directors, one Judge and one Probation Counselor (see figure 3e).

Figure 3e

Agreement on placements

|                              | Always | Usually | Rarely |
|------------------------------|--------|---------|--------|
| Judges<br>N=29               | 21%    | 76      | 3      |
| Directors<br>N=31            | 10     | 83      | 6      |
| Probation Counselors<br>N=55 | 11     | 87      | 2      |
| Combined<br>N=115            | 13%    | 83      | 4      |

Staff Assignment to "286"

Thirty-four percent of the respondents said that a staff person is assigned to process all recommendations for "286" Placements in their courts (see figure 3f). Of particular note is that only 22 percent of the probation counselors said that there is such a person in their unit, while 50 percent of the Judges and 42 percent of the Directors did so.

When asked if having such a staff person increases the number of placements, 71 percent of the total respondents replied affirmatively. This was more predominant, (though not statistically significant), among the Probation Counselors than the Directors and the Judges (see figure 3g).

Figure 3f

Is a staff person assigned to "286"?

|                              | % Yes |
|------------------------------|-------|
| Judges<br>N=28               | 50    |
| Directors<br>N=31            | 42    |
| Probation Counselors<br>N=58 | 22    |
| Combined<br>N=117            | 34    |

Figure 3g

Does having such a staff person increase the number of placements made?

|                              | % Yes |
|------------------------------|-------|
| Judges<br>N=21               | 57    |
| Directors<br>N=29            | 69    |
| Probation Counselors<br>N=45 | 78    |
| Combined<br>N=95             | 71    |

Increased knowledge, better contacts, skill at completing the paperwork, relief from other responsibilities and working as an advocate for the Program were cited as reasons that an assigned staff person increases the number of placements. The Probation Counselor's familiarity with his own cases, that the information is now appropriately shared with all members of the staff, that placements are based on the individual needs of juveniles and are not

contingent upon staff assignments, and that the Judge makes the decision were reasons given numerous times as to why having a special placements coordinator does not increase the number of placements. Other reasons given why such a person does not increase placements were: that it is impractical in small offices, that the placement should be done by the Department of Corrections, and finally, that the entire process is "so time consuming and cumbersome that it is inconceivable that anyone would do it unless absolutely necessary".

4. Administration of the Program by the Department of Corrections

While 20 percent of the respondents rated the administration of the "286" Program by the Department of Corrections as "Excellent", 52 percent gave it a "Good". Six percent gave the Department a "Poor" (see figure 4a). Figure 4a shows, also, that Directors had the least proportion of "Fair" or "Poor" answers (21 percent, as compared to 28 percent of the Judges and 32 percent of the Probation Counselors).

Figure 4a

Evaluation of the Administration of the "286" Program by the Department of Corrections

|                              | Excellent | Good | Fair | Poor |
|------------------------------|-----------|------|------|------|
| Judges<br>N=25               | 8%        | 64   | 20   | 8    |
| Directors<br>N=30            | 27        | 50   | 14   | 7    |
| Probation Counselors<br>N=54 | 22        | 46   | 26   | 6    |
| Combined<br>N=109            | 20%       | 52   | 22   | 6    |

Information from the Department to the Court Service Units

Sixty-four percent of the respondents indicated that they "Usually" receive adequate information from the Department of Corrections concerning the "286" Program, and 21 percent indicated that they "Always" do (see figure 4b). "Rarely" was indicated 11 percent of the time, and "Never" by two Probation Counselors.

Figure 4b

Do you receive adequate information from the Department?

|                              | Always | Usually | Rarely | Never |
|------------------------------|--------|---------|--------|-------|
| Judges<br>N=26               | 4%     | 77      | 19     | 0     |
| Directors<br>N=31            | 23     | 74      | 3      | 0     |
| Probation Counselors<br>N=58 | 28     | 53      | 16     | 3     |
| Combined<br>N=115            | 21%    | 64      | 13     | 2     |

When asked what they would like to know more about, the respondents made 55 comments. The most frequent request was for detailed, up-to-date information on the facilities, including eligibility information, evaluation as to success rates, and how facilities are approved by the Department (26 requests). Another frequently cited (15 times) request was for information on how to streamline and make the application process less confusing and time consuming. Advance notice as to when funding is to be cut was noted seven separate times, and why the Department does not take over the program, twice. Single responses included a request for more information to the Probation

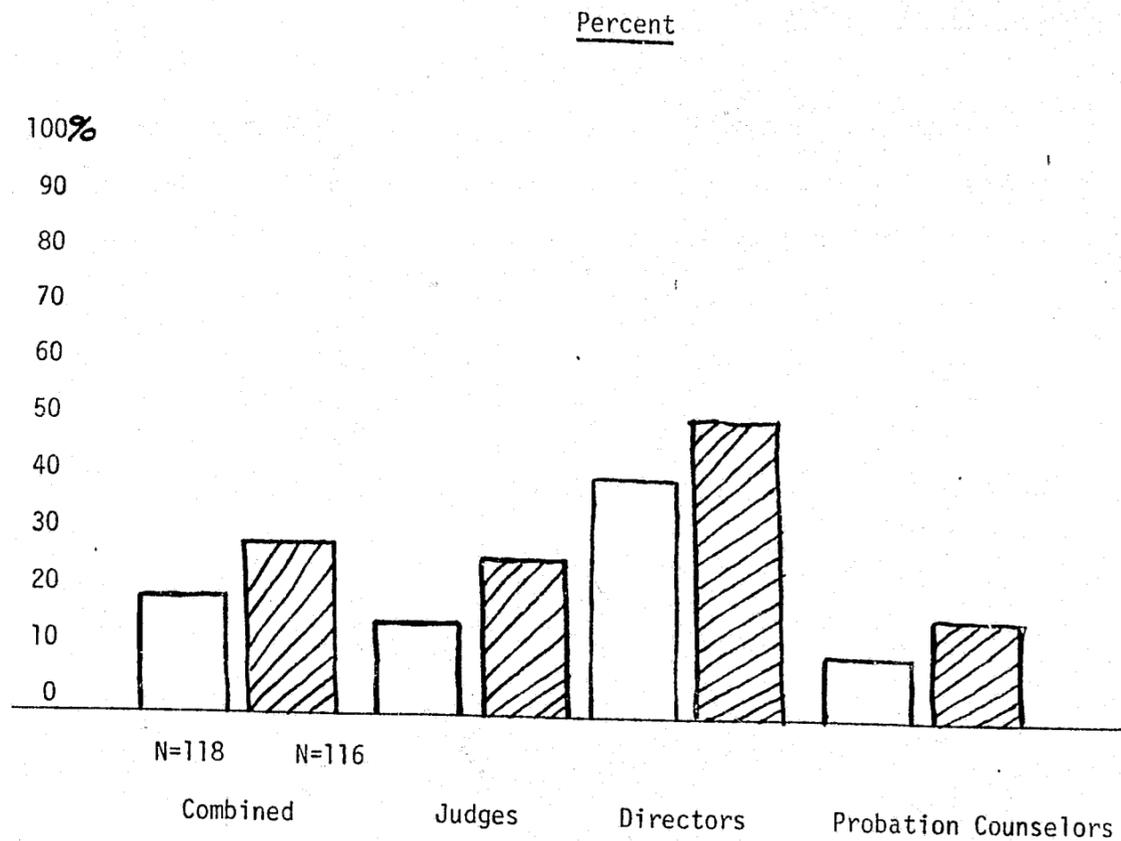
Counselors, placements for reluctant juveniles, that local court service units supervise juveniles placed in their areas, and that alternatives pending application and acceptance be developed.

Input into the Program

Although only 19 percent of the respondents indicated that they had been requested by the Department of Corrections to give input into the guidelines, 28 percent said that they had made recommendations concerning the Program (see figure 4c).

Figure 4c

Have you been requested to give input into the Guidelines for the "286" Program? Have you made recommendations?



Those requested for input  
 Those who have made recommendations

The recommendations which they have made, or would like to make, may be placed under eight headings, as follows:

Paperwork reduction and streamlining, including those aspects enumerated above, as well as that the court service unit be taken out of the middle of the billing process, that the Department take over the whole process, and a request for the elimination of the requirement that all other resources be exhausted (34 comments);

Flexibility, that the services be expanded to provide for the severely mentally retarded, substance abuse and vocational problems, that the Program be available for aftercare following commitment to the learning centers; that local courts be asked to supervise juveniles placed from distant courts and out-of-state placements that are closer to a locality be approved, that non-residential placements be allowed, and that provision be made for an immediate placement pending acceptance into the Program (14 comments);

Cooperation from the Department, and that the Department be more efficient and consistent in its approach to the Program (10 comments);

Funding issues, including increased funding, better planning to eliminate freezes, elimination of ceilings, preliminary screening to see if a child is eligible for funding prior to completion of the entire application process, and less quick approval of facility cost increases (10 comments);

Training, of court service unit personnel and judges in how to use the Program, and of personnel in the placement facilities, in order to familiarize them with the philosophy and expectations of Special Placements (7 comments);

Information, especially more detail as to which programs are available and how best to match a child with the most appropriate placement (4 comments);

Input, that it be solicited from the court service unit staff in developing guidelines and that use be made of their experiences with the Program (4 comments); and

Evaluation and Monitoring of the facilities, by the Department, to determine those most successful with particular children (3 comments).

5. Evaluation of Service Delivery of the "286" Program

Eighty-one percent of the respondents felt that the "286" Program is effective in treating "All" or "Most" juveniles with special needs who are placed in it (see figure 5a). The Probation Counselors were less likely to rate the Program as effective for "All" or "Most", yet the difference between the groups is not significant by Chi Square analysis.

Figure 5a  
Effectiveness of the "286" Program in treating juveniles with special needs

|                              | For all Children Placed | Most | A Few | None |
|------------------------------|-------------------------|------|-------|------|
| Judges<br>N=29               | 10%                     | 76   | 14    | 0    |
| Directors<br>N=31            | 0                       | 84   | 16    | 0    |
| Probation Counselors<br>N=56 | 7                       | 70   | 21    | 2    |
| Combined<br>N=116            | 6%                      | 75   | 18    | 1    |

Eighty-seven percent of the respondents rated the program as "Excellent" or "Good" in meeting the design of the legislation which created it. Even more positive was the respondents' general evaluation of the Program's providing improved services to juveniles. Ninety-two percent rated the program as "Excellent" or "Good" (see figures 5b and 5c). Here, again, Probation Counselors were slightly less likely to answer "Excellent" or "Good", yet Chi Square analysis shows no significant difference.

Figure 5b

General Evaluation: Meeting the design and intent of the legislation which created the "286" Program.

|                              | Excellent | Good | Fair | Poor |
|------------------------------|-----------|------|------|------|
| Judges<br>N=26               | 27%       | 58   | 15   | 0    |
| Directors<br>N=27            | 26        | 67   | 7    | 0    |
| Probation Counselors<br>N=52 | 23        | 62   | 11   | 4    |
| Combined<br>N=105            | 25%       | 62   | 11   | 2    |

Figure 5c

General Evaluation: Improved services for juveniles.

|                              | Excellent | Good | Fair | Poor |
|------------------------------|-----------|------|------|------|
| Judges<br>N=26               | 34%       | 58   | 8    | 0    |
| Directors<br>N=29            | 34        | 66   | 0    | 0    |
| Probation Counselors<br>N=54 | 24        | 63   | 9    | 4    |
| Combined<br>N=109            | 29%       | 63   | 6    | 2    |

In another measure of general effectiveness, only five percent of the respondents indicated that children placed in "286" return to court more often on subsequent charges, while 73 percent said that those placed in the learning centers return more often (see Figure 5d).

Figure 5a

Effectiveness of the "286" Program in treating juveniles with special needs

|                              | For all<br>Children Placed | Most | A Few | None |
|------------------------------|----------------------------|------|-------|------|
| Judges<br>N=29               | 10%                        | 76   | 14    | 0    |
| Directors<br>N=31            | 0                          | 84   | 16    | 0    |
| Probation Counselors<br>N=56 | 7                          | 70   | 21    | 2    |
| Combined<br>N=116            | 6%                         | 75   | 18    | 1    |

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Figure 5c

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|                              | Excellent | Good | Fair | Poor |
|------------------------------|-----------|------|------|------|
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| Directors<br>N=29            | 34        | 66   | 0    | 0    |
| Probation Counselors<br>N=54 | 24        | 63   | 9    | 4    |
| Combined<br>N=109            | 29%       | 63   | 6    | 2    |

As a measure of general effectiveness, only five percent of the respondents said that children placed in "286" return to court more often than those in the learning center; while 73 percent said that those placed in the learning center return to court less often (see Figure 5d).

Figure 5a

Effectiveness of the "286" Program in treating juveniles with special needs

|                              | For all Children Placed | Most | A Few | None |
|------------------------------|-------------------------|------|-------|------|
| Judges<br>N=29               | 10%                     | 76   | 14    | 0    |
| Directors<br>N=31            | 0                       | 84   | 16    | 0    |
| Probation Counselors<br>N=56 | 7                       | 70   | 21    | 2    |
| Combined<br>N=116            | 6%                      | 75   | 18    | 1    |

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|                              | Excellent | Good | Fair | Poor |
|------------------------------|-----------|------|------|------|
| Judges<br>N=26               | 27%       | 58   | 15   | 0    |
| Directors<br>N=27            | 26        | 67   | 7    | 0    |
| Probation Counselors<br>N=52 | 23        | 62   | 11   | 4    |
| Combined<br>N=105            | 25%       | 62   | 11   | 2    |

Figure 5c

General Evaluation: Improved services for juveniles.

|                              | Excellent | Good | Fair | Poor |
|------------------------------|-----------|------|------|------|
| Judges<br>N=26               | 34%       | 58   | 8    | 0    |
| Directors<br>N=29            | 34        | 66   | 0    | 0    |
| Probation Counselors<br>N=54 | 24        | 63   | 9    | 4    |
| Combined<br>N=109            | 29%       | 63   | 6    | 2    |

In another measure of general effectiveness, only five percent of the respondents indicated that children placed in "286" return to court more often on subsequent charges, while 73 percent said that those placed in the learning centers return more often (see Figure 5d).

Figure 5a

Effectiveness of the "286" Program in treating juveniles with special needs

|                              | For all Children Placed | Most | A Few | None |
|------------------------------|-------------------------|------|-------|------|
| Judges<br>N=29               | 10%                     | 76   | 14    | 0    |
| Directors<br>N=31            | 0                       | 84   | 16    | 0    |
| Probation Counselors<br>N=56 | 7                       | 70   | 21    | 2    |
| Combined<br>N=116            | 6%                      | 75   | 18    | 1    |

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Figure 5b

General Evaluation: Meeting the design and intent of the legislation which created the "286" Program.

|                              | Excellent | Good | Fair | Poor |
|------------------------------|-----------|------|------|------|
| Judges<br>N=26               | 27%       | 58   | 15   | 0    |
| Directors<br>N=27            | 26        | 67   | 7    | 0    |
| Probation Counselors<br>N=52 | 23        | 62   | 11   | 4    |
| Combined<br>N=105            | 25%       | 62   | 11   | 2    |

Figure 5c

General Evaluation: Improved services for juveniles.

|                              | Excellent | Good | Fair | Poor |
|------------------------------|-----------|------|------|------|
| Judges<br>N=26               | 34%       | 58   | 8    | 0    |
| Directors<br>N=29            | 34        | 66   | 0    | 0    |
| Probation Counselors<br>N=54 | 24        | 63   | 9    | 4    |
| Combined<br>N=109            | 29%       | 63   | 6    | 2    |

In another measure of general effectiveness, only five percent of the respondents indicated that children placed in "286" return to court more often on subsequent charges, while 73 percent said that those placed in the learning centers return more often (see Figure 5d).

Figure 5d

Children who return to court on subsequent charges

|                              | Those Placed in "286" | Those Placed in Learning Centers | Unknown |
|------------------------------|-----------------------|----------------------------------|---------|
| Judges<br>N=29               | 3%                    | 76                               | 21      |
| Directors<br>N=28            | 4                     | 71                               | 25      |
| Probation Counselors<br>N=56 | 8                     | 71                               | 21      |
| Combined<br>N=113            | 5%                    | 73                               | 22      |

Desire to change the number of placements

Respondents were asked if they would like for their court to change the number of recommendations for placement made presently. Fifty-seven percent responded that they would like to make more placements, and only three percent said that they would like to make less placements (see figure 5e(1)). Here, Probation Counselors were slightly more likely to indicate that they would like to make more placements, yet this is not significant by Chi Square analysis.

Figure 5e(1)

Would you like to change the number placed?

|                              | To Make More Placements | The Same Number | Less Placements |
|------------------------------|-------------------------|-----------------|-----------------|
| Judges<br>N=25               | 56%                     | 44              | 0               |
| Directors<br>N=29            | 55                      | 42              | 3               |
| Probation Counselors<br>N=52 | 60                      | 36              | 4               |
| Combined<br>N=106            | 57%                     | 40              | 3               |

The effect of a Special Placements Coordinator

The responses to the previous question have been compared for those courts with and without a special placements coordinator (34 percent of the respondents reported having a staff person assigned). This shows that a slightly greater percentage (60%) of those with a coordinator would like to increase the number of placements made, as compared with 55 percent of those who do not have such a staff person assigned (see figures 5e(2)).

Figure 5e(2)

Would you like to change the number placed?

|   | To Make More Placements | The Same Number | Less |
|---|-------------------------|-----------------|------|
| Those with a Special Placements Coordinator<br>N=40 | 60%                     | 38              | 2    |
| Those without<br>N=65                               | 55                      | 40              | 5    |

Having a special placements coordinator results, also, in a difference in the general evaluation of the "286" Program's providing improved services to juveniles. One hundred percent of respondents in courts with Special Placements coordinators rated the program as "Excellent" or "Good", as compared with 87 percent of those without such a staff person (see figure 5f). This difference is statistically significant by Chi Square analysis at the .05 level of confidence.

Figure 5f

General Evaluation: Service Delivery of "286"

|   | Excellent | Good | Fair | Poor |
|---|-----------|------|------|------|
| Those with a Special Placements Coordinator<br>N=41 | 41%       | 59   | 0    | 0    |
| Those without<br>N=67                               | 21        | 66   | 10   | 3    |

Changes in the Program

Finally, the respondents indicated in more than 200 instances that they would change the Program, if they could, to:

- \* Have less paperwork (79 responses)
- \* Increase the funding for it (61); while one would like to have the funding decreased.
- \* Provide different services; including: vocational, non-residential, out-of-state provisions when these are closer to home, more

family-oriented activities, group home and shelter care, drug and alcohol treatment, psychiatric services, temporary placements while the application is being processed, short-term crisis placements, and that programs be located in Southwest Virginia (23).

- \* Be more flexible; with increased inter-agency cooperation, temporary trial placements; elimination of the requirement that all local resources be exhausted, reduced paperwork, a shortened questionnaire, willingness to accept reluctant juveniles; more flexibility in the funding process, to allow for allowances or family travel; and that local court service units supervise children placed in their areas (15).
- \* Address a different population; low IQ or mentally retarded children, younger CHINS, those "not too" involved in delinquency, those severely emotionally disturbed, aftercare clients, and chronic runaways (14).
- \* Have better cooperation and clarification of goals from the Department of Corrections (7).
- \* Have facilities evaluated and monitored to determine those most successful in treating specific children (4).
- \* Have training for the court service unit staff and judiciary on the uses of the program (3).

- \* Insure that input be solicited from court service unit personnel (2).

#### E. Further interpretation of the Findings

##### 1. Program Experience of Respondents

According to the Department of Corrections data, there were 225 children actively in the "286" program on May 31, 1982. These children had been placed by 29 of 32 Judicial Districts with the average number of placements a little less than 8 per District and the most frequent number "2". The highest number for any District was for the 19th (Fairfax), with 58 children currently in the Program. In comparison to the average of eight per District, the average number of placements reported by the survey respondents was seven for the previous year. The similarity of these two figures indicates a reliability in the sample and in its description of the population examined in this study.

The marked difference between the average number of recommendations by Judges and Directors and the average by Probation Counselors is readily understandable when one considers that the former groups of respondents are more likely to speak for an entire court service unit than for themselves individually. That the percent of Judges is slightly lower than the percent of Directors may be the result of several Judges deciding cases in a single court.

"Recommended for placement" may have been interpreted in different ways. "Recommendation" is the furthest step the court can take, and the placement is then subject to approval by the Department of Corrections. It is conceivable that the respondents interpreted this to indicate varying levels of involvement with the application process. Regardless of any interpretation difficulties, the responses to this question acquaint the reader with the degrees of direct contact with the Program which the respondents have had. It alerts him, also, that varying experience with the Program may influence the respondents' perceptions of it.

2. Which Children are Placed in the "286" Program?

The range in percentages of children considered for placement demonstrates unmistakable variation in the zeal with which court service unit workers pursue these placements. Consideration by others may be with equal enthusiasm, only in those cases in which placement or commitment of some type is desired. During calendar year 1981, a total of 89,866 juveniles were brought into Intake. Of those, 1,829 (or 2.04%) were committed to the Department of Corrections (2.9% of those who went to court were committed).

The mean response, of approximately ten percent, which was found in this study seems logical, when compared with that rate of commitment. As shown in the data, some children who would not have been committed are placed in "286", which accounts for part of the difference. Also, the consideration of children for "286" may not

always result in their being placed. More complete information regarding the percent of children considered and then placed would give more significance to this data.

It is interesting that the mean percentage is significantly higher for Probation Counselors than it is for Judges. This difference is probably explained by the fact that the Judges see cases which have reached a much more advanced stage than those seen by the Probation Counselors.

The reasons juveniles are recommended for placement generally follow statutory guidelines. Of particular note is that the reasons given as to why juveniles are ruled out for consideration for "286" were often quite similar to those given as to why juveniles are recommended for placement (such as serious mental health or substance abuse problems, or the need for a secure environment). Although it seems that the nature or seriousness of an offense would be the most cited reason for ruling out special placement, it was named fourth most frequently.

Almost one-fifth of the respondents indicated that paperwork and other red tape discourage them from considering juveniles for placement. It is evident, then, that the best interests of the child, for a significant number of the respondents, takes second place to consideration of the burden on that staff member. The need for immediate placement, mentioned twice here, is an issue which surfaces in the responses to each open-ended question. These

comments are often expressed in a tone of frustration and indicate that this is an issue in need of further attention.

The similarity between the reasons juveniles are ruled out for consideration for placement (page 19) and those for committing eligible juveniles (page 20) is remarkable. From the like answers to these different questions, one may conclude that eligibility for the program is not always the overriding factor resulting in consideration of a child for the program. The frequency, here again, of responses centered around paperwork and "red tape" issues is especially noteworthy, as is the lack of pursuit by the court service unit. These are factors not dependent upon the needs of the child, and warrant further exploration.

"Widening the net" has been discussed as one of the most grave dangers of any diversionary program. In order to measure whether the "286" Program is truly operating as a diversion from the learning centers, the prediction would be that 100 percent of the sample would indicate that, without the Program, "None" of the juveniles would have had his case dismissed. Additionally, 100 percent would indicate that "All" juveniles would have been committed without the Program.

The data shows otherwise. The 19 percent of the sample who believe that "A Few" juveniles placed in the "286" Program would have had their cases dismissed indicates that there are probably a number

of juveniles placed in this Program who otherwise would have been released from further dealings with the court.

The commitment data are significant, as well. Only ten percent of the respondents indicated that "All" juveniles would have been committed without this Program, with more opting for "Most" or "A Few". It is clear from these results that children who otherwise would not have been committed are going into "286" Placements. This finding helps to explain the lack of impact that increased numbers in the "286" facilities has had on the learning center populations.

Further elaboration of this point is evident in the data in Figure 2e. More than half of the respondents indicated that "All" or "Most" juveniles placed in the "286" Program would have been placed on probation if this Program were not available. This data, too, sheds serious doubt on the probability that "286" serves totally as a diversion from commitment. It would sooner indicate that it is likely as an alternative to court supervision.

More than three-fourths of the respondents indicated that "All", "Most", or "A Few" of the children placed in the "286" Program would have been eligible for non-residential community placement. This raises some serious questions about whether the money now spent on residential care is being used appropriately. Non-residential

counseling programs have been shown to be a fraction of the cost of residential placements, while equally as effective. The impact of the 1982 legislation which allows for non-residential placements has not had time to be measured. This is an area which will take on increasing significance as the mechanism for placing children in non-residential programs is developed.

It is possible that the limited availability of these services influenced the responses to this survey. This points out the need for an educational effort which will help to sell these programs in the communities and to the courts.

### 3. The Mechanics of "286" At The Court Service Unit Level

Probation Counselors are the moving force behind "286" placements. A majority of the respondents reported that the Probation Counselors are responsible for initial consideration of a child for the Program, that they have the most information about the Program, and that they make most final recommendations for the Program to the court.

With this in mind, it is not surprising that a greater percent of the probation counselors than of the other two groups believes that having a staff person assigned increases the number of placements made. The probation counselors, as the most vital link in making these placements, are also those with the most to lose by doing so. Pursuing placements has time and again been described as a

burdensome undertaking; one which may not always be attractive to those who are already overworked.

Agreement within the court service unit seems to be no problem. This may reflect the "bandwagon" approach of many of the court service units, in that once a certain strategy is agreed upon, support comes quickly. It may, too, be a matter of supporting those who are willing to do this job not desired by others. Agreement, there, may be more a matter of reward for the task accomplished in successfully placing a child in the Program.

### 4. Administration of the Program

When asked for an overall evaluation, the court service personnel and Judges were very positive about the Department of Correction's administration of this program. Yet, in their responses to more detailed questions concerning the Department, their mood changed. Like many instances throughout the study, when the respondents were given an opportunity they demonstrated that there were a variety of recommendations and requests they wished to make.

A majority of the respondents stated that they "Always" or "Usually" receive adequate information from the Department. Yet when asked if there was anything they would like to know more about, approximately half of the respondents named specific information they would like to have. Likewise, a greater percentage said that they

had made recommendations concerning the Program than the percentage indicating they had been asked for input.

The similarity of most of the recommendations suggests that the problems the court service personnel are having with the Program are widely shared. Their recommendations are, for the most part, very constructive and well thought-out ways in which the Program could be made more viable in their courts.

5. Services to Juveniles

Juvenile Court Judges, Directors and Probation Counselors are, in general, very pleased with the "286" Program. A large majority indicated that they feel it is effective in treating "All" or "Most" juveniles with special needs, and that it is "Excellent" or "Good" in meeting the design of the legislation which created it. Over 90 percent indicated that it is "Excellent" or "Good" in providing improved services for juveniles.

Overall satisfaction is expressed, also, in that a majority of the respondents would like to make more placements than they do now. Of note is that having a Special Placements coordinator assigned in a court service unit increases the likelihood that the court would like to make more placements. Court service workers appear pleased with the Program; they are even more satisfied with it when there is someone who does the time-consuming task of completing the applications. This sentiment is echoed in their general evaluation

of the program. The presence of the Placements coordinator results in an overwhelming 100 percent positive evaluation of the Program.

The response to the question concerning return to the court on subsequent charges is another indication of the greater effectiveness of the "286" Placements than that of placement in the learning centers. With recidivism the chronic problem that plagues the criminal justice system, programs which are as relatively successful as "286" is here reported to be merit further review and expanded utilization.

The ways court service unit personnel say that they would change the Program are much like the recommendations previously discussed. They are positive in that they think enough of the program to want to expand its use to meet a variety of needs, yet they demonstrate a definite amount of frustration. The underlying theme throughout the responses was one of qualified enthusiasm. The Judges, Directors, and Probation Counselors emphasized time and again their general satisfaction with the Program and its providing improved services to juveniles with special needs. Yet, throughout, this was modified by their statements of the many ways it could be improved.

V. Summary and Conclusions

A. Summary

The "286" Program is both viable and valuable to the court service units. The juvenile court Judges, Directors, and Probation Counselors are, in general, pleased with the Program. They feel that it is effective in providing improved services to juveniles, and a majority of them would like to make more placements than they do now.

Their evaluation of the Program's administration by the Department of Corrections is favorable, yet they have a number of specific recommendations which the Department would be well-advised to consider. "Red tape", paper work, and the time-consuming application process were mentioned frequently. This process was identified as such a burden that some indicated that it kept them from placing eligible children.

The probation counselors are those most responsible for and informed about the "286" Program. It is understandable, then, that the counselors were more likely to say that having a staff person assigned streamlines a court service unit's utilizing this disposition and increases the number of placements made. Respondents from court service units where there is a coordinator of Special Placements rated the Program significantly more favorably, and the

presence of such a coordinator resulted in a greater percent of the respondents indicating that they would like for their court to make more placements than they do presently.

Children who were eligible for "286" have been committed to the Department, according to the respondents, and all children placed in "286" would not have been committed to the Department of Corrections without the Program. This raises questions about the Program's being used properly, both in placing those who would otherwise not have been, and in missing some who should have been.

B. Conclusions

A glance back at the literature review reveals that the data collected here was, for the most part, predictable. More specifically: the issues of decision-making in the juvenile courts, deinstitutionalization of youths, and diversion vs. widening the net, which were addressed in the literature, were substantiated by the findings in this study.

The firm-like qualities of Virginia's juvenile court service units were seen in the sections of this report dealing with decision-making at the court level. Blomberg's characteristics, cited previously, were easily identifiable, especially "the conditions of operational uncertainty", "resource scarcity", and "the routine processing of a broad range of cases into limited

dispositional alternatives". The "286" Program was intended to expand those alternatives; its success in doing so is hampered by the first two conditions.

Diversion in its purest form (i.e., that only those children who who would have been sent to the Department of Corrections are being placed) has not been achieved in the "286" Program. This may be a function of the "beds-filled" phenomenon, in which, wherever a bed exists, a child is placed in it. The national finding that deinstitutionalization has resulted in the filling of private facilities has a different twist. The filling of private facilities has had no direct impact on state populations.

Children with special needs are receiving services not available prior to the "286" Program. For that reason, the Program is laudable. Yet, we need to carefully scrutinize those cases in which children are placed who otherwise would not have been immersed as deeply in the juvenile justice system. Ideally, we would provide for each child with special needs who comes before the courts. Choices must be made, however, and those most in need singled out to receive these services. The "286" Program is rated highly in its ability to work with these children; our learning centers have never been held in such esteem.

All children before the juvenile courts have special needs,

needs which juvenile court personnel feel are effectively met in the services offered through "286" Placements. The real problem now is the ordering of priorities by the Department, in its allocation of resources, and in its demands on the court service unit workers. This research has shown that the reason one child is placed in a treatment facility and another sentenced to the learning centers ( at an average cost much greater than that in "286") frequently has nothing to do with that child. Commitment, in too many instances, is the easy way out, instead of the most drastic measure which could be taken.

The "286" Program is rated by juvenile court personnel as highly effective in serving juveniles. Unfortunately, it is frequently considered as no more than an adjunct dispositional process and constitutes but a small portion of the Department's placement care. With a conscious effort directed toward providing improved services for juveniles, the juvenile court personnel and Department could insure that this Program functions as a true alternative to learning center placement.

## VI. Recommendations

### A. General Recommendations

There are undoubtedly children the courts consider to be a

danger to society and eligible only for incarceration in an institution. Yet, this study has shown that the reason some children are placed in "286" and others are not is often not because of anything the child has done. It is recommended that these placements be expanded with a demonstrated accompanying reduction in the learning centers. To accomplish this, the Department must take a comprehensive look at their administration of the Program and its priority order in their allocation of resources.

B. Specific Recommendations

- \* That the application process be revamped, with careful attention given to making it as efficient and clear as possible.
- \* That court service units be encouraged to designate a Special Placements coordinator and adequate resources and work load credit be provided those doing these placements.
- \* That all commitments to the Department of Corrections be accompanied by a brief notation as to why this child was not recommended for "286" placements.
- \* That non-residential placements be encouraged and expanded.
- \* That the funding for this program be increased, with an accompanying decrease in allocation to the learning center system.

- \* That local court service units supervise children placed from other courts into their area.
- \* That information regarding placement facilities be regularly updated, and this information be promptly shared with the court service units.
- \* That a method for evaluating the facilities be developed and the results of this evaluation shared with the court service units.
- \* That all Judges, court service Directors, and Probation Counselors be provided periodic training in the use of the Program.
- \* That a funding review be done prior to completion of the application process.
- \* That a means for temporary placement, pending acceptance into the Program, be developed.

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APPENDIX A



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

801 EAST BROAD STREET, SUITE 701  
RICHMOND, VIRGINIA 23219  
Telephone (804) 786-4591

April 1, 1982

MEMBERS

From the House of Delegates  
Claude W. Anderson, *Chairman*  
Robert B. Ball, Sr.  
Raymond R. Guest, Jr.  
Theodore V. Morrison, Jr.  
A. L. Philpott  
Clifton A. Woodrum

From the Senate of Virginia  
Frederick C. Boucher  
Elmon I. Gray, *1st Vice-Chairman*  
Frederick I. Gray

Attorney General of Virginia  
Gerald L. Bailes

Appointments by the Governor  
L. Ray Ashworth  
William N. Paxton, Jr.  
*2nd Vice-Chairman*  
George F. Ricketts

The Crime Commission has been very interested in the Department of Correction's "286" Judicial Special Placements Program for a number of years. In an attempt to further evaluate the progress of this program, we are conducting a survey of juvenile court personnel.

Your role in the "286" Special Placements Program is vital to its successful operation. For that reason, we have chosen juvenile court personnel as the focus of this study. Questionnaires are being distributed to each juvenile court judge, each court service unit director, and two probation counselors from each district of the state.

I would appreciate your completing the attached questionnaire and returning it to the Commission office, by April 30, 1982. The responses will be compiled in aggregate, therefore I assure you that individual responses will be kept strictly confidential.

Thank you very much for your assistance in this project. Your candid response is crucial to its successful completion. We appreciate your continuing strides in meeting the needs of troubled youth in the Commonwealth.

Sincerely,

George F. Ricketts, Chairman  
Youth Services Subcommittee

GFR/EPL/sah

Enclosure



(27) Q: Do you have non-residential services in your community which are similar to those provided in the Special Placements (and are available to the court)?

For All Children      Most      A Few      None

(28) Q: What, if any, additional programs are needed? (Check any that apply)

- Family Counseling
- Psychiatric/Psychological Services
- Substance Abuse Services
- Job placement
- Recreation
- Social Skills Building
- Other: \_\_\_\_\_

(29) Q: If you could, how would you change the "286" Special Placements Program?

- Address a different population (What population: \_\_\_\_\_)
- Provide different services (What services: \_\_\_\_\_)
- Make the program more flexible (How: \_\_\_\_\_)
- Have less paperwork
- Increase the funding for it
- Decrease the funding for it
- Other: \_\_\_\_\_

(30) Q: What is your evaluation of the "286" Special Placements Program:  
A. Of its meeting the design and intent of the legislation which created it?

Excellent      Good      Fair      Poor

B. Of its providing improved services to juveniles?

Excellent      Good      Fair      Poor

C. In terms of its administration by the Department of Corrections?

Excellent      Good      Fair      Poor

THANK YOU VERY MUCH FOR YOUR HELP

Please return by April 30, 1982.

OPTIONAL: Name \_\_\_\_\_

Address \_\_\_\_\_

Appendix D

Figure 2a: Percent of Children Considered for Placement: Kruskal-Wallis One-Way Analysis of Variance by Ranks

$$\begin{aligned}
 H &= \frac{12}{N(N+1)} \sum \left[ \frac{\sum R_i^2}{n} \right] - 3(N+1) \\
 &= \frac{12}{101(102)} \left[ \frac{2724.5^2}{48} + \frac{1102^2}{24} + \frac{1323.5^2}{29} \right] - 3(101+1) \\
 &= \frac{12}{10302} [154,643 + 50,600 + 60,401] - 306 \\
 &= .0012 (265,644) - 306 \\
 &= 318 - 306 \\
 &= 12
 \end{aligned}$$

$\chi^2 \geq 9.210, \alpha = .01, df = 2 \therefore$  Reject the  $H_0$ .

Figure 3g: Does Having A Special Placements Coordinator increase the Number?

|     | Judges | Directors | Probation Counselors |    |
|-----|--------|-----------|----------------------|----|
| Yes | 12     | 20        | 35                   | 67 |
| No  | 9      | 9         | 10                   | 28 |
|     | 21     | 29        | 45                   | 95 |

$$\begin{aligned}
 \chi^2 &= \sum \frac{(f_o - f_e)^2}{f_e} \\
 &= \frac{(12 - 14.8)^2}{14.8} + \frac{(20 - 20.4)^2}{20.4} + \frac{(35 - 31.7)^2}{31.7} + \frac{(9 - 6.2)^2}{6.2} \\
 &\quad + \frac{(9 - 8.5)^2}{8.5} + \frac{(10 - 13.3)^2}{13.3} \\
 &= 0.53 + 0.01 + 0.34 + 1.26 + 0.03 + 0.22 \\
 &= 2.99
 \end{aligned}$$

$\chi^2 \geq 5.991, \alpha = .05, df = 2 \therefore$  Fail to reject The  $H_0$

Figure 5a: Effectiveness of "286"

|                          | Judges | Directors | Probation Counselors |     |
|--------------------------|--------|-----------|----------------------|-----|
| For All or Most Children | 25     | 26        | 43                   | 94  |
| For A Few or None        | 4      | 5         | 13                   | 22  |
|                          | 29     | 31        | 56                   | 116 |

$$\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e}$$

$$= \frac{(25-23.5)^2}{23.5} + \frac{(26-25.12)^2}{25.12} + \frac{(43-45.87)^2}{45.87} + \frac{(4-5.5)^2}{5.5} + \frac{(5-5.87)^2}{5.87} + \frac{(13-10.62)^2}{10.62}$$

$$= 0.1 + 0.41 + 0.14 + 0.13 + 0.12 + 0.53$$

$$= 1.43$$

$\chi^2 \geq 5.991, \alpha = 0.05, df = 2, \text{Fail to Reject the } H_0.$

Figure 5b: General Evaluation: Improved Services for Juveniles

|                   | Judges | Directors | Probation Counselors |     |
|-------------------|--------|-----------|----------------------|-----|
| Excellent or Good | 24     | 29        | 47                   | 100 |
| Fair or Poor      | 2      | 0         | 7                    | 9   |
|                   | 26     | 29        | 54                   | 109 |

$$\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e}$$

$$= \frac{(24-23.8)^2}{23.8} + \frac{(29-26.6)^2}{26.6} + \frac{(47-49.5)^2}{49.5} + \frac{(2-2.2)^2}{2.2} + \frac{(0-2.4)^2}{2.4} + \frac{(7-4.5)^2}{4.5}$$

$$= 0.002 + 0.018 + 0.217 + 2.4 + 0.126 + 1.389$$

$$= 4.152$$

$\chi^2 \geq 5.991, \alpha = 0.05, df = 2$   
Fail to Reject the  $H_0.$

Figure 5c: General Evaluation: Meeting The Intent of the Legislation

|                   | Judges | Directors | Probation Counselors |     |
|-------------------|--------|-----------|----------------------|-----|
| Excellent or Good | 22     | 25        | 44                   | 91  |
| Fair or Poor      | 4      | 2         | 8                    | 14  |
|                   | 26     | 27        | 52                   | 105 |

$$\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e}$$

$$= \frac{(22-22.5)^2}{22.5} + \frac{(4-3.5)^2}{3.5} + \frac{(25-23.4)^2}{23.4} + \frac{(2-3.6)^2}{3.6} + \frac{(44-45.1)^2}{45.1} + \frac{(8-6.9)^2}{6.9}$$

$$= 0.0001 + 0.0007 + 0.001 + 0.0002 + 0.0015$$

$$= 0.01$$

$\chi^2 \geq 5.991, \alpha = 0.05, df = 2, \text{Fail to Reject the } H_0.$

Figure 5e(1): Would you like to change the number placed?

|                         | Judges | Directors | Probation Counselors |     |
|-------------------------|--------|-----------|----------------------|-----|
| To Make More Placements | 14     | 16        | 31                   | 61  |
| The Same Number         | 11     | 12        | 19                   | 42  |
| Less                    | 0      | 1         | 2                    | 3   |
|                         | 25     | 29        | 52                   | 106 |

$$\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e}$$

$$= \frac{(14-14.4)^2}{14.4} + \frac{(11-9.9)^2}{9.9} + \frac{(0-0.7)^2}{0.7} + \frac{(16-16.7)^2}{16.7} + \frac{(12-11.5)^2}{11.5} + \frac{(1-0.8)^2}{0.8} + \frac{(31-29.9)^2}{29.9}$$

$$+ \frac{(19-20.6)^2}{20.6} + \frac{(2-1.5)^2}{1.5}$$

$$= 0.01 + 0.12 + 0.7 + 0.04 + 0.02 + 0.05 + 0.04 + 0.01 + 0.17$$

$$= 1.16$$

$\chi^2 \geq 9.488, \alpha = 0.05, df = 4, \text{Fail to Reject the } H_0.$

Figure 5e(2): Desire to change the number placed, according to those with and without Special Placements coordinators?

|                         | With | Without |     |
|-------------------------|------|---------|-----|
| To Make More Placements | 24   | 36      | 60  |
| The Same Number         | 15   | 26      | 41  |
| Less                    | 1    | 3       | 4   |
|                         | 40   | 65      | 105 |

$$\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e}$$

$$= \frac{(24-22.9)^2}{22.9} + \frac{(15-15.6)^2}{15.6} + \frac{(1-1.52)^2}{1.52} + \frac{(36-37.1)^2}{37.1} + \frac{(26-25.38)^2}{25.38} + \frac{(3-2.48)^2}{2.48}$$

$$= 0.06 + 0.02 + 0.18 + 0.04 + 0.02 + 0.11$$

$$= 0.43$$

$\chi^2 \geq 5.991, \alpha = 0.05, df = 2$ . Fail to Reject the  $H_0$

Figure 5f: General Evaluation: Those With and Without a Special Placements coordinator

|           | With | Without |     |
|-----------|------|---------|-----|
| Excellent | 17   | 14      | 31  |
| Good      | 24   | 44      | 68  |
| Fair      | 0    | 7       | 7   |
| Poor      | 0    | 2       | 2   |
|           | 41   | 67      | 108 |

$$\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e}$$

$$= \frac{(17-11.8)^2}{11.8} + \frac{(24-25.8)^2}{25.8} + \frac{(0-2.7)^2}{2.7} + \frac{(0-0.8)^2}{0.8} + \frac{(14-19.2)^2}{19.2} + \frac{(44-42.2)^2}{42.2}$$

$$+ \frac{(7-4.3)^2}{4.3} + \frac{(2-1.2)^2}{1.2}$$

$$= 2.29 + 0.13 + 2.7 + 0.8 + 1.41 + 0.08 + 1.69 + 0.53$$

$$= 9.63$$

$\chi^2 \geq 7.815, \alpha = 0.05, df = 3$ . Reject the  $H_0$ .

**END**