

A Comprehensive Plan
for the
Prevention and Control
of
Juvenile Delinquency
In Kansas

Volume III

CONTROL

June 30, 1972

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AUTHOR'S PREFACE

Literally dozens of persons contributed significantly to this final report of an extended and comprehensive planning effort in the juvenile justice field. Twenty-five of the most important contributors are listed on the opposite page, and a number nearly equal to this were significant contributors even though unnamed.

The four volume report attempts to reflect the diversity of interests and occupational identifications represented by the faculty group. To a significant extent, they helped shape and refine the report. Of course, they are not responsible for its inadequacies. The project staff hopes that the report justifies the tremendous voluntary investment of time and effort by these persons and the more than 2,000 other individuals who were personally contacted. Though we know that it is not likely that everyone with whom we have been in contact will fully support the entirety of the report, we do believe that it represents a unified and coherent plan with which the majority will agree. Our unusual methodology in establishing, verifying and refining the major points of the plan is described in Chapter 3 of Volume I.

As Chief Planner, I have considered it an exceptional privilege to be associated with Dr. Robert A. Haines, Director of Institutions and Community Mental Health Services. I similarly value the opportunity the project has afforded me to work with Jack C. Pulliam, who, I learned at an early date, fully deserves the high level of respect accorded to him both within the state, and nationally.

Three planning associates were employed during the course of the project: Jack O. Pierce, Don Good, and Gayle Slagell. Throughout the duration of the project, Connie Hupp was our chief secretary, and was assisted in these chores by Marilyn Heineken, Marianne Sanders, Kathy Bahner, Kathy Marshall, and Gaylene Cook. In addition, some of the artwork was done by my daughter Chris.

Several persons assisted in the writing of the prose text in addition to project staff members: Will Carroll, Denis Shumate, Mike Penny, and Barbara Yeo. It is a reflection of our method that the first text in Volume I was written by one of our faculty-members, Mrs. Yeo. Forrest Swall made helpful suggestions regarding the presentation format of Volume III, and Wayne Kelpin loaned us a number of books and other materials of considerable value.

Judges Farney and Mershon and Professor Rowland served as a special committee for legal subjects, principally reflected in Chapter 5 of Volume I.

In the early stages of the project, the Johnson County Health, Welfare, and Recreation Council, the United Community Fund and Council of Wyandotte County, and the Community Planning Council of Wichita were very helpful in making contacts and arrangements for us in their areas. We simply do not have enough space to individually thank all of the judges, welfare directors, and others who helped us arrange for more than 250 area meetings over the two and one-half year period. We are especially grateful to Mike Penny and other staff members of BIS for providing us with space and other amenities, and we especially appreciated the help of Stan Nix and the students in the BIS print shop.

Jack Chapman, June 30, 1972

VOLUME III
THE CONTROL OF DELINQUENCY IN KANSAS

ANNOTATED CONTENTS

Useful information: page f

Chapter 1: THE CONTROL FIELD Page 3

This chapter serves as an introduction to the volume by providing definitions and descriptions of the control field and its four general elements. It also includes a description of the dimensions of this field resulting from application of the definitions to recent experience in the state. Theoretical and analytical positions regarding control programs are analyzed, and commentary on the available evidence regarding the effectiveness of control programs is also included. The final section in the chapter explains the planning tools we have developed for use in the control field.

Chapter 2: THE CRISIS PROGRAMS Page 49

This chapter contains descriptions of eight programmatic elements which apply to the initial contact of juveniles by law enforcement agencies and their formal processing through the juvenile court. The chapter includes subsections on: law enforcement, intake, shelter, detention, evaluation, case preparation and judicial. Each of these elements is described in some detail according to necessary or highly desirable standards, many of which do not uniformly exist in the state of Kansas at this time. This is the element which provides the input for each of the three following elements.

Chapter 3: GENERAL COMMUNITY REHABILITATIVE PROGRAMS Page 105

This general element is one of three major dispositional options available to the juvenile court for adjudicated juveniles. It is comprised of four programmatic elements, making its internal composition the simplest of all the general elements. There are specific sections on: general probation, social services, family counseling, and education programs. These programs are applicable to the majority of persons appearing before the juvenile court, and subject to adjudicatory action. It is estimated that approximately 70 percent (or 6,700) juveniles would be placed in this general element annually, according to current experience.

Chapter 4: INTENSIVE COMMUNITY REHABILITATIVE PROGRAMS

Page 145

Another of the three major dispositional options available to the juvenile court is intensive rehabilitative programs, consisting of six programmatic elements applicable to juveniles who are more disturbed, have less favorable environmental conditions, or who have developed a history of repetition of delinquent or miscreant activities. An estimated 2,000 juveniles would be placed directly in this general element, and another 500 would be placed here indirectly for aftercare services after a period of residential treatment. This amounts to a total of approximately 2,500 persons per year. The programmatic elements are: intensive probation, supportive services, living arrangements, therapy, family counseling, and aftercare. Each of these programmatic elements is described in a separate section of the chapter.

Chapter 5: RESIDENTIAL TREATMENT

Page 195

The third major dispositional option available to the juvenile court is placement in residential treatment. Traditionally, this has been largely a state responsibility, carried out through the support of the Boys' and Girls' Industrial Schools. This chapter also addresses attention to the new residential treatment resources created by the 1971 Kansas Legislature, private residential treatment resources, and the proposed regional rehabilitation facilities for which planning was authorized by the 1969 Kansas Legislature. The text of this chapter identifies the intake element, and criteria, and emphasizes the point that residential treatment is intended to be an integral part of the system, generally supporting the community programs.

List of Charts used in this volume:

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USEFUL INFORMATION

Due to the extensiveness of this report, we assume that most persons will read it selectively rather than methodically and exhaustively. No one is more aware than the staff of the fact that it is a massive report. For this reason, we have provided several aids to selective reading.

ANNOTATED CONTENTS Probably the greatest aid to selective reading, especially for those who have not been involved in the planning, is the annotated table of contents for each chapter and each volume. These pages should help the reader to locate subjects in which he or she is interested.

INDEX Each volume also has a subject index at the back, listing major topics and planning elements, according to the terminology we have adopted. This reference tool requires some familiarity with our terminology and concepts - in contrast to the annotated contents which do not.

LIST OF CHARTS Each volume has more than two dozen charts, and most of them play a vital role in the presentation of which they are a part. We expect them to be referred to often. Therefore, we have included a list of charts in each volume the page number of which is indicated in the volume contents.

CROSS REFERENCES Notations are made in the text about other volumes and chapters where a more extensive development of a topic will be found.

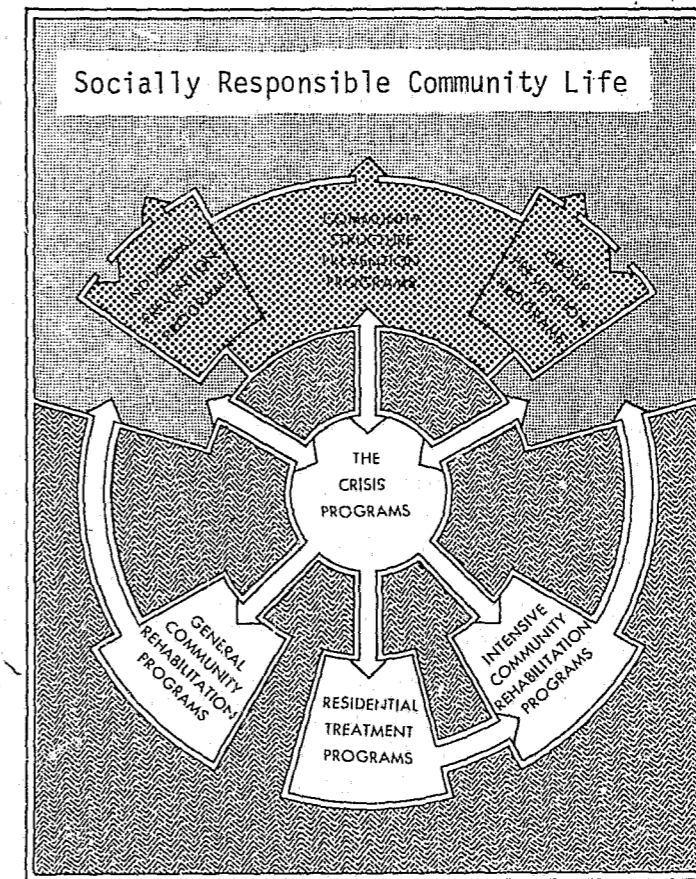
We have also attempted to make this report useful as a reference tool for those who wish to study any of these subjects in greater detail. For this reason, we have added a reference section to all but one of the 21 chapters in the four volumes. The listing of a particular book, article or report does not necessarily imply that we agree with its major points, but only that we think it deserves consideration in an exploration of the field of interest. In some cases, a listed reference simply serves as a footnote for a point made in the text, and in other cases the item will be a standard comprehensive work on the subject. A majority of the listings have been included on the strength of abstracts published in the National Council on Crime and Delinquency quarterly publication Crime and Delinquency Literature or the previous related NIMH publication Crime and Delinquency Abstracts. The project staff read the equivalent of about 200 books during the course of the project, and assembled more than 2,500 citations, of which less than half appear in the final report. We are apologetic that available space and time did not allow us to provide more footnotes and other listings of our accumulated materials.

We hope the reader will appreciate the fact that working against an absolute deadline on an extensive work such as this makes "rough edges" in the text inevitable. We apologize for this.

CHAPTER 1

THE CONTROL FIELD

THE SYSTEM MODEL
FOR DELINQUENCY PREVENTION AND CONTROL
IN KANSAS



the system with the four control elements highlighted

Section 1: INTRODUCTION

Page 3

The working definitions and principles to be used throughout this presentation are presented in this section. These principles are used to divide the subject areas of prevention and control, and to distinguish service delivery programs from the organizational structures necessary to their establishment and maintenance. This material is supplemented by commentary on the right of the public to have personal and property security, and an indication of the cost of crime in our society. Comments on the issue of "labeling" juveniles as delinquents conclude the section.

Section 2: PERSPECTIVES

Page 13

The application of the working definitions and principles to the current and recent experience of juvenile behavior in Kansas indicates that a very significant percentage of our juveniles are being apprehended each year, but only about 1.3% of the total juvenile population is annually handled in a formal way by the courts. State-wide summarizations of information are presented in this section, illustrating the generally unrecognized seriousness and severity of delinquency. General information on courts, probation and treatment is also presented here.

Section 3: ANALYTICAL AND THEORETICAL POSITIONS

Page 25

Various analyses and theories about offenders exist and influence the practices of the control field. This section presents one analytical and several "common sense" theories regarding the control of delinquency. An eight part classification used by Menninger's is briefly described, followed by unsophisticated theories given the titles of: justice, treatment, deterrents, punishment, retribution, inaction, and "its not serious."

Section 4: DO CONTROL PROGRAMS WORK?

Page 35

Recognizing that available information on the success or failure of various control programs is grossly inadequate, it is still possible to draw some conclusions. On the other hand, the concept of success is dependent on the intention of the program and the predicted time frame in which stated results were to be achieved. This brief section highlights the considerations necessary to an intelligent exploration of the subject of program success.

Section 5: PLANNING TOOLS IN THE PREVENTION FIELD

Page 40

Four basic planning tools have been developed to allow a broad perspective of understanding and to promote accuracy and economy in discussions. The system model provides the broad perspective of how these activities relate to the overall plan. Four general elements in the control field subdivide the various processes and activities into logical groupings. Programmatic elements represent subdivisions of the general elements and serve as the framework for analyzing various programs. A three part program description format is also presented.

SECTION 1: INTRODUCTION

This volume deals with a number of diverse subjects to which the title of "control" is customarily attached. This subject area encompasses the many programs, institutions, traditions and practices which have been developed to deal with individuals who are apprehended by law enforcement agencies for suspected illegal activities or violations of local ordinances. Traffic offenses are excluded from this subject area. A basic working definition of "control" is as follows:

"Control" consists of the processes of apprehension, adjudication, disposition and commission of an illegal act. The absolute maximum limits of the subject area are determined by the total number of juveniles apprehended by law enforcement agencies. In practicality, the size of the field is much smaller. The objective of control programs is to prevent the repetition of illegal activity through any appropriate means consistent with the principles of the juvenile code.

An artificial distinction between the "control" and "prevention" subject areas is not intended. Some persons who are genuinely concerned about the welfare of juveniles may not feel that this distinction is constructive and in the best interests of juveniles. Those with this point of view remind us, very correctly, that the "real" needs of juveniles may bear little or no relationship to whether they can legitimately be labeled as "delinquent" and that, by depending on this method of classification, the real purpose and objective of our juvenile justice system may be obscured. This consideration has merit and has guided our thinking since the outset of our planning. We would, indeed, render very poor service both to society and to the individuals involved, if we forgot or ignored the unique structure of the juvenile justice system and the reasons for

its existence.

On the other hand, it is both rational and useful for us to divide the total field of our interest in juvenile delinquency into two parts at the point of apprehension for alleged illegal behavior. This is rational because apprehension by a law enforcement agency is a highly significant event in the life of any juvenile - or should be. It is useful because it represents the point at which interventive procedures become applicable to individual situations with an authority and force which were not permissible prior to this point. For these reasons, we will maintain the traditional distinction between prevention and control while not ignoring the caution previously cited.

There are large "grey areas" in the control field, even when the simplest and most sweeping categories are used. The largest of these grey areas is found in the contrast between the number of apprehensions reported by law enforcement agencies and the number of cases reported by the juvenile courts. The relationship between these two basic figures has dramatically changed in recent years; in 1963, the number of delinquency cases handled by the juvenile courts equalled 86 percent of the reported apprehensions, by 1970, this figure had dropped to 57 percent.

Tremendous growth in both rate and gross numbers within recent years is one of the most striking characteristics of the control field in Kansas. While the number of juveniles in the state has decreased slightly during the past decade, the number of apprehensions reported in the KBI's annual report has more than tripled (in 8 years), as has the number of cases reported by the juvenile courts. Although the largest numerical increase occurred when the juvenile age was raised to 18 in 1965, increases have occurred every year in nearly every category. In 1970, for example, the City of Wichita

alone reported more juvenile apprehensions than were reported for the entire state in 1963.

The available resources in the control field have increased during the past decade, but not at the rate of the problems to which they are addressed. The result, then, is that today, in terms of control resources, we find ourselves in a position considerably inferior to that which we occupied a decade ago. One example can be given by noting that admissions to BIS and GIS constituted 13.6 percent of the total number of "official" juvenile court cases in 1960, while only 4.8 percent in 1970 (a reduction of two-thirds). Another illustration can be found in the fact that although the probation staff of the Wyandotte County Juvenile Court did not increase during the 1960-1970 decade, the number of cases for which they are responsible rose from less than 1,000 to nearly 4,000. Although isolated examples of maintaining or improving the relationship of resources to problems can be cited, the general trend in the state as a whole has been a steady, uninterrupted erosion of the position occupied ten years ago or any year since then. It is impossible to believe that either individual rights or more broadly conceived community interests are promoted by these conditions.

The control field is inevitably different from the prevention field, no matter what steps are taken to take a positive

NON-JUDICIAL HANDLING

Non-judicial handling (also currently referred to as "diversion") of a significant percentage of those who can legitimately be placed in the control field is desirable for both practical and philosophical reasons. Many of those apprehended for unlawful activity, and placed in the control field for that reason, do not require the full resources of the court and rehabilitation programs that could be brought to bear on the case. In its best expression, non-judicial hand-

non-punitive approach to each individual juvenile. Once placed in the control field, the juvenile is pushed or forced into a conscious identity choice described by Gibbons (6) as an "either-or" choice. This forced choice is a potentially pivotal event in the lives of many juveniles, and especially so for those who live in a sub-culture. Once a juvenile has been placed in the control field, a court may establish jurisdiction and impose force to accomplish its objectives - an obvious difference. The control field is more subtly characterized by an inevitable shift in the balance of interests toward the protection of the rights of society rather than those of the individual. That is to say that punitive and retributive philosophies are more evident, even if they do not predominate. This is believed to be inevitable to some extent, and may even be appropriate in isolated instances, but it is potentially dangerous to the principles on which the juvenile justice system is founded.

Though it is convenient to separate prevention and control for purposes of discussion, it should be recognized that some services are equally applicable to individuals in both of the subject areas. This is true also of the general elements within the two broad subject areas. For this reason, some of the programmatic elements mentioned in the prevention volume are duplicated here, but applied to a different recipient group.

ling creates incentives for seeking and accepting appropriate assistance for behavior problems and revitalizing parental interest and guidance. In no sense is non-judicial handling intended to abort the orderly processes from apprehension through adjudication where that is indicated as desirable or necessary.

Obviously, non-judicial handling should be subject to definitive guidelines regarding the seriousness or repetitious-

ness of the offenses. These guidelines should be developed and clearly understood by all affected agencies. There is little doubt that minor first offenses do not ordinarily need to be handled through the formal processes provided by law, and that the exercise of discretionary judgements by law enforcement agencies, county attorneys, and juvenile judges can promote both the interests of the individual and of society when handled intelligently on the basis of adequate information. Non-judicial handling of cases is represented on our master system chart by the arrow returning from the Crisis element to the Community Structure Prevention element.

The practical basis for non-judicial handling rests on the fact that it reduces the demand on already overloaded rehabilitation resources. Even though the degree of overloading experienced by various courts and rehabilitation programs differs from one community to another, overloaded facilities are common within the state. Therefore, increases in non-judicial handling reduce the demand on rehabilitation resources.

Philosophically, non-judicial handling is valuable because it requires the involvement of other community agencies and interests and because it reduces the possibility of labelling. As more agencies are involved, a greater number of options are likely to exist for meeting the needs of pre-delinquents - increasing the odds for effective placements.

Since available summaries of information give only the most rudimentary idea of the size, seriousness, and the nature of this social phenomena, we feel it is unwise to make fine distinctions and subtle comparisons. For this reason, only the most unmistakable trends revealed by available information - and especially

those supported by statements of persons directly in contact with the situation - are felt to be justified.

In contrast to the field of prevention, those included in the category of control can clearly and easily be identified by name, age, type of offense, and other miscellaneous information. The determination can be made here that symptoms have found expression in overtly illegal behavior. In the prevention field, those upon whom interest focuses are identifiable solely on the basis of statistical probabilities rather than that of inevitable failure. Some of this information is recorded by the law enforcement agency when it makes an apprehension. Generally, this information is accurate, but limited. Those who are processed through the county attorney's office and appear before the court generally have additional information recorded about them as a result of this process. In addition, many of those who appear before the court are also known to other agencies in the community. These other agencies may have considerable information about the specific individual or the family from which he or she comes.

However, it should be recognized that the most important characteristics about individuals in the control field are often not known. The information referred to here includes a reasonably complete understanding of the individual's life situation and how he or she responds to it or is likely to respond to it in the future. The relative strengths of the personality and the position which the juvenile enjoys in relation to his peers and to members of the opposite sex are not usually known or consistently recorded. However, it should not be difficult to obtain information of this type since those included in this category can be clearly identified.

BASIC DEFINITIONS

The term "delinquency", as used in this planning effort, includes both the serious (felony) and minor (misdemeanor)

offenses committed by juveniles. This term is intended to be somewhat more general than the state statutes which

designate as "delinquent" those acts which would be felonies if committed by an adult. Those acts which would be misdemeanors if committed by an adult are designated as "miscreant" acts under the Kansas Juvenile Code. We use the term to refer to both types of offenses for purposes of simplicity.

The relevant excerpts from Chapter 38 of the Kansas Statutes Annotated regarding delinquency are as follows:

38-802. As used in this act, unless the context otherwise indicates:

(b) "Delinquent child" means a child less than eighteen (18) years of age:

(1) Who does an act, other than one defined in subsection (3) of this section, which if done by a person eighteen (18) years of age or over, would make him liable to be arrested and prosecuted for the commission of a felony as defined by the K.S.A. 1966 Supp. 21-3105; or

(2) who has been adjudged a miscreant child under this act three (3) or more times.

(c) "Miscreant child" means a child less than eighteen (18) years of age:

(1) Who does an act, other than one defined in subsection (3) of this section, which if done by a person eighteen (18) years of age or over, would make him liable to be arrested and prosecuted for the commission of a misdemeanor as defined by K.S.A. 1969 Supp. 21-3105; or

(2) who does an act, other than one defined in subsection (3) of this section, which if done by a person eighteen (18) years of age or over, would make him liable to be arrested and prosecuted for the violation of any ordinance, police regulation, order, rule or regulation adopted by any authority, city, county, township, or other

political subdivision of this state;

(3) who has been adjudged a wayward child under this act three (3) or more times; or

(4) who escapes from or runs away from any juvenile detention home or farm or other juvenile center after placement therein by an order of a juvenile court.

(d) "Wayward child" means a child less than eighteen (18) years of age:

(1) whose behavior is injurious to his welfare;

(2) who has deserted his home without good or sufficient cause; or

(3) who is habitually disobedient to the reasonable and lawful commands of his parent, guardian, or other lawful custodian.

Delinquency does not refer, in this planning effort, to waywardness, truancy, dependency and neglect, or traffic offenses, which are also part of the jurisdiction of Kansas Juvenile Courts. The citation on waywardness was included in the preceding material merely to indicate the fact that wayward children may eventually be declared delinquent. The categories of waywardness, truancy, dependency and neglect are discussed as part of the general area of prevention.

The dividing line between "prevention" and "control" subject areas can be further illustrated at this point. Two commonly used definitions will be presented below and compared, and then used in the remainder of this presentation. The first of these definitions makes a simplistic distinction between "prevention" and "control." The second definition is a three-fold characterization of "levels" of prevention. The simplistic definition is as follows:

The subject area of prevention consists of those interests and concerns focused on avoiding behavior patterns or specific acts which are prohibited and which may result in apprehension by a law enforcement agency.

The subject area of control consists of the processes of apprehension, adjudication, and correction subsequent to the commission of an illegal act.

Juveniles who are contacted, but not apprehended (arrested), by law enforcement agencies, those whose case is not formally accepted or heard by a juvenile court, and those who are adjudicated.

When appearing before the court are classified in the general subject area of prevention on the basis of the principle that innocence is presumed until guilt is proven.

The three-fold definition of "levels" of prevention, generally referred to as the "medical model" or "public health model," are adapted to the concerns in the delinquency prevention field as follows:

THE PRIMARY LEVEL

PRIMARY PREVENTION consists of all policies, activities and conditions contributing to healthy growth and development of children and support or reinforcement of law-abiding behavior. These matters constitute the field of primary prevention because they are the first step which, if lacking or inadequate, may doom many subsequent preventive or corrective steps to failure. These interests are also termed primary in order to convey their importance to any serious delinquency prevention efforts. Primary prevention is effective when the children of a community grow and develop in a healthy manner and become, to the best

of their abilities, contributing, law-abiding citizens of their communities. Primary prevention is not ordinarily "problem-centered" in its approach. Rather, it is focused on emphasizing and supporting constructive influences on the lives of children. The social conditions, policies, and activities of most communities do contribute to effective primary prevention for the majority of the community's children. The objective of primary prevention activities is, therefore, to increase the number and percentage of children for whom these policies are effective.

THE SECONDARY LEVEL

SECONDARY PREVENTION refers to those services focused and concentrated directly on children in families which have been identified as being especially vulnerable or as already showing some negative evidences of stress. This is a finer sieve intended to catch and retrieve those children for whom the community's primary prevention services are insufficient. Secondary prevention is based on a "problem-centered" approach which recognizes early warning symptoms and provides intervention prior to their escalation into serious or entrenched delinquency. Secondary prevention is largely applicable prior to the time that any restrictive action regard-

ing a juvenile's behavior is taken by the police or the juvenile court. Guidelines for recognizing the symptoms which should be included in this category are not clearly defined or universally accepted. We offer a listing of symptoms in Chapter 2 of Volume II as an effort to attain more specificity than is usually possible. It must be recognized that some symptoms included in this general category may not be universally recognized as delinquent behavior (and may suffer from this lack of identification). The various exploitations and victimizations of children are also included in this category as evidences of unusual stress.

THE TERTIARY LEVEL

TERTIARY PREVENTION is applicable to those juveniles who have been found to

be delinquent or miscreant. These efforts attempt to prevent further delin-

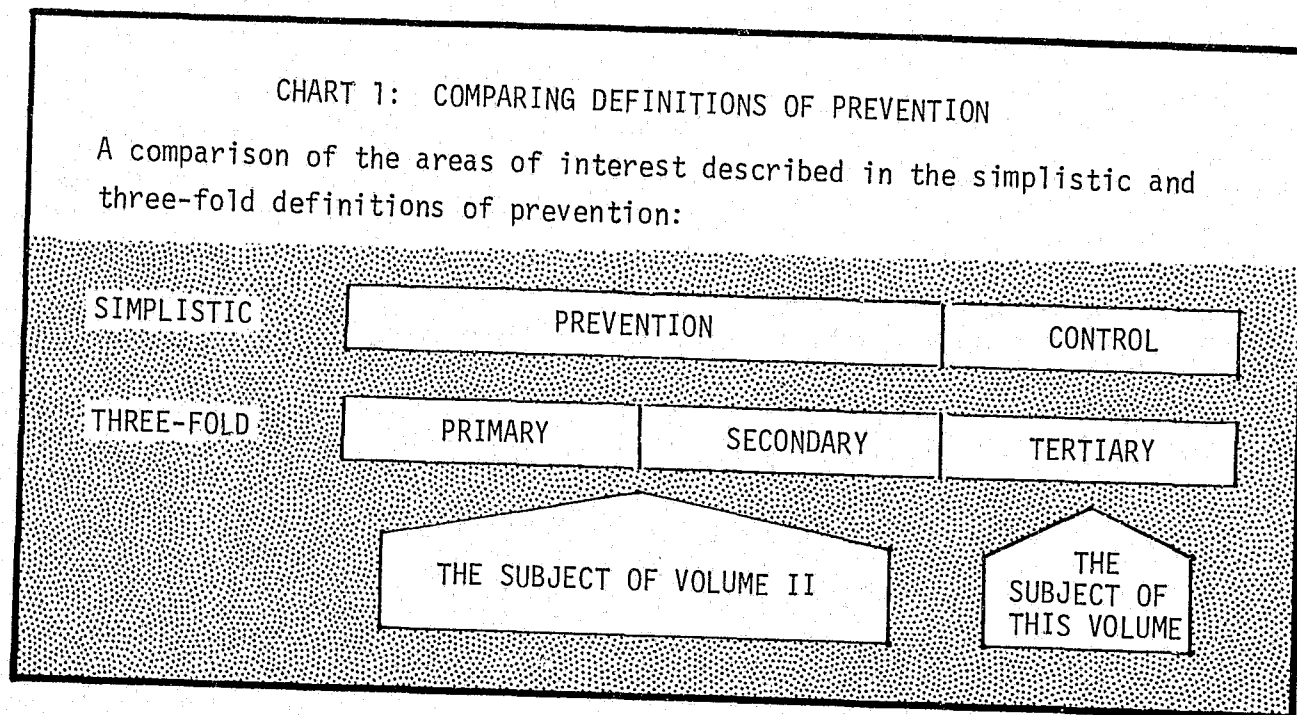
quency through correctional and rehabilitative processes. Tertiary prevention is based on the fact that, while a failure has already occurred, further repetitions or escalations of this type of behavior can be prevented. Tertiary prevention encompasses rehabilitation and is part of the "control" aspects of a delinquency program, as defined in the simplistic definition. A draft of a paper by the National Council on Crime and Delinquency (NCCD) points out that efforts designed to help the delinquents to become an adequate parent for the next generation should also be included as part of this general category. The dismal statistics regarding juvenile recidivism and the graduation of juveniles into adult correctional institutions leave little room for doubt that tertiary prevention offers a major challenge and should be recognized as a responsibility by many who presently do not accept it as such.

These three traditional distinctions among types of prevention efforts are generally useful for our purposes. Primary prevention efforts are those intended to prevent the development of any symptoms. Secondary prevention efforts are

aimed at the correction of symptoms which do not yet represent major failures or breakdowns. Tertiary prevention encompasses the rehabilitative and corrective efforts applied to those who have experienced a failure or a breakdown in their abilities to function legally within our society. Each of these prevention categories is equally important and none should be neglected.

COMPARISON - These two definitions are compared in Chart 1, which shows that prevention in the simplistic definition is approximately co-equal with the primary and secondary levels in the "medical model," and control in the simplistic definition is approximately equal to the tertiary level of prevention in the medical model. The subject area of this volume is that of control according to the simplistic definition. Chapter 2 of Volume II is devoted to the primary level, and Chapters 3, 4, and 5 of Volume II, are devoted to a more extensive analysis of the secondary level of prevention.

A further illustration of the broader context in which these definitions of prevention occur seems desirable. When



comparing the definitions of prevention used in the juvenile field to those used in the adult field, apparent conflicts and contradictions emerge. Generally, all activity in the juvenile field is regarded as "prevention" by those in the adult field. This is most clearly seen in the legal protection of the juvenile from developing a "criminal record" and the handling of even repetitious juvenile offenders as "first offenders" when they first appear before an adult court.

This over-simplification is compromised to some extent by the law enforcement agency practice of keeping (and exchanging) records on juveniles for investigative purposes and by the establishment of deterrent programs applicable to both juveniles and adults. These exceptions do not seriously undermine the generalization illustrated in Chart 2.

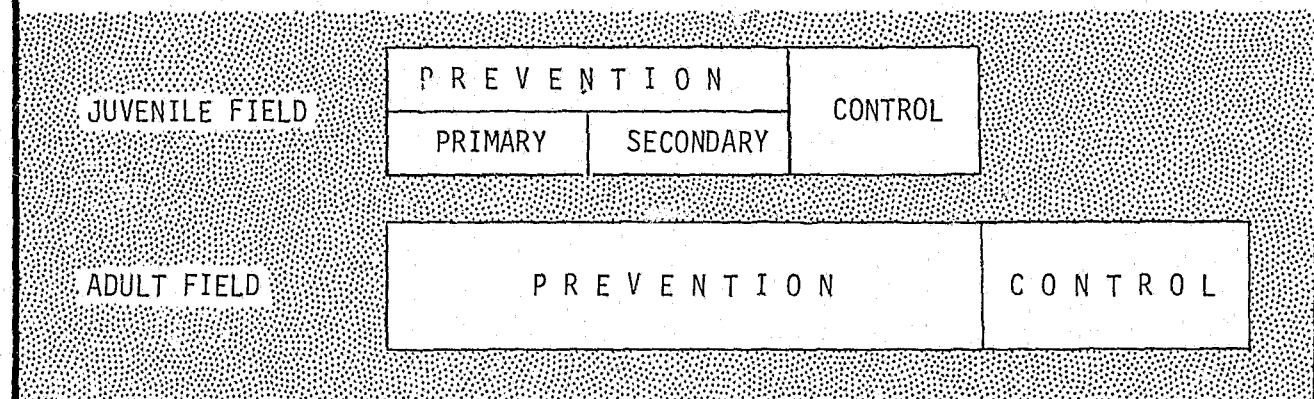
The fact of apprehension (arrest) for illegal behavior provides a convenient - but not absolute - dividing point between the subject areas of prevention and control. It is convenient since the fact of apprehension will be the first step taken in regard to those who will eventually be processed through the juvenile court and into rehabilitation programs. On the other hand, it is not an absolute dividing line since some persons will be mistakenly apprehended, and some of those legitimately apprehended will be dealt with more appropriately through prevention, rather than control, programs. As a practical matter, only about 60% of reported apprehensions by law enforcement agencies in 1970 were handled as cases in juvenile courts (either officially or unofficially) in the same year. As will be pointed out later, the number of "cases" is significantly higher than the number of individuals involved due to the facts of multiple listings of apprehensions on individuals and recidivism. The fact of apprehension is intended to be an important event in the life of an individual. Every effort is made by all responsible law enforcement agencies to insure that

apprehensions are not made indiscriminately. On the other hand, there is no real likelihood of reducing human error to zero in this field of activity. Therefore, there will always be more apprehensions than court cases.

RECIDIVISM - A working definition of recidivism is proposed for our use. We suggest that a recidivist should be any juvenile who is formally apprehended for a violation of the law at any time during the three-year period following an initial apprehension. Those who were not adjudicated for the offense for which they are apprehended should not be considered to be recidivists. On the other hand, only the non-adjudicated should be excluded from consideration as recidivists. A comprehensive, dependable state-wide record keeping system would provide the only true measure of recidivism, especially among the 15 to 17 year olds, who are generally quite mobile. Since such a state-wide record keeping system does not exist at the present time, it is virtually impossible to speak authoritatively about recidivism within the state.

Since control programs are aimed at deterring the juvenile from further illegal activity, recidivism can be seen as an indicator of whether or not the major objective of control programs is being achieved. It is commonly assumed by those without technical knowledge of the juvenile justice system that this is, in fact, what tax-supported control programs do. Facts, obviously, contradict this expectation since control programs have only the most limited deterrent effects. Furthermore, a careful study of recidivism should be able to indicate which programs are more effective than others after the programs have been applied to persons fitting the classifications such as those suggested above. Only those persons who emphasize "process" over intended "results" can be satisfied with apathy regarding the success of control programs or can be satisfied with blaming the "perverseness" of the juveniles or their parents, or "the

CHART 2
COMPARING PREVENTION DEFINITIONS USED IN THE
JUVENILE AND ADULT FIELDS



times." As Dr. Thomas Fuller observed almost 250 years ago, "Accusing the times is but excusing ourselves."

The protection of the interests of society and its members' desire to be secure in their persons and property has always been a major influence on the design of control programs. The security of person and property is certainly a legitimate concern of every citizen. Control programs also reflect general community attitudes about the quality of life which its citizens desire or insist upon. Consequently, one finds less emphasis upon the needs of individual juveniles than upon the necessity for controlling their overt behavior.

It is probably inescapable that a conflict should develop between those who believe that control programs should be designed to meet the juveniles' legitimate needs and those who simply want their behavior to be controlled as cheaply and as stringently as possible. This conflict is not easily resolved under any circumstances. As an expression of this conflict and of frustration in general, many people involved in the control field regress into "scapegoatism" in which the parents, genetic influences, and those responsible for

other aspects of the field are at least verbally chastized. Others, in all apparent seriousness, suggest repressive measures as a means of controlling or penalizing offenders. Though the use of penalties is certainly an appropriate device from which many persons do learn the desired lesson, it can be argued that the basic philosophy and general intentions of the juvenile codes in the United States do not suggest nor would allow such measures in any clearly stated form.

A "consumer of resources" philosophy has influenced the formulation of concepts in this plan. It focuses on the fact that those who are placed within the juvenile justice system are "consumers of resources" which the public has provided for the protection of its own interests or as an expression of its humanitarian treatment of those who have committed offenses against it. The "consumer of resources" philosophy also permits an intelligent analysis of the relative cost effectiveness of the various ways of dealing with those placed within the system. It can also reveal the detrimental effects resulting from inadequate resources. Since Kansas resources available for delinquency control purposes are widely felt to be clearly in-

sufficient to deal with the current problems, it is particularly important to consider this point.

The institutions and agencies responsible for the various aspects of delinquency control will be briefly identified at this point and described in greater detail at appropriate points in subsequent chapters.

The first and most obvious of the agencies in the control field are the more than 250 Kansas law enforcement agencies. These agencies range in size from a single full-time person, to several hundred full-time employees. Law enforcement is, of course, the initial point of contact between the juvenile who has committed an offense and the other institutions and agencies operating in the control field. Only a handful of these law enforcement agencies have specially-organized juvenile departments or specially-trained juvenile officers who have no other major, continuing responsibilities.

The 105 juvenile courts in the state (one in each county) are responsible for the judicial handling of the cases of delinquency which are referred to them

by law enforcement agencies through (usually) the county attorney's office. These courts vary greatly in experience, caseloads, and in resources which are specifically designed to deal with delinquency.

There are 105 departments of social welfare (one in each county), 26 mental health centers, 25 private institutions of varying capacities and capabilities, and other community programs under a variety of auspices that have a role to play in the broad general area of control. These agencies will be identified at more appropriate points in the discussion which follows.

The centralized institutions provided by the state for the more serious kinds of delinquency are the Boys' and Girls' Industrial Schools located in Topeka and Beloit respectively. These are traditional institutions within the state and they handle only a minor (and decreasing) percentage of the total number of official cases presented to the juvenile courts. Annual admissions to these institutions have averaged 231 persons per annum over the past ten years.

THE COST OF CRIME

When considering the general subject of crime the ordinary person typically seems to believe that if he has not been assaulted, robbed or had his home burglarized, he is free of the consequences of crime and may commend himself for being lucky. It is necessary to note the fact that crime in a society is not "free" even for those who are not directly the victims of such criminal activity. A major proportion of the losses due to crime are recovered either through insurance or through other less formal mechanisms, and these costs are passed on to others who were not directly affected.

An article in U.S. News and World Report (5) estimates the total losses result-

ing from crime at approximately 50 billion dollars per year. This amounts to approximately one out of every twenty dollars figured in computing our nation's gross national product. Other observers estimate the financial cost of crime at a somewhat lower figure (11 & 14), but even the lowest estimates show that the total cost of crime in our society is extremely high.

The president of Fireman's Fund American Insurance Companies, Lewis W. Niggeman, one of the leading writers of crime insurance, estimates that the annual loss to business firms is at least \$10 billion per year. These losses result from burglary, robbery, vandalism, shoplifting, bad checks, and employee theft, includ-

ing embezzlement. At least 30 percent of all business failures are the result of employee dishonesty, and embezzlement alone costs employers around \$3 billion a year. Business losses due to criminal activity can easily be traced from the businessman to the consumer public. Losses from criminal activity are temporarily assumed by insurance companies, but the insurance company eventually passes such costs on to the businessman in the form of increased premiums. The businessman in turn passes the cost on to the consumer via higher prices. The consumer - the public - pays the bill in the end. It is no secret that some inadequately insured businesses in high crime areas add to the price of their merchandise in an attempt to offset the high costs of shoplifting and other forms of theft. This is an even simpler instance of the bill for crime being passed directly on to the consumer.

Added law enforcement and judicial

THE LABELING ISSUE

The creation of typologies and categorizations of juveniles in the delinquency prevention and control field is believed to be essential to rational program descriptions and the correct placements of particular individuals in appropriate programs. It is essential that persons with particular characteristics be placed in programs which provide the best chances of success. Not all programs are equally effective or equally necessary for all juveniles. However, the creation of typologies and categorizations raises the issue of "labeling." There are legitimate concerns that further refinements of concepts and the labeling of persons with these concepts may actually prove to be inimical to the best interests of the individual, because such labels almost inevitably are poorly understood or perceived incorrectly by the average citizen. This is a genuine concern that requires further exploration.

services made necessary by criminal activity create costs which are directly passed on to the consumer through taxes. The costs of control are even more easily identified. Those who have been identified as participants in illegal activities in the past are known both by name and by other characteristics. The rehabilitative or corrective programs in which such persons are enrolled are intended to reduce the likelihood that they will repeat criminal activity. The degree to which such programs are successful, however, is the only true measure of their value to society, unless society merely wants to exact retribution for activities of this kind.

We will, therefore, use as a working principle the idea that a high rate of success in deterring further activity is the only rational means by which control programs should be judged.

The concepts developed to clarify intentions and activities in the control field are intended almost solely as ways of thinking about and identifying problems for further exploration and discussion and for matching personal characteristics with relevant program descriptions. The development of typologies is never intended to create further problems for the juvenile. Instead, the opposite is true. Everyone who participates in activities or discussions of this field should be careful that the concepts which are used do not become incorrectly understood labels that produce additional stigmatic problems for juveniles in control programs.

The official labeling of a person as "delinquent" (or even "pre-delinquent") affects the ways in which the individual is regarded by both himself and by others. The individual may feel that he is somehow fatally flawed or basically unacceptable to society. The label may limit

his perceptions of his options in life to those in the field of illegal activity. Others may regard a person so identified as "different" and "unacceptable." They may react to this perception with behavior that pushes or forces the juvenile further toward deviant behavior. Those who have been labeled are likely to begin to think of themselves as delinquent or criminal and to organize their behavior accordingly.

Such considerations illustrate the fact that a basic conflict may arise between the intention of the labeling process which is necessary in order to develop effective programs and the practical effects which labeling may have on the subsequent behavior of a particular individual.

However, description (i.e., "labeling") of some sort is virtually essential in order to obtain the resources necessary for envisioned rehabilitation programs.

Labeling socially-defined characteristics always differs from, and is more hazardous than, labeling physical characteristics. Though those with unusual physical characteristics have experienced stigmas of various sorts throughout the history of the human race, those who have been labeled with socially-defined characteristics are almost uniformly stigmatized, often permanently. There is always the implication that labeling a socially-defined character-

istic provides a true indication of the individual's character. Although this is frequently untrue, it is still widely believed. Perhaps, the lesson to be learned from this is that typologies should be clearly reflective of the most important considerations about an individual. Therefore, it would be more important to know what an individual's capabilities are rather than the specific offense which he committed that brought him to the attention of the delinquency control system.

Every selective group runs the risk of having a stigma attached to it. The reasons for a group's selectivity are really unimportant when viewed in a broader perspective. Recognizing that most selective groups are identified on the bases of gross oversimplifications of their interests or characteristics, this is nonetheless a factor which must clearly be considered. Even those groups which consider themselves to be patriotic and socially-responsible can be stigmatized by others in our society. No remedy is known or will be suggested for this generally negative social phenomenon. The idea is presented so that we will, at least, be aware of it. It is hoped that we will remember that labels used in development of our plan are intended to be an aid to thinking about complex problems. It is hoped that everyone involved will recognize that nothing more is intended nor should anything additional be inferred.

SECTION 2: PERSPECTIVES

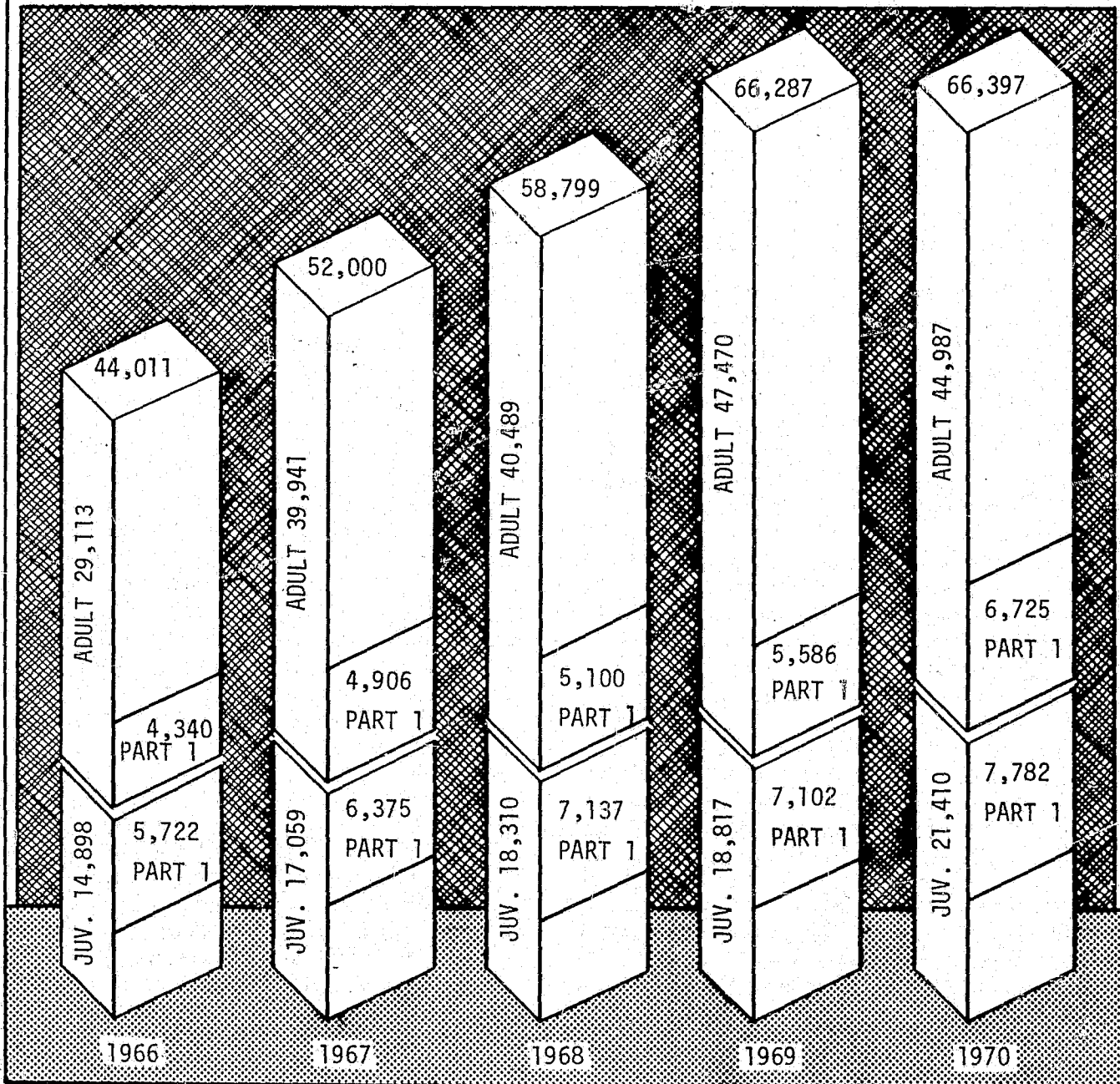
The absolute maximum dimensions of the subject area of control are determined by the gross arrest figures for all offenses, as reported to the KBI by the law enforcement agencies within the state; the practical dimensions are somewhat smaller. In 1970, 21,410 juvenile apprehensions were reported, a figure that does not represent the number of individuals apprehended, (estimated to be approximately 25 percent less). The gross figure includes both serious

crimes (delinquency) and less serious infractions of the law (misdemeanors). The total number of juvenile apprehensions is approximately one-third of the total of all apprehensions - both juvenile and adult. Any inaccuracies or errors in this total figure almost assuredly lie in understating the problem rather than overstating it, since a rather large number of law enforcement agencies do not report to the Kansas Bureau of Investigation (KBI), from whose figures we quote.

Chart 3 below graphically illustrates the relative proportions of all arrests over the past five years. It illustrates the relative proportions of the total reported arrests of both adults and juveniles and portrays the relative relationships of the Part I offenses for both adults and juveniles. There has

been a 50 percent increase in both the total number of arrests and in the apprehensions of juveniles for all offenses during this five-year period. It should be kept in mind that the juvenile age has remained constant during the years shown on this chart. Juvenile apprehensions for all causes have tripled

CHART 3: COMPARISON OF JUVENILE APPREHENSIONS AND ADULT ARRESTS (1966-1970)



in the past seven years, even though the upward revision of the juvenile age in 1965 accounts for much of this increase.

Since the total number of juveniles in Kansas has declined slightly during this period, these increases in numbers represent an almost equal increase in rate.

Some of the increases can be attributed to changes in the record keeping practices of law enforcement agencies. Many persons report that they now keep records on juveniles and report them as part of the uniform crime reporting system for things which were not formally reported or recorded several years ago. Therefore, some of the increase may be attributed to changing practices rather than to actual increases.

Sedgwick County alone accounts for most of the increase in the total number of juvenile apprehensions between 1969 and 1970. The figures from this county showed a dramatic increase in 1970 nearly equaling the increase recorded for the state as a whole.

After applying a recidivism reduction factor (25%), it would appear that more than 16,000 individuals are represented by the 21,410 apprehensions recorded for 1970. This is more than 3 percent of the juveniles in the state between the ages of 8 and 18! A rate of 3 percent per year clearly indicates a problem of considerable severity, since there are 8 to 10 "active" juvenile years.

THE SERIOUSNESS OF THE PROBLEM

Many persons seem to cling tenaciously to the belief that "delinquency" is a relatively minor problem not worthy of serious attention when contrasted with adult crime. A large number of persons want to discuss delinquency in terms of mischief, pranks, and other activities which can safely be ignored. This section argues for recognition of the point that the seriousness of delinquent acts is quite similar to that of adult criminal acts, and that the number of apprehensions of juveniles for serious offenses is greater than the number of adult arrests.

An analysis of the "part one" offenses, as compared with other offenses, shows that approximately 22 percent of all arrests are part one arrests (1970). Therefore, only about one out of every five reported arrests is for a serious offense or felony. When considering the "part one" offenses as a proportion of the total number of offenses committed by adults, the 1970 figures show that only 15 percent of all adult arrests are for "part one" offenses. On the other hand, part one offenses (1970) account for approximately 37 percent of all juvenile apprehensions. The figures from which these percentages have been computed are shown in Chart 3. It is clear from these facts that the apprehension of a juvenile is, by virtue of the manner in which offenses are defined, far more likely to be for a serious offense than is the arrest of an adult. This is a point of fact almost universally ignored or obscured.

A basic distinction is made in the FBI's uniform crime reporting system between the more serious felony offenses and the less serious offenses. The more serious crimes are designated as "Part One" offenses and include the following categories: murder, non-negligent manslaughter, manslaughter by negligence, forcible rape, burglary, aggravated assault, auto theft, and robbery. This grouping of offenses constitutes those acts considered to represent a severe threat to persons and/or property. We adopt this classification and terminology throughout this volume.

In addition, the gross number of juveniles apprehended for "part one" offenses exceeds that of adults who are arrested for the same types of crime. In 1970, the reports from law enforcement agencies show that 7,782 juvenile apprehensions

were made for "part one" offenses while only 6,725 adults were arrested for this reason. Therefore, in 1970, the juvenile "part one" apprehensions constituted 54 percent of the total "part one" arrests. Juvenile apprehensions for these offenses outnumbered adult arrests by more than one thousand. In every year since 16 and 17 year olds have been included as juveniles, there have been more juvenile than adult apprehensions for "part one" offenses. Prior to 1966, when 16 and 17 year olds were classified as adults, "part one" juvenile apprehensions generally accounted for less than one-half of the total number of "part one" arrests. In 1965, for example, juveniles accounted for only 3,989 of a total 9,866 part one apprehensions (40%).

A more specific analysis of the frequency of individual offenses is presented in Chart 4 which compares the juvenile apprehensions for 11 selected offenses over a five-year period (1966 to 1970). These 11 selected offenses are those which approximate or exceed one percent of the total juvenile apprehensions, with the exception of the miscellaneous arrests category. Each of these selected offenses is identified and the relative numbers which were reported in 1966 are compared with those reported for 1970. The first five offenses listed are "part one" offenses while the other six are miscreancies. The more serious offenses show significant, consistent increases over the five-year period, with the exception of auto theft which has declined six percent. Two of the serious offenses more than doubled while two others increased by 43 percent and 35 percent respectively. In the group of six less serious offenses, the "other assaults" category more than doubled, vandalism rose the least of any category showing an increase, the rise in the violation of narcotic drug laws was astronomical from an almost negligible number in 1966, liquor laws offenses increased considerably, and drunkenness and disorderly conduct showed only minor increases. The consistency of the in-

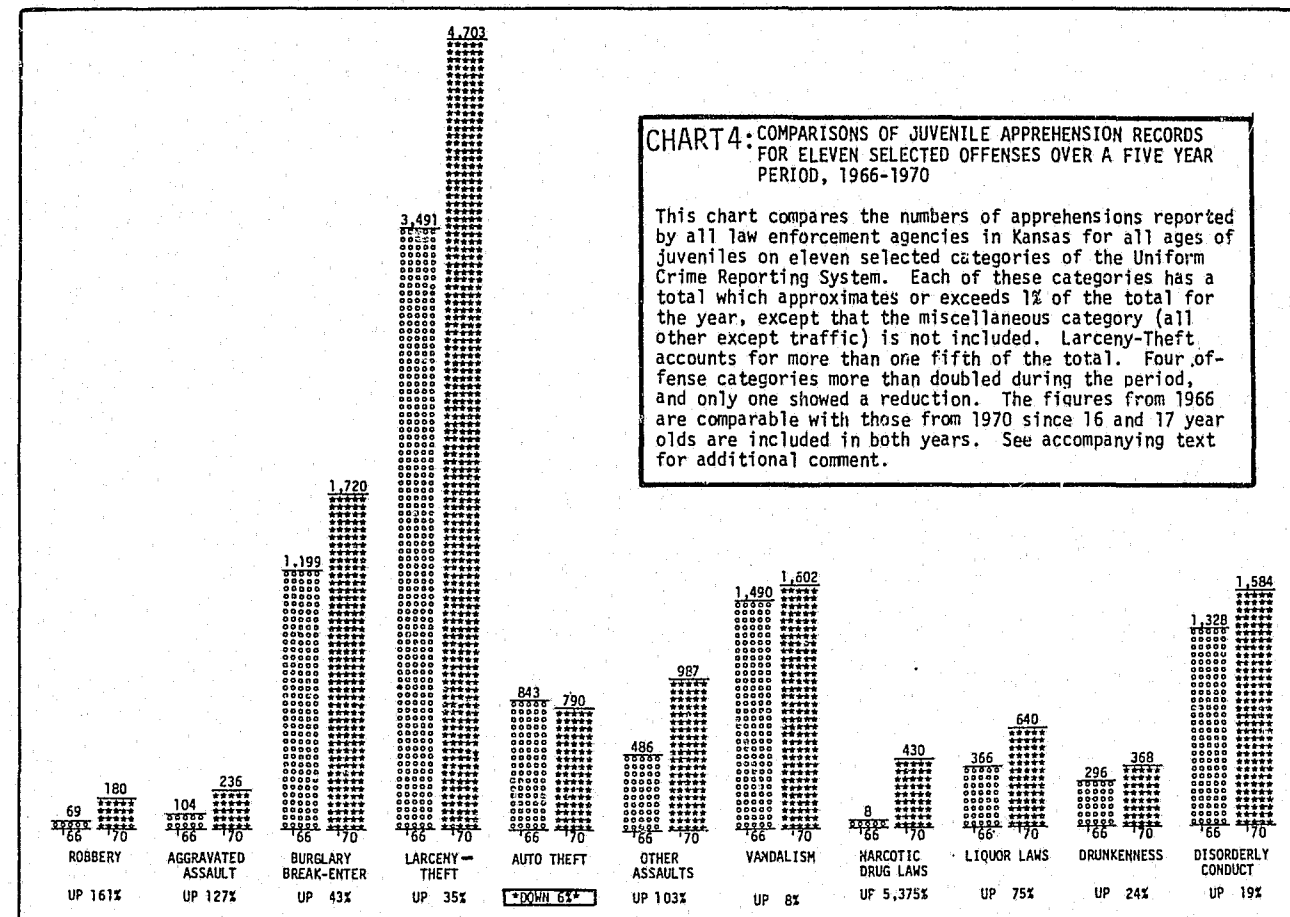
creases among these selected offenses is felt to be important when considering the seriousness of delinquency.

It is apparent from an analysis of these facts that juveniles are committing most of the serious crimes in the state for which apprehensions are being made. This stands in contrast to the previously cited opinion that delinquency is not usually serious. It may successfully be argued that, on the average, the severity of the offenses committed by juveniles is less than that of the crimes committed by adults, but this is to be expected and does not alter the fact that delinquency constitutes the major portion of all serious crime in Kansas.

A longitudinal view of these facts showed that in 1965 about 40 percent of the "part one" offenses in the state were committed by juveniles. When 16 and 17 year olds were counted as juveniles in 1966, this percentage increased to 56 percent and has remained at approximately that level ever since. The gross figures on the "part one" offenses have risen approximately 4,600 between 1965 and 1970, an increase of 47 percent. The increase in the five year period (1966-1970) which we have used for our illustration was 4,445 or approximately 46 percent. These increases, although slight, are less than other increases during this period.

Some additional comments on these facts are appropriate. First, the "clearance" rates on these types of crimes are not high and, if higher, might show a different situation. It is reasonable to assume that as persons who commit criminal acts become older, they also become wiser and are, therefore, more difficult to apprehend. Another mitigating factor, in some areas, is that some crimes are not consistently reported. It must clearly be recognized that the typical juvenile apprehension is for a more serious violation than is the typical adult arrest.

Chart 5 which follows illustrates the breakdown of all reported arrests, by offense, broken down by age groupings with-



in the juvenile category, and giving a total for all adult age classifications.

JUVENILE COURT CASES

The seriousness of the problem of delinquency is subject to one other major analysis - the records of the Kansas juvenile courts. These records show, in recent years, much smaller caseloads than might be assumed from the number of apprehensions reported by the law enforcement agencies. The lower number of cases reported by the courts is almost entirely the result of the exercise of discretion by the court in regard to what cases will be handled and which will not. (See chapter 2 for further examination of this point.) Little mention has been made of the failure of many law enforcement agencies to satisfy the recent procedural changes required by Gault and other Supreme Court decisions. The application of discre-

tionary judgement in individual cases is complicated by the fact that a single individual may be represented by more than one entry in the police department's apprehensions statistics, yet he is handled as a single "case" by the juvenile court. Though the reports from juvenile courts are generally at least nearly complete, one exception should be noted. Sedgwick County reports to the Department of Social Welfare are known to be only about one-third of the actual number being handled annually. This means that an additional 1,500 or more cases should be added to the state total. The result is that the gap between the number of apprehensions reported and the number of cases reported to have been handled by the juvenile courts has widened in both numbers and

CHART 5: 1970 KBI REPORT BY OFFENSE AND AGE

NATURE OF OFFENSE	10 & UNDER	11-12	13-14	15	16	17	TOTAL UNDER 18	TOTAL 18 & OVER
Murder & Non-negligent Manslaughter				1			1	89
Manslaughter by Negligence						1	1	33
Forcible Rape			6	9	11	23	49	146
Robbery	3	15	48	21	44	49	180	423
Aggravated Assault	9	9	41	42	63	72	236	812
Burglary-Breaking or Entering	144	192	384	284	371	345	1,723	1,384
Larceny-Theft (Except Auto Theft)	447	651	1,275	704	905	721	4,703	3,349
Auto Theft	2	32	227	210	198	221	790	522
SUBTOTALS:	605	899	1,981	1,271	1,592	1,432	7,783	6,725
Other Assaults	63	98	281	186	183	176	987	2,635
Arson	28	11	17	10	13	14	93	45
Forgery & Counterfeiting		2	13	35	48	48	146	562
Fraud		1	11	4	23	34	73	2,369
Embezzlement				1	3	1	5	86
Stolen Property: Buying, Receiving, Possessing	5	9	43	20	30	37	144	233
Vandalism	298	239	376	238	259	192	1,602	436
Weapons: Carrying, Possessing, etc.	10	19	33	26	37	51	176	641
Prostitution & Commercialized Vice						4	4	35
Sex Offenses (Except Forcible Rape & Prostitution)	3	13	38	30	30	29	143	384
Narcotic Drug Laws		5	67	79	113	166	430	988
Gambling				1	1		2	236
Offenses Against Family & Children	19	3	1		6	3	32	341
Driving While Intoxicated				4	20	36	60	4,172
Liquor Laws	1	6	65	119	201	248	640	1,741
Drunkenness	2	3	50	54	97	162	370	11,806
Disorderly Conduct	72	115	320	228	279	324	1,328	3,165
Vagrancy		3	14	39	51	71	178	888
All Other (Except Traffic)	226	433	1,860	1,766	1,716	1,313	7,314	7,453
TOTALS	1,332	1,859	5,172	4,111	4,702	4,234	21,410	44,987

Source: (8)

percentages during recent years.

Chart 6 illustrates this statement. During the eight-year period for which comparable records have been kept (1963-1970), the percentage of the total reported apprehensions which have been reported as cases in the juvenile courts has fallen from 86 percent in 1963 to 57 percent in 1970. The actual numbers involved in this declining percentage are perhaps even more significant than the percentages themselves. In 1963, the difference was 825 while the difference for 1970 was 9,136. This eleven-fold increase in the difference between reported apprehensions and cases in the juvenile court is believed to be of more significance than the percentages.

Another major factor regarding delinquency in Kansas, as it affects the juvenile court, is the tremendous increase in its caseload during the past decade. In 1960, the juvenile courts of the state reported a total of 3,452 cases (both "official" and "unofficial"). By 1970, this figure had risen to 12,274 cases. The number of cases handled by the courts in the state have experienced an increase of this magnitude, many of the courts had recorded individual increases exceeding this general state-wide pattern. Needless to say, little has been done in anticipation of this tremendous increase.

The juvenile courts of the state are responsible for administering a "code" containing a unique philosophy. It requires that a juvenile offender not be treated as a criminal in the ordinary meaning of that term, and the court itself is not legally constituted as a criminal court. The philosophy expressed in the code recognizes the statistically probable truth that juveniles are amenable to non-penal treatment and services and that the interests of society will best be served by utilizing such resources to redirect their interests and modify their behavior. The shortest expression of this philosophy in the laws of our state is as follows:

AN EXCERPT FROM THE KANSAS JUVENILE CODE
(Kansas Statutes Annotated)
38-801.

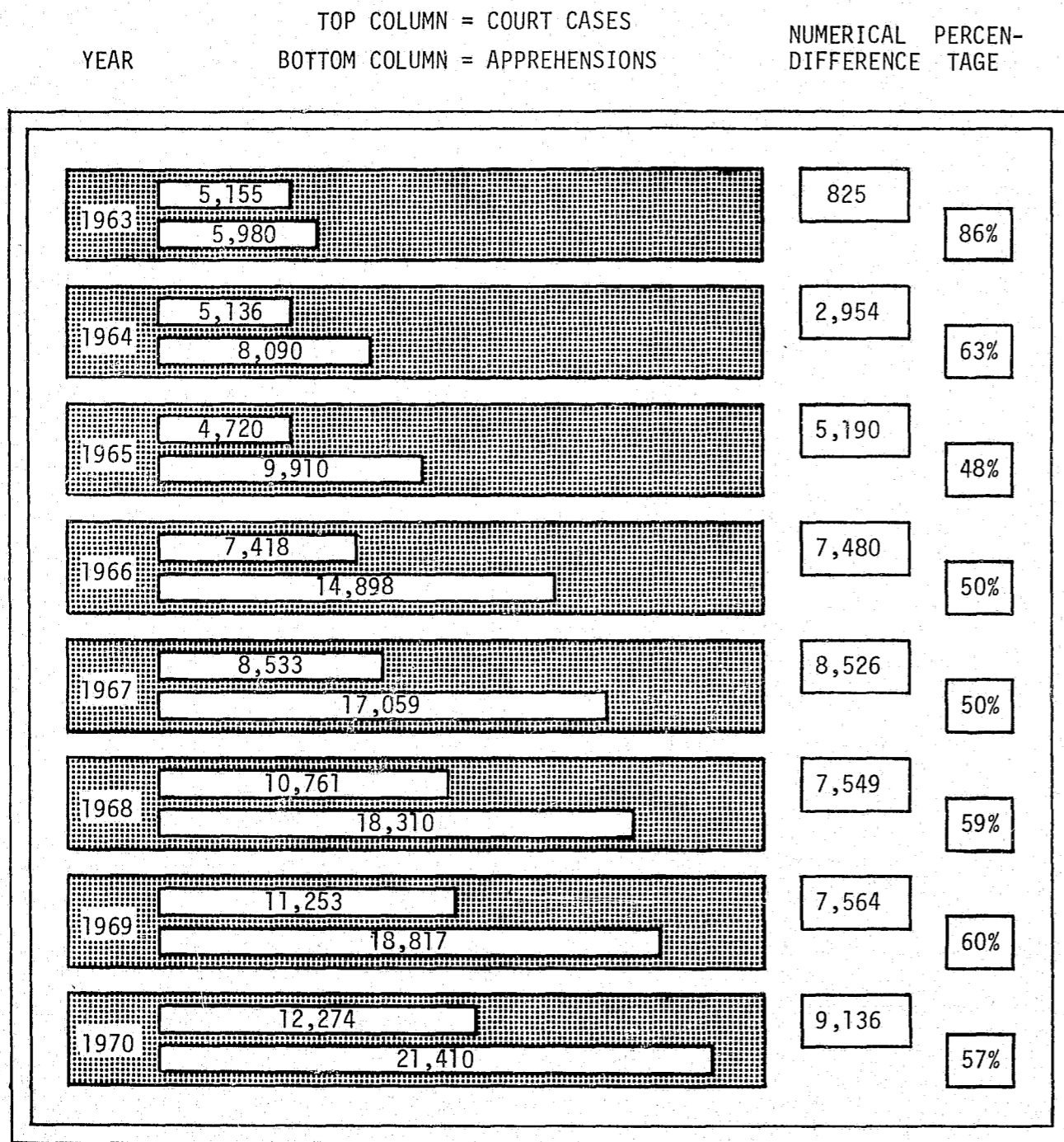
"This act shall be liberally construed, to the end that each child coming within its provisions shall receive such care, custody, guidance, control and discipline, preferably in his own home, as will best serve the child's welfare and the best interests of the state. In no case shall any order, judgement or decree of the juvenile court, in any proceedings under the provisions of this act, be deemed or held to import a criminal act on the part of any child; but all proceedings, orders, judgements and decrees shall be deemed to have been taken and done in the exercise of the parental power of the state. This section shall not apply to proceedings under Section 30 (38-830) of this act. ("contributing to delinquency" laws)"

One result of this is simply that the juvenile court does not "sentence" a juvenile to a period of incarceration as is commonly done in the adult field after guilt has been established. It is intended in the juvenile code that controlling influences will be applied to an individual for whom a determination of guilt has been made and that the individual juvenile's needs for guidance and direction will be met. It also requires that situations in which the juvenile is apparently the victim of circumstances beyond his control be remedied by the court.

The court is given the further discretionary power of handling cases in either an official or an unofficial manner based on a judgement regarding the best interests of the individual. The records of the state's juvenile courts distinguish between those cases handled officially and those handled unofficially. More will be said about the official handling of cases in the section on the treatment resources which are available as dispositional alternatives of the juvenile court.

It is essential that various kinds of

CHART 6: APPREHENSION - COURT CASE DIFFERENTIAL, 1963 - 1970



Court Cases UP 133% during period
Apprehensions UP 258% during period

1963 Juvenile population = 764,265
1970 Juvenile population = 747,280
DOWN 2.3% during period

Sources: (8, 9)

community and extra-community resources be available to the juvenile court in order to enable it to carry out the intentions which were briefly described above. It is not intended that juveniles who are found guilty of an offense be given no penalties or restrictions on their activities. The philosophy reflected in the juvenile code indicates that influences and penalties - where appropriate - should be administered by the court in

order to modify unacceptable behavior. It is not true that the court is so designed as to be impotent in terms of modifying or controlling unacceptable behavior. On the other hand, the court itself does not have full control over developing and maintaining many of the resources which are potentially valuable to it in fulfilling its mandate. More will be said of this in the section on probation and treatment.

PROBATION RESOURCES

The theoretical basis for providing probation services as an instrument of the juvenile court rests on the principle that the guidance, support, and supervision of the activities of some children are legitimately within the purview of the court and will help to fulfill the intentions of the juvenile code. Each child who comes to the attention of the court and for whom a determination of delinquency or miscreancy has been made obviously needs guidance in developing acceptable patterns of behavior and constructive associations. It is also felt that most juveniles need some adult support and guidance when faced with choosing from among a number of optional courses of action or behavior styles. It is further apparent that some monitoring or supervisory influence is appropriate in order to determine whether the objectives of a particular probation prescription are being implemented.

who do not appear before the juvenile court being set by law enforcement agencies. These persons will not be considered as part of this general subject area, but will be mentioned again in the next chapter.

Probation, therefore, may include a variety of activities designed to help juveniles who have been adjudicated by the court to adopt and maintain more socially-acceptable patterns of behavior. It is generally expected that probation programs will be carried out by skilled persons of proven effectiveness and whose caseloads represent workloads.

Early in this planning effort, the staff conducted a survey regarding some of the simplest features of the probation situation in all 105 Kansas counties. A major objective of the survey was to determine the number of persons working in the probation field. The number of full-time workers was believed most significant since persons deriving their principal income from this work would have a greater impetus to improve their capabilities through acquiring additional education and other training. This 1970 survey revealed that 66 persons were employed on a full-time basis in 24 counties. Two-thirds of these (44) were employed in the four urban counties, and nearly half (20) of these were in Sedgwick County. Eleven additional counties employed part-time probation officers at that time.

This initial survey included information on salary, which ranged from a reported low of \$1.15 per hour (70% of minimum salary) to \$150 per month for part-time workers and from \$395 per month to \$1,000 a month for full-time workers. The average salary of full-time workers was less than \$500 per month.

The number of juveniles who are or should be involved in some sort of probation program is coextensive with the number adjudicated, officially or unofficially. There are some instances of probationary conditions for some juveniles

Another survey of probation workers was made in 1972 by the Kansas Probation Officer's Association, and the results

furnished to us by the association's president Gary L. McGinness. This survey clearly revealed the only significant change known to have occurred in the juvenile justice field while this planning was being carried out; a large increase in the number of reported probation officers. The 1972 survey shows 102 full-time probation workers - in contrast to 66 two years previously. This is an increase of more than 50%. Furthermore, nearly 50 student interns were gaining experience in probation while in college, and several hundred volunteers were also reported. These changes were already evident to the project staff, who had an opportunity to meet many of the new people when visiting various communities.

Some caution is suggested in regard to this information. The first point, made in our earlier publication, concerns the wide-spread use of law enforcement officers as probation officers. Secondly, the often serious confusion of the idea of "juvenile officer" in a police department and "probation officer" within the structure of a court. The third point concerns the tendency to count all staff members, not just those directly involved in probation. We have made some changes in reported information on the basis of personal knowledge of these, and other factors. Information on volunteers is notoriously inaccurate, but we do feel that it is accurate to say that there are hundreds more volunteers working in probation now than there were 2 years ago.

Whereas 37 counties reported no paid or volunteer probation services of any kind two years ago, only 26 reported this in 1972 (but, 8 counties did not report in 1972).

This information leads to a tentative judgement that the probation services in the state have been greatly changed in the past two years, a judgement confirmed by acquaintance with the new personnel that have begun work in the field. However, the greatest change is potentially still ahead of us. If the new student interns can be persuaded to re-

main in Kansas, we will have a trained and experienced group of workers far superior to anything that has existed in the past. Our optimism for the future should be tempered by no less than five major issues, none of which is adequately resolved under current conditions. These issues are: developing probation services on the basis of need, designing consistent and reasonable working conditions, arranging for professional (as contrasted with purely administrative) supervision, development of reasonable salary standards, and determining minimum qualification standards.

There is no standardized way of measuring the effectiveness of a probation officer's work. Such a measurement system is surely necessary before it will be possible to state categorically that probation is worth the time and effort presently being invested in it. Additional difficulties and uncertainties arise from the facts that there are no professional qualifications for the position, no standardized curriculum for initial preparation, only severely limited opportunities for in-service training in Kansas and no way to systematically analyze the effectiveness of individual probation officers in working with particular kinds of juvenile problems. Our plan specifies something for each of these, and other probation concerns.

Two cautions about the growth in numbers of probation personnel must be made. The first is that current numbers fall far short of the standards specified in this plan (about 2½ times more than the present number). The second caution concerns the fact that this recent increase in probation personnel is generally offset by increases in the number of delinquents in recent years. Many counties, Sedgwick, Wyandotte and Shawnee for example, are in a considerably inferior position to that which existed a few years ago - and that former position was hardly viewed as adequate.

In summary, it may be said that there is no more than a nucleus of commitment to

CHART 7: THIRTY-SEVEN COUNTIES REPORTING FULL-TIME EMPLOYED PROBATION OFFICERS IN THE SPRING OF 1972

COUNTY	1970 POPULATION	1970 COURT CASES	1970 PROBATION OFFICERS		1972 PROBATION OFFICERS	
			FULL * PART	FULL * PART	FULL * PART	
1. Atchison	19,165	160	1	0	1	0
2. Barton	30,663	152	0	0	1	1
3. Bourbon	15,215	98	0	0	1	0
4. Butler	38,658	109	0	0	1	0
5. Clay	9,890	0	0	0	1	0
6. Cowley	35,012	66	1	0	2	0
7. Crawford	37,850	171	0	0	1	1
8. Dickinson	19,993	44	0	0	2	0
9. Douglas	57,932	238	1	1	3	3
10. Edwards	4,581	12	0	0	1	0
11. Ellis	24,730	191	2	1	2	0
12. Finney	18,948	119	1	0	2	1
13. Ford	22,587	124	0	0	1	0
14. Franklin	20,007	105	0	0	2	0
15. Geary	28,111	183	1	1	2	1
16. Harper	7,871	12	0	0	1	1
17. Johnson	217,662	2,427	8	3	10	7
18. Kingman	8,886	40	0	0	1	0
19. Labette	25,775	38	0	0	1	1
20. Leavenworth	53,340	154	1	0	1	0
21. Lyon	32,071	59	1	1	2	1
22. McPherson	24,778	106	1	1	3	2
23. Miami	19,254	85	0	0	1	0
24. Mitchell	8,010	11	1	0	1	0
25. Montgomery	39,949	373	1	1	3	0
26. Morton	3,576	0	0	0	1	0
27. Pratt	10,056	220	1	0	1	0
28. Rawlins	4,393	5	0	0	1	0
29. Reno	60,765	232	2	0	2	0
30. Rice	12,320	14	1	0	1	0
31. Riley	56,788	147	1	0	1	1
32. Saline	46,592	369	1	0	2	3
33. Sedgwick	350,694	901	20	0	30	4
34. Shawnee	155,322	1,434	8	2	6	0
35. Stevens	4,198	10	1	0	1	2
36. Sumner	23,553	82	1	0	1	0
37. Wyandotte	186,845	2,992	8	1	8	0
(Republic and Russell Counties each had one in 1970, and did not report in 1972)			TOTALS: 66	12	102	29

the utilization of probation resources in Kansas. What we have is viewed from the state level as only the most rudimentary kind of arrangement. This is in no way intended to minimize the efforts and industry being displayed by many of those presently employed as probation

officers. It merely means that the availability of specific probation resources and the quality of such work are not uniformly available to all juveniles and is not presently being subjected to any disciplined analysis and improvement efforts.

RESIDENTIAL TREATMENT

The basic residential treatment resources for juveniles who are seriously disturbed or who represent particularly severe problems are provided by the state through the Boys' and Girls' Industrial Schools. Both of these institutions date from the last century and have traditionally provided residential treatment for juveniles believed to be beyond the capacities of the local community's resources. States have traditionally maintained centralized treatment facilities to deal with a minor percentage of the juveniles who present the most severe problems.

The Boys' Industrial School, located in Topeka, is the larger of the two institutions, having a rated capacity of 230 and a complete institutional program with minimum security. BIS operates an annex at Atchison currently with a capacity of 38 boys (which is being expanded to 68 under authorizations made in 1970).

The Girls' Industrial School is located in Beloit (north of Salina) and has a rated capacity of approximately 100. In recent years, this institution has not usually been filled to capacity, though it reached capacity in the spring of 1972.

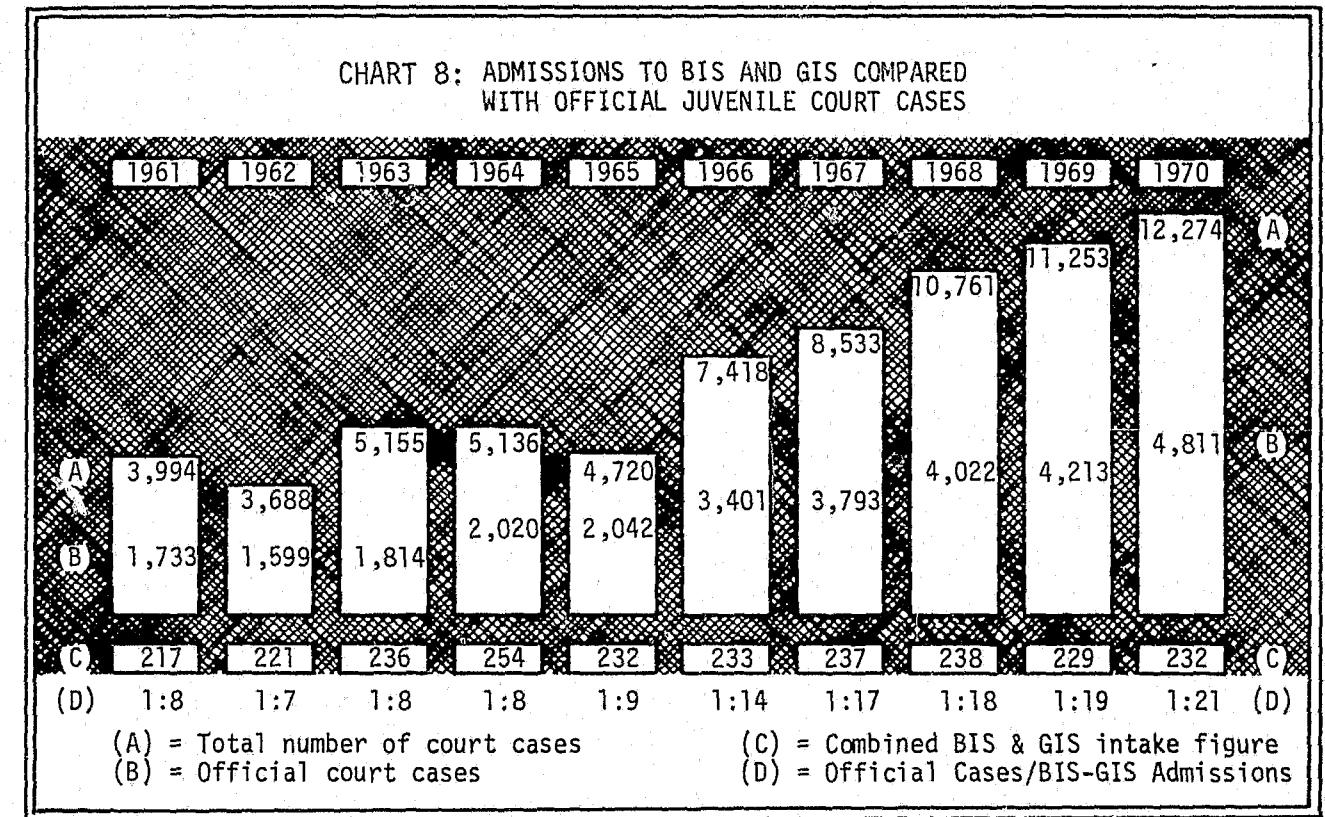
The combined annual intake of these two institutions during the past decade has averaged 231 per year and has ranged from 217 (1961) to 254 (1964). The annual intake capacity at BIS has generally been determined by the space available whereas intake at the GIS has generally been determined by the acceptance of all appropriate referrals.

The treatment programs at both institutions are widely regarded as being among

some of the best and most effective programs in the country. However, the position which these institutions play in the overall juvenile justice system in the State of Kansas has changed markedly within the past ten years.

Chart #8 on the next page illustrates some of the major features of this marked change. The chart illustrates three major facts: the total number of both official and unofficial cases reported by the juvenile courts of the state, the official juvenile court cases of the state, and the annual admissions to BIS and GIS. The admissions to BIS and GIS can result only from an "official" handling of individual cases by the court. Therefore, the number of official cases reported by the courts is the primary figure to be used as a guide in determining the role of these treatment facilities in the system.

In 1961, there were 217 admissions to BIS and GIS out of a total 1,733 reported official juvenile court cases. This represented 12.5 percent of such cases. By 1970, the total number of official juvenile court cases had risen to 4,811 (a 177 percent increase) while the admissions to BIS and GIS had remained at only 232. The percentage of BIS and GIS admissions in 1970 in relation to the total number of official cases reported had declined to only 4.8 percent. This quantitative difference is felt to be so great that it actually constitutes a qualitative difference in the role of these treatment resources. Consequently, practices of utilization have changed markedly according to judges and others, and private resources within and outside of the state have assumed new importance.



In 1971, three "emergency" facilities with a bed capacity of 69 were establish-

ed and became operational in other existing institutions.

SECTION 3: ANALYTICAL AND THEORETICAL POSITIONS

In the original round of interviews and meetings conducted by the staff, we observed that a large number of "key persons" in the "control" portion of our present juvenile justice arrangements were only dimly aware of contemporary trends and thinking in the juvenile justice field. A few even seemed to be innocent of even the most basic principles on which it is established. The personal habits of such persons did not apparently include a serious attempt to establish a solid base of understanding of the relatively unique (but by no means recent) philosophy of the juvenile justice system in our state and nation, apart from an effort to keep abreast of current developments. It is not our purpose to be simply critical of this situa-

tion, but it deserves mention for reasons that will become apparent in the following text. Very modest, but admirable, attempts have been made to provide educational opportunities in the juvenile justice field by the University of Kansas, and more recently by Washburn University, and by the occupational groups with responsibilities in this field (law enforcement, judges, and probation personnel). The very modest characteristics of these efforts and the very small attendance which they have attracted, coupled with an often-encountered expression of interest in obtaining more information and knowledge has important implications for staff development and training that are addressed in Chapter 3 of Vol. IV.

Our purpose at this point is to briefly examine the theoretical and philosophical positions that are influencing the practical activities, services and processes in the juvenile field in Kansas. The first point to recognize is that a lack of awareness of traditional or contemporary thinking in this field in no sense implies the absence of theories and philosophies regarding what can and should be done for (or to) juveniles. Quite the contrary is true. Many of those who appear to be least aware of the juvenile justice tradition in our state and nation also are found to have very definite theories and philosophies about what should be done, or in support of what they are currently doing.

Let it be noted at this point that this subject was not investigated in a formal manner. Rather, it simply emerged in the context of discussions that were focused on other concerns. Let it also be noted that it is not fruitful to simply condemn those who subscribe to theories and philosophies that appear to conflict with the juvenile code. Many have never been introduced to this philosophy (a "structural" deficiency in our present organization) in any meaningful way even though they are held responsible for certain activities affecting juveniles. Therefore, the following presentation should be regarded as being descriptive of realities that must be faced in our plan rather than being a direct criticism of some current officials.

Seven theoretical or philosophical positions will be highlighted in the following text. Each has at least a degree of logic or a "common sense" tradition behind it. Each has proponents who advocate their point of view as the best, or the only "sensible," position. There is really no way to completely reconcile or unify these theories and philosophies into a single philosophy since there are essential and basic conflicts between their points of origin. On a more practical level, however, there is a point of commonality to be observed in the fact that persons with a genuine inter-

est in the welfare of juveniles can be found in each group. It is at least unwise, if not clearly ignorant, to believe that all persons who, for example, subscribe to the "punishment" or "retribution" philosophies are unconcerned about the welfare of children. Though these philosophies appear to directly conflict with the juvenile code as stated, there are examples of activities based on them having a constructive overall or eventual result. Even if the utility of their general applicability is rejected, this does not mean that they never work or that those who subscribe to the philosophy are unfeeling or unthinking.

It is important to analyze, discuss, and understand these theoretical positions since they serve as the premises from which a variety of program activities in the control field originate. All proposed practical programs have some theoretical basis, even when it is not clearly understood by the person espousing the practical program. New program approaches also occasionally emerge from discussions of philosophy.

Theoretical positioning generally determines the view of what can and should be done. Though we will not expound upon the idea here, most theoretical positionings about human beings can easily be traced back to theological concepts about the nature and destiny of man... a tempting area for further exploration. It is simply noted that discussions of what can and should be done for individuals arise from implicit (if not explicit) general beliefs about the nature and destiny of man.

Some of the apparent contradictions in philosophies regarding juveniles are not necessarily in conflict if the focus of attention is shifted to determining whether there is a realistic concern for the individual rather than merely focusing attention upon practical methods used. One parent, deeply concerned about his child's proper development may utilize physical punishment to get a point across while a second may use physical restraint,

a third may use verbal persuasion, and a fourth may use withdrawal of emotional warmth. There is no way to arbitrarily decide that one of these methods is always superior to others (as some may do). To take a different sort of example, the physical spanking of a child by one parent may represent a real concern for the child's healthy, constructive growth while the same act by a different parent may simply be a way to achieve personal relief from his own unresolved problems and frustrations. It is, therefore, not the act of the spanking which is of primary importance but rather the intentions and motivations of the experience and the child's perception of this. Though much of the material in this volume focuses on specific techniques, it should be remembered that the motivations and intentions underlying the use of a particular technique, and the child's perceptions (right or wrong) of these motivations, may easily overshadow the usefulness of any technique. Discussions of techniques should always take into account the motivations which the techniques are thought to express, and the recipient's perception of these motivations.

Perhaps the most difficult problem to resolve in this general subject area is the fundamental conflict or tension that exists between the rights of society and those of the individual. The general statement of the Juvenile Code of Kansas, (see p. 19) appears to give equal weight to the rights to society as a whole and to the individual. Though this is both logical and sensible in theory, it is extremely difficult to clearly express this through practical institutions and programs. The principle represents an ideal that should be kept in mind, but is not likely to be universally achieved. The principle that the rights of the individual are to be preserved and protected until they reach the point at which they infringe upon the rights of others is similarly good in theory, but defies easy, practical translation into the realities of daily life. This particular principle assumes that no one wishes, or is impelled, to

seek a greater exercise of his individual rights than that which is consistent with fair and equitable constitutional guarantees. This principle breaks down when a group - occasionally, the majority - claims rights in excess of those to which it is entitled. Under such conditions, the exercise of reasonable rights on the part of the individual will necessarily conflict with those that have been established by the group. The infringement upon the rights of an individual or group by another is, of course, a very basic definition of "crime." It has always been extremely difficult to establish or maintain minority rights by majority rule.

The institutions, agencies, and programs established under the general heading of control are responsible for resolving this fundamental conflict in the most constructive possible manner. The challenge which the control institutions face in this regard is considerable. Sensitive persons in control institutions are acutely aware of this conflict and of their responsibility to resolve it as constructively as possible for the individuals under their jurisdiction. This is no small challenge.

A greater awareness of some of the current positioning in the control field can help to resolve some differences between what appear to be contradictory activities and interests. It may be impossible to reconcile some of these positions. This should be acknowledged because there are many people in Kansas who feel that the only proper courses of action in the control field are clearly repressive measures originating in basically hostile attitudes. Measures deriving from such motivations are clearly not consistent with the general statement of our state's Juvenile Code (or that of our nation). Though it may be difficult to determine ways of directing and guiding a juvenile into at least minimum conformance with majority values, this is clearly the intention of our juvenile code. The seven philosophies which we observed in our contacts with key persons in the state follow:

JUSTICE

A central principle dominating the control field is that of justice. The principle of justice will be described in terms of locating, apprehending, and determining the guilt or innocence of those who have violated the laws of society, followed by the assessment of varying kinds of penalties or other remedial influences. The societal institutions included in the concept of justice are law enforcement agencies, the courts, and penal or correctional systems.

The more specific concept of juvenile justice is based on a code divorced from that of the criminal code, although there are several common features. The juvenile justice system has traditionally placed less emphasis on the adversary system of determining guilt or innocence and juvenile correctional or rehabilitative processes generally differ greatly from those of the adult penal or correction system. The juvenile justice system does not proceed according to the assumption that the offender should be held wholly accountable for his actions because this system is based on the belief that definite, life-long patterns of behavior are not yet fully developed and, therefore, the juvenile is still amenable to controlling and guiding influences other than those provided by traditional penological or correctional institutions.

The rights of the accused appearing before the juvenile courts have undergone significant alterations in recent years. The general thrust of such changes has been to protect the rights of the accused from the capricious exercise of power by authorities. Particularly because of the Gault decision, the exercise of power by the court and other authorities has been greatly modified in some jurisdictions. In many cases, this has required the development of new techniques and methods of handling juveniles. These changes have resulted in a more careful application of techniques and procedures and the requirement that a guardian (attorney) be present in order

to insure that the juvenile's rights will be protected.

Also as a result of these changes, juveniles have been guaranteed greater protection from major alterations in their freedom through the imposition of new procedural steps. While this has undoubtedly increased the carefulness of those working in the juvenile field, it has also meant that many of them now perform tasks not previously required. Considerable publicity has accompanied the imposition of these new procedural rules and techniques and many have expressed dissatisfaction regarding them. On the whole, however, the additional work and processes required have generally been regarded as beneficial to the accused, but not at the expense of the interests of society.

The process of determining guilt or innocence in a juvenile court still lacks some of the formalities and the intensity of the adversary proceeding of an adult criminal proceeding. This develops from and is consistent with the general philosophy of the juvenile court is an institution in which the accused is not processed according to the rules governing the adult criminal court. Some jurists feel that, eventually, a further transformation in the proceedings before the juvenile court will take place and will ultimately require a greater degree of conformance to procedures now mandatory in adult criminal courts. To some it is not inconceivable that some juvenile proceedings may eventually be presented to juries.

The Kansas juvenile code generally recognizes the concept of a "child in trouble." This philosophy demands that the primary focus of interest be placed on what help the child needs in order to have a reasonable opportunity to develop into a responsible adulthood. Under this principle, a finding of guilt or innocence is not as important as an understanding of the problems besetting the individual. That is

not to say that the finding of guilt or innocence is not important, but merely means that it is only one of at least two major factors.

Recognition of the "child in trouble" concept requires the development and utilization of several kinds of resources potentially capable of meeting the child's needs. The resources necessary for the functioning of the juvenile justice system - as contrasted with the adult peno-correctional system - are considerable. It is not enough simply to limit attention to recognition that the child has not been living in an environment which can foster his development into a responsible adult. With this acknowledgment comes a moral imperative to see that the necessary resources are actually available so that the child can be referred to them.

From this, it can be seen that justice - as defined here - is a narrow gauge concept which is, by itself incomplete within the general philosophy and the theo-

retical basis of the juvenile court. It becomes even narrower when, as is commonly done, this focus is limited almost exclusively to the courts.

The separation of the three seats of authority within the general concept of justice is viewed as important in our society. The traditional separation of law enforcement from courts and from peno-correctional institutions and agencies has been considered desirable and is basic to an understanding of the American system of justice. However, it is not intended that these three elements should be rigidly separated without any coordination or cooperation. When those working in each of these elements clearly perceive that their agencies are aspects of a system which must be unified in order to produce the desired effect, the results are much more admirable than those which occur when each agency or institution operates from behind an insulating barrier, as is both currently common and traditional in Kansas and throughout the country (3).

TREATMENT

The philosophical position that the juvenile justice system should be guided by "treatment" concerns rests on a conception of the symbolic nature of the acts designated as delinquent. The philosophy that treatment should dominate the juvenile justice system looks at the underlying causes of illegal acts and holds that treating the cause is the most effective way to remedy the symptoms. The treatment philosophy is at least a century old in both the juvenile and adult fields. Those who hold to this theoretical position wish to gain recognition for the principle that treatment is the most effective way of gaining a reasonable chance for the individual to mature and develop into a responsible and law-abiding citizen.

The focus in the treatment philosophy is on effecting basic changes in the individual's attitudes and habit patterns rather than on attempting to control his

overt behavior. This requires considerable skill in perceiving the personality structure and its strengths, as well as in dealing with the factors once they have been perceived. Advocates of the treatment philosophy claim that techniques developed from this theoretical position are more successful over a period of time than other possible efforts. These advocates emphasize that there is not a single treatment mode that is appropriate to everyone's needs and that the type of treatment undertaken must be appropriate to the individual situation.

Advocates of the treatment philosophy utilize various methodologies, operate in a multiplicity of institutional and non-institutional settings, and are provided with widely variant resources. These points are cited in order to illustrate the fact that there is no one treatment methodology or mode which is believed best, or which is even applicable to most

juveniles. Therefore, it is inappropriate to consider all treatment methodologies to be the same.

The application of whichever treatment methodology seems most appropriate to the needs of a particular individual under the circumstances is permitted and, in fact, encouraged by the juvenile code.

The code seems to state that a "carte blanche" should be extended to those who are responsible or who assume responsibility for juveniles. The treatment philosophy is not limited by the Kansas juvenile code. A combination of the treatment and justice philosophies, uniformly applied to all, gives promise of being a formidable response to delinquency as a social problem.

DETERRENTS

There are many persons who believe in the usefulness and effectiveness of deterrents in curtailing illegal or proscribed activities. They feel that the existence of direct and indirect deterrents will be sufficient to prevent almost all illegal activities except those committed by hard-core antisocial individuals. The deterrent philosophy believes in the elimination or severe reduction of perceptions of attractiveness or benefits to be gained by participation in illegal activities. A demonstration of a superior force or position is usually specified to achieve these objectives. The reduction of attractiveness of illegal activity is usually sufficient to influence those who are marginal in their motivations or temptations. Making illegal acts more difficult or less attractive will dissuade some from impulsive or less than determined actions.

There are two widely recognized, sound conceptual bases for deterrents. The first is simply the idea of protecting persons and property. The second is that of helping an individual to control his own impulses or half-formed intentions.

Indirect deterrents are defined for our purpose as those deterrents not specifically directed toward any one individual, but are directed toward those who might perceive some benefit in a particular action or who might otherwise be tempted to participate in illegal activity. The general structure of a criminal justice system is intended to have, at least, a vague indirect deterrent effect on oth-

ers. Indirect deterrents may also utilize other individuals or groups as direct deterring agents. One well-known example of this type of deterrent is the threat that punitive action will be taken against an entire group for the misdeeds of one or several of its members. This causes the group itself to assume a function as a controlling influence. Another example is to threaten a parent or guardian with penalties if they fail to control the behavior of a juvenile. Indirect deterrents may also use an intermediate authority or influence to inhibit the behavior of those believed capable of illegal activity.

Direct deterrents are those in which an overt exhibition of superior force or position is used as a means of curbing potentially illegal activity. Direct deterrents cause those who might commit illegal acts to become aware of physically present restraints or the real possibility of positive identification. Restraints, the certainty or great likelihood of identification accompanied by the likelihood of apprehension for an illegal act are all clearly deterrent in effect. The imposition of direct deterrents upon illegal activity requires considerable manpower and other resources, not typically available.

Those who favor the deterrent philosophy generally believe that those who are not dissuaded from illegal activity by reasonable deterrents are no longer amenable to reasonable measures. Not everyone who believes in deterrents accepts this, but it is an accurate characterization of

those who advocate the extensive reliance upon deterrents.

The point at which the effectiveness of the deterrent philosophy ends is, obviously, the point at which the person intent upon committing a criminal act has exceeded the limits of his reason or his conscious ability to control his actions. Such persons may be deliberately and incorrigibly antisocial, or they may be disturbed or "sick." For such people, deterrents are not effective control methods and other more appropriate responses to them must be developed.

In recent years, there has been considerable escalation in the techniques and practices used as deterrents. In recent years, manufacturers of automobiles have been required to put steering column locks on their vehicles for a distinctly deterrent purpose. There have also, apparently, been some distortions in the valid ideas regarding deterrents. Nearly all parents use minor deterrents in rearing their children and society in general utilizes a variety of deterrents to protect persons and property. These

initially valid practices have been oversimplified and magnified in many ways in recent years. Whether such magnified, over-simplified methods have actually been proven effective in achieving their intended purposes is still questionable. It should also be acknowledged that this escalation and distortion of the valid basis for deterrents increases the likelihood of serious consequences resulting from human errors.

The comments in the preceding paragraphs are not, in any sense, intended to reduce the value of deterrents. There is considerable validity to the general philosophy of deterrence. The greatest value may be found in helping an individual to exercise control over behavior which, if not controlled, can result in actions which could become a life-long source of misery and guilt. For example, deterrents applied to a natural and understandable desire for retribution against persons or property should, in almost all cases, be discouraged for the individual's benefit even if not for that of his intended victims.

PUNISHMENT

There is a strong, unmistakable theoretical position which holds that punishment is the only proper course of action to be taken against those who infringe upon the rights of others. Many persons interpret this traditional theoretical position in religious terms (i.e., "lex talionis" or "an eye for an eye"). There is little doubt that punishment, as traditionally conceived, does enable an undetermined number of people to deal with guilt in practical ways. On the other hand, it has not been proven that punishment serves as a deterrent to future illegal activities for many (perhaps even a majority) of those who have developed habits and attitudes which can be described as clearly criminal and antisocial. However, this subject is not crucial to our consideration of the juvenile justice system and, for that reason, it will not be explored in depth.

The theoretical position that punishment is a necessary aspect of the juvenile justice system must be explored. In the simplest of terms, punishment is intended to be a negative experience that reinforces the idea of social disapproval of some prior act. In these terms, it is a socialization technique, and has been a part of almost all previous social systems in human history. When uniformly and consistently carried out through penalties appropriate to the nature of the offense to which they are related, it is believed that they will provide valuable and constructive guidance toward the development of socially responsible behavior. Penalties applied to one person or group are also believed to be an indirect deterrent to others who will see that certain activities are not worth the risks involved.

The category of punishment may include in many forms penalties, restrictions, or a denial of potential or previously permitted privileges or rewards. When the subject is described in a general way, it becomes apparent that punishment is a universally accepted method of influencing the behavior of others. However, some of the punishments which are commonly cited during discussions of the juvenile justice field are quite severe in their applications. The relative severity of the kind of punishment which is imposed can make a qualitative difference in the role which punishment plays in influencing behavior, since overly severe punishments are more correctly viewed as retribution.

Constructively designed penalties (punishments) individually tailored to match the characteristics and interests of individual juveniles can, obviously, be useful within the field of control. Moreover, such individually tailored punishments are possible when they are based on accurate information and when their use has been carefully weighed in terms of a particular individual's situation. On the other hand, severe punishment routinely administered without regard

for the individual circumstances of those in the juvenile justice system, may not only be ineffective but also counter-productive in failing to produce the desired results.

Only the most general application of the philosophy of punishment would appear to be applicable in the juvenile justice field. The limitations on total freedom of movement and activity imposed in many probation orders, and requirements to replace or substitute for losses incurred as a result of delinquent acts (not including those assessed to parents) are about the only ones that are currently found in Kansas. Punishments in excess of these are probably not within the intent and allowance of our juvenile code - though more stringent measures are proposed and practiced by some.

The subject area of punishment is highly complex, and traditional punishment practices are drawing fire from a number of directions. However, we will not try to analyze it in this text since it is not intended to be an important part of the juvenile justice field...a point that should be more widely appreciated.

RETRIBUTION

There are a distressingly large number of persons in our state and nation today whose practical philosophy can most be accurately characterized as a desire for retribution...punishment which clearly exceeds the offense the juvenile has committed. Retribution will be defined as punishment more stringent than the nature of the offense warrants. Retribution therefore represents a situation in which society inflicts more damage upon the offender than his victim(s) has suffered. Retribution, as a theoretical position, is highly illogical, but obviously provides an outlet for emotional reactions to (real or imagined) damage.

The principle of retribution draws from the philosophies of both punishment and deterrence, but not of treatment. Most

who believe in retribution seem to feel that the extremity of the punishment will serve as an indirect deterrent to others who might be similarly inclined. Retribution does not reflect any of the known theoretical positions commonly associated with the treatment philosophy because it generally fails to recognize the amenability of an individual to any corrective experiences short of punishment, whereas punishment may recognize such principles.

The principle of retribution has been operative in the criminal field for centuries. Extreme examples of retribution are the death penalty for crimes which did not involve a death or the banishment of a person from the country in which the crime was committed. The penal colonies which some European nations main-

tained in their foreign possessions until this century provide the clearest example of the latter. Even primitive societies have used banishment from the community as a means of retribution. In this regard, the symbolic banishment of "evil" from a community or nation might be noted; for example, the "ostracism" practiced by ancient Greek civilization.

Retribution as a theoretical position may find expression in a variety of "get tough" programs. We recognize that not all such programs proceed from such motivations. Furthermore, most persons advocating such programs have a very dim understanding of their own motivations.

Retribution as a theoretical position places the interests of society in a position clearly superior to those of the individual. There are only rare occasions and circumstances in which this imbalance is sensible and necessary, on-

ly the rarest of which could conceivably be applicable to juveniles. The celebrated Gault case appears to represent a clear case of retributive justice - in addition to the procedural faults it represents.

The retributive philosophy often ignores the fact that the person who is the object of retribution will inevitably return to the community - or to some other community - in the future. This is true of all except those who are (in the adult field) sentenced to capital punishment or to life imprisonment without the possibility of parole. Retribution, unaccompanied by other services, is not generally felt to be a corrective process and, therefore, the individual who has been the object of retribution may return to the community with a renewed determination to continue or escalate his antisocial behavior.

INACTION

The sixth theoretical position holds that, general inaction is justified since the necessary resources to change the individual's life style and specific behavior do not exist. It is difficult to determine how important this theoretical position actually is in the conduct of the juvenile justice system in Kansas, but it has been encountered on many occasions.

The position is the practical conclusion derived from considering the alternatives actually available in a particular community or the state as a whole. Those who adopt this theoretical position may appear to be quite humane and constructive in their views of what should be done, but reach this conclusion through observing that what is practically available falls so far short of what is really needed that significant change is probably impossible.

It should be emphasized that this theoretical position does not generally develop from an ideal, but in response to

the frustrations of actual experience. Many of those presently involved in our juvenile justice system are faced with practical problems too massive and pervasive to be overcome without a considerable restructuring or the addition of new resources to those which presently exist. When the burden placed upon our present resources becomes so great that it is impossible to perform adequately on the majority of one's assigned tasks, inevitably one's thoughts turn toward inaction as an acceptable theoretical position.

Many of those with whom we have spoken during our planning have made deliberate (and, in some cases, significant) efforts in trying to keep their agencies abreast of the situation as it has changed over the years. In many cases, the results of such efforts have been clearly and deliberately thwarted. As has been pointed out in the preceding section, the juvenile justice system in Kansas has undergone a major transformation during the past ten years. No equivalent changes in either the resources, techniques, or methodolo-

gies which are available have accompanied these alterations in the present system. Many persons in the juvenile justice field are keenly aware of the responsibilities of their positions and have become greatly distressed about their inability to obtain the additional resources and the authority necessary to meet these new challenges.

We have become aware of widespread efforts on the part of many law enforcement personnel, judges, probation officers, and others to improve their capabilities for dealing with the problem as it has grown during the past decade.

"IT'S NOT SERIOUS"

The final theoretical position regarding the juvenile justice system is based on the belief that most juvenile offenses are not serious in terms of their destruction, injury or loss of property or life. This position is obviously grounded in at least partial truth. Even juveniles with malevolent, destructive intentions are usually incapable of causing the damage and destruction of which older persons are capable. This is particularly true of the physically smaller, younger juvenile, but also serves as a generalization. In comparison with adult offenses, juvenile offenses are not as serious.

From this then, some conclude that it is not really necessary to seriously consider the offenses, personality needs or environmental conditions from which illegal actions spring. This analysis can also be supported by comparing the most serious crimes against persons and property committed by juveniles with those committed by adults. Offenses such as murder, rape, robbery, aggravated assault, etc. are predominantly adult crimes, (see Chart 9 on page 36).

The motivational intensity and the desire for destruction or self-assertion may be equal or even greater for the juvenile

Many of these efforts are viewed by others as puny and ineffective when viewed within the total structure of the problems to which they are addressed, even though some individual efforts would have to be regarded as heroic.

As a theoretical position, inaction can be understood but not justified. The same conditions which result in adopting a position of inaction can also serve as the basis for the continued development of practical, constructive proposals reasonable enough to gain necessary support.

but his experience, knowledge, and opportunities are significantly inferior to those of adults. This is felt to be the simplest explanation for the fact that the offenses committed by juveniles are not as serious as those perpetrated by adults.

However, the conclusion that nothing much needs to be done in view of the relative severity of the illegal activity, probably cannot be justified. As a number of studies have shown, those who embark on criminal careers generally do not "grow out of it" until many years later (in their thirties or later).

The dividing line between juvenile and adult offenses generally obscures the longitudinal history of these persons from those responsible for the juvenile justice system as well as from those responsible for the adult criminal justice system.

It is strenuously suggested that the belief that juvenile offenses are not serious is erroneous and, as such, this philosophy conforms neither to an interest in the protection of the individual's rights nor the protection of the rights of society.

SECTION 4: DO CONTROL PROGRAMS WORK?

The question of whether control programs actually reduce individual or collective illegal activity by juveniles must be examined carefully. There are those who claim that they have achieved success through this or that kind of program, while more broadly gathered information shows a steady and uninterrupted increase in the socially pathological indicators. Even those actively involved or closely associated with this field can be easily confused about the real facts of the situation.

As in most fields of human endeavor, there are strong advocates of various positions who either choose facts to support their position, or ignore facts that undermine or contradict their position. Some of the apparently impartial reports of facts in their field of interest have grave structural deficiencies generally not acknowledged or widely understood. The principal challenge in this field of interest is acquiring a sound understanding of its complexity and the rather narrow ranges of interests within which judgements of "success" or "failure" are appropriate.

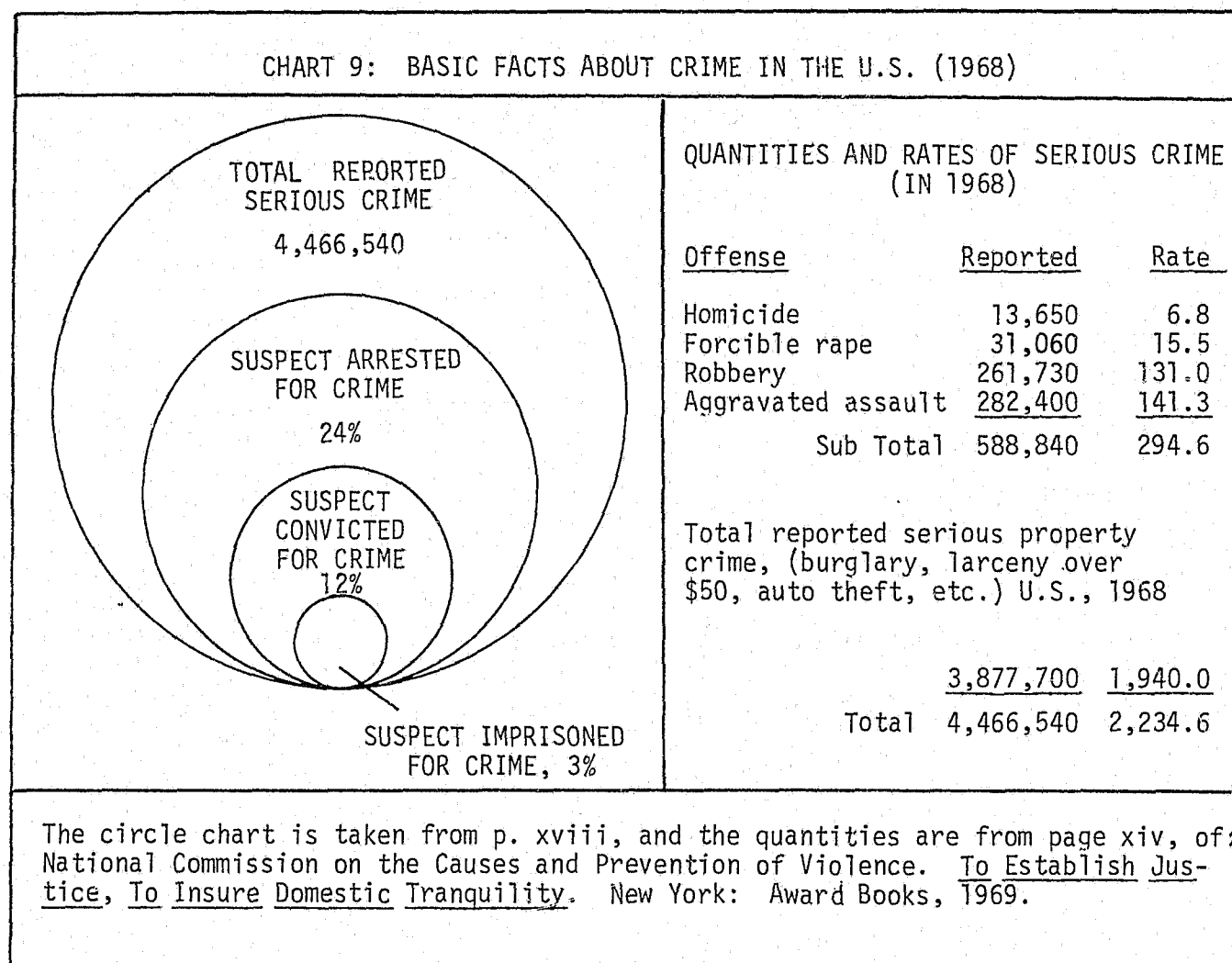
The control field is beset by the same polarization of opinion as that which afflicts the prevention field: the opinion that "nothing can be done" or the contrary opinion that "somewhere there is a neat and simple cure for the problem." (18) The weight of available evidence suggests that the vast majority of juveniles correctly placed in the control field can be constructively influenced by appropriately applied programs, but that no single program (or small group of programs) is going to affect the majority in a completely successful manner. All available evidence suggests that both the "doomsayers" (nothing can be done) and the "miracle-workers" (there is a simple answer) are equally incorrect in their analysis of the problem. It is only when we realistically address ourselves to the hard fact that the control field consists of activities intended to

"change the odds" within a relatively narrow range that the sound understanding necessary for effective social response is likely to emerge.

There are four preliminary issues regarding the effectiveness of control programs: clearance rates, police reporting practices, juvenile court reports, and recidivism.

No information on clearance rates on crimes attributed to juveniles has been located, and it may be impossible to distinguish between juvenile and adult crime except where the offender has been identified. Clearance rates are the percentage of arrests applied to the total of crimes reported to the police. Obviously, the rate is dependent upon the total reports of crime as well as the arrest reports. Estimates of unreported serious crime range all the way up to 100% of the reported crime - meaning that only one-half of such offenses are reported and made the business of police agencies. Obviously, police agencies are not likely to solve crimes of which they have no knowledge. Reports of serious (part one) crime in 1968 amounted to nearly 4.5 million. Of these, only about one quarter were "cleared" by arrest. The Midwest, and Kansas in particular, show noticeably higher overall clearance rates. The point to remember here is that apprehension figures relate to only a proportion of the total reported crime, and that reported crime is only a portion of all crime. Relatively minor increases in the reporting of crime and in the clearance rates could easily produce what would appear to be a significant change in identifiable delinquency even while the actual incidence remains the same.

An illustration of this point is provided by a chart and other information that appeared in the book (To Establish Justice, To Insure Domestic Tranquility), (11) and presented in our Chart #9 which follows. The second issue noticed above concerns



police reporting practices. State-wide summaries of information suffer from two deficiencies: incompleteness and multiple listings of the same individual. In 1970, 31 Kansas counties reported more juvenile court cases of delinquency than law enforcement agencies reported being apprehended in the same period. This obviously means that at least one law enforcement agency in a county did not submit a report or did not submit reports covering all months of the year. It is not at all inconceivable that these missing reports could have reflected an additional 2,500 apprehensions of juveniles. Multiple listings of the same individual, reflecting the number of offenses to which the individual is linked, is also widely, but not uniformly practiced. This is both practical

and realistic for a law enforcement agency since their task is defined in terms of reported offenses. On the other hand, not all agencies have done this in the past. Several years ago, it was common in some agencies to report only the most serious or the most obvious of several offenses in regard to juveniles. As these agencies have changed their practices, the gross number of apprehensions inevitably rises even when the magnitude of the problem remains constant.

Juvenile court reports generally more closely reflect the number of individuals involved than do apprehension reports (except for the issue of recidivism noted below) since they have a practice of dealing with individuals rather than a long list of specific offenses. On the

other hand, a great deal of discretion in regard to court cases is both allowed and practiced by the juvenile judges of our state. As one former judge says, "I could have reported as few as a dozen or as many as 250 cases a year, depending on the philosophy I adopted." Similarly, the distinction between "official" and "unofficial" cases is generally vague and subject to widely variant interpretations. For example, the majority of cases in Wyandotte County are reported as "unofficial," while the majority of cases in Sedgwick County are reported as "official." In Wyandotte County, the number of cases is more than 90% of reported apprehensions, while in Sedgwick County, court cases amount to only about 40% of reported apprehensions.

Finally, there is the issue of recidivism. This is the key issue in the control field and the one about which the least is known at the state level. The initial problem is simply determining the definition of recidivism. Definitions in current use are based on any second apprehension, even multiple listings of apprehensions on a particular date, up to the second official case in a juvenile court. We previously offered what we believed to be a better and more useful definition. Needless to say, it would take literally thousands of man-hours to determine the recidivism rate of the total number of Kansas juveniles over the past several years - a task which has never been attempted. The importance of this issue is widely acknowledged to be great, yet no one really attempts to collect the information about it on a consistent and comprehensive basis. The absence of this information requires us to make guesses about the real seriousness of the problem of crime in our society (both juvenile and adult) rather than being able to refer to hard facts.

A simplistic view of recorded information on apprehensions of juveniles, expressed as a percentage of the total number of persons in a particular age grouping, will produce a clearly unbelievable

figure. Nationally, and in Kansas, 15, 16 and 17 year-olds are apprehended for unlawful activity more often than any other adult or juvenile age group. Recorded apprehensions for persons of these three ages indicate a three year cumulative total approaching one-third of all of those in this age grouping! When the male-female division of the age grouping is made, and apprehension are apportioned to each group, it appears to indicate that more than 50% of all males in that age group have been apprehended for a violation of law during that three year period! This kind of analysis or reasoning is obviously faulty, and the fault undoubtedly lies in the lack of information about recidivists.

We must obviously stop short of taking this line of reasoning to its extended position (applying the shortfalls of clearance rates and unreported crime) since it eventually results in a rate well over 100% for males in this three year period. A much more realistic analysis is to recognize that there are a large number of recidivists in this age group, and that their repetition on the record wholly distorts this picture. For example, if a reasonable distribution of recidivists is constructed and applied to the overall apprehension total, the result is less than one-half that of the simplistic computation.

Chart #10 attempts to illustrate the differing conclusions which can be drawn from the same basic information about juvenile apprehension records. The first part of the chart illustrates the unwarranted conclusion from a simplistic interpretation of this information, and the second part illustrates a hypothetical, but plausible, explanation of how such information might be related to reality. Obviously, a sensational reduction in delinquency can be achieved simply by counting individuals instead of apprehensions or court cases.

The concept of "success" must be clearly identified. There is no single commonly accepted definition of what will be re-

CHART 10: AN EXERCISE IN MANIPULATING DELINQUENCY STATISTICS

STATISTICS ON CRIME AND DELINQUENCY are constantly being brought to public attention for various reasons. We will illustrate here the widely variant conclusions that emerge from use of the same information regarding the three most "active" years for illegal activity (15-17). Three computations will be made:

- A - Simple computation of cumulative arrests for 3 year period applied to total number of juveniles born in 1953
- B - Cumulative 3 year arrests for males (only) born in 1953
- C - Hypothetical construct of recidivism applied to same group and figures to indicate the number of individuals that probably are involved

A = (1) Juveniles born in 1953 (17 in 1970) 42,573	(2) Cumulative apprehensions 1968 1969 1970 3,176 4,004 4,234 (then 15 yrs old) (then 16 yrs old) (then 17 yrs old)	(3) Computation $\frac{12,405}{42,573} = 29\%$
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B = (1) Males born in 1953 21,671	(2) Cumulative apprehensions 9,700	(3) Computation $\frac{9,700}{21,671} = 44\%$
--------------------------------------	---------------------------------------	--

C = Hypothetical construct of recidivists within the group of offenders:

250 individuals avg. 10 apprehensions = 2,500	
500 individuals avg. 5 apprehensions = 2,500	
700 individuals with 3 apprehensions = 2,100	
900 individuals with 2 apprehensions = 1,800	
<u>2,350</u> individuals = 8,900	
<u>3,505</u> single apprehension individuals = <u>3,505</u>	
5,855	$\frac{5,855}{42,573} = 14\%$

garded as success in the control field. As Bartoo (1) points out:

"For example, take the frequent use of the phrase 'rehabilitation of the offender.' When is an offender 'rehabilitated'? Does the term mean that he is avoided further apprehension for his subsequent offense? That he has, at least superficially, complied with certain rules or conditions laid upon him? That he has 'served his time' or 'made it through' a given period of probation or parole? Or does it mean that he has actually acquired some significant insight into his problems and has successfully readjusted his outlook and behavior to a degree more acceptable to society. That he has undergone some deep-seated character change for the better? That he is not able and willing to be a better citizen?"

We will suggest that there are three general categories of improvement which might be regarded as "success": the prevention of further delinquent acts, the improvement of personal characteristics, and the improvement of external conditions affecting the individual.

The prevention of further delinquent acts through the application of control programs is certainly a desirable and reasonable goal. (This is the tertiary level of prevention previously mentioned.) The goal for this effort might be put in absolute terms: no further illegal acts committed, whether the individual was caught or not. It might be possible to ascertain this through monitoring records of further arrests and/or convictions (both as a juvenile and as an adult) in all areas the person is known to have resided in or visited. Complete cessation of illegal activity may be an unrealistic goal for a significant percentage of those who are labeled correctly as delinquents.

We might be tempted to define success as simply a reduction in the rate of in-

crease we are currently experiencing in Kansas. Since all gross indicators of the problem in Kansas are on a steady and significant rate of increase, this will be very tempting to us. It is surely the first indicator likely to be apparent when our capabilities are improved, but it is just as surely not a socially valuable goal.

A more ambitious way of trying to determine success is to focus attention on improvements in personal characteristics. Whereas the reduction in further delinquent acts may only represent diminished opportunities, grudging conformance, or more effective deterrents, improvements in personal characteristics focuses attention on resolving personality problems and internalizing society's values. No doubt control programs are most effective when they further the developmental and maturational progress of the individual in constructive and socially-acceptable directions. Eliminating or mitigating the effects of pathological and self-defeating features of the personality is an obviously valuable objective. Effectively dealing with physical, mental, and environmental handicaps in order to allow the individual to adjust more easily to the demands of adult life is surely a good idea. Everyone must be prepared to assume the role of an independent, responsible, and productive member of society.

In order to accomplish these objectives, a variety of programs have been designed: revitalization of parent-child relations, restructuring of the living situation to more effectively meet physical and psychological needs, preparation for employment, remedial education, group work with significant pairs, etc. When such approaches are accompanied by a reduction in reports of delinquency, "success" is usually claimed. However, greater frequency of contact with delinquents is likely to produce a greater knowledge of illegal behavior which would otherwise have been part of the uncleared or unreported categories. It is, therefore, possible that for all improving delinquency situation might not

be reflected in reductions of previously established rebels of record.

All of this is simply to illustrate the poor quality of information we have to work with, and the magnitude of the task of designing an information and evaluation system that could produce definitive data on the subject.

In Chapter 6 of Vol. IV, we set forth a structural outline for a comprehensive evaluation system that would provide answers to the kinds of questions we presently have about the subject area. It consists of longitudinal ("career") studies of all individuals who come in to contact with the system, sorted according to several classifications. The various programs comprising the system

are also longitudinally evaluated in terms of the career record of the individuals enrolled in them. The agencies, and the significant personnel of the agencies responsible for the programs, are also evaluated in terms of the career record of the individuals enrolled in them. The agencies, and the significant personnel of the agencies responsible for the programs, are also evaluated in terms of the career record of individuals. An evaluation program of this sort would require an unaccustomed investment of financial and personnel resources. However, until such an investment is made, and operated for some time, definitive statements about whether control programs work are simply not possible except in the narrowest of conceptual frameworks.

SECTION 5: PLANNING TOOLS IN THE CONTROL FIELD

Several distinct planning tools have been developed for use in the overall plan and in this specific field of interest. They are intended to allow a broader perspective of understanding and to promote greater accuracy of ex-

pression and economy of discussion. The principal planning tools to be presented here are: the system model, the general and programmatic elements, and the three-fold program description format.

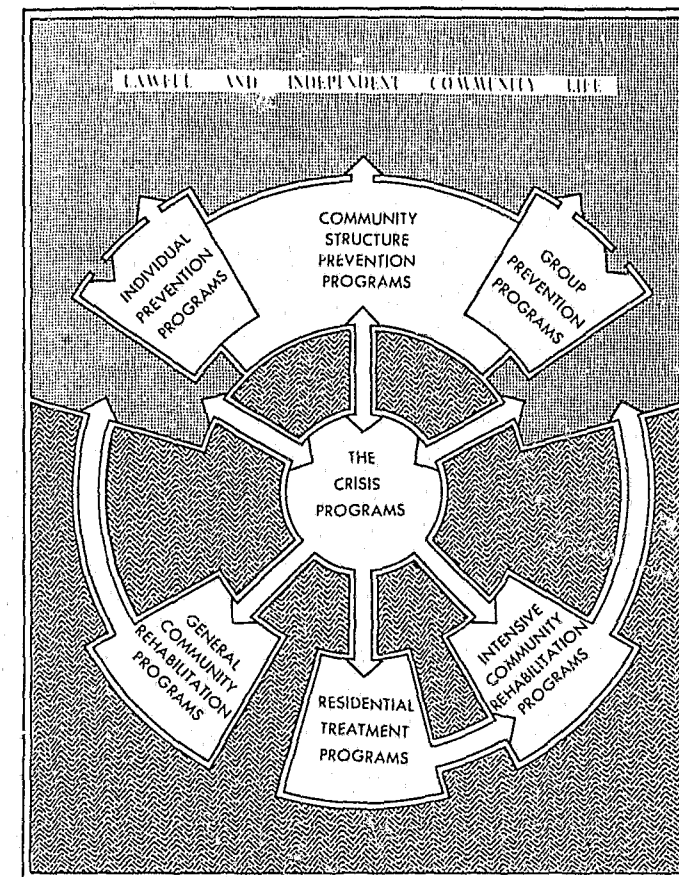
THE SYSTEM MODEL

Approximately at the mid-point of this planning effort, a necessity was recognized for devising a method of summarizing and grouping the vast numbers of considerations brought to the attention of the staff. The number of these considerations was clearly too large to handle as a miscellaneous grouping. For this reason, a "system model" was devised as a way of both summarizing and directing our thinking regarding a comprehensive prevention and control system. The "system model" summarizes or unites related factors and interests into general conceptual frameworks. The resulting number of summary concepts is small enough to facilitate discussion and is based on readily understood uniting principles. To the extent that this has actually been done, it is possible to easily obtain an overall understanding of

the entire range of interest and to limit specific discussions to related matters in proper context.

Our system model is unique, but builds on the base provided by other system models and traditional concepts. It appears on the following page. It incorporates a combination of traditional and innovative concepts, brought together in eight "general elements" arranged and related to each other in a particular way. Four of the general elements lie within the general field of prevention, and the other four lie within the general subject area of control. The crisis programs, general and intensive community rehabilitation programs, and residential treatment are the general elements within the control field.

CHART 11:
THE SYSTEM MODEL
FOR DELINQUENCY PREVENTION AND CONTROL
IN KANSAS



GENERAL ELEMENTS

There are two kinds of "elements" used in our overall plan: general and programmatic. The general elements are a grouping of programs and processes with a readily understood uniting principle, and are illustrated on the system model. There are four of these in the control field. The programmatic elements are more specific subdivisions of the general elements into traditional or logical categories of programs and processes. There are several such elements within each of the general elements. The four general elements within the control field are briefly described below, and each is the subject of a separate following chapter in this volume.

CRISIS PROGRAMS - This general element generally serves a processing, rather than a service delivery, purpose within the overall system, and especially for the other three elements in the control field. There are a total of eight programmatic elements within it including the investigation of illegal activity and apprehensions therefor, screening, preparation of cases for presentation in the court, and the judicial functions of the juvenile court. The absolute maximum dimensions of interest of the crisis programs is determined by the number of persons who have been apprehended for illegal activity. The 21,410 apprehensions recorded in 1970 is believed to represent approximately 16,000 individuals, after appropriate reductions have been made to allow for recidivism. Of this number, approximately 6,800 are referred back to the Children and Youth Services Agency for non-judicial handling, while 9,200 are processed on through the juvenile court and placed in one of the three rehabilitation elements.

The Crisis Programs element has three major types of relationships to other elements. Most of the input for this element originates in the Socially Responsible Community Life element and, if no jurisdiction over the individual is established, persons will be returned to this element. A second relationship is that between this element and the Community Structures prevention element. Those who are to be non-judicially handled are referred to this element from the Crisis Programs. It is possible that some persons in prevention programs may be referred to the court to obtain judicial orders to assist in achievement in the intentions of the prevention program. The third relationship is that which exists between the Crisis Programs and the three rehabilitation elements, established through the dispositional orders of the juvenile court.

GENERAL COMMUNITY REHABILITATION PROGRAMS - This general element is a service delivery element for the majority of the disposi-

tions of the juvenile court. Typically, those placed in this general element will be those who have not evidenced any particularly serious personal or behavioral problems. Those who are minor and first-time offenders will ordinarily be planned in this element unless there is a clear need for intensive personal services. The element consists of general probation and a few other appropriate supportive services. It is estimated that 6,000 individuals would be placed in this general element annually. This general element receives all of its input from judicial dispositions of the juvenile court, and will eventually return those placed within its jurisdiction into the Socially Responsible Community Life.

INTENSIVE COMMUNITY REHABILITATION PROGRAMS - This general element provides selective and concentrated community-based services for a much smaller group who evidence serious personal or behavioral problems. Those whose offenses are serious in either the first instance or in repetitiousness, and those who face unusually severe personal problems are appropriately placed in this general element. Intensive probation is the key service here and is supported by several other services including residential living arrangements (such as group homes), therapy, and other appropriate supportive services. The principal reason for placing persons in this general element is because an analysis of their personal, family, or social problems indicates the need for considerable and extended rehabilitation efforts. An estimated 2,000 persons would be directly placed in this general element each year, and an additional 500 persons would be both processed and served as they return from residential treatment and aftercare programs. This general element receives inputs from both the Crisis Programs and the Residential Treatment elements and its output is directed toward the Lawful and Independent Community Life element.

RESIDENTIAL TREATMENT - This general element includes a variety of programs pro-

viding intensive treatment services conducted in a residential setting for those who have the most serious personal and socialization problems. Several kinds of residential treatment programs are specified. In the vast majority of cases, residential treatment will be provided in a community other than the community of natural residence of the juvenile. An annual intake of 500 per year is estimated for this element. The estimate is based on a partial reinstatement of the rate of residential treatment placements which existed one decade ago. Residential Treatment programs receive referrals from the dispositions of the juvenile court, and discharge or release persons only to the aftercare service within the intensive community rehabilitation programs. Discharges to Lawful and Independent Life where no structure of accountability exists, are not allowed from either public or private residential treatment.

THE PROGRAMMATIC ELEMENTS

Programmatic elements are subdivisions of general elements. They are described according to traditional or customary concepts, the intention or rationale of the service, and in descriptions of principles rather than specific detail. The programmatic elements are, therefore, also planning tools rather than identifications of particular programs. Individual programs, with which most persons are familiar, are placed within the conceptual framework provided by programmatic elements. It will be noted that a person will generally be served by more than one programmatic element at a time. Each programmatic element is meant to fill a specific need, and not intended to be an exclusive or self-contained entity. It will be noted that there is an apparent duplication of programmatic elements in different general elements in the prevention and control fields. This is intentional, since each general element serves a different recipient group.

The programmatic elements which have survived our planning process up to this time

have been extensively examined, discussed, and revised since they were first proposed for consideration in the fall of 1970. A log of these elements, arranged according to their assignment to a general element in the control field will be found in Chart 12.

PROGRAM ANALYSIS FORMAT

The descriptions of most human services programs do not clearly identify the problems to which they are addressed (the input), the nature of the services which will be provided (the process), and the expected results of this application of services to the problems (the output). Each of these aspects of human services programs must be fully and accurately described before the program can sensibly be analyzed or subjected to a comparative discussion. This section provides some basic ideas about each of the aspects of this format which can be used when considering programs in the area of delinquency control.

Several tools of thought are necessary for a responsible consideration of human services programs according to this three-part format. Some of these tools are in the form of definitions which provide useful characterizations of the individuals to be involved. This ordinarily requires that persons be "typed" according to certain observable or measurable characteristics or conditions. A typology is essential to fairness, accuracy, intelligent planning and the eventual replication of any programs which are deemed to be successful. Not everyone is constituted in the same way, faces the same environmental challenges, or has the same potentiality for good or evil. It is essential that these differences be understood.

The creation of a typology, however, raises the issue of "labeling" juveniles in ways which can be detrimental to their best interests. Those things which are detrimental to the juvenile's best interests may also be detrimental to the best interests of the community

at large. Therefore, the unwelcome effects inherent in the use of typologies will be discussed later in this chapter.

IDENTIFYING THE PROBLEM

The first aspect of a rational program description is a clear identification of the problem or problems of the program's intended recipients or consumers. The problem identification is the "input" into the program. It is necessary to systematically characterize the persons to be served by the program, identifying all the things which are felt to be undesirable in either their basic personalities, their overt behaviors, or their environmental situations. Such descriptions should be framed with as much precision as possible, according to a standardized plan. Some of the specific information which is necessary is:

- *Basic Information Age, sex, and developmental characteristics accompanied by information about the family unit.
- *Enrollment Criteria The results for involving the juvenile in a control program must be described.
- *Key Problem A characterization of the key problem or problems distinguishing this person from others.
- *Social Dysfunction The degree of social dysfunction resulting from the problem should be carefully described.
- *Evaluative Judgements Identification of how evaluative judgements regarding the particular problem will be made.

Careful and accurate descriptions in the input portion of the format are essential to meaningful program descriptions. Even though the authority of the juvenile court can be applied to many control programs, accuracy in describing the problems of those to be enrolled is essential to the planning of a variety of specific programs. It is not adequate only to know that one has the authority to do some-

CHART 12: LOG OF GENERAL AND PROGRAMMATIC CONTROL ELEMENTS

THE GENERAL ELEMENTCRISIS PROGRAMS
(500 series)

510 - Law Enforcement
520 - Intake
530 - Shelter
540 - Detention
550 - Evaluation
560 - Case Preparation
570 - Judicial

GENERAL COMMUNITY
REHABILITATION PROGRAMS
(600 series)

610 - General Probation
620 - Social Services
630 - Family Counseling
640 - School Programs

INTENSIVE COMMUNITY
REHABILITATION PROGRAMS
(700 series)

710 - Intensive Probation
720 - Supportive Services
730 - Living Arrangements
740 - Therapy
750 - Family Counseling
760 - Aftercare

RESIDENTIAL TREATMENT
(800 series)

810 - Residential Intake
820 - Regional Treatment
830 - Boys' Industrial School
840 - Girls' Industrial School
850 - Other State Treatment Resources
860 - Private Residential Treatment

thing, it is equally important to have detailed information about the person or group to whom the services may be applied.

DESCRIBING THE SERVICE

The aspect of the format in which the service which is to be applied to the problem group is described should clearly identify the steps which will be undertaken in an effort to remediate the unacceptable and undesirable characteristics which have been identified in the input section of the format. The description of the service also provides a method of determining both the personnel and non-personnel resources required to carry

out the service. The following considerations are important in describing services:

*General Statement The methods to be used in modifying unacceptable and undesirable characteristics which have been described as the problem must be identified.

*Authority Required The degree of authority which will be needed to carry out the plan must be specified.

*Practical Features The duration, intensity, location of, and any variations in the application of the process should be described.

*Resources Required The personnel and non-personnel resources should be clearly enumerated.

*Monitoring Factors All factors which can be used in monitoring the progress of the service must be specified at the outset.

*Theoretical Description A theoretical description of the transaction taking place between the provider of service and the consumer is highly desirable.

Accuracy is essential in the description of the service. Eventually, this will become the part of the format from which budgets, resources requests, and general management concerns are derived. It should also be understood that the services described in this section, combined with the undesirable problems characterized in the input section, are intended to produce acceptable results.

EXPECTED RESULTS

The results expected from the application of the process to the input problems are identified and listed in the results portion of the format. These results should be related to all of the characteristics identified as problems. If no change is expected in some of the previously cited undesirable characteristics as a result of the process, this should be clearly noted. The results section should coincide with the problems section in terms of the things which are included. The major considerations in this part of the format are:

*Specific Changes Each specific change expected to occur in the previously-identified problem characteristics should be listed separately.

*Evaluation Criteria The criteria by which an evaluation of the success of the program will be made must be identified.

*Termination Guidelines The guidelines which will be used in terminating the

process should be identified in terms of the goals to be achieved or the maximum time frame allowed.

*General Value The general value of the program should be frankly stated.

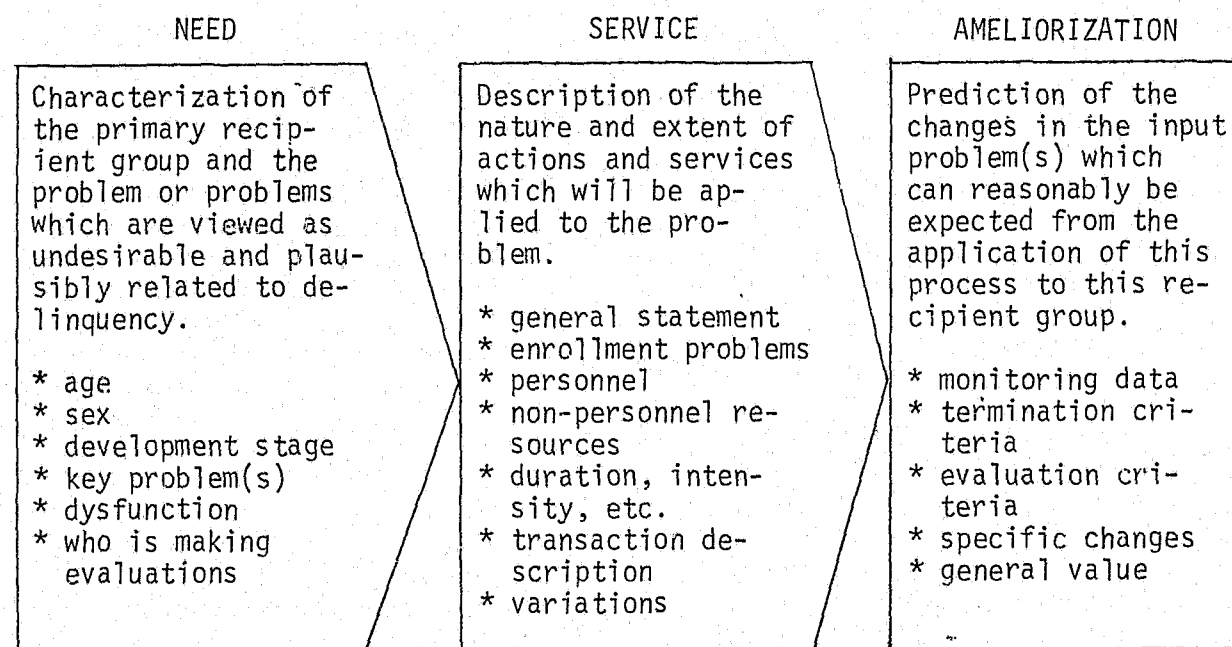
Programs which have been studied under controlled conditions provide a model of the clarity of thought and precision of expression which should be sought in the results portion of the format. Although it is understood that many programs will lack the advantages of prior formal research, it is important that these models be used as guides in place of being satisfied with less accurate descriptions.

This format permits a comprehensive understanding of what a specific program may reasonably be expected to do. It provides a framework for assessing how well the various aspects of the program are perceived and defined. It assists in the development of new programs by suggesting things that might otherwise be overlooked. In order to summarize the material presented above, the format is presented in chart form on the next page. It is a variant form of the principles used in development of the "remediation Plan" format found in Chapter 3 of Vol. II - with which it can be profitably compared.

THE LABELING ISSUE

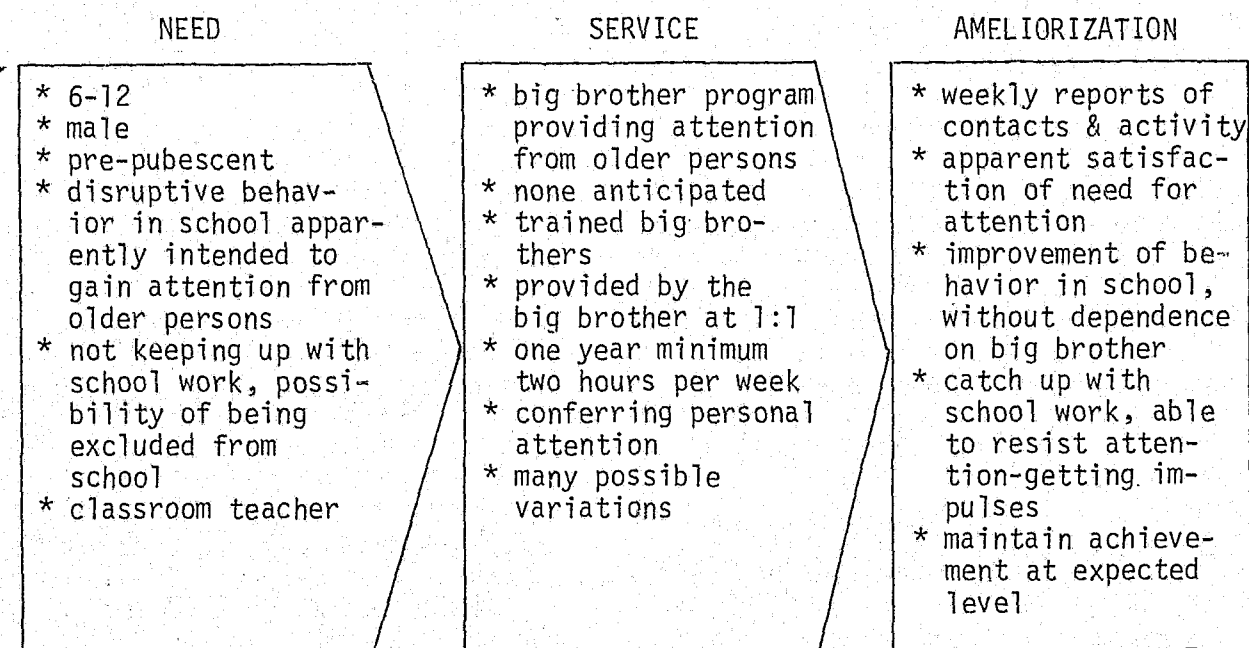
The creation of typologies and categorizations of juveniles in the delinquency prevention and control field is believed to be essential to rational program descriptions and the correct placements of particular individuals in the proper programs. It is essential that persons with particular characteristics be placed in programs which provide the best chances of success. Not all programs are equally effective or equally necessary for all juveniles. However, the creation of typologies and categorizations raises the issue of "labeling", of concern to many who participated in our planning effort. There are legitimate concerns that further refinements of concepts and the

CHART 13: AN ILLUSTRATION OF THE "NEED-SERVICE-AMELIORIZATION" FORMAT



----- AN EXAMPLE -----

BIG BROTHER PROGRAM FOR BEHAVIOR PROBLEM CHILDREN (107)



labeling of persons with these concepts may actually prove to be inimical to the best interests of the individual whenever the labels are poorly or incorrectly perceived by others. This is a genuine concern that requires further exploration.

The concepts which will be developed are intended solely as ways of thinking about and identifying problems for further exploration and discussion and for matching personal characteristics with relevant program descriptions. The development of typologies is neither intended to create further problems for the juvenile nor to be inimical to his best interests - instead, the opposite is true.

The official labeling of a person as "delinquent" (or even "pre-delinquent") affects the ways in which the individual is regarded by both himself and by others. The individual may feel that he is somehow fatally flawed or basically unacceptable to many in society. The label may actually limit his perceptions of his options in life to those in the field of illegal activity. Others may regard one who has been so identified so that differences and potential acceptability are emphasized. Others may react to this perception with behavior which pushes the juvenile further toward deviant behavior. Those who have been labeled are likely to begin to think of themselves as delinquent or criminal and to organize their behavior accordingly.

The preceding comments illustrate the fact that a basic conflict may arise between the intention of the labeling process which is necessary in order to develop effective programs and the practical effects which labeling may have on the

subsequent behavior of a particular individual.

It is also necessary to point out that labeling of some sort is virtually essential in order to obtain the resources which will be necessary for the envisioned programs.

Labeling socially-defined characteristics always differs from, and is more hazardous than, labeling physical characteristics. Though those with unusual physical characteristics have experienced stigmas of various sorts throughout the history of the human race, those who have been labeled with socially-defined characteristics are almost uniformly stigmatized. There is always the implication that labeling a socially-defined characteristic provides a true indication of the individual's character. Although frequently untrue, it is nevertheless widely believed. Perhaps, the lesson to be learned from this is that typologies should be clearly reflective of the most important considerations about an individual. Therefore, it would be more important to know what an individual's capabilities are rather than the specific offense which he committed that brought him to the attention of the delinquency control system, or what labels have previously been attached to him.

Our concepts and categorizations have been developed as tools of thought so that we will be able to plan more comprehensively and specifically to meet the diverse problems which one encounters in this field of interest. They are not intended to impose further penalties upon or to injure those who are the subjects of our planning. It is hoped that all who study this plan will recognize that nothing more is intended nor should anything additional be inferred.

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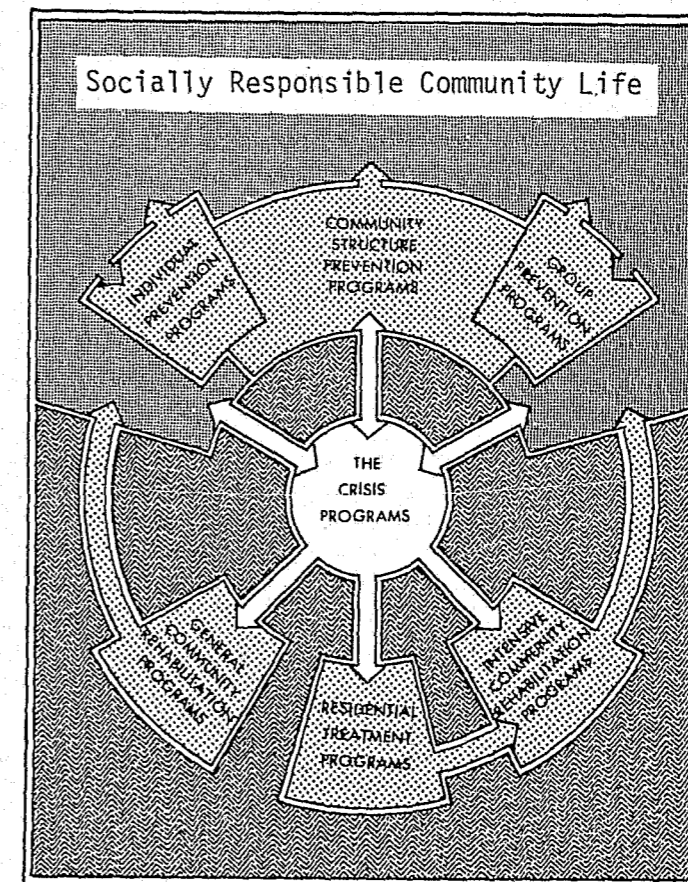
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CHAPTER 2

THE CRISIS PROGRAMS

THE SYSTEM MODEL
FOR DELINQUENCY PREVENTION AND CONTROL
IN KANSAS



with the crisis programs general element highlighted

VOLUME III

CHAPTER 2: THE CRISIS PROGRAMS

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SECTION 1: INTRODUCTION

The Crisis Programs general element occupies the central position in the system model. It is clearly the key element in the control field, and also exerts a great influence on the prevention field. It encompasses the responsibilities of both law enforcement agencies and the juvenile court and primarily serves a processing function for all of those destined for placement in rehabilitation programs and some of those referred to the Children and Youth Services Agency in the prevention field.

This section provides basic definitions and estimates of the quantities of persons expected to be included within this element, followed by a description of the position of the element in the system model, and its relationship to the other general elements. The seven programmatic elements of which it is comprised are then briefly characterized so that the detailed explanations in subsequent sections can be understood in their proper perspective. The section is concluded with comments about the existing agencies involved in carrying out the purposes of this general element.

DEFINITION - All of those correctly placed within the jurisdiction of this general element will have been apprehended for a specific act of delinquency or miscreancy, or have been the subject of a petition alleging this (38-816). The terms delinquency and miscreancy are used in their technical sense here (38-802), and the repetitiousness principle allowed by Kansas Law is incorporated into the concept. Those in the wayward classification of the code are only placed here when a third instance has occurred allowing categorization as a miscreant [38-802(c)3]. The definitions appeared in Chapter 1 (page 6). The input into this element consists primarily of persons apprehended for commission of an illegal act. Undoubtedly, there will be some who are found to be innocent of the allegation, as well as some against whom a case cannot be formally made. Such persons are to be

counted as part of the intake the same as those who are found to be guilty of an illegal act, in order to construct an overall picture of the traffic and effectiveness of the element.

A large percentage of juveniles presently being handled and made the subject of law enforcement agency records are technically neither delinquent or miscreant since they are not referred to (or accepted by) the juvenile court - the only place where such determinations are officially made. These persons are not accurately described as delinquent, miscreant, or innocent. An estimated 6,800 persons annually fit this categorization, and are indicated on Chart 15 as outputs from the law enforcement and intake elements.

QUANTITIES - Since the Crisis Programs general element handles the maximum number of persons in the control field, it is useful to review the estimated size of this field at this point to insure a proper understanding of its relative size. The basic maximum figure is determined by the number of reported apprehensions by law enforcement agencies (21,410 in 1970). A 25 percent reduction of this figure is made to account for recidivists and obtain a more realistic estimate of the number of individuals involved. This produces a computation of 16,000 persons per year, and represents the maximum possible dimensions of the control field.

The maximum group is divided into two parts according to the manner in which the individual will be handled: judicial and non-judicial. The quantity to be handled judicially is computed from the total number (official and unofficial) of cases reported by the juvenile courts (12,274 in 1970) reduced by 25 percent to allow for recidivists. Therefore, 9,200 individuals are estimated for judicial handling, and the remainder (6,800) are assigned to non-judicial handling by the Children and Youth Services Agency in the prevention field. The latter group has been "diverted" from the juvenile justice

field according to currently popular terminology. The former group represents the practical dimensions of the control field. The discretion to decide which individuals will be handled non-judicially and which will be handled judicially is shared by law enforcement agencies and the intake element within broad guidelines noted in the next two sections of this chapter.

Chart 14 on the next page sets forth the quantities mentioned above and relates them to the field of prevention and the entire juvenile population of the state. Only 9,200 individuals are shown as the "practical dimension" of the control field. The 6,800 designated for non-judicial handling could also be considered a part of the control field, but we have chosen to show these persons as part of the secondary level of prevention to which they are referred. Of 16,000 apprehended, 42.5% are referred to non-judicial handling, while 57.5% are handled judicially. We believe the percentages would more closely approximate an almost even division if police apprehension records were complete. The points of decision regarding non-judicial handling are indicated on Chart 15 on a later page.

Finally, it will be noted that the Crisis Programs General Element handles all of those who are placed in control field programs. The sum total of the individual cases handled judicially determines the size of the three following rehabilitation elements, as well as the size of this element. Changes in court practices or the general composition of the apprehended group will be reflected in changes in the size of this and the three rehabilitation elements.

POSITIONING OF THE ELEMENT - The system model indicates the centrality of its position and the fact that it is directly linked to 5 of the 7 other general elements. This clearly shows the key role which it plays in the overall system and the special demands for excellence naturally placed upon it.

The element is almost wholly related to the Socially Responsible Community Life element through law enforcement apprehensions of juveniles for illegal behavior. This is mostly an input channel for the element, but those who are simply questioned, or those who are released after having been apprehended represent a minor output flow. As will be noted later, law enforcement agencies will be required to refer those they formally apprehend to either the Intake element or the Community Structure prevention programs.

Non-adjudication - a positive finding of innocence of the alleged illegal activity - is expected to occur occasionally, and is indicated on the system model through the arrow returning to the Socially Responsible Community Life element.

The relationship with Community Structure Prevention Programs is largely one of output for the Crisis Programs. Those whose known characteristics or recorded offenses fail to indicate a serious problem will ordinarily be referred to the Children and Youth Services Agency (210) for handling. The majority of decisions of this type will be made by law enforcement agencies, with the Intake (520) element making most of the rest. Some crisis program input may be expected from the CYSA when reconsideration of a case is indicated or it seems desirable to obtain the influence of the court to accomplish specified objectives.

The Crisis Programs determine the input for the three rehabilitation elements through the dispositional orders of the court. This relationship is almost entirely an output channel for the element, though reconsideration of placements in the two community based elements is provided for - and would constitute an input when it occurs.

In summary, the Crisis Programs element receives almost all of its input from the Socially Responsible Community Life element, and its output consists of referrals to secondary level prevention programs (42.5%) and the three rehabili-

CHART 14: BASIC CONTROL FIELD QUANTITIES

Numbers of juveniles known or estimated for various defined categories in the overall system, with emphasis on control field programs.

	N	%
1. TOTAL NUMBER OF JUVENILES IN KANSAS	747,280	100%
2. PREVENTION FIELD: Primary prevention	663,080	88.7%
3. Secondary prevention *	75,000	10%
4. CONTROL FIELD: Apprehensions; (21,410 x .75)**	16,000	---
5. Non-judicial handling ***	6,800	---
6. Judicial handling	9,200	1.3%

* includes those on line 5

** distributed to lines 5 and 6 (2.1% of line 1)

*** assigned to secondary prevention field (0.9% of line 1)

LINE 6 is the practical dimension of the control field

tation elements (57.5%). Through referrals to the CYSA, it is also indirectly linked to the Individual and Group Prevention Programs elements.

THE SEVEN PROGRAMMATIC ELEMENTS - Internally, the element is composed of seven programmatic elements, arranged in a sequential pattern. Each of these elements is briefly characterized here, and is also the subject of a separate subsequent section of this chapter.

510 - LAW ENFORCEMENT

This element encompasses the investigation of crime, identification of the criminal, and the apprehension of those identified as responsible for an illegal act. Our primary focus of interest is on the development of juvenile specialists as part of every police agency of a specified minimum size, or the development of a separate department when the size of the agency indicates the need

for one. Law enforcement agencies are responsible for referrals to non-judicial dispositional resources on the basis of specified criteria, as well as referrals to the Intake element. Many (several thousand) juveniles who are apprehended and reported by law enforcement agencies are, for a variety of reasons, never referred to or accepted as cases by the state's juvenile courts. These persons are to be referred to the Children and Youth Services Agency (201) in the exercise of discretion allowed to law enforcement agencies. All persons formally apprehended are to be referred to CYSA or Intake.

520 - INTAKE

This element is the initial formal handling of individual cases which may eventually proceed on toward official judicial action. Chronologically, it occurs after the law enforcement agency has completed its preliminary interrogation (or

even prior to interrogation when that is more desirable for the law enforcement agency). It includes responsibility for arranging for the juvenile's security when appropriate, an initial study of the events which have brought him to the attention of the juvenile justice system, completing minimum records, contacting his parents or guardian, and contacting the juvenile judge in regard to shelter or detention arrangements which seem to be necessary or desirable. This element also provides a screening function for those being referred by the law enforcement agencies and may make referrals to non-judicial handling on the basis of specified criteria.

530 - SHELTER

This element includes arrangements for temporary, short-term placement of an individual in the home of a relative, some other licensed private residence, or an approved group care home prior to adjudication and following adjudication, if necessary, while arrangements are being made for admission to general or selective community rehabilitation programs or residential treatment. The need for shelter is based on a judgement that the person's accustomed living environment is not suitable to the situation in which he or she is presently placed. Placement in shelter does not ordinarily include physical security arrangements - thus distinguishing it from the detention elements.

540 - DETENTION

Detention is defined as living arrangements with physical security precautions, in which a juvenile may be placed, with or without his consent, in order to insure his availability at a later date, to prevent him from harming himself or from being harmed by others in the community. Detention is also appropriate when there is reason to believe the likelihood of commission of further illegal acts is great. Detention facilities such as those cited are intended to reflect the nonpenal philosophy of the juvenile code - jails are not considered as

proper detention facilities. Detention ordinarily operates only prior to adjudication and immediately thereafter while awaiting placement in a treatment program. Detention facilities are usually operated by counties (state laws allow creation of multi-county coalitions for this purpose) and are not intended for use on a long-term basis. Arrangements for continuing education while in detention are specified as a mandatory supplemental service if detention is to last more than one week.

550 - EVALUATION

This programmatic element includes a reasonably complete study of the juvenile as an individual, the home from which he comes, and the social environment in which he or she is customarily found. The evaluation may also assume the proportions of a diagnosis for those whose problems appear to officials within the system to be unusually complex or otherwise difficult to understand. The evaluation may be undertaken by using local resources or through the use of specialized resources available to the court on a consultative or contract basis. The purpose of this element is to provide the judge before whom the juvenile will subsequently appear with sufficient information so that an appropriate disposition can be made.

560 - CASE PREPARATION

This element includes all legal preparations made for the prosecution and defense of the juvenile when appearing before the court. The focus of interest here is on the legal arguments to be presented to the judge regarding the alleged offense of the juvenile. The results of evaluation should be coordinated with the activities within this element. Prosecution is handled through the office of the county attorney and the defense is handled by a "guardian ad litem" appointed by the court. These two interests are brought together in the court in an adversary procedure, which increasingly resembles the conduct of adult criminal court cases.

570 - JUDICIAL

This programmatic element is defined to include only a portion of the total range of responsibilities of the juvenile court. It is limited first by the categories of jurisdiction, and secondly by the limitation of interest to the three essential judicial processes. Four of the six categories of juvenile court jurisdiction are placed in the prevention field, and the administrative or management responsibilities of the judge are placed in other programmatic elements. Therefore, this element is confined to the categories of delinquency and miscreancy and the processes of pre-trial, adjudication, and disposition.

INTERNAL AND EXTERNAL RELATIONSHIPS - Chart 15 on the next page portrays the internal division and the three major external relationships of the element. The seven programmatic elements of which the Crisis Programs is comprised are illustrated by circles and the other general elements to which Crisis Programs relate are represented by rectangular forms on the chart.

The vast majority of input comes into the scope of interest of the element in terms of apprehensions for illegal activity by law enforcement agencies (510) from the Socially Responsible Community Life element (rectangle at top center). The input is projected at 16,000 persons annually. The Law Enforcement element exercises discretion within established principles and refers those apprehended to either non-judicial resources (CYSA-210) or the Intake element (520). Estimates of quantities involved are 6,000 for the former and 10,000 for the latter. The Intake element serves a screening function and returns an additional 800 back to the CYSA (201) while processing 9,200 on toward judicial handling. Some of the pre-trial responsibilities of the Judicial element are involved in the intake process. Referrals of all 9,200 are made to the Case Preparation (560) and Evaluation (550) elements.

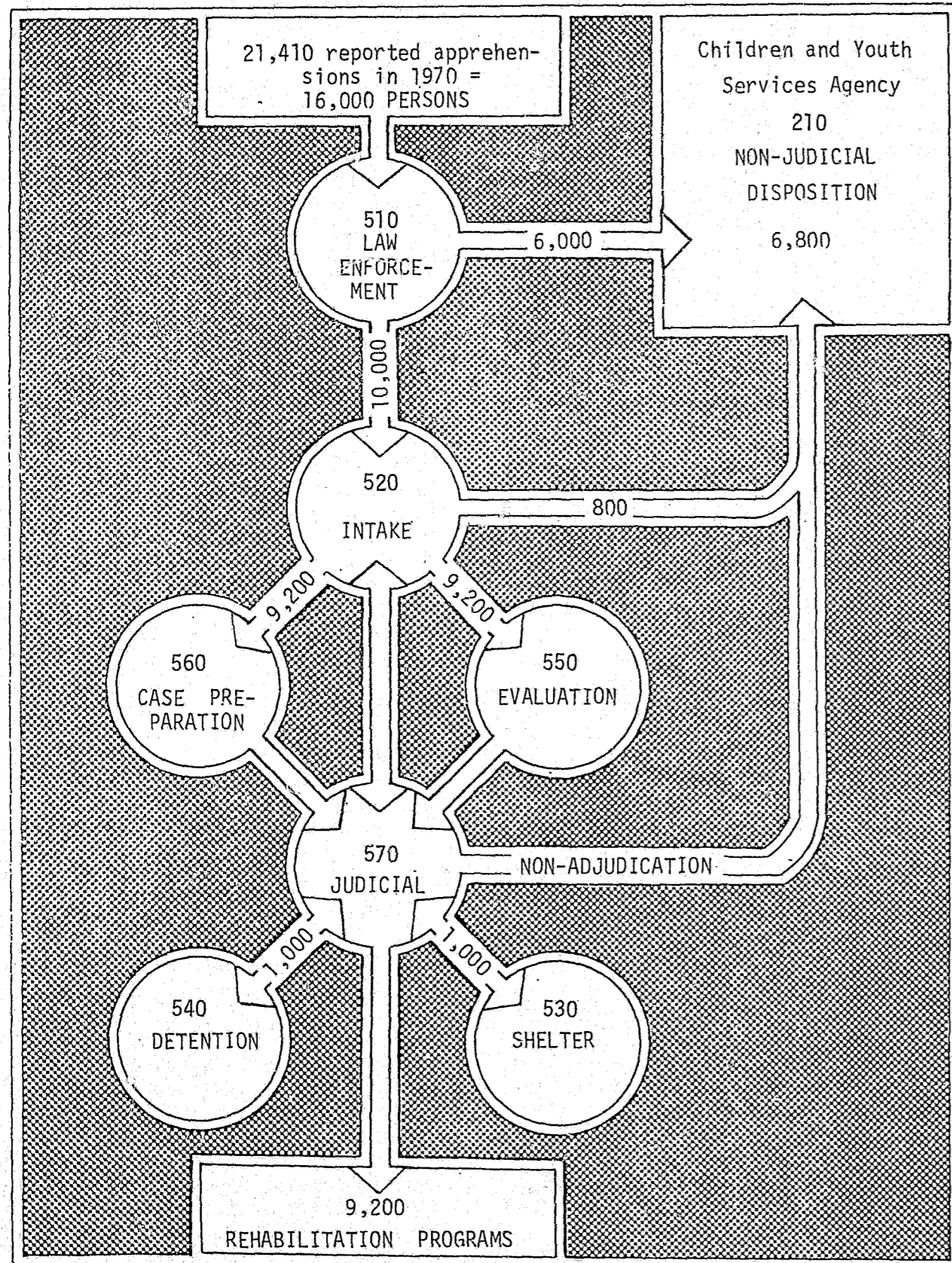
The Judicial element (570) is responsible

for determining the pre-trial or post-trial need for either Shelter (530) or Detention (540). Failure to establish jurisdiction during the adjudication process results in release, without accountability, to the unhindered freedom of Socially Responsible Community Life. A finding of jurisdiction is followed by dispositional orders specifying either referral to the CYSA or placement in one of the three rehabilitation elements (collectively represented by the rectangle at the bottom center).

The Case Preparation, Evaluation, and Judicial elements handle all 9,200 processed on through the Intake element. The Shelter and Detention elements are shown handling slightly over 10% of this number. The output from the element shows 9,200 placements per year in three rehabilitation elements (6,700 in General and 2,000 in Intensive Community Rehabilitation, and 500 in Residential Treatment). The fact that these quoted figures are simply estimates should be clearly remembered, as well as the point that the estimates predicate the existence of a fully operational system of both prevention and control programs. To illustrate; if prevention programs are not uniformly available, and, more particularly, if the accountability for prevention specified in the CYSA (210) element is not created, then most of the 6,800 now referred back to Prevention Programs would have to be absorbed in this and the Rehabilitation elements = thus requiring an entirely different structure as well as different capacities.

This general element has been deliberately designed to serve a processing rather than a service providing function. It is intended to be separated from the provision of rehabilitative and corrective services so that such services can clearly be distinguished from those processes which are necessary to insure that the rights of both the individuals involved and of society in general are protected. The types of services that are provided here are only those which support the intent of this element as a processing

CHART 15: THE CRISIS PROGRAMS GENERAL ELEMENT



mechanism. Therefore, the Detention and shelter elements are included solely to enable the intentions of the element to be carried out more effectively. The movement from one specific element to another is intended to reflect the current routines to protect the individual's rights and to satisfy the concepts of justice currently required. The fact that it is designed primarily as a processing element implies that the interval between the initial contact and the point at which a definite or formal disposition is made will be relatively short. It is estimated that most cases can be handled within a month from apprehension to disposition.

Whereas Prevention Programs have usually focused upon the perception and protection of the individual juvenile's basic human needs, this element is equally concerned with protecting the interests of society and the right of security for persons and property. The protection of the interests of society is, in many cases, seen to be the most important guiding principle for this element. Law enforcement agencies, a major part of this element, have the protection of society's interests as their primary mandate and responsibility. Although this is somewhat less true for the court, the overall emphasis in this element tends to lie on the side of protecting the interests of society rather than those of the individual.

This is not to say that individual rights and needs are not important. The court, particularly, is committed to giving full consideration to protecting an individual juvenile's best interests. The "parens patriae" principle, which has long been important in the operation of the juvenile court, insures that individual rights will not be forgotten. However, it still seems useful to point out that, in contrast to other general elements within the system, the interests of society in protecting its persons and property are emphasized in this element.

Only limited opportunities for using volunteers exist in this general element.

Minor opportunities for volunteers can be found in the Law Enforcement element. This is true also of the Case Preparation, Detention, Evaluation and Judicial elements. In most cases, these functions would be carried out only by those who are paid for the services which they perform. This does not mean that professionally competent people could not be utilized. However, it is not felt that such situations would ever become a significant part of these elements. Volunteers can be used in shelter care programs. However, as will be discussed later, shelter arrangements should operate on a sound, dependable basis which might require the payment of a retainer or other fee to those who provide this service. Those involved in the representation of the juvenile before the Judicial element (*guardian ad litem*) might be volunteers as a Washburn Law School program illustrates. It is both possible and desirable to have volunteers, interested in the juveniles' welfare, visit and provide limited services to those placed in detention, even though the primary purpose of detention is carried out by paid employees. It can also be beneficial to assign a volunteer to work either with the individual juvenile or with the juvenile and his family at the point of intake.

Nearly 600 public agencies will be involved, to some extent, in the functioning of specific programmatic elements within this general element. The largest category of agencies is that of the estimated 250 law enforcement agencies. Included within this grouping are the 105 sheriff's departments which vary greatly in size. In addition, there are more than 100 other law enforcement agencies ranging in size from the 550-man Wichita Police Department to the one- and two-man departments in some of the smaller communities. Forty-one of the 80 larger police departments listed in the FBI's 1969 annual report (*Crime in America*) have ten or more officers. These law enforcement agencies are responsible for the law enforcement programmatic element (510) and, at present, may also be involved in the provision of detention services.

There are 105 juvenile courts which perform the judicial function as well as some aspects of what we have identified as the Intake element. The courts are also involved in some of the rehabilitation programs through their probation officers. There are also 105 welfare departments in Kansas, many of which already perform some of the specific tasks that we have identified as part of the intake element, such as contributing social history information for the element we have titled Evaluation and arranging for shelter care for some of those involved in the system. The 105 offices of the county attorney are principally involved in what can be called case preparation. Twenty-six mental health clinics provide diagnostic information and impressions which would be categorized as part of the Evaluation element.

In addition to the 591 agencies identified in the preceding paragraph, there are literally hundreds of individuals who perform specific tasks which can be included as part of this general element. It should be noted that, at present, there is no equivalent to the CYSA (210) which is designed to handle many persons processed through this element.

The internal processing within this general element is founded upon some services that presently do not exist as well as upon the provision of services on a dependable and completely uniform basis throughout the state. Though there are no unique principles involved in the way in which this general element has been structured, there are vast contrasts between the plan presented here and what presently exists throughout the state. Presently, there is not a place where all of these services exist and are available for each juvenile on a regular basis. The reasons for the absence of many of these specific services vary from county to county even within the same county.

It should be understood that one premise upon which this presentation is based is that those things which are believed to be appropriate and desirable within the

element should be available consistently to all of those to whom it applies in every county of the state. This is merely a practical ramification of the idea of "equal justice under the law."

Referral to non-judicial resources, as pointed out in The Challenge of Crime in a Free Society, is appropriate for a relatively large number of juveniles. This objective must be attained if the goal of handling individual cases in the most intelligent possible manner is to be achieved. Our projection for handling more than 40% of apprehended juveniles in the CYSA, rather than the court, is believed to reflect this desirable "diversion."

Actual programs which could be established in order to attain this objective are described in Chapter 3 of Volume II. The guidelines for referrals of this type will be noted here. Basically, the referral to non-judicial resources (the CYSA) should be based on minor offenses that have not been repeated. The concept of minor offenses has not been clearly defined, but it certainly would not include any of the Part One offenses. The idea of the repetition of the offense should also be taken into account, and even minor offenses that are repeated would probably reduce the advisability of referral to the CYSA. However, the knowledge gained from such referrals can be used as a basis for more specific and intelligent decisions regarding future responses to infractions of the law. Many law enforcement agencies currently exercise unknown and unexamined discretion in determining whether a referral will be made to the juvenile court or the county attorney's office, or whether a record of the offense will even be kept. Wider use of well known and fully examined guidelines is obviously in order.

Descriptions and ideas presented here, more fully discussed in subsequent sections of this chapter, differ in some respects from existing situations in the state. This is likely to cause some to be critical of this plan. It should be remembered that our mandate was to develop

ideas and combinations of ideas that would represent an improved method of dealing with an important social problem, and not as a report simply critical of existing practices or personnel. This report reflects a way of reorganizing and redefining our efforts to help kids in trouble while protecting the public interest more effectively.

SUMMARY - The general element sets forth a way of responsibly and intelligently handling individuals who have been identified as law-breakers. One element

SECTION 2: LAW ENFORCEMENT

The "law enforcement" element is concerned with all police activities relating to juveniles. The total range of contacts of those charged with enforcing the law and juveniles within their areas of jurisdiction is considered under this heading. The agencies identified as part of this element are primarily the county sheriff's departments and the municipal police departments in Kansas. The State Highway Patrol and the Kansas Bureau of Investigation are generally not included in this subject area, although the KBI's increasing activity in the area of drugs brings them into direct contact with some of the specific problems in the juvenile area. Law enforcement agencies are obviously an integral part of the system for dealing with socially-unacceptable behavior.

There were 21,410 arrests recorded by law enforcement agencies during 1970, estimated to have involved 16,000 juveniles. In addition to those who become a part of the official records, thousands of other juveniles are contacted by law enforcement agencies for a variety of purposes. We also estimate an additional 2,500 juveniles were apprehended in 31 counties filing incomplete reports. The law enforcement apprehensions determine the maximum number of juveniles within the control field.

There have been sweeping changes in recent

(Law Enforcement) handles all who come within the interest of the element, while others deal with lesser numbers. The element also includes some sequential and causal structuring that does not uniformly exist in the state at present. They represent the kinds of options and necessary activities which those who have participated in our planning feel are necessary to responsibly deal with the kinds of human problems consistently appearing before our juvenile courts.

years in the practices permissible for law enforcement agencies. These widely publicized changes have dealt with admissible evidence, interrogation procedures, and other practices. It is commonly believed that these changes have made the performance of law enforcement activities more difficult than previously. Whether or not this is entirely accurate, it is obvious that better - or at least different - planning is necessary in response to these externally imposed changes. The planning should also be designed so that it will integrate the work of the law enforcement agencies with that of other elements within a comprehensive framework.

The differences between the juvenile code and the adult penal code have several important ramifications for planning in this area.

Remarkably, there is no comprehensive summary of the manpower, budgets, equipment and facilities of the 250+ law enforcement agencies in Kansas. The only summary that has been printed over the years is that contained in the Federal Bureau of Investigation's annual report. This publication only lists about one-third of the police agencies, although it does list the majority of large ones. An accurate, complete and comprehensive summarization of such information would certainly be useful.

No information is currently available on the number of law enforcement agencies which have established full-time positions or departments specializing in juvenile work. Nearly two dozen police departments are known to have at least one full-time person assigned to work primarily with juveniles. The Wichita Police Department has a juvenile section of 20 commissioned officers.

POLICE ACQUAINTANCE WITH JUVENILES

When law enforcement officers are personally acquainted with many juveniles in their areas of jurisdiction, law enforcement activities are performed somewhat differently than when this is not the case. A personal acquaintance with the juvenile, established prior to apprehension or interrogation, is generally regarded as highly desirable.

Some small towns in Kansas still have police forces whose officers are personally familiar with virtually every juvenile within their areas of jurisdiction. However, the number of such towns declines every year. Most towns and cities with larger law enforcement agencies have found it impossible to obtain enough personnel to reestablish "cop on the beat" conditions widely regarded as an effective and desirable way of organizing law enforcement activities.

An officer's personal acquaintance with most of the juveniles in an area can considerably reduce the investigative time required by the agency. When they are personal acquaintances, it is also likely to be easier to observe and locate particular individuals.

It is also presumed that such a situation acts as a deterrent. However, families of all social strata are more mobile and there are fewer communities in which a majority of the residents have lived at the same address and, in the same circumstances, for many years. Many observers feel that it would not be possible to reestablish the kinds of personal acquaintances with juveniles which have

been possible in many communities in the past.

On the other hand, prior acquaintance with juveniles are not always felt to be desirable. The participants in one of the workshops at our first conference felt that it is possible to become too well-acquainted and to be too close to juveniles on a personal basis. However, both of the workshops at the first conference which considered this subject agreed that some type of non-crisis-oriented communication between a law enforcement agency and the community's juveniles is essential. "Without communications, nothing will really work" was their conclusion. In other words, even if it is no longer possible to develop the types of acquaintances which have been possible in the past, new efforts to achieve some of the same purposes are required.

"Law enforcement personnel must be able to communicate to juveniles in order to obtain respect for laws and law enforcement. They should be able to recognize that this respect comes through mutual understanding and a personal working relationship between the law enforcement officers and juveniles."

It seems probable that acquaintance and communications between law enforcement agencies and juveniles will need to be actively promoted as agency programs, rather than simply hoping they will develop as natural outgrowths of daily police work.

Ideas abound regarding how this goal of personal acquaintance might be achieved for the mutual benefit of the juvenile and the law enforcement agency. The following list of seven such ideas was developed at our first conference:

- * Deliberately cultivating personal relationships through informal contacts and other methods of getting acquainted, eventually characterized by personal acquaintance and the use of first names.

- * Law enforcement agency sponsorship of and participation in various kinds of school programs intended to familiarize the children with the policeman as a person and with his role in the community.
- * Junior deputy programs aimed at familiarizing juveniles with law enforcement problems, equipment, and personnel. A number of excellent programs of this type have operated within Kansas. Some have viewed such programs as a combination of the Boy Scouts, Future Farmers, and other programs.
- * Discussion programs open to the public which include participation by police officers, judges, ministers, teachers, etc., and which might include parents, on occasion. The purpose of such programs would be to develop greater awareness and understanding of the broad social structure of which law enforcement is an important element.
- * Designing programs of communication intended to reach juveniles at their own level of understanding and interest. This suggestion refers to specific training which will insure that law enforcement officers are able to perceive juveniles' fields of interest in order to accurately understand them.
- * The law enforcement officer should never vacate or abdicate his role as an adult in an attempt to identify with juveniles at their own level.
- * Law enforcement agencies are able to serve their interests, the interests of juveniles, and the interests of the community by setting up programs which will attract juvenile participation. On the other hand, it is not necessary for the law enforcement agency to be the only sponsor of such programs. Several excellent programs have been operated in Kansas for this purpose.

A majority of those who specialize in, or are oriented toward juvenile work in law

enforcement agencies, support the theoretical position that non-crisis acquaintances with the juveniles within their areas of jurisdiction are desirable and important. However, the practicalities of their daily assignments do not really allow many of these persons to effectively translate this theory into reality. Many of those specializing in juvenile work note that their caseloads are so large that they are really incapable of broadening their circle of acquaintances among juveniles except during crisis situations. Increasing the number of juvenile specialists would provide at least a partial solution to this problem.

A closely-related subject is whether it is advisable for law enforcement agencies to sponsor prevention programs. The dividing line between those activities which are viewed as prevention programs and those which are simply seen as ways of developing personal acquaintances with juveniles may be difficult, if not impossible, to clearly define. Some departments and individuals have adopted or sponsored formalized programs designed to deal both with prevention and with the broader concept of "youth development." Programs which depend upon the identification of the juvenile as delinquent or miscreant have been omitted from this category since they should be considered under the heading of rehabilitation. A variety of programs have been initiated and maintained over the years including rifle marksmanship, outdoor activities, general recreation, baseball, basketball, motorcycling, and others.

In some cases, the interest of law enforcement officers in the healthy growth and development of the juveniles in their communities is graphically expressed through individual participation and personal commitments that go beyond the ordinary understanding of police work. It would be accurate to say that some of the most admirable examples of trying to help kids in trouble or potentially in trouble are those undertaken by police officers. Some law enforcement officers wryly admit that they do "social work" simply because

they are interested in the juveniles' welfare and they do not feel the kids are receiving the attention that they believe they deserve.

Law enforcement agencies are in contact with many juveniles and are able to perceive needs of which the general community - and many of its social agencies - are unaware. Those law enforcement agencies which take an interest in such matters should be regarded as experts in this important area.

Some of the programs sponsored by law enforcement agencies have resulted from unsuccessful efforts to interest other more traditional and, possibly more appropriate, organized groups in the community. Some agencies and individuals have unsuccessfully tried to interest service and civic organizations in sponsoring prevention programs. In some cases, this lack of success meant that the idea had to be dropped. In others, it meant that the law enforcement agency or individual felt an obligation to initiate and sponsor the program. There are many examples of individuals and agencies which have taken an active interest in children who are neglected, wayward, miscreant or delinquent and these activities should be brought to the attention of the community because it is ordinarily unaware of such situations.

Two workshops at the first conference were agreed that it was valuable both for agencies and individuals to be involved in non-crisis-oriented activities with juveniles in their areas of jurisdiction. They agreed that involvement in such programs offers opportunities to develop acquaintances with juveniles which can be important assets. One of the workshops felt that a police department should have several programs of this nature in effect at any one time. On the other hand, the conferees were also convinced that civic and service organizations should sponsor many of these activities and that law enforcement involvement should be in the form of

assistance to other sponsors rather than that of direct sponsorship.

Specific guidelines regarding the circumstances under which it is appropriate for a law enforcement agency to undertake the sponsorship of a program are not widely recognized. As a working principle we suggest that this type of sponsorship is appropriate only when other groups have failed to act in the face of a clearly recognized need, or when law enforcement agencies have potentially unique contributions to make. Programs involving driving safety and the use of weapons are obvious possibilities in this regard. Any programs sponsored by law enforcement agencies should probably be formally budgeted in terms of both time and money.

JUVENILE SPECIALISTS

Law enforcement officers who have been trained to deal with the special problems of handling juveniles are regarded as assets by most police officers interviewed or expressing their opinions on this subject during this planning effort. Since delinquency constitutes 25 to 40 percent of the total non-traffic activity of a police department and, because juveniles account for more than one-half of all of the serious (Part One) apprehensions, it seems only sensible to suggest that it would be beneficial to have such individuals with specialized training in small departments and to create specialized divisions for juvenile work in larger departments.

Several agencies in Kansas have formally structured juvenile departments which operate on an around-the-clock basis and are commanded by someone holding the rank of lieutenant or above within the department. Others have one or two trained officers who are assigned primarily to work with juveniles, while still other departments have one officer who is given other assignments, but whose principal task is to work with juveniles. A majority of the small law enforcement agencies in the state have no one who

serves as a trained juvenile specialist even though some persons show considerable skill and aptitude for handling juveniles.

The specific body of knowledge which focuses on juvenile delinquency differs somewhat from that of more traditional police science. The juvenile specialist's methods of operation are usually somewhat different from those of ordinary police work and it is not uncommon to find that not all officers are equally capable of or interested in working with juveniles. The juvenile specialist is regarded as a positive asset by those agencies which have organized their departments in this way.

Both of the workshops at the first conference felt that juvenile specialists were needed in every law enforcement agency. The recommendation which summarizes their position is as follows:

"Even a part-time juvenile officer is a tremendous asset to law enforcement in that he can serve as a liaison officer between his department and the juvenile court. Each law enforcement agency could very well use even a part-time juvenile specialist."

The issue of whether the juvenile specialist should identify primarily with the law enforcement agency or with the courts has been discussed. The clear majority of opinion is that the juvenile specialist should identify primarily with law enforcement. This is an important issue in Kansas because of the lack of clarity regarding the position of "juvenile officer." Some persons feel that the "juvenile officer" is a specialist within the law enforcement agency, while others define this in terms of a probation officer's functions. Our planners uniformly adopted the former view and rejected the latter.

The issue of juvenile specialists is undergirded by the more general consideration of the proper preparation of police

officers for the demands of their jobs. The issue of training was one of the original issues which was developed. With the knowledge that, occasionally, extreme or unusual demands are made on law enforcement officers today, in contrast to the situation of a decade or a generation ago, it should be acknowledged that a body of practice and experience has developed which should be communicated to all new police officers through training programs. Our meetings and conferences have produced only general ideas regarding the content of specialized training for all police officers, and, more particularly, juvenile specialists. A comprehensive suggested curriculum developed from a series of workshops conducted by the International Association of Chiefs of Police in 1965 well illustrates the complexity of this subject area from the view point of those responsible for enforcing society's laws. The major headings are listed below. (24 , p. 16-19).

- Orientation and definitions
- Police-juvenile attitude relationships
- Juvenile court
- Laws relating to juvenile offenses
- Legal limitations and provisions
- Departmental procedures and methods
- Juvenile records and statistics
- Visual aids and field trips
- Functions of the juvenile court
- Responsibility of line officers
- Treatment of juvenile delinquent problems
- Social aspects of delinquency
- Special problems such as alcohol and narcotics
- Youth gangs
- Public relations
- Supervision
- Administrative checks
- Juvenile interrogation techniques
- Police-community service relations
- Juvenile patrol techniques
- Abnormal behavior patterns and delinquency
- Causation of delinquency

The 120-hour training program for police officers at the State Law Enforcement Training Academy in Hutchinson is cur-

rently "required" for all new officers in this state. However, this requirement does not specify any penalties for non-compliance. Therefore, there are variations in whether or not a new police officer attends this training program. Some agencies report that they do not have the time available to send their new officers for this training. This is typical primarily of the smaller agencies. However, since most agencies in Kansas are "smaller agencies," this problem is significant when viewed from the state level. A few agencies cited budgetary problems as the reason for their inability to take advantage of the training program. Specifically mentioned was a situation in staff turnover where the agency is prohibited from paying overlapping salaries. This means that the agency is unable to actually hire a new officer until the former officer has left the agency. By this time, the new man is needed for regular assignments.

Other law enforcement agencies complained about the distance which the officer must travel and the length of time which he spends in training away from his duty station. They indicate that this inconvenience to the agency is important in their thinking. Others have criticized the program for being much too short and too limited to really be useful for over-all training needs. They consider it only rudimentary, "basic training" which should be supplemented at periodic intervals during the early years of the officer's service. This criticism merely means that sufficient training has not been made available.

It has been suggested that training, and especially advanced training beyond the level of that presently offered at the Training Academy, should be provided on a regional basis for areas in the western and southeastern parts of the state. The institution of an advanced training course to keep officers informed of new methods and developments would also be desirable. It has been suggested that if this training could be conducted in locations other than

Hutchinson the officer's attendance would not require him to be away from his normal duty station for any considerable length of time. The ideal situation would be to provide training which would allow officers to remain at their regular duty stations, but give them the opportunity to obtain additional training with a daily commuting distance.

The relevant state statutes regarding this issue are: K.S.A. 74-5608.

The workshops at the first conference developed the following recommendations on this subject:

- * Besides the clear need for training in sociology and psychology, it was felt that training relating to the ability to communicate, most particularly with the young, was essential. Training in how to deal with juveniles is essential. The value in having more training in report writing to help those to whom referrals are made was also noted as important."

"Police training is an absolute necessity. Properly trained officers from the academy fit directly into the present force and become an asset to the department as well as to the community...Police officers should receive a continuous training program."

APPREHENSION AND INTERROGATION

During our planning, specific attention has not been given to methods of investigating crime or identifying those responsible for criminal acts. It is felt that investigative work is beyond the scope of our planning since it involves activities which are equally applicable to both adults and juveniles. At the present time, law enforcement agencies are able to identify those suspected of criminal activities faster than other parts of the system are able to handle them. Therefore, these methods are not believed to be of particular interest in a delinquency planning effort, nor are they be-

lieved to be areas in which major deficiencies presently exist. For this reason, the investigation of crimes and the identification of those who are probably responsible for them will not be discussed further.

The technicality that a juvenile cannot be "arrested" in the ordinary meaning of the word is known to many juveniles and, according to some law enforcement officers, causes problems. This issue results from the requirement that juveniles cannot be handled under the provisions of the criminal code. Those juveniles who are aware of this fact are likely to translate it into an attitude that "you can't touch me." Combining this problem with that of the poor attitude toward the police by many juveniles, elements exist which have made a bad situation out of something which was not intended to cause difficulty. The need or desirability of having persons trained for juvenile work who are also acquainted with the juveniles in their areas of jurisdiction is reinforced by such situations. An accurate explanation of this provision and of the responsibility incumbent upon the juvenile to obey the police officer are felt to be desirable and such a program could be undertaken in a setting such as the school. It is also believed necessary for juveniles' parents to be made aware of these facts through a comprehensive community relations program. The relevant statutes on this issue are found in K.S.A. 38-816(6).

Recent changes regarding the interrogation of juveniles have resulted in considerable frustration for those responsible for conducting investigative work. A number of officers who were interviewed or expressed themselves at our meetings felt that these changes have seriously hindered their efficiency in solving juvenile crime.

The proper procedure to be followed when police officers want to interview a juvenile at school was mentioned as a problem area by some. Questions about whether

this should be considered to be an interrogation were raised. Many officers said that present laws governing interrogation have reduced public respect for the law enforcement officer's authority and ability to accomplish his purposes. Many juveniles are reported to be quite impressed by the fact that they cannot be required to say anything. There is very little apparent knowledge among juveniles of the fact that a responsible citizen should cooperate with the law enforcement officer and reveal what he knows about a certain subject, as long as he does not incriminate himself. Some officers felt that the relatively new requirement that a lawyer or "guardian ad litem" must be present during an interrogation is thought to hamper the interrogation processes. Relevant statutes regarding this issue are found in K.S.A. 38-805(b) and (f). The law enforcement workshops at the first conference recommended:

"The juvenile should be turned over to the juvenile division law enforcement officer for interrogation. Police departments are still responsible for a complete and thorough investigation, and the juvenile should be interviewed within the department by a juvenile officer."

INFORMAL DEPARTMENTAL HANDLING

In many areas law enforcement agencies are encouraged or allowed by the courts to informally handle various kinds of delinquent and miscreant acts outside of the formal structure of the court. In others, law enforcement agencies have assumed these responsibilities without either the knowledge or permission of the court. For various reasons, this informal departmental handling of the case is, in a significant number of cases, the only contact which the juvenile has with the criminal justice system. For illustration of this statement, the reader is referred to Chart 6 on page 20 which shows that recorded apprehensions exceed reported court cases by more than 9,000. There are a variety of reasons for this, not the least of which is a

lack of sufficient cases for prosecution. Where this is the case, it seems improper to consider the apprehension legitimate and worthy of record.

To complete this picture, it should be noted that there are many juveniles who, for a variety of reasons, are contacted by the police during the course of their work, but who are never, in any sense, apprehended. This means that there are many additional juveniles in contact with law enforcement agencies, who never become statistics in any reports.

Law enforcement officers are generally granted considerable discretion in the performance of their duties. In most cases, discretionary judgement is given to both the individual officer on the street and to the department as a whole. The assumption has traditionally been made that an experienced, well-trained law enforcement officer - or department - is fully capable of performing responsibly when exercising this discretionary power. There are limitations to this power such as the fact that it does not apply in cases where the offense represents a severe threat to life or property. One workshop at the first conference confirmed the idea that a law enforcement officer or agency should retain a discretionary right to decide which cases should be handled formally or informally. Their recommendation was as follows:

"Informal departmental handling should only be done for minor offenses, at the discretion of the law enforcement personnel involved. All cases should not be handled informally."

There are, obviously, some situations in which it is best for misbehavior or minor infractions of the law to be handled informally by the law enforcement agency. Some of the juvenile courts recognize this fact and encourage the law enforcement agencies in their counties to do so. Other law enforcement agencies feel that informal handlings are sometimes desirable and have adopted this as a standard practice without the specific

knowledge or consent of the court. Informal handling is based on the theory that it is possible to influence the juvenile toward socially-acceptable behavior without taking formal action on his offense.

Another facet of this issue (guardedly noted) is that the court is unwilling or unable to provide correction, rehabilitation, or penalties for those who have been apprehended, in most cases, it is meaningless to process the case. A few people have felt that, under such circumstances, informal departmental handling is, possibly, the most effective treatment that the case will be given. Bearing in mind that, although we have been speaking of minor offenses, it should be recognized that this is not really either legal or desirable, and usually occurs only as the result of totally inadequate resources in some areas.

The law enforcement officer is the point of contact between codified public interests and standards and delinquents themselves. It is the law enforcement agency which will be in touch with the juvenile in the immediate future, not the court or other agencies, as a general rule. Awareness of this fact is likely to influence the ways in which law enforcement agencies deal with the juvenile informally.

Officers and departments are clearly divided in their opinion about the degree of discretionary judgement they should be allowed. Large departments with a highly professionalized staff tend to prefer less discretionary authority while smaller, and especially the more isolated departments, tend to prefer (or to assume) larger areas of discretionary authority. It would be foolish to suggest that all discretionary authority should, or could be, eliminated. It would be equally foolish (even illegal) to suggest broad and sweeping areas of discretionary authority since that would erode the responsibility of the courts and correctional agencies. This topic has been explored and discussed

at some length in the past, and has influenced the development of proposals in both the prevention and control fields. The current position is to define the area of discretionary judgement within this system as follows.

Law enforcement agencies should be allowed and encouraged to exercise discretionary judgement in handling the majority of those who they formally apprehended as offenders. However, the discretion should be exercised through formal referrals to either the juvenile court or the Children and Youth Services Agency if the apprehension is to be a matter of record. Investigative interrogations not accompanied by an apprehension of record need not result in a referral.

Adoption of this policy, accompanied by the creation of public accountability in the prevention field (which does not presently exist) would free a considerable amount of time in some agencies for the more traditional duties of investigation and apprehension. It would also transfer the responsibility for solving individual problems to those more suited by training and experience for this work.

It will be suggested (for further discussion) that no discretionary option be allowed for persons charged with "part one" offenses, or for any third offense - such persons must be delivered to the court, "forthwith" in the language of the code [38-815(b)].

Needless to say, the resources described in this plan do not now exist in any county of the state, nor are there any definite plans to establish them, so the practicality of this policy must necessarily be limited until such time as the resources are established. The absence of resources to deal with the bewildering variety of human needs which come to the attention of the law enforcement officer is a critical issue in every county of the state.

ENFORCEMENT OF ALCOHOL AND DRUG LAWS

The sale to and consumption of alcoholic beverages by juveniles is not a new problem by any means. However, it has remained generally unsolved even though, in most of the communities which were visited, it was prominently mentioned on a list of problems requiring attention. This is a subject which is, in many ways, quite serious because of the manner of juveniles who drive while under the influence of alcohol, demolish their cars and injure, maim or kill themselves and others.

Controlling the supply of alcoholic beverages to those who are underage has, obviously, not been effective and there is ample evidence that it has never worked effectively. Perhaps there is an underlying assumption that it never can be effective - and this assumption has prevented effective action from being taken. It remains a fact that alcoholic beverages are much easier to obtain and can be obtained in much greater quantities in most communities at present than "drugs" can.

Even though this problem has been prominently mentioned as a high priority item requiring action, pressure for action in this area has never been uniformly concentrated on law enforcement agencies throughout the state. There are obvious differences in the kinds of community pressures on law enforcement agencies to solve the "drug" problem as contrasted with that of alcohol.

Since alcohol has a basically extroverting influence on the personality, the effects of its use are easily observed and noted. Users are ordinarily noisy, aggressive, race around in automobiles and are frequently known to get into fights in public places. There is usually considerable physical evidence of beer parties as well.

The use of alcohol by juveniles appears to be more a case of mimicking parental or adult behavior than is the use of

drugs. Adults drink, and drink to excess, and can easily be observed by juveniles. Whereas the use of "drugs" can be seen as a revolt against the standards and values of adult society, the use of alcoholic beverages can be interpreted as the achievement or duplication of adult behavior patterns.

The sale to, possession, or consumption of alcoholic beverages (other than 3.2% beer) by those under 21 is regulated under provisions of the Alcoholic Beverage Control Act. Pertinent statutes are those found in Sections 41-102, 208, 715, 2610, and 2615 of the Kansas Statutes Annotated. Sections K.S.A. 41-2704 and 41-2708 of the Cereal Malt Beverage Laws regulate the sale, consumption and possession of 3.2% beer to those under 18 years of age. Additional provisions are found in K.S.A. 38-715 as part of the statutes on crimes affecting children.

The general focus for law enforcement officers in dealing with alcoholic beverages is on controlling their sale to juveniles. It is well-known that a juvenile will rarely reveal how or where he obtained an alcoholic beverage. The first conference workshops which considered this subject felt that there may never be a solution to this problem even though the more stringent regulation of the sellers' activities is known to have an effect.

The point will be advanced that this problem is intricately related to general community attitudes. The issue revolves around the fact of whether the community is really willing to invest the resources necessary to control juvenile use of alcoholic beverages. In most cases, this would require a considerable increase in the number of law enforcement personnel. Since most communities have not exhibited any particular willingness to invest the necessary resources, the failure to fully enforce alcohol laws is, therefore, the community's rather than law enforcement's failure.

On the other hand, the enforcement of

laws regarding "drugs" is a comparatively new activity for most of the law enforcement agencies in Kansas, requiring skill and resources which are not traditional. The issue of enforcement of drug laws has gained dramatically in importance in recent years. The community's awareness of a "drug problem" varies, but is generally increasing. This subject is commonly discussed throughout the state and the problems are not limited to urban areas or larger towns.

Since the initiation of our planning, the laws regarding "drugs" have been changed and many people are confused regarding the seriousness with which the problem should be considered.

Since marijuana grows wild in many sections of the state, the problems arising from its use are rather complicated. It is possible for one to simply go out and pick marijuana which can then be stored for future use. LSD also poses problems since it can be produced by anyone with a basic knowledge of chemistry and the most rudimentary chemical equipment, in virtually every city in the state, thus reducing the risk of apprehension during transport. Amphetamines are considered by some to be the most serious of the drug problems since they are so widely used. Heroin and other heavy drugs present much different problems to law enforcement agencies since they are not produced locally and require a distribution network. Attempts which have been made at infiltrating the drug culture are aimed primarily at apprehending the supplier, rather than simply identifying the user.

The use of marijuana is extremely difficult for law enforcement officers to spot since those who use it do not ordinarily become aggressive or create public disturbances, and little evidence of the use of this substance remains. The distinctive smell disappears within a matter of minutes.

Some observers of the current drug scene point out that there are similarities in

this situation and that which occurred following the passage of the Volstead Act prohibiting the use of alcoholic beverages. One similarity is found in the fact that the outlawed substance acquires a desirability that it did not previously possess. It is felt that official records do not accurately reflect the seriousness of the situation as perceived by law enforcement agencies. It is also quite likely that the dimensions of the problem are actually much smaller than assumed in some communities.

The use of many kinds of drugs by adults is cited by some as a factor which has contributed to the use of drugs by teenagers and young adults. This is not a case of directly mimicking adult behavior, but an activity which has developed its own cultural pattern. The symbolism of revolt against adult standards and values is a dominant theme in the use of drugs by juveniles. The relevant state statutes regarding this issue are found in the Kansas Uniform Narcotics Act of 1957, K.S.A. 65-2501 through 2522, and the identification of narcotics addicts is the subject of sections 21-2501 through 2505.

One of the workshops at the first conference felt that many smaller communities lack the resources necessary for effective enforcement - such as laboratories for analysis. They recommended the following:

- * The drug addict should be considered to be a medical problem rather than a law enforcement responsibility.
- * The supplier or dealer of drugs and narcotics should remain a law enforcement problem.

The other workshop on law enforcement produces the following recommendations:

- * State and federal undercover investigators should be made available to local law enforcement departments, even for "minor" drug problems.

- * Law enforcement personnel must receive training in this area so that they can recognize the problem and will know how to combat it.

Future discussions of this matter should fully recognize the fact that there is no single drug problem - this term has been used to describe a wide variety of substances, with differing properties, effects, control possibilities, etc. It might be helpful for those who are interested in this aspect of law enforcement to review the chapter on drugs and narcotics in the Programmatic Dimensions of the Planning Task, where this subject is handled in much greater detail.

OTHER CONCERNS

During the course of the project, we examined several other issues concerning or affecting law enforcement. The mobility of families and their children has increased markedly and has implications for law enforcement practices. The negative attitudes of 16 and 17 year olds about the capabilities of the juvenile justice system in general and police in particular is viewed as a serious problem in some places. Serious questions are raised about both the intent and practical effect of the Rock Castle Jaycee's "tour" of the Kansas State Industrial Reformatory at Hutchinson. Low police pay is a matter that not only causes direct problems in administration and recruitment, but also clearly reflects negatively on public officials and the community in general.

The much greater degree of mobility of families in our society today affects all of our larger cities and even many of the smaller communities. The first point to note is that families move to new locations with much greater frequency than has been the case in the last several decades. This means that it is much more difficult to become acquainted with all juveniles in a police jurisdiction. The second point is that individual mobility of juveniles is greatly increased - especially in the case of those who have

access to an auto. Consequently, those determined to engage in illegal activity can operate in areas where they are not known. No particular solution is known for this problem, but it is mentioned because it is a part of the more difficult law enforcement challenge currently existing.

As of this writing, 16 and 17 year olds have been included within the juvenile category for more than 6 years, without the provision of adequate resources to deal with the major expansion of the juvenile field that occurred as a result of their inclusion in 1966. Although some recent changes will correct this problem to some extent, some particularly negative and destructive attitudes developed among the older (16-17) juveniles after 1966. The key to the problem revolved around the impression, subsequently verified by experience in many places, that the juvenile justice system would not significantly affect their lives even when they were caught and adjudicated. No major increase in probation officers, no major increase in other community services, and the fact that BIS would not accept those over 16, rendered the juvenile justice system impotent to a large extent for the majority of those in this oldest age group for several years. Though police were not the cause of this problem, they were likely to be the object of the scorn and even contempt with which the juvenile justice system was viewed simply because they were the publicly visible part of the system. As everyone knows, the problem was compounded greatly by national trends and specific important events that tended to develop and nourish an anti-police attitude among young persons during these years.

Both police and young people tended to view the other side in stereotyped form - and generally inaccurately. A survey of attitudes of young people and police officers conducted by Bouma in Michigan soon after the Detroit riot of 1968 illustrates both the negativism of juveniles toward police and the great disparity of

police and youth views on the same issue. We have reproduced a portion of this survey as Chart 16 on the following page. This chart also shows the often considerable difference on a subject between white and black young people.

Though Kansas was not affected as greatly as some other places by these national trends and events, there were some effects in our state.

The Rock Castle Jaycees' tour of KSIR at Hutchinson evoked an ambivalent attitude among our planning participants. The program consists of a tour of the facility intended to impart a clear idea of the potential seriousness of delinquent-criminal behavior. Any of those who view a prison without fear or who invest it with any "glamour" are likely to have their minds changed as a result of this tour. We will not reproduce the description and analysis of the program that we printed in our previous publication "Programmatic Dimensions..." but will note here that its potential value may not, as yet, have been realized because goals and methods are subject to widely variant interpretations.

It seems that everyone knows about low police pay, but serious efforts to improve the situation are rare. The issue was not introduced into our planning by a police officer - but by an educator. In the majority of our communities, police pay is well below any reasonably comparable kind of public employment, and not even within speaking distance of currently expressed standards. Though it is too presumptuous of this plan to propose general salary guidelines for law enforcement agencies, it is within our field of competence to make some general comments about the juvenile specialists in law enforcement. The desirable educational norm for a JS is a B.A. degree with appropriate courses in both police science and subjects such as sociology, psychology, and/or other human sciences that will provide an understanding of people apart from their overt actions. As Menninger notes: "What is much needed

CHART 16: EXCERPTS FROM "KIDS AND COPS"

The book Kids and Cops by Donald Bouma (Grand Rapids: William B. Eerdmans Publishing Co., 1969) reports on a relatively large (10,000) survey of young people, and a significant sampling (300) of opinions of police officers in Michigan in 1968 and 1969. The book addresses itself to the general problem of police-community relations through exploring and recording opinions of persons in Grand Rapids, Kalamazoo, and Muskegon Heights. It emphasizes inner-city problems and particularly explores differences between white and black attitudes.

YOUTH ATTITUDES TOWARD THE POLICE AND LAW ENFORCEMENT

PAGE	QUESTION	ANSWER	ALL		
			STUDENTS	WHITE	NEGRO
47	Do you think that policemen are pretty nice guys?	Yes	70%	75%	43%
		No	12%	9%	32%
		Not sure	17%	16%	25%
48	Do you think the police get criticized too often?	Yes	55%	58%	40%
		No	31%	29%	44%
		Not sure	13%	13%	16%
50	Do you think police accuse you of things you didn't even do?	Yes	48%	36%	68%
		No	29%	37%	17%
		Not sure	23%	27%	16%
51	Do you feel that policemen treat all people alike?	Yes	36%	38%	19%
		No	53%	49%	70%
		Not sure	13%	13%	11%
52	Do you think the police are strict in one district and not in another?	Yes	52%	49%	66%
		No	30%	32%	18%
		Not sure	19%	19%	15%
53	Do you think that police are always picking on the guy who has been in trouble before?	Yes	47%	44%	62%
		No	34%	36%	18%
		Not sure	20%	20%	19%
53	Do you think that the police have it in for, or pick on, young people?	Yes	34%	30%	52%
		No	49%	52%	31%
		Not sure	17%	17%	17%
54	Do you think police treat members of all churches alike?	Yes	62%	69%	27%
		No	17%	14%	38%
		Not sure	21%	17%	35%
54	Do you think the police treat all nationalities alike?	Yes	48%	56%	21%
		No	28%	26%	50%
		Not sure	24%	21%	29%

Source: (6)

and almost completely neglected in police training is child and adolescent psychology." (3) This is only made available in our society within the structure of higher education. Our proposal for pay for these qualifications is a minimum of \$8,000 per year - set forth in Chapter 3 of Vol. IV within a comprehensive framework. Those who do not meet the norm would be paid proportionately less, of course.

Low police pay casts a clearly negative reflection on both public officials and the community in general. Public officials are responsible for providing public services, of which law enforcement is an important part. The same standards of quality should apply to this aspect of public responsibility as are pretty uniformly applied in some other areas, as an example, the purchase of road building or maintenance equipment. Recently, the Undersheriff in Riley County was selected by the state Jaycees as the outstanding (young) law enforcement officer in the state. A few months later he announced his resignation from law enforcement work, citing low salary as a reason for entering an entirely different sort of vocation. The example is by no means an isolated one. Discussions of this issue with public officials inevitably and legitimately revert to the subject areas of taxation and the current "tax lid." On the other hand, there are examples of bypassing these impediments by those who undertake a rational and aggressive public education effort; Topeka furnishes a good example of this.

In the final analysis, the community is responsible for most law enforcement problems relating to inadequate financing in general and policy pay in specific. These problems should not be regarded lightly

since they can come to dominate the operation of an agency in extreme situations. Some observers feel that the public wants the police to be inept and ineffective (until that results in their being directly affected - at which point they rise up in indignation and anger). (3) There is certainly some evidence to support the theory. Only those communities where citizens have deliberately interested themselves in the problems of the police and have taken necessary actions (only a handful in Kansas) can be clearly exonerated from this charge.

Along with the massive problems and tensions that have been heaped upon the heads of the police in recent years, has come a new conceptualization of what we expect or desire from them, if they are to deserve our respect. Dr. Karl Menninger has summarized it thusly:

"The police officer is expected to do a superman's job. He is expected to be more brave, more upright, more self-controlled, more resistant to bribery and other temptations, more courteous, more discriminating, more shrewd, more unruffled by humiliation and frustration than all other citizens. He has to make rapid decisions many times a day in difficult situations. The average policeman renders far more judgments of guilty and not guilty than does the average judge. He has to call upon extraordinary resources of tact, experience, knowledge, and training to deal correctly at the needed moment with threatening or suspicious behavior."

The fact that some Kansas communities expect this to be done for a salary of \$300 or \$400 a month clearly illustrates the problem we have been discussing.

SECTION 3: INTAKE

We define the intake programmatic element as the initial handling of each case within the formal structure of the juvenile court. Intake occurs after the

law enforcement agency has completed its preliminary interrogations, or even prior to interrogation, if that is more desirable under the circumstances for the law enforce-

ment agency. The intake function, as defined, includes assuming responsibility for the juvenile's security, an initial study of the events which have brought him to the attention of the juvenile justice system, completion of minimum records, contact with the juvenile's parents, and contact with the juvenile judge when there are indications that security precautions might be necessary in a particular case.

The intake function relates directly to the responsibilities of the court, which should have direct control over decisions being made and activities being conducted as a result of this responsibility. This implies, but does not absolutely require, that the judge assume direct administrative supervision over persons performing this function. Decisions on this matter are to be made by the Area Board of jurisdiction. An unmistakable trend in our planning, however, has been to relieve judges of much administrative responsibility while greatly enlarging the responsibility for managing the system we propose. Let it also be noted that we have recommended elevation of the juvenile courts to the status of District Courts with appropriate changes in geographic jurisdiction, qualifications, stature, caseloads, etc. See Chapter 5 of Vol. I for our recommendations on this.

As William Sheridan (31) forcefully pointed out some years ago, "The intake process in juvenile courts, despite its extreme importance in the constellation of court services and procedures, has received little attention as a separate and distinct process." Mr. Sheridan also surveyed current procedures and practices and made a number of suggestions which have been used as the basis for this presentation.

There are three basic philosophies regarding the intake process. According to the first philosophy, intake is a form of judicial hearing which is often conducted by a referee. The second views it as an extended process involving

what could realistically be described as a complete diagnostic study. The third philosophy of intake regards it as a mechanical process to be performed in the clerk's office with little, or no, selectivity. All of these views of the purpose of the intake process consider it to be a specialized process which should be assigned to a unit created specifically for this purpose or carried out by a designated individual. Although it is not a programmatic element of extensive proportions or one requiring a major investment, it does provide a function quite important to the operation of an overall system.

The Standard Juvenile Court Act (first promulgated in 1926) provided that, whenever the court was informed that a child came under the purview of the act, the court should make a preliminary inquiry in order to determine whether the interests of the public or of the child required that further action be taken. Whenever practicable, such an inquiry should include a preliminary investigation of the child's home and environmental conditions, his previous history, and the circumstances surrounding the conditions alleged to exist. The preliminary inquiry is used as the basis for establishing a legal foundation for the intake process. In fact, a preliminary investigation is mandatory in every edition of the Standard Juvenile Court Act and in the Standard Family Court Act. This provision was intended to relieve the court of unnecessary cases as well as benefiting the child and his family by eliminating unnecessary court action. It is also stated that the intake unit should "receive all complaints."

The term "intake" is not a legal term, and is generally alien to the judicial field. Its use in juvenile and family courts is adopted from the field of social welfare. This may cause confusion since there might be a tendency to equate the intake of the court with that of a welfare agency. While bearing in mind that there are similarities between the two types of intake, there are also

fundamental differences. Not the least of which is the fact that those who contact social welfare agencies ordinarily do so voluntarily while retaining the right to refuse services which may be offered. The welfare or social service agency also has the freedom to decide whether to approve or reject the individual's request.

The same is not true of court intake. The person about whom a complaint has been made or who is alleged to be in a situation requiring legal action lacks this freedom of choice. Because the request for action has been initiated by someone other than the prospective client, whatever freedom of choice exists regarding whether or not action will be taken rests with the court and not with the client. The petitioner does not have the right to withdraw the action, once it has been filed without the approval of the court.

The "intake department" cited in the Standard Juvenile Court Act is functionally described as "receiving all complaints and conducting investigations to determine whether (a) the court or its staff should take action and, if so, what kind of action, or (b) the matter should be referred elsewhere." The 1959 edition of the Standard Act clearly distinguishes between a preliminary inquiry and a complete social study. So does the Family Court Act. Both acts also included in their 1959 editions nearly identical sections (23) entitled, "Investigation Prior to Disposition." Section 23 in the Standard Juvenile Court Act provides that "the investigation shall cover the circumstances of the offense or complaint, the social history and present conditions of the child and family, and plans for the child's immediate care, as related to the decree..."

The "preliminary inquiry" is assumed to be the first step in the court process, the primary purpose of which is to determine whether any further action on the part of the court is indicated.

The juvenile court intake process is,

therefore, a screening mechanism. It is predominantly an office and not a field process. Rather than being a social study or investigation, it is more nearly a review or evaluation of the information which should be supplied by the person or agency filing the petition. It can and should be an expeditious process. The exposure of the children and their families to a period of uncertainty regarding what is going to happen may, for many, increase their tension and anxiety. For younger children, such delays make it difficult for them to relate court experiences to incidences which occurred several weeks earlier.

The social study is made after the petition has been filed. It is an in-depth study including clinical tests to determine the child's physical, mental and environmental make-up as well as an analysis of his or her social relationships at home, school, and in the community. It is designed to determine the causative factors underlying the child's behavior and to develop remedial steps which might be taken to eliminate or minimize these factors and help the child to meet the problems he faces in a socially acceptable manner. This information is intended to be used by the court in making an appropriate disposition following adjudication.

In those instances where the preliminary investigation approximates a complete social study, the relationships which have been established with the intake worker may be broken if the case is transferred to another worker for a more complete social study to be used in supervising the child. This might also require duplicating field staff efforts which then result in duplications of time and effort. Actually, an extended investigation involving highly personal family matters cannot be justified before a petition has been filed. The information at the intake inquiry should ordinarily be limited to that secured from the child, his parents, or the victim by the police, or from those seeking the authorization to file a petition. This information may be supplemented by

that already available in court or community agency files. All of these factors underscore the inadvisability of extended intake procedures.

A further point from the Standard Juvenile Court Act is as follows: "A major part of the intake function is to consider whether the case may be dealt with informally; that is without a petition, and through the efforts principally of the social casework and counseling staff rather than the judge." In our system, this sort of decision is a referral back to the jurisdiction of the Children and Youth Services Agency (CYSA) in the secondary prevention field and is indicated on the system model by the arrow entering the Community Structure Prevention element from the Crisis Programs element.

Some of the decisions currently being made at the point of intake involve limitations or denials of the child's or his parent's rights such as detention, therefore entitling the parties to a hearing before a judge. To require a hearing before the judge as a routine part of the intake procedure, however, is neither necessary nor desirable. A prompt hearing before a judge should be necessary only when the determination results in the limitation or denial of one's rights.

The primary decision to be made regarding intake is a determination of "whether the interest of the public or the child requires that further action be taken." Although this is the primary determination, it is likely to be the result of conclusions drawn from many of the pertinent secondary determinations.

The first decision to be made at the point of intake is whether the complaint or action is one over which the court has jurisdiction. Ordinarily, this does not require any particularly subtle determinations regarding delinquency.

The second decision is to determine whether there is sufficient evidence to support the allegations which have been made. This will require a competent,

legal review of whether the evidence being forwarded is sufficient as required by law. Intake personnel should not be made responsible for securing any of the evidence needed to prove the allegations which have been made. If the allegations are made by a police officer, an additional police investigation may be indicated if they appear to be insufficient. In questionable cases, legal counsel should aid in making this determination.

The third step, assuming that the court has jurisdiction and that the accompanying evidence is thought to be sufficient, involves the decision of whether or not a petition should be filed. This decision involves factors that are essentially social rather than legal in nature. As Mr. Sheridan points out,

"In delinquency cases, the first and most important factor, but still not necessarily the controlling factor, is the nature of the act alleged to have been committed. Since the determination in this kind of case involves the direct and immediate interests of the public as well as those of the child, this factor should be heavily weighted and the greater the danger to the public, the greater weight it should be given. Certainly the public must be protected from the serious offenses such as homicide, rape, robbery, purse snatching, aggravated assault, auto theft, and burglary, which in the absence of other unusual circumstances, are acts which would be sufficient to justify the authorization of a petition." (31)

Another factor to be considered in delinquency cases is the individual's previous history. This factor is more important in matters of delinquency as contrasted with those of miscreancy. Court and police records should be available to the intake officer so that he will know whether the child or other members of his family have previously been known to the police or the court. As we have

previously noted, the mobility of most of the juveniles in our society today indicates that this would ordinarily entail a multi-county search of records. It is obvious that when a person appearing at intake is already being carried as an active case by the court, the probation officer responsible for the case should be a major source of information, and would appropriately be given responsibility for the case.

It is possible that the child's age and the time at which the alleged act occurred may also be important factors. Though the seriousness of an alleged act committed by a very young juvenile may not be a primary factor, care should be exercised in order to minimize the danger in assuming that such an act is not an important indicator of deep-seated troubles which may be given more explicit expressions in the future. Therefore, the extreme youth of an alleged offender should not be the only reason for failing to proceed with the judicial process. The time at which the act took place is, of course, a clear indication of the quality of the supervision being given to the child by his parents. The more unusual the hour of the incident and the younger the juvenile's age, the greater the significance of the event may be, aside from the seriousness of the act itself.

It is also important to clearly understand the conditions in the neighborhood in which the alleged incident took place as well as those in the juvenile's own home and neighborhood. Obviously, if the juvenile comes from an area with a high delinquency rate, the environmental pressures being exerted should be seriously and carefully considered. The intake worker should be familiar with all sections of the community from which cases are originating and should be able to make broad determinations regarding this particular type of influence on the juvenile.

The attitude of the juvenile and his parents toward the law enforcement agency

and the others with whom they have had to deal are further aspects to be considered. Though attitudes may easily be misconstrued, they might very well prove to be important aspects of individual cases. Whether or not there has been an admission, either orally or in a written statement, of participation in the alleged act, or an awareness on the part of the juvenile or his parents of the seriousness of the situation, are matters which should be carefully weighed and noted. Other factors, which may have a bearing on the decision include whether the child is currently living with one or both of his parents, the number of other siblings in the family, the family's habits, pressures, and its current situation.

The responsibility for providing information such as that noted above should rest primarily with the law enforcement agency, the complainant or other community agency. The intake worker should not have to make extensive examinations and investigations. The intake worker's unique contribution is an evaluation and interpretation of the information furnished to him.

When it has been decided that official action by the court is necessary, two other determinations must be made. The first is the nature of the petition to be filed. The second decision regards the need for either shelter care or detention prior to the court's disposition of the case. The final steps in the intake process concern the actual filing of a petition (or decision not to file), and the need for detention or shelter care. Though these subjects are also covered in Chapter 5 of Vol. I, and in the judicial section of this chapter, the basic principles should also be presented at this point.

Current Kansas statutes give the judge sole authority to order the filing of a petition. The language of the statute is:

"...it shall be the duty of such

ORGANIZATION, STAFFING AND WORKLOAD

The specialized nature of the intake process at least implies that a separate unit be created to perform this function. Where this is not practical because of the size of the court operation, it is recommended that the intake function be assigned to a single position. Intake should be acknowledged to be a direct service to the public and it should also be viewed as a social rather than a legal service.

Intake is an extremely important aspect of the total system and it operates in an area which may be highly sensitive. For this reason, it requires persons with considerable skill, wisdom, experience, and technical knowledge. Though it is accurate to view the intake process generally as a helping process, it does not involve the development of deep personal relationships or extensive diagnoses. The persons assigned to this work should be primarily skilled in short-term interviewing with an ability to see and evaluate quickly the significant factors affecting the individual.

It is inevitable that, given the current organizational pattern of our juvenile courts in Kansas (county basis), that there must be wide variations in the practices and organization of the different courts. This is reflected at present in a comparison of the Sedgwick County Juvenile Court with any of the courts in counties with populations of less than 10,000 persons. In the smaller counties, the intake worker is inevitably a person who performs other functions for the court or for another agency. In the larger counties, there may be more than one intake worker and these persons may not have any other regular assignments.

In view of these differences, it is not realistic to establish a standard case-load which would be applicable in all situations. However, a maximum of 500 cases per year has been chosen on the basis of the time which would be required to properly perform the intake function,

court...to make a preliminary inquiry to determine whether the interest of the public or of such child requires that further action be taken."

"If, after such inquiry, the judge of the juvenile court determines that the circumstances so justify, he shall authorize a petition, in writing, to be filed in his court by the person furnishing such information, or by some other reputable person having such knowledge, or, when so requested, by such judge, the county attorney shall file such petition." 38-816(b)

In our more extensive consideration of the laws affecting juveniles set forth in Chapter 5 of Vol. I, we recommend that the county (or city) attorneys be allowed to file petitions on their own authority. We recommend that the County Attorney shall be held responsible for compiling investigative reports, physical evidence, and any other evidence accumulated during the intake - as is done in regard to adult cases. Then, the county attorney shall also make an independent judgement about whether a petition is to be filed, and determine the nature of the petition. This recommendation differs considerably from the current practice which gives the judge complete and sole authority to determine whether petitions are to be filed.

In view of the general trends in juvenile court practice since Gault, it is inappropriate for any judge who will hear a case to have considered evidentiary material prior to its formal presentation in the adjudicatory hearing. This means that three current practices should be stopped: (1) personal investigation of the facts regarding a case, (2) making the decision to file a petition, and (3) having access to sociological or psychological information prior to the adjudicatory hearing. Any, or all, of these current practices are believed to be prejudicial to the adjudication of the case. Some further comments about the detention hearing issue appear in the "judicial" section of this chapter.

divided into the number of man-hours in a year. This figure of 500 cases would amount to less than two and one-half cases per day. This results in a staffing projection of 20 persons for the state, assigned on the basis of current experience of need.

From the standpoint of those who view intake only as a screening process, this suggested standard would be considered far too low. On the other hand, for those who view it as a method of preparing a complete social study that can later be used in dispositional decisions, this figure would be too high. We have suggested it as a realistic figure for the state of Kansas since, in our view, the intake process is to entail more than a perfunctory screening, but far less than a complete social study which could be used for dispositional purposes.

The estimated traffic through the intake element is approximately 10,000 per year. Of this number, an estimated 800 persons

will be referred to the CYSA (210) in the prevention field and about 9,200 will be processed on to the Judicial element (570) in the Crisis Programs. Simultaneous processing referrals will be made to the Evaluation (550) and Case Preparation (560) elements for all (9,200) of those processed on to the Judicial element. A full intake report, consisting of the complete file of material compiled in the intake element, will accompany the referral. The evaluation element will be responsible for developing social histories and such analyses of the individual as are warranted and appropriate on the basis of the initial information. The case preparation element is responsible for preparing the materials for both the prosecution and the defense of the individual before the judge. The judicial element will need to determine the need for shelter or detention, and will ultimately be responsible for determining the validity of the allegations and the appropriate disposition in each individual case.

SECTION 4: SHELTER

This term will be used to indicate the temporary, short-term placement of youth in a relative's home or in a licensed boarding or group care home prior to adjudication and during the period following adjudication which may be required in order to make the necessary arrangements for admission to general or selective community rehabilitation programs or residential treatment. The need for shelter is based on the judgement that the youth's home is no longer suitable because of the situation in which he or she has been found. Placement in shelter does not ordinarily involve significant security arrangements, even though close supervision of the juvenile's activities may be appropriate.

The decision to remove a juvenile from his accustomed place of residence rests with the judge and it is a decision which should be considered very carefully. The juvenile's placement in

shelter care is intended to alleviate some of the tensions and problems which he has been experiencing at home, to the benefit not only of the juvenile but also to that of the remaining members of his family. In limiting the focus to those who are delinquent or miscreant, precautions should be taken so that the needs of other children in the family will not be ignored. It will merely be suggested that their needs should be clearly recognized, although remedial actions intended for their benefit should be based on other grounds. A guiding principle for the placement of a juvenile in shelter care is expressed in many juvenile codes in the following terms; "care and custody and discipline as nearly as possible as that which should have been given to the child by his parents." Though there are many fruitful points at which to discuss the specific intentions of such a general statement, prevailing standards in the

community usually provide reasonably accurate guidelines which can be used in determining whether the child has received sufficient parental guidance and control, and is provided with adequate environmental amenities.

A number of persons who are placed in detention are more appropriately in need of shelter since they do not represent threats to themselves or to others, and is unlikely that they will deliberately disappear. There are many juveniles, however, whose ordinary living arrangements are so highly unsuitable as to strongly imply or even require that the judge take interventive action. Many of these persons end up in detention which, in Kansas, usually means placement in jails without specific provisions for juveniles. The judge is, therefore, faced with the problem of locating a shelter care home (directly or indirectly), taking no action, or placing the juvenile in jail. Since neither of the last two alternatives are appropriate, success in carrying out the intentions of the Juvenile Code on this point is determined by the success of locating a suitable shelter care home.

Relatives and neighbors are an obviously appropriate resource, but are not found often enough, and may present other problems if financial remuneration is needed. The county department of social welfare is obliged to help in locating suitable homes and providing remuneration for this service. Generally, they try to be helpful, but are limited by financial resources and the number of families known to be willing to undertake this service. Such homes as are available are generally used for post-adjudication programs described under our "living arrangements" element (730).

One western Kansas community has, within the past year, undertaken a concentrated effort to develop community awareness of this need and to recruit homes for this purpose.

Shelter is one of three alternatives to detention that are described in a publi-

cation by the National Council on Crime and Delinquency. The other two alternatives are: intensive probation services and special group homes for those with suspected emotional or mental problems. Intensive probation services are carried out by probation officers utilizing a technique called "relationship surveillance." The order for such services has been given the title of "suspended detention remainder." The utilization of shelter care is also suggested in several other standard works on detention and the juvenile court (32, 33, 34, 35, 50).

The most desirable type of shelter care placement is probably in a private home. The homes which come to mind first are those of the child's relatives and neighbors who are interested in his welfare. It should be reasonably easy to determine whether relatives or neighbors would be willing to take the juvenile into their homes for the short period until a disposition is made. However, the availability of this type of placement decreases as the juvenile becomes older and physically larger, and if the child is a male instead of a female. Younger, physically smaller children who represent less of a threat to those accepting them are the most likely candidates for this type of placement.

An alternative means of placement is that exemplified by a program of "Attention Homes" established by the Boulder County, Colorado Juvenile Court. The court has recruited volunteers who have agreed to serve as foster parents and who are willing to take delinquents into their homes for varying lengths of time. The court has also established two foster group care homes. These homes are used primarily as temporary placement alternatives for the court. The court is committed to seeking alternative solutions to the placement of children in institutional settings. This program is several years old and valuable experience in providing shelter care can be gained from it. (34)

A review of most county-operated detention

homes would reveal that a disproportionate percentage of those in such facilities are from economically deprived homes and are frequently members of the minority group residing in the area. Children from middle and upper-class families are rarely detained for the minor infractions which keep the children of the poor in detention facilities. One of the primary reasons for this is that neither the families of these juveniles nor the community can provide the necessary home supervision, special tutoring, or medical or psychiatric services. The solution, therefore, would appear to require substituting community resources for the lower class family's lack of resources. Group homes are one of these resources.

One alternative to the solution established in Boulder is to license and partially subsidize, through contract, a couple and their home as a designated shelter care home. This is done in a program in Niagara County, New York. These homes are under contract to the Niagara County Probation Department and are available 24 hours a day to accept children for whom temporary shelter arrangements must be made. This idea has been discussed during several of our planning meetings and the State Department of Social Welfare is presently conducting a program of this type on a limited trial basis.

Another alternative would be the establishment of "group homes" suitable for providing shelter care. There are already several such homes in the state. The advantage of the group home setting is that it has the permanence of a firm organizational basis. Some observers feel that small group living also has other intrinsic benefits. When a large

number of placements of this type are necessary, there is a tendency to think in terms of dependable quasi-institutions such as group care homes as a means of dealing with the expected traffic.

Every community should provide a clearly designated place which can be used when aid is needed for youngsters whose parents are unable to care for them. Such a place would serve children needing shelter care as part of a delinquency control system as well as those who are simply neglected, mistreated, or whose parents are facing problems they are not equipped to solve without outside help. In most communities in Kansas, such services are nonexistent. Some observers feel that the failure to deal with problems during the stages of their development can be a direct causative factor of more serious problems that may subsequently be expressed as delinquency.

It is widely felt that protective services are most appropriately provided by the community's public welfare department, because welfare departments exist in every county and generally have the heaviest concentrations of the resources needed to provide the necessary services.

There are some situations in which it appears most desirable to utilize a shelter care facility in another community. Some of the referrals that have been made to the Friendship House in Hays originated in counties some distance from that facility.

More specific criteria and guidelines regarding the applicability of shelter services as a resource which is uniformly available to the juvenile judges within our state still must be developed.

SECTION 5: DETENTION

Detention is defined as a secure place of temporary residence for juveniles clearly reflecting the non-penal philosophy of the Kansas Juvenile Code (38-801).

Detention is characterized by security arrangements, life support and other services essential for juveniles, administratively and practically separated from

jails and other places of forced adult incarceration. Detention facilities, by definition, are used as a placement resource during the interim between apprehension and adjudication, and for brief periods thereafter while arrangements for transfer to some other facility are pending. Placement in detention is intended to be a judicial decision, may be ordered without the consent of the subject, and is customarily ordered to insure availability at a later date, to protect the person from harming himself or others, or for other reasons.

This subject has generated a great deal of interest during our planning. Extensive exploration of the subject area has taken place, more so than in most of the other subjects contained in this report. The subject remains controversial, largely for the reason that even a rudimentary state-wide system of proper detention arrangements would require a very significant capital investment in addition to a much higher operating cost than is now being experienced. Financial responsibility for detention in current state statutes rests with county units and is linked to property taxation - a highly unpopular source for new funds.

Before examining the issue in detail, the bold contradiction in state laws on this subject should be displayed. The philosophy expressed in the first paragraph (38-801) of the Juvenile Code states:

"...In no case shall any order, judgment or decree of the juvenile court ... be deemed or held to import a criminal act on the part of any child;..."

This seems to be a simple and straightforward expression of the principle that juvenile offenders are not to be treated as adult criminals, an impression confirmed by the laws providing for the creation of detention homes and other facilities and services (numerous references available) and the more than 70 years of tradition in the juvenile jus-

tice field. However, the law also says:

"Pending a hearing, the judge of any juvenile court may order any child alleged to be a delinquent or miscreant child to be confined in the county jail or police station, in quarters separate from adult prisoners."

(38-823 b)

It is difficult to imagine any other single event more likely to leave the impression of being treated as a criminal than placement in jail. Since there is no provision for bail in the juvenile field, it is obviously possible for juveniles to be placed in jail for practical reasons that would not result in adult detention for more than a brief period of time. We previously made note of this as one of the clearest examples of an "inconsistency" in our current body of juvenile law.

A further comment is necessary on this subject. The most recent change in state statutes (1972) allowed a considerable broadening of the use of jail rather than detention facilities. Until this year, there was a clause "not having a detention home" (inserted immediately after the word court) which applied to four, or possibly five counties (Jo, Sg, Sn, Wy, and Rl). This clause was detected, with the practical effect that these counties can now use jails for detention.

In fairness to the overall body of law, it should be noted that other possibilities are allowed and suggested, such as having the child remain in his own home or being placed in the custody of "some suitable person."

A basic and pivotal issue exists in this subject area. Simply stated, it is the issue of whether the broad intention of the law is to be taken seriously or whether exceptions now applicable to all counties will be allowed to continue under the protection of a countervailing law. The enabling legislation that allows,

but does not require, counties to make arrangements for proper detention obviously hasn't worked. The legislation allowing two or more counties to join together in establishing multi-county detention facilities also hasn't worked.

There are only five counties providing detention services approximating generally promulgated standards: the four urban counties plus Riley County. The normal rated capacities of these detention facilities total 187 persons after the closing of the Friendly Gables facility in March, 1972. Each facility on this list differs significantly from the others in virtually every respect. The rated and emergency capacities of these facilities are shown in Chart 17.

Most of the facilities noted on the chart operate at capacity throughout most of the year. The length of time which juveniles spend in these facilities varies greatly, with some of those confined at Lake Afton spending a year at the facility. The 8th floor of the Sedgwick County Courthouse, used for 16 and 17 year old males, is listed only because it is operated by juvenile court personnel, not because it is a proper juvenile detention facility. The populations of the counties operating these detention facilities constitute approximately 40 percent of the state's total population. As the reader has probably already noticed, there are no detention

facilities in the western half of the state. In addition to the typical stated reasons for placing juveniles in detention, other motivations for using detention facilities are occasionally mentioned: to keep the child on hand for the authorities' convenience, to protect officials from the criticism which would be voiced if the child absconded or committed another offense, and to "shock" the youngster before the court hearing is held, thus assuring a measure of immediate punishment regardless of the outcome of the adjudication. It can readily be seen that these inappropriate reasons are largely variations of the legitimate reasons for detention.

IDEAL DETENTION ARRANGEMENTS

The ideal detention facility is one which bears little physical resemblance to a jail or other institution. In addition to the juvenile code requirement that we refrain from considering and treating juveniles as criminals, much of our knowledge about human development and maturation indicates that most juveniles are amenable to the application of non-penal resources in crisis situations. To the extent that this is true, placement in a jail-type of setting has an unnecessarily demeaning effort that may conflict with or neutralize the objectives of correction or rehabilitation.

CONTINUED

1 OF 3

CHART NUMBER 17: RATED CAPACITIES OF PRESENT KANSAS DETENTION FACILITIES

County	Identification and comments	Normal	Emergency
1. Sedgwick	Friendly Gables (females)	closed	3/72
	Lake Afton Boys' Ranch	71	76
	Courthouse, 8th Floor (16 & 17 males)	54	54
		<u>161</u>	<u>166</u>
2. Wyandotte	10 males, 6 females, 2 in family room	18	23
3. Johnson	8	16
4. Shawnee	32	44
5. Riley	Special facility in county jail.	4	4
		<u>187</u>	<u>216</u>

The programs conducted within the detention facility should assist in the understanding of each juvenile, should allow and encourage the juvenile to continue his school work, and should not completely isolate him from meaningful, constructive contacts with others. Without these objectives and the specific arrangements necessary to insure them, detention can have an overall negative or destructive effect. The use of coercion to hold the detained in forced associations with other delinquents is likely to intensify feelings of hostility toward society and may also increase status within the delinquent group while reducing it with non-delinquents. Separation from home and familiar surroundings makes most juveniles feel abandoned. Since most delinquent children have already been rejected to some extent at home, at school, and in their communities, confinement in detention heightens this sense of rejection and lowers their self-esteem; important since self-esteem is a valuable asset in deterring delinquency. Detention also underscores failure. It denies the child the right to assume responsibility for his own behavior under close supervision in the community - which should be a viable alternative for a majority of juveniles.

Even the ideal detention facility should never be intended to function as a treatment center. Our cooperating planners developed this principle at the first conference. They were firm in their belief that the facilities and programs which are used for detention should be clearly separated from those designed for resocialization and rehabilitation.

A publication on detention prepared by the National Council on Crime and Delinquency suggests that a detention facility should have a capacity of between 25 and 50 beds - and no more. It should be staffed year-round, on a 24-hour a day basis with a staff sufficient to provide an active program including the services necessary for those committed to its care for periods of more than 48 hours. Although alternative ideas

are also presented, this plan is widely accepted by professionals in the field. Large institutions for detention are inappropriate for the same reasons that large treatment institutions are inappropriate.

A survey and study of juvenile detention services by NCCD revealed four major problem areas: (44)

1. MISUSE AND LONG STAYS - Some judges confuse detention with a variety of other purposes by using the detention center for dependent and neglected children, for corrective health or education, or for the training or treatment of delinquent youngsters. Misuse of detention facilities causes over-crowding which, aside from producing health and safety hazards, prevents those who need secure custody from receiving the benefits of good detention care and subjects the others to questionable experiences. Long stays are the single greatest contributory factor to over-crowding. A disproportionate amount of the space required for short-term detention care is occupied by children awaiting placement in treatment settings. NCCD believes that stays averaging 15 days or more are too long.
2. SUBSTANDARD CARE - When children in jail are kept in quarters also occupied by adults, the dangers are obvious. One school of thought maintains that it is all right to detain children in jail as long as they are kept separated from adults. Such quarters are often out of sight and sound of responsible supervision, and physical and sexual aggression, occasional suicides, and sometimes even murder result from such situations. Many jails used for retaining children are rated by the Federal Jail Inspection Service as substandard even for adult prisoners. Consequently many juvenile detention homes and halls fail to counteract the damaging effects of detention. Even though a

recent survey of detention buildings, staffing, and programs showed improvement, programs for individual guidance, guided group interaction, and observation of the detained child for the court are still far from adequate.

3. **INSUFFICIENT COMMUNITY RESOURCES** - The over-use of juvenile detention facilities is caused by: an inadequate probation staff, a lack of non-residential treatment resources, too few residential treatment resources, and the absence of public agency responsibility for identifying gaps in community resources, establishing priorities and planning correctional programs.
4. **LACK OF STATE RESPONSIBILITY** - Only ten states set any standards for detention buildings, staffing and programs. Most of the standards which have been established do not satisfy the minimum requirements prepared by NCCD. Kansas, obviously, is not included among the states in this group of ten which have set standards.

A workshop at our first conference identified some community resources they felt were necessary in carrying out a program within a detention facility, but which could not ordinarily be efficiently supported by the facility itself. They specified the following:

- * Academic and vocational educational resources, with an emphasis on the availability of tutoring assistance.
- * General medical resources
- * Recreational resources
- * A mental health center, including psychiatric in-patient facilities
- * Big Brother and Big Sister programs and other volunteers supporting the work of the juvenile court

Proper detention arrangements are selec-

tively applicable to a rather narrow range of juveniles placed in the control field, and achieve objectives not achieved either by placements in jail or by release without confinement. It is a resource which could have positive and beneficial effects when properly used.

QUANTIFICATION OF NEED

There are two "rules of thumb" for estimating the need for detention facilities. The first method utilizes a minimum population base, while the second is based on the number of apprehensions by law enforcement agencies. In the first case, the population base believed to be necessary for the efficient utilization of a detention facility is 300,000 inhabitants. Applying this population base figure to the population of the state of Kansas, there is an apparent need for eight minimum-sized units. However, since the populations of Sedgwick County by itself, and Wyandotte and Johnson Counties combined are more than 300,000, the number of facilities would probably be less than eight but some of the facilities would need to have more than the minimum capacity.

The other rule of thumb uses annual police apprehension figures. For this purpose, 3,000 apprehensions per year are used as the basis for computation. A comparison of this figure to our 1970 statistics indicates the need for seven minimum-capacity facilities. Here again, the Sedgwick and Wyandotte-Johnson County areas provide unusual problems. According to this formula, Wichita would need two units and Johnson and Wyandotte Counties combined would need approximately one and a half units.

It is clear from a consideration of these rules of thumb that an overwhelming proportion of the state's geographical area - nearly 98 percent - would be served by no more than five detention centers immediately raising problems of effective utilization. In trying to disperse these centers in the vast, unpopulated

geographic areas composing the western part of the state, inefficiency and inconvenience in using them will be difficult to avoid since the centers would have to be located many miles from some communities they would serve. This issue has been extensively discussed, and, though it is not insoluble, it presents problems which limit its desirability.

Two alternatives are suggested; the first of these is to develop smaller units to serve catchment areas of smaller population or areas with less than 3,000 apprehensions per year, the second possibility is to turn the responsibility for detention over to a state agency, and to combine it with other services in the system.

In the former case, it would be possible - though considerably more difficult - to construct facilities for a maximum capacity of 12 instead of 25 persons; a compromise in the general design of a model facility to meet the needs of geographically large catchment areas. These facilities would have less need for a full staff and the "traffic" in and out of such facilities is expected to be uneven. At some periods, it will probably appear that the facility's operation is not justified. A possible solution to this latter problem would be to utilize persons who are also employed in another aspect of the state's overall juvenile justice system so that they would be able to perform other functions when not actually needed for the operation of the detention facility.

The other alternative is strongly suggested by NCCD which has adopted the position that state responsibility for detention care is the only sensible and efficient way of providing this essential service. The NCCD publication (32) and a publication from the Youth Development and Delinquency Prevention Administration (HEW) (37) both express the opinion that a state agency should be responsible for providing this service, since, with few exceptions, individual counties do

not and will not have enough detention cases to justify maintaining a separate detention facility. This gives rise to the need for a state-wide regionalized detention plan. This subject, part of our original group of planning issues, was considered at the first state-wide conference, with the conclusion that, "state assumption of responsibility for detention is not appropriate." The development of a state responsibility for detention care would, of course, not necessarily resolve the problem of large catchment areas described in the first of these alternatives.

However, single or multi-county responsibility for establishing detention services has not proceeded, in the past, in a manner consistent with a uniform application of the principles expressed in the state's juvenile code. The four largest counties each developed their own single county detention arrangements (with wide variations in their programs, designs, and rates of utilization). Although the combined population of these counties accounts for approximately 40 percent of the total state population, the majority of the state's population (60%) is not provided with any reasonable detention arrangements.

One other computational factor often used in discussions of this subject is the percentage of the total number of apprehended juveniles who are appropriately placed in detention. The most acceptable figure seems to be somewhere between five and ten percent. By using 5.0 percent as a computational figure, an estimated 1,000 persons per year are likely to need detention care in Kansas. Application of this figure to individual counties within the state, results in figures which bear little or no relationship to past detention practices.

A further point on this subject is that detention is meant to be only one of a number of services available in a juvenile justice system. The figures being quoted are based on the assumption that a number of other well-developed services -

shelter being one of the most important - will be consistently available as an alternative. Since this is not presently the case in Kansas, the comparison of needs, as projected from the use of these computational percentages or numbers, is certain to vary from those obtained from past experience. In addition, a comparison with past experience fails to produce realistic estimates when police, intake personnel and judges are not familiar with the kinds of services that could be available in such facilities. Since about 90% of the relevant officials in the state have not had such experience, comparisons with past experience or even projections on the basis of the number of cases which have been handled in the past are not appropriate.

MULTI-COUNTY DETENTION RESPONSIBILITY

Present state statutes enable two or more counties to combine their resources in order to establish and maintain detention facilities to serve their combined areas. The same statutes provide for a levy of one mill to finance these facilities (K.S.A. 79-1947 and other references). In some cases, two or three counties would be enough to provide a utilization level which could adequately support an efficient facility. In most cases, however, it would be necessary to combine 12 or more counties to obtain the level of efficiency and usefulness noted previously in this section.

Possibly as many as 20 counties in this state, at one time or another, have participated in informal discussions of the possibility of creating a multi-county detention facility. To date, however, these informal discussions have not produced any definite, tangible results, although some developments and discussions presently in progress might result in practical plans.

The actual location of the facility to serve a multi-county detention area has been either an overt or a covert stumbling block to effective discussions. In the view of many persons who have been

involved, it has been at least a factor contributing to a lack of serious interest in the discussions. The theory which has been used as the basis for these discussions is that a locally-originated coalition of counties could be established in much the same way as mental health centers were established to serve local areas. The accuracy of the analogy is subject to question. The uniform lack of fruitfulness of these discussions seems to indicate that the establishment of multi-county detention centers is a more difficult task than the creation of the mental health centers. Complicating the issue also is the fact that negative expressions regarding the use of new locally-generated tax monies for this purpose have been explicitly voiced, and the "tax lid" may make it virtually impossible to establish new detention facilities even when some community support exists. The workshop at the first conference which considered this subject concluded:

"Multi-county coalitions to establish and maintain detention facilities are believed to be a political impossibility as indicated by the record of all prior efforts. Hence, there appears to be no practical method of multi-county co-administration in establishing and operating detention facilities. There are a number of obviously desirable results if a method could be worked out."

They also considered the suggestion that a single county take the responsibility for establishing detention services which it would then sell on a "purchase of service" contractual basis to surrounding counties. The workshop made the following recommendation regarding this alternative:

"Single county leadership and single administration in establishing and operating a detention facility serving other counties through contractual services in a specified area would appear to have real promise. We would,

however, recommend that the state make funds available to assist in the initial building, construction and to subsidize the prime county until other county usage met certain minimum levels."

The 1969 legislation concerning the regional rehabilitation facilities (K.S.A. 75-3335) included the term detention as part of the services that might be provided in these facilities. This word has consistently been identified by the news media as the sole or major purpose of such facilities, confusing a great many people. On the other hand, these facilities might serve as parts of an overall state detention plan very effectively as long as their primary rehabilitative purpose is not obscured.

Our plan now specifies Area Board responsibility for establishing and maintaining detention facilities. Each Area Board will be responsible for developing an adequate and suitable plan for their geographically defined area, and will select the sponsor or operator of these facilities. It is not recommended that the juvenile court should operate these facilities, for reasons expressed in the following quotation from The Control and Treatment of Juvenile Delinquency in the United States. (62)

"Most frequently the administration of detention has been under the judicial branch of government. Should any issue arise as to the care or service a child is receiving in detention, the parent or guardian should always have recourse to the court. But where the judge is in charge of the administration of detention, he takes on inconsistent duties since he may be called upon to pass judgement upon what is in effect his own action and program. Also, administrative responsibility for the operation of detention requires training in the day-to-day care of children. The court is re-

sponsible for decisions to detain or release the children, since these involve the right of a child to his liberty and the parent's right to his care, control and custody; but responsibility for the administration of detention should be placed in an administrative agency."

There are a very large number of statutory references on detention, all in K.S.A., Chapter 38. The specific sections are: 506, 514, 525, 540, 815(d), 819, 823(b), 826(3) and (4), 528, 529, 501, 505, 511, 512, 523, 524, 536, 531, 532, 538, 508, 515, 526.

Detention facilities and jails have been traditionally used to confine wayward juveniles (runaways) in Kansas. Since the vast majority of counties have not established proper detention facilities, any runaway juvenile assumed to need security precautions is confined in jail. This practice was challenged recently (Dec. 15, 1971) in a district court in southwestern Kansas where the judge found that "it is not permissible under the juvenile law as it is now written for a wayward child to be held in jail." (District Court of Kearny County, Kansas, No. 6410) Waywardness is separately defined in the juvenile code of Kansas, so that it is neither delinquency or miscreancy, in an individual instance. (A third finding of waywardness allows handling as miscreancy.) Though this subject falls more properly in the subject field of prevention, it has clear implications for the control field since confinement of runaways should only be carried out in proper detention facilities. Judge Vance's ruling is the only one (presently) on record that publicly raises the issue of the practical implications of failure to provide proper detention facilities. If consistently adopted through the state, it would greatly change current practices in regard to this juvenile offense.

SECTION 6: EVALUATION

A pre-trial evaluation of considerable substance is a specific programmatic element within our system. Though it represents only a difference in quality from the kind of information that is to be obtained as part of the intake process, this difference requires persons with different skills and differing professional preparations and occupational identification.

Evaluation is defined as a reasonably complete study of the juvenile as a person, the home from which he comes, and the social environment in which he or she is customarily found. It may assume the proportions of a formal diagnostic workup for those whose problems appear to present unusually difficult problems of understanding. This essential service may be provided by local agencies or professional resources, or by using specialized resources available in other communities. The intended objective of this service is development of diagnostic materials for the judge to use in making an appropriate disposition of the individual case.

The potential value to the court of an evaluation of dependably high quality is not uniformly appreciated, and is, for that reason, somewhat controversial. Some judges feel that they are able to determine, from their limited contacts with the juvenile, everything that they need to know about him. On the other hand, the importance of the evaluation element has been confirmed and reconfirmed at two of our conferences.

Evaluation is established as a specific programmatic element to insure that a reasonably complete study of the individual, his family, and his accustomed environment will be undertaken and subsequently utilized in disposition. This principle attempts to convey the importance of obtaining a minimum level of information about each individual, supplemented by such further investigation of matters which seem to present unusual

problems in understanding. An emphasis is placed on the development of standard minimum records. A disproportionate number of juveniles appearing before the court are (at least eventually) known to have severe personal, family, or environmental problems which can be overcome only with the appropriate treatment (or as the result of a miracle). The necessity of having this type of evaluative information before disposition should be apparent. However, there is a tendency to deal with the superficialities of the person's illegal career rather than to investigate its probable causes or possible solutions. If a reasonably complete evaluation is available for the judge's review and if this information is a factor in determining what the disposition of the case will be, it seems likely that more effective use might be made of the resources which are available.

The principles stated above are neither new nor revolutionary. Forty years ago Sheldon and Eleanor Glueck developed a typology of and a prediction scale for delinquency so that referrals could be made to the most appropriate resources. Other systems of analysis and prediction have been developed during the intervening years.

Two general types of evaluative measures will be suggested here: personality evaluation, and a social history. The personality evaluation might consist of standardized tests verified by extensive use. Such testing, plus exploratory counseling, would be appropriate for all of those who have proceeded through the intake element. The extensiveness of this testing would be determined by the preliminary testing already conducted. That is to say, if the preliminary testing reveals contradictions and conflicts in the diagnostic impressions which are not readily interpretable, then testing and exploratory counseling would be used until fairly definite conclusions can be drawn. The social history should

include certain minimum information traditionally required. In addition to this information, investigation of the juvenile's accustomed neighborhood environment would be appropriate in a significant percentage of cases.

Personnel of community mental health centers throughout the state would ordinarily be appropriate to conduct the individual testing and exploratory counseling, while the county departments of social welfare could appropriately be used for the development of the necessary social history information. It is important to combine the consolidate the information once it has been obtained. Since it seems likely that two agencies (which could, in some cases, be located in different cities) will be involved, the evaluation should probably be collated and a relatively unified diagnostic study prepared during a conference between those responsible for the various elements of the evaluation.

However, the possibility of recalcitrance either on the part of the juvenile or that of his family to furnish accurate information must be faced. Especially in cases of male juveniles, recalcitrance may actually be expressed in terms of hostility or deliberate deception. This strongly suggests the necessity of finding and employing persons who are particularly adept at dealing with this type of individual. It is also anticipated that some kinds of social history information may be quite difficult to obtain, and that in this regard, unusual skills could be required in order to develop dependable information.

Those whose problems appear to be unusually complex or difficult to understand might appropriately be referred to institutions or services which specialize in dealing with delinquency. The Kansas Children's Receiving Home, by all reports, is exceedingly thorough and helpful in its evaluations of delinquent children. The only expressed criticism of these services is that the recommendations are impractical for some of the

smaller communities not having a full range of resources. It is possible that when a complete system is established in the state, the regional rehabilitation facilities would be able to make some of their resources available for evaluation.

The development of an evaluation which meets certain minimum standards will, in nearly all cases, be to the advantage of any agency or institution to which the juvenile is subsequently referred. Though evaluation would be of little or no benefit in those cases which the juvenile exits the system on the basis of non-adjudication or in cases resulting in the conclusion that he does not need any of the services available, (or, he or his family are not able to implement the recommendations) such instances are not expected to be a major portion of this activity. Evaluation should be particularly valuable to residential treatment personnel. The fact that locally-produced information about boys who have already been committed is often not available to the BIS staff - even after it has been specifically requested - is a great disadvantage to their treatment programs.

However, the development of this type of information raises questions about its proper use. Krasnow (59) has written about the sensitive issue of who should have access to such information and what use should be made of it. Rejecting "all-or-nothing" alternatives, he tries to develop guidelines for its proper use. This information should be used by the judge, he says, only in making the disposition in the case, a point which our plan emphasizes. The determination of guilt or innocence is an entirely different issue. However, the disposition of a case should definitely be influenced by evaluation information. The disclosure of the information to others who have an interest in the juvenile is not so clearly defined. The question seems to be one of how much of the information should be released to the juvenile, his attorney, parents, appellate courts,

and those responsible for rehabilitation programs. The relationship of the professional who helps develop this information and the general principle of privacy in such relationships indicates the need to develop guidelines which would restrict the availability of some kinds of information while permitting the release of others to those with a particular interest in the juvenile.

At the present time, there are no spec-

SECTION 7: CASE PREPARATION

This programmatic element is defined to include all legal preparations necessary for presenting the individual's case in the adjudicatory hearing. These preparations are of two types: prosecution and defense. The prosecution of each case is the responsibility of the county attorney. The defense of each case will be handled by a Guardian ad Litem appointed by the court.

The principal concerns of this element is to insure that intended procedural safeguards are complied with, that the arguments are prepared for presentation to the court, and that the case is handled in a way that insures fair treatment. Though both the county attorney and the Guardian ad Litem will make an investigation into the case, this investigation is largely aimed at the alleged offense and preparations for the presentation before the court's adjudicatory hearing. In contrast, evaluation is aimed at understanding the juvenile as an individual and assembling information that will be useful in the dispositional hearing. Case preparation and Evaluation should be coordinated, but have different frames of reference and purposes.

The prosecution of individual cases is handled by the office of the county attorney. The evidence gathered in support of the allegation of illegal activity by law enforcement agencies is available to this office. Arrangement of the material for presentation, and consultation

ial community units anywhere in the state specializing in the development of this type of information. It appears that private practitioners and agencies could be used in individual cases on a contractual basis. There do not appear to be any commanding reasons for establishing a new organizational form to provide this service since it can be obtained by the juvenile court through a contract with an existing agency or qualified practitioner.

with a variety of persons who might be helpful is generally practiced. The county attorney (now) officially enters the case on the authorization of the judge, who (now) has the discretionary authority to determine what cases will be heard before the court. This differs very significantly from the practices of the District Courts where the county attorney is the deciding authority in regard to filing petitions, and our recommendation that the county attorney be given the authority to file petitions. The existing statutes governing this matter are as follows:

"(e) It shall be the duty of all county attorneys within their respective counties, and city attorneys within their respective cities, to give to the juvenile court such aid in presenting evidence and otherwise assisting at hearing as may be requested by the juvenile judge. Each county attorney shall prepare such petitions for the juvenile court of his county as may be requested pursuant to the provisions of subsections (b) and (d) of K.S.A. 38-816." K.S.A. 38-815(e)

The subservient position of the office of the county attorney in regard to the petitions filed in the juvenile court is intentional, but originated at a time when the court had significantly different practices than is now required of it. It therefore seems probable that this

matter will be the object of scrutiny in the future, and changes are expected. Additional comments on this issue are found in Chapter 4 of Vol. I.

The Guardian ad Litem is responsible for the defense of the alleged offender. This person must be a practicing attorney, and must be appointed by the judge. All alleged offenders must be represented. The relevant statutes covering this are as follows:

In all hearings the judge of the juvenile court shall appoint a guardian ad litem who shall be an attorney at law to appear for, represent, and defend:

- (a) A child who is subject of proceedings under this act; or
- (b) a parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings; under this act. The guardian ad litem shall make an independent investigation of the facts and representations made in the petition and he may be allowed a reasonable fee for such services, to be fixed by the juvenile court, and taxed as costs in such proceedings; such costs may be taxed to the parent, conservator, or custodian, or they may be taxed to the county and paid out of the county general fund.

K.S.A. 38-821

The requirement to have all juveniles represented by a lawyer in proceedings before the courts of Kansas is relatively recent. The Supreme Court findings in the celebrated Gault (52) case require this to be done throughout the nation (since 1967) while some states required this many years prior to that date. The Gault case brought to a close what we have called the "Period of Reaction" in the history of the juvenile courts, launched in 1946 and focusing on the re-introduction of lawyers in juvenile court procedures. Further comments on

this subject are also found in Chapter 4, of Vol. I.

Both the responsibilities of the county attorney and the Guardian ad Litem concern all three aspects of the judicial process: pre-trial, adjudication, and disposition.

The practice of law before the juvenile court is still in a relative stage of infancy. This results from the fact that procedures in the pre-Gault era were highly informal, personalized by the judge, and generally not recorded. In addition, few lawyers appeared in the court, and many courts barred or actively discouraged their attendance. For these reasons, no body of procedural practice comparable to that used in adult courts ever developed in the first half century of the juvenile court's existence. In the main, the informal justice of the courts became "administrative justice" within relatively insulated jurisdictions. (53, p 62)

As a result of this, few law schools offered any standard curriculum in this subject area, and most law school graduates had no acquaintance with this important social institution. In the past five years, a tremendous number of articles and text book revisions have appeared highlighting and interpreting the ramifications of the Gault decision. No doubt there will be further refinements of procedure as a result of the introduction of lawyers on a wide-spread basis throughout the courts of the land.

As Snyder (57) points out, there is a tendency for a conflict to develop between the lawyer serving as a guardian (or "defender") and other persons involved in the juvenile justice system. The conflict is almost inevitable when the lawyer attempts to assume responsibilities or decision-making authority in the field of social work. This may be allowed, and may even be desirable in the practice of law in the adult field where social work is rarely represented, but is generally inappropriate in the

juvenile field since social work is intended to be represented. The lawyer is not prepared by training to fulfill this role, and generally does not have an on-going relationship with the child - points viewed as commanding reasons for lawyers to refrain from the practice of social work.

The guardian's primary role is simply to insure that the individual's rights are protected. The guardian may conclude or assume from the fact that he is involved in an adversary proceeding that his purpose is to prevent an unfavorable court ruling, especially in the disposition of the case. Though not entirely incorrect, this view ignores the fact that, ideally, the dispositions of juvenile courts are intended to be therapeutic rather than punitive, and are judged on grounds quite different from adult cases. Such judgements are based on professional disciplines other than law.

The decision to handle a case "unofficially" is both allowed and widely prac-

ticed in Kansas. There are many different philosophies regarding the applicability and value of this approach. Unofficial handling may serve the interests of the individual and society more effectively than handling the cases officially. On the other hand, the guardian should be alert to issues and criteria being used to make this kind of determination. It would seem probable that greater regularization of this discretionary authority of the judge might result from the accumulated experience of the lawyers appearing before the court.

Our plan assumes, but does not require, that most cases now being handled "unofficially" will be those that are typically referred back to the CYSA in the secondary prevention field for handling. This is our plan's response to the currently popular idea of "diversion." The relevance of legal representation in regard to CYSA handling of a case is not entirely clear, but is assumed to be minimal.

SECTION 8: JUDICIAL

This programmatic element is much narrower in concept than its title may imply. The breadth of current statutory authorizations for juvenile courts is much greater than the concerns included for discussion here.

The first principle used to narrow the general concept of the court to that of this element is to limit consideration to the categories of delinquency and miscreancy, omitting the categories of waywardness, traffic, truancy, and dependency and neglect. (Definitions of all these categories are found in K.S.A. 38-802.) These latter categories are placed in the general subject area of prevention and are discussed in Vol. II, Chapter 2.

The second principle used to limit the scope of this programmatic element is

to eliminate the administrative duties of the office of the judge. Though the majority of judges have only negligible administrative duties, a few have such extensive duties of this type that a highly competent administrator is viewed as essential.

The practical management of cases which fall into this category or the prevention field category are also eliminated from this programmatic element. It will be recommended in the following text that this responsibility is inconsistent with the general concept of the judicial office and should be discontinued where presently practiced.

Finally, it should also be noted that additional duties which particular judges have for probate, county, and municipal courts are not given any consideration

in this programmatic element.

The net result of narrowing the concept of the juvenile court according to the principles expressed above is to focus attention on the problem of delinquency and miscreancy and the three judicial processes required by law and custom to handle these matters responsibly; pre-trial, adjudication, and disposition. These two categories and the three processes constitute the entirety of this programmatic element.

A brief review of major issues regarding the court, more fully expressed in Chapter 4 of Volume I, is probably useful at this point since several changes are recommended that have a direct bearing on the content of this programmatic element. These issues are generally represented in the following quotation from The Control and Treatment of Juvenile Delinquency in the United States. (62, p 8)

"Because of the importance of the work of the (juvenile) court it should have the status which would command the respect of the legal profession and of the community in general. Its judges should be trained in the law and be of high judicial caliber. To further these goals and the development of an integrated court system, it has been recommended that the children's court be established as a branch in the highest court of general trial jurisdiction rather than as a separate court."

We have discussed these issues under the headings of: understanding the limitations of the court, the stature of the court, and the effectiveness of court determinations (in Section 4, Chapter 4, Volume I).

The recommendations presented there, under the first heading, concern developing more precision and explicitness in laws affecting juveniles, reducing the dependency of the court on other community agencies, and developing a much broader public understanding of its role.

Under the heading of the stature of the court, recommendations regarding increasing the identity of the court, elevation of the court to a position equal to courts of general trial jurisdiction, developing professional and vocational incentives for judges, applying the highest current qualification standards for judges to all of the courts, and organizing the courts on the basis of load being experienced rather than on purely geographic principles.

In regard to the effectiveness of court determinations, recommendations concern supplemental resources to carry out intentions of dispositional orders, more uniform and dependable procedures, elimination of inconsistencies and vacuums, and a rigorous evaluation of the court's actions as well as all other aspects of the juvenile justice system.

These recommendations respond to a wide variety of criticisms and dissatisfactions emerging in our planning effort as well as issues recorded in literature from other states. Their adoption in whole or in part would greatly change the structure of the juvenile courts in Kansas. The following presentation proceeds from the base which they establish, as well as the base established by other pertinent aspects of the overall plan.

It is strongly suggested that Chapter 4 of Volume I be studied prior to the study of this chapter.

This entire presentation is also predicated on the assumption that the juvenile court is now a court of law, and is likely to move even further in that direction in years to come, a fact is most particularly applicable to the categories of delinquency and miscreancy (as contrasted with waywardness, truancy, etc.).

The judicial programmatic element is divided into three parts for purposes of this presentation: pre-trial processes (571), adjudication (572), and disposition (573). Each of these processes is easily distinguished from the other, and they

must always be conducted in the chronological order indicated. Each process will be described under its own separate heading in the material that follows, and they are illustrated on Chart 18 along with their relationship to other appropriate programmatic elements.

PRE-TRIAL

CASE ORIGINATION - The juvenile judge now has the sole authority in determining the cases on which a petition will be filed, although "any reputable person" over 18 may file a written petition with the court setting forth the facts which would appear to bring the child under the jurisdiction of the court (38-816).

As noted previously, we recommend a change in this structure. Specifically, we recommend that the county attorney be empowered to file petitions in juvenile cases (delinquency and miscreancy cases at least) and to assemble and prepare cases on his own authority as is currently done in adult cases.

The principal reasoning behind this recommendation is that it is clearly improper for a judge who will necessarily be involved in the adjudication of a case to be exposed to the unsystematic assertions and comments that will necessarily be involved in making a judgement about whether a petition should be filed. Though there has not yet been a clearly definitive Supreme Court ruling on this issue, the movement toward greater conformance between juvenile and adult procedural safeguards implies that this will become a requirement in years to come (perhaps soon). A 1970 California Supreme Court ruling found "reversible error in reviewing the social study report before the jurisdictional hearing" (In re R, Supreme Court of California, 1 Cal. 3d 855, 464 P.2d 127). The partial and potentially prejudiced nature of information available at this time is well known and is viewed as a negative influence on judicial impartiality.

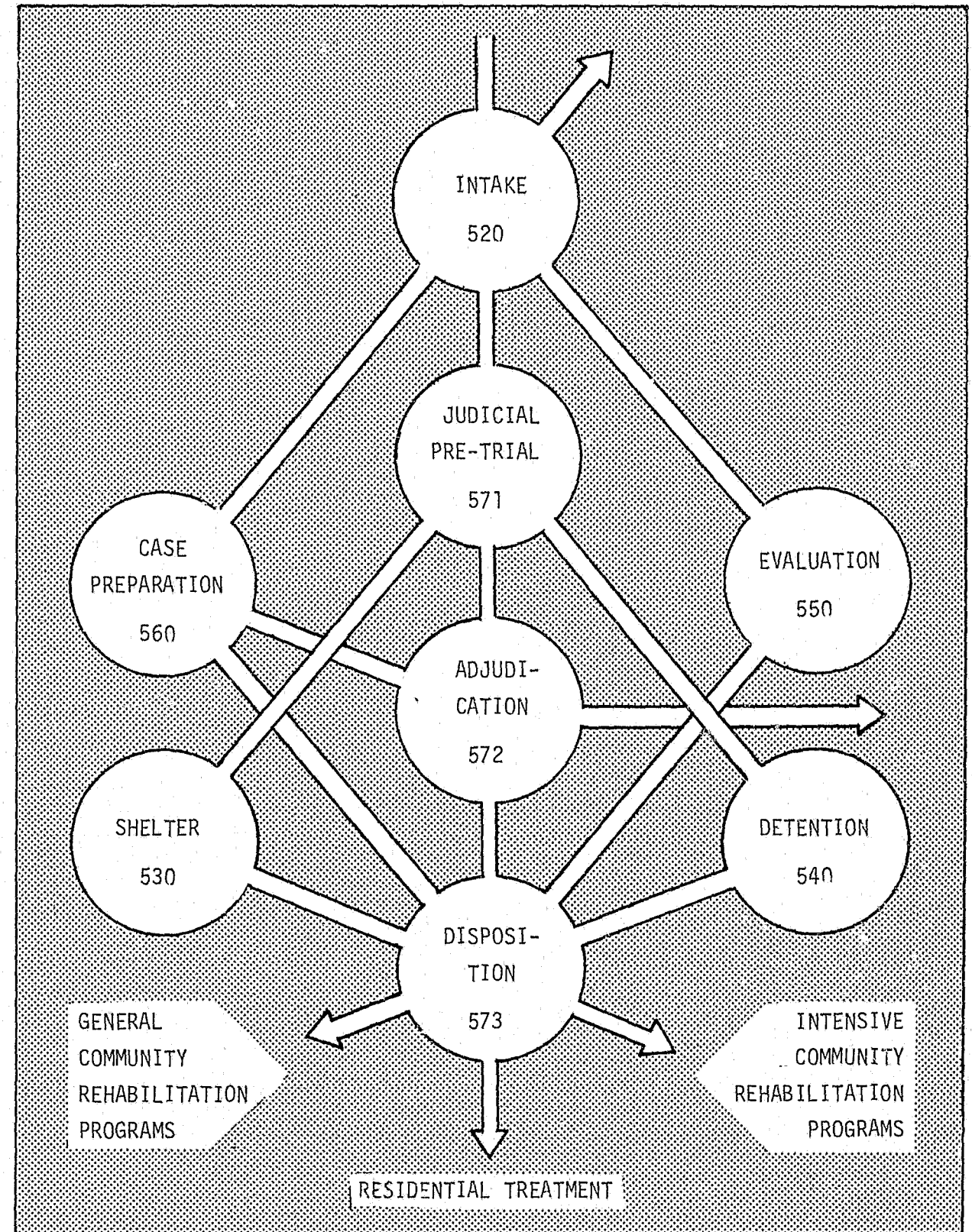
Preliminary inquiry to determine whether the interest of the public or of the child requires further action by the court is specifically mentioned in 38-816(b).

Determining the probable jurisdiction of the court (38-806), rectifying an incorrect placement in some other court (38-815), venue (38-811), and the conditions under which transfer of proceedings is allowed (38-812) are the subject of provisions in the code and may be applicable at this point in some cases. Waiver to District Court (a provision gaining in "popularity" with some judges) is the subject of 38-808(b).

COUNTY ATTORNEY - After a petition has been allowed, 28-815(e) now requires that the county and/or city attorney must assist to the extent requested by the judge. We recommend that the ordinary procedure be changed to allow cases to be originated with this statutory office. Preparation and prosecution of juvenile cases is usually the lowest priority in a county attorney's office at present, with clearly negative results in many jurisdictions. Perhaps this recommendation would raise the status of juvenile cases to something which should be taken seriously. The canons of professional responsibility and ethics make it clearly improper for the judge to be involved in any aspect of the prosecution of a case for which he will later have to hear evidence.

GUARDIAN AD LITEM - The judge must appoint the guardian ad litem for all cases, and this person is responsible for making an independent investigation of the allegations (38-821). In the notice of a petition having been filed, the judge shall inform the responsible adult of their right to retain counsel of their own choosing, but that the court will appoint counsel if it has not been notified of the family's choice within 5 days (38-817). The cost of the counsel is to be borne by the family. When the court appoints counsel, it shall notify

CHART 18: THREE JUDICIAL PROCESSES



the family. Selection and appointment of guardian ad litem's should be made on a standard rotating basis that is fair and impartial, and not manipulated by the judge so that the attorney would tend to act in a manner convenient to the prosecution rather than vigorously defending the child's best interests. It is clearly improper for the judge to attempt to influence the selection of a guardian ad litem for a specific case within the dictates of the canons of professional responsibility and ethics.

DETENTION AND SHELTER - The general authority for ordering detention and regulating its use are found in 38-819 and 38-823(a). Obvious preference is given to placement in a "detention home" but other kinds of arrangements are specifically noted in 38-819 and these constitute the majority of placements. Detention is mentioned in a list of possible courses of action the judge may order in 38-823(a). The Kansas Children's Receiving Home or supplementary branch thereof is also suggested for this purpose in 38-823(d). Placement in a jail is specifically allowed by 38-823(b). The judge does have a clear judicial responsibility in regard to determining whether detention is required. This decision is reached in a relatively formal "detention hearing" by those courts that have adopted formalized procedures. The detention hearing is limited to an examination of the question of whether the juvenile should be detained pending adjudication or disposition. This should not be confused with the proposition of considering whether a petition should be filed. In a detention hearing, the focus of interest is whether the juvenile is likely to "run," to leave the court's jurisdiction, to be in danger, or to present a further danger to the community or some individual. Obviously, a detention hearing is not indicated in most cases. "Overnight detention" of juveniles is widely, if not uniformly, practiced in the state at present on questionable grounds that would probably benefit from additional guidelines and standards.

HEARING DATE AND NOTICE - The date for the hearing must be set within two weeks of the filing date on the petition, though continuances are allowed (38-817). Notice of this hearing must be sent to parents or legal surrogates, and ways of dealing with unusual situations are specified, along with specifications of penalties for non-appearance. The process of serving summons is covered in 38-819 and 38-818 may also be applicable in some delinquency cases.

INVESTIGATIONS - Five kinds of investigations regarding the allegations in the petition are suggested and allowed in the statutes, and two others are assumed. Probation officers are identified as investigators in 38-814 and 816(b). The county board of social welfare is named as an investigating agent in 38-817(a). The county attorney is responsible for some investigations as required by the court [38-815(e)]. The Guardian ad Litem is required to make an independent investigation in 38-821, and the Kansas Children's Receiving Home shall also make a report of its findings on those who have been transferred to its jurisdiction [38-823(d)]. Police agencies and parents are the two other interests assumed to have made an investigation of the allegations.

COMMENT - According to our definition of these programmatic elements, we note that our statutes do not clearly distinguish between shelter and detention. Similarly, investigations of the county attorney and guardian ad litem are not described differently from those of the welfare department, probation officers, and the Kansas Children's Receiving Home. The former we have included in the case preparation element and the latter group in the Evaluation element. The statutes do not specify any content for any of these investigations. The reasons for ordering detention or shelter are not stated, nor is there any way of distinguishing between this need and appropriate placement in some other options we have mentioned. More detail would obviously be valuable, either in the

statutes or in other regulations that would be regarded seriously by the judges.

The pre-trial processes are considerable, a fact not generally appreciated.

ADJUDICATION

The adjudication portion of the judicial programmatic element is where a formal determination regarding guilt or innocence of the allegations in the petition. Viewing the matter from a different viewpoint, it is the process by which the court finds whether it has jurisdiction over the juvenile that allows it to exercise its full powers. As previous information has illustrated, a large percentage of cases reported by the courts do not proceed this far, or are not officially recorded in this way.

A formal adjudication process is necessary if there is even a remote chance that it will be desirable to remove the child from the care and protection of his family. It is advisable for several other reasons, not the least of which would be to prove innocence of allegations made in the petition.

When used in its intended spirit, it should also serve to discover other facts about the individual that might be important to the later disposition of the case. Guilt or innocence in juvenile courts has not historically been determined according to the adversary procedure before a jury of peers, as in the adult criminal field. Largely as a result of the 1967 Gault decision, the adversary procedure has become standard for at least the official adjudicatory hearings, causing a procedural revolution in juvenile court hearings. The former virtual autonomy of the judge is now narrowed considerably, and significant new demands are placed upon the judge's knowledge of law. The old tradition of making determinations "in the child's best interests" has been severely modified in some courts that had not previously devoted much

attention to determining the veracity of the allegations in the petition. There is still a wide range of discretionary choice open to the judge, but this choice lies largely in the disposition rather than adjudication phase of the court process.

The emergence of the adversary procedure in the juvenile courts is believed to be an asset since it is traditionally viewed as an accurate method of presenting and examining facts and determining truth. On the other hand, some legal authorities view it as a less than positive change since it is a step toward making the juvenile court just a criminal court for young persons. It is an obvious safeguard for unwarranted situations such as those now recorded for posterity in the Gault case. Keeping in mind that we are concerned here with serious instances of delinquency and miscreancy, the value of the adversary procedure seems beyond question.

We previously noted that those alleged to have committed a felony can be waived to the jurisdiction of the District Court (38-808) if they are 16 or 17. When this course of action is taken, the individual no longer is within the jurisdiction of the juvenile court.

Another option involving the district court is set forth in 38-808(a). Any person less than 18 charged with an offense which would be a felony if committed by an adult may be referred to the district court for a trial by jury. Upon a finding of delinquency, the case is remanded to the juvenile court for judgement (disposition). In these cases, only the trial comes within the jurisdiction of the district court, with all other processes and responsibilities being retained by the juvenile court.

The juvenile court is under the general rules of the code of civil procedure. Witnesses are sworn and cross examination is allowed in the adjudicatory hearing according to this code (38-813). (66) The judge is allowed a great deal of dis-

cretion in conducting the hearing, though the area of discretion continues to be narrowed.

The judge may exclude any persons not having a direct interest in the case from the courtroom, continue or adjourn any hearing, and discipline those present through the power to find a person in contempt of court (38-809).

The judge is the sole authority for the ruling on guilt or innocence. No equivalent of the jury trial can be conducted in the juvenile court. A finding of jurisdiction is necessary when the preponderance of evidence indicates the truthfulness of the allegations. A finding of no jurisdiction is indicated when the quantum of proof does not support the allegations. There are some case law citations which help to define this matter and that of former jeopardy: State v. Taylor 198 Kan 290, State v. DeLespine 201 Kan 348, and in re Templeton 202 Kan 89.

"Technicalities" of law resulting in undermining or destroying case presentations in criminal courts have not historically been a significant aspect of juvenile court proceedings. Some observers feel that the procedural changes that have taken place in the past four years will increase the likelihood of this in the future.

A failure to establish jurisdiction at this point results in release of the individual from any current or future obligations to the court (non-adjudication). A finding of delinquency or miscreancy results in proceeding to the next judicial process - disposition.

DISPOSITION

The first purpose of the dispositional process is to set forth an individualized prescription for each case reflecting the observable and reported needs of the juvenile in regard to care, direction, supervision, or rehabilitation. Those over whom jurisdiction has been

established are generally regarded as being in need of some sort of service or influence previously lacking in their life. It is to this need that the disposition process addresses itself, and may utilize orders of the court to accomplish where motivation is slight or resistance is encountered. Viewed from another perspective, the disposition of a case is the way in which society exercises authority over one or more aspects of the child's future life, hopefully expressing a constructive interest in the child's welfare as well as protecting the legitimate interests of the community, state, and nation.

RECOMMENDATIONS - It is specified here that judges be required to solicit recommendations regarding disposition from all interested and affected parties. On the other hand, the judge must be granted the authority to make a completely independent judgement - which might differ from all of the other recommendations. Recommendations should be solicited from:

1. Parents, or parent surrogates
2. Guardian ad Litem
3. Evaluation element
4. Interested persons
5. The juvenile

The report from the evaluation element, along with information emerging from the adjudication process should give the judge a sound foundation of knowledge on which an intelligent decision could be based. Reports from rehabilitation program personnel will be very important for those who have previously been adjudicated. Similarly, reports from the CYSA on those they have previously served should be valuable. Parents, the guardian, interested persons, and the juvenile should all be allowed and encouraged to make recommendations for disposition.

In our proposed system, one of the most important aids to intelligent dispositions is the cumulative evaluation of the system as a whole, the particular court, and persons with various characteristics. The accumulated knowledge that will be avail-

able to each judge from this system will far exceed the information now available to any judge in the state.

Possession of more information usually makes a decision somewhat easier since it reduces areas of ignorance and dispels myths. On the other hand, it does not remove the necessity for making thoughtful and constructive decisions. Each judge is expected to have, and to consider, considerably more information than is ordinarily available at present, and to have the time (due to regulation of case loads) to devote a considerable amount of time to each case.

Present statutes specify six dispositional options after a finding of delinquency or miscreancy (38-826). Two of these concern probation, two concern placement in residential settings of various descriptions, and two concern commitment to state agencies. The options mentioned are redefined and supplemented by considerable detail in our plan. In brief, they are:

1. Placement in the General Community Rehabilitation programs element (the subject of the next chapter). This element is designed to serve those with the least serious problems, and has only four programmatic elements. It is similar to the programs presently suggested by 38-826(a)2, 3, and 4.
2. Placement in the Intensive Community Rehabilitation programs element (the subject of Chapter 4). This element is designed to serve less than a quarter of the total group. Those with serious problems are placed here and served by six programmatic elements of considerable substance. Present statutes do not really reflect the intense services planned for this element, though 38-826(a)2, 3, and 4 might be cited as a reference.
3. Placement in Residential Treatment (the subject of Chapter 5). Only about 5% of the court dispositions are to be placed here. Six kinds of

programs are identified in this general element, all necessitating a "commitment" procedure to remove the juvenile from his or her customary place of residence 38-826(a)5 and 6.

(Those returned to the jurisdiction of the Children and Youth Services Agency are referred prior to adjudication, as shown on Chart 18.)

The dispositional order shall consist of two parts: identification of the general element of placement, and additional specifications deemed necessary for carrying out the intentions of the disposition.

The placement should clearly reflect the judge's best appraisal of the kind and nature of services needed by the juvenile. If he believes the act of delinquency or miscreancy does not represent a serious personal or social problem, then general community programs should be sufficient. If he believes the delinquency or miscreancy, or other influences on the juvenile's life are serious, then intensive programs placement is appropriate. If there is an acute personal or behavioral problem, or a pattern of repetition of offenses, then residential treatment is indicated as the treatment of choice.

It must be reemphasized that the judge alone makes these determinations. He or she is not bound to accept or reflect the recommendations of others. On the other hand, the dispositions will be evaluated on the same basis as any other service within the system.

The additional specifications are a more refined reflection of the judge's perception of the case. These may specify the maximum length of time the individual should be enrolled, goals to be achieved during the placement, orders or admonitions to the parents, etc. All of the specifications are to be the subject of periodic reports from the responsible official in the general element. Judges

routinely receive a complete report on the operation of the entire system, but are furnished individualized reports on a more frequent routine basis for all those they have personally handled. Requests for information on an unscheduled basis are also provided for.

In summary, this arrangement of the work of the judge would reshape existing practices considerably. Viewed within the context of the general recommendations regarding the court (Chapter 4, Volume I), they would promote more responsible and potentially more effective handling of cases, than is generally the case at present.

DISPOSITIONAL SUPERVISION (574) - At a late date, it was decided to add a fourth function to the Judicial element to insure that there is a continuing interest in all cases after disposition. This interest, of course, exists now in the majority of courts, since the judge is generally the employer and supervisor of probation workers, and is kept informed

of what is happening in the fulfillment of this responsibility. However, our proposed restructuring of the current situation might imply that no further interest in a juvenile was appropriate after disposition - which is not the case.

Consequently, we have added a function called dispositional supervision which is an administrative role within the court to which reports of progress and problems in carrying out dispositional orders are channelled on regular intervals, and in response to requests. This function also serves to evaluate requests for reconsideration of dispositional orders that may result in a revised disposition.

It is an administrative function, and would most properly be carried out by a "director of court services" or similar responsible administrator within the structure of the court, rather than the judge, who remains responsible for any change in a dispositional order.

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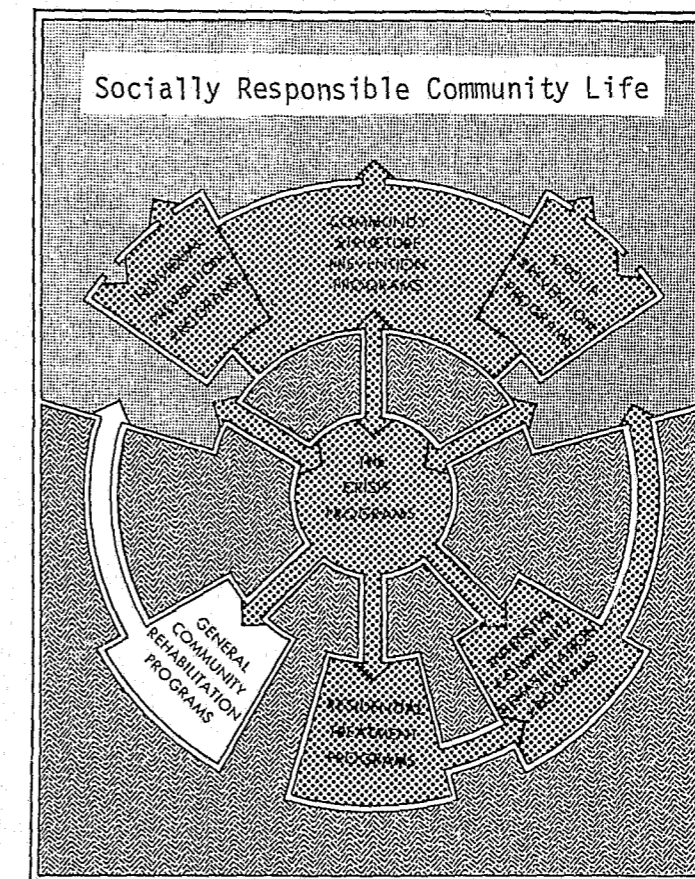
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CHAPTER 3

GENERAL COMMUNITY REHABILITATIVE PROGRAMS

THE SYSTEM MODEL
FOR DELINQUENCY PREVENTION AND CONTROL
IN KANSAS



with the general community rehabilitative programs general element highlighted

CHAPTER 3: GENERAL COMMUNITY REHABILITATIVE PROGRAMS

Section 1: INTRODUCTION

Page 107

A brief description of the general element designed for the majority of those placed in rehabilitative programs by a court order. The juveniles placed in this element have fewer and less severe behavioral and social problems. This section provides an overview of the element and some commentary about it.

Section 2: GENERAL PROBATION

Page 113

This is the key service within the general element. All placements in the element are under the management responsibility of a probation counselor (PC) who also provides other services such as counseling, developing a personal relationship, and utilizing volunteers. The PC develops a rehabilitation plan, makes referrals as appropriate, provides services, monitors and reports progress, and eventually terminates each case. This section also includes a proposal for supervision of PC's and commentary on volunteers in probation.

Section 3: SOCIAL SERVICES

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This programmatic element encompasses a relatively large number of services of selective applicability to those placed in General Community Programs. The specific services within this element are: counseling, employment assistance, community social services, and personal development programs.

Section 4: FAMILY COUNSELING

Page 134

The family counseling programmatic element also provides services of selective applicability for those placed in this general element. These services are designed to assist families in dealing with the crisis that preceded or accompanied the delinquency which caused placement in this element.

Section 5: EDUCATION PROGRAMS

Page 139

This programmatic element includes any special arrangements made for those who have serious educational problems. They are designed to insure an opportunity to continue educational achievement to the highest level of which an individual is capable. Completion of high school or an equivalent level of achievement is the goal of these programs of: individual attention, tutoring, vocational-technical, distributive, and metropolitan secondary education.

SECTION 1: INTRODUCTION

The General Community Rehabilitative Programs general element has the largest annual intake and the least extensive services of the three rehabilitative elements in the system. It includes only four programmatic elements, making its internal structuring the simplest of all general elements in the system. Its key service is general probation, described in a manner similar to the best current practices of probation. The input for the element is solely through a dispositional order of the juvenile court, and the output is through a termination of a period of probation allowing return to Socially Responsible Community Life. The positioning of the general element within the system is portrayed on the face page of the chapter.

This introductory section furnishes an overview of the general element, and is followed by sections describing the details regarding the four programmatic elements of which it is composed. This section is arranged in four parts; the basic definitions for the general element, its positioning in the system, general descriptions of the four programmatic elements, and some commentary.

DEFINITION

The General Community Rehabilitative Programs general element is one of the three rehabilitation elements in the control field. Its purpose is to provide services to the majority of those over whom the juvenile court has found jurisdiction. The services included within it are appropriate for most first and minor offenders who do not evidence major personal, familial, or social problems. The goal of the activities within the element is to be able to return probationers to Socially Responsible Community Life at the earliest possible time consistent with their needs and the public interest.

Intake for the element is defined by dispositional orders from the juvenile courts. An estimated 6,700 persons annually will

be placed here, according to the current experience of delinquency in the state; about 70% of all who are subject to dispositional orders.

The element is comprised of four kinds of services (programmatic elements) of which general probation is the administratively responsible and otherwise key service. These services are operative until a specified period of time has elapsed or specified objectives have been attained. Services provided in this element may be followed by services provided by the Children's and Youth Services Agency (CYSA) in the prevention field, or the individual may be simply terminated at the end of the period specified in the dispositional order.

The output for the element is a simple termination of requirements (or services) at the end of the time period or the attainment of objectives specified in the dispositional order. Termination means that no further jurisdiction exists, and voluntary enrollment and participation in any further services believed to be valuable is the only possibility. The services in this element are quite similar to those currently being provided by the typical probation officer in Kansas. On the other hand, it is much more significant than that which is available in the majority of counties in our state.

The agency identification of the probation counselors who are the most significant part of this element is to be determined by the Area Board of geographic jurisdiction for any particular community.

POSITIONING IN THE SYSTEM

This general element relates only to the Crisis Programs and Socially Responsible Life elements. Its relationship to Crisis Programs is solely directed to the Judicial element (Disposition). The court's dispositional orders will specify various degrees of detail for each person placed in this element. Through the

probation counselor, the element is accountable on a regular periodic basis, and on request, for informing the judicial element of progress being made in carrying out the general intention and specific prescriptions of dispositional orders. Individuals placed in this element may be returned to the court for reconsideration of the disposition for sufficient reasons. The majority of such reconsideration would be for placement in either residential treatment or intensive community programs, since those evidencing few problems and easily conforming to their rehabilitation plan can simply be returned to Socially Responsible Life at an early date.

An early and effective return to Socially Responsible Community Life is the goal and specific objective of activities within this element. The probation counselor is encouraged to refer individuals in this element to services provided by the CYSA or any of the other community structure prevention programs. Referrals to the CYSA must be accompanied by the same degree of accountability as required of other referrals. Referrals may also be made at the end of the rehabilitative period, but do not require accountability under these circumstances. There is no reciprocal relationship back from Socially Responsible Community Life to this element.

THE FOUR PROGRAMMATIC ELEMENTS

The internal composition of the general element includes four programmatic elements, one of which serves as the administratively responsible activity for the general element as a whole. The four elements are:

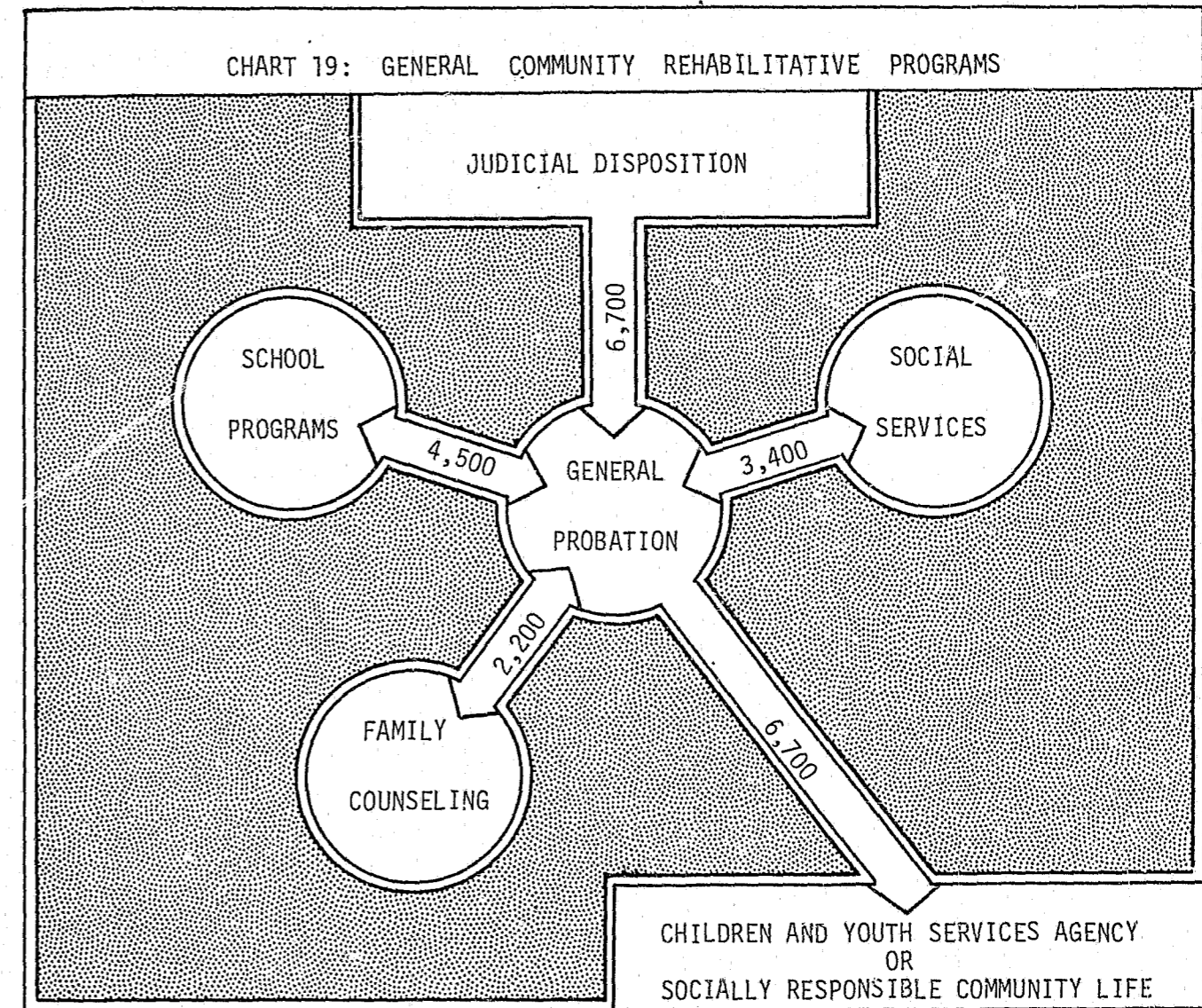
- 610 General Probation
- 620 Social Services
- 630 Family Counseling
- 640 Education Programs

Only General Probation is involved in sequential ordering of these services within the general element. It serves as the point of accountable referral for judicial disposition (573) and is the

authority for termination of further responsibility and return to Socially Responsible Community Life. The central position of this programmatic element is clearly seen on Chart 19 where the four programmatic elements are portrayed along with the two external (input and output) relationships of the general element. Very brief definitions of the four programmatic elements are as follows:

GENERAL PROBATION - General probation is carried out by a person designated as a "Probation Counselor" (PC) who has both a management and service-providing responsibility. All (100%) of the approximately 6,700 persons placed in this element each year are to be served by the general probation service, for periods ranging from 3 months to 12 months, with an average duration of 6 months. This means that, at any particular time, approximately, 3,400 persons will be within the jurisdiction of this element. The PC management responsibility is defined as accountability for each person's rehabilitation plan and the progress according to that plan. The accountability is ultimately to the Area Board of jurisdiction, though there may be intervening structures of supervision. The PC is to have training and demonstrated skills in personal counseling, in preference to interrogation or investigatory skills and training. The PC is responsible for making appropriate referrals, follow-up, and general evaluation of other services being provided to those placed in this element.

SOCIAL SERVICES - This programmatic element consists of supplemental aids of relatively specialized nature, but not requiring the intensity or expense of those services described in the Intensive Rehabilitation element. It is expected that fully one-half (3,400) of all persons placed in this general element would profit from one or more services, to be provided by existing community agencies. Such services should include, but not be limited to, financial support, medical aid, personal attention, informal counseling, job placement, skill training, socialization activities, etc.



FAMILY COUNSELING - This programmatic element includes programs of specialized assistance to family groups from which persons placed in this element originate. This element is created on the assumption that a clear family crisis either precedes or follows the event of adjudication for delinquency or miscreancy. It is estimated that one-third of the families (2,200) of the persons placed in this element will profit from this sort of service. Most families should be allowed to participate voluntarily, although a court order could also be used where circumstances indicate it would be useful. It is believed that this is the most effective application of the "parental responsibility" concern that has been brought forth with-

in this planning process.

EDUCATION PROGRAMS - This element is defined as special arrangements to assist adjudicated juveniles to maintain educational progress in public schools. It is estimated that fully two-thirds of those placed in this element (4,500) are expected to need or be able to profit from these programs, which may include tutoring, home-bound instruction, special classes within the public school system, individualized study, and other programs similar to those noted in Volume II, Chapters 4 and 5 under the headings of "Scholastic Achievement" and "Schools Programs."

COMMENTARY - The method used to estimate

the number of persons appropriately placed in this element requires review. The basic figure is the 9,200 individuals (persons, not cases) estimated for the entire control field. Subtracted from this figure were those estimated for appropriate placement in residential treatment (500) and the estimated 2,000 persons who would be found to need the greater array and substance of the services provided in the Intensive Community Rehabilitation element. This leaves 6,700 (about 70%) for placement in this element.

The key role assigned to General Probation deserves some comments. The line returning from General Probation to the Judicial element indicates two things: regular reports on the progress of all of those who have been assigned to this element, and the return referrals of those whom experience indicates might be more appropriately placed in one of the other two rehabilitation general elements. The General Probation element is responsible for making referrals to the three other kinds of services as well as for providing its own services. It is highly probable that a significant percentage of those assigned to this general element will not need to be referred to any of the three other programmatic elements.

Two points of exit from this general element are noted: (1) Return to Socially Responsible Community Life or (2) re-referral to the Judicial element for placement in a different rehabilitation element. The former of these exit possibilities is expected to account for more than 90 percent of planned exits. As the courts and the other personnel within the control system gain experience, it may be possible to assume that nearly all of those who are assigned to this element will eventually exit back to Socially Responsible Community Life will often involve the juvenile's continued participation in an organized program of some kind. The types of programs appropriate for this purpose have been described in the prevention volume. In many cases, this will simply mean the termination of the authority given to the General Probation element

but will not require a transfer to a separate program because the individual will still be receiving assistance from the same agency.

This general element serves a definite rehabilitative purpose. The processing of persons through the system is only a minor aspect of its intended function. Providing services to those who are not seriously disturbed or incorrigibly alienated from society and their peers is intended to produce resocialization, a rehabilitation of their attitudes, and improvement in their behavior. On the other hand, it will be clearly stated in the subsequent descriptions of these services that the emphasis is on perceiving the juvenile as a person who is experiencing relatively serious problems in development and maturation which can be most appropriately dealt with by using helping services.

The programs in this element are expected to be of medium duration. It is possible that the juvenile's participation in the programs would only last for a few months and it is not likely that it would ever require continuation for more than a year. If the correctional and rehabilitative goals of these programs cannot be achieved within one year, then the juvenile should, more appropriately, be referred to the Intensive Community Rehabilitation element. In many cases, it would be desirable to refrain from specifying a placement in terms of months and to concentrate, instead, on specifying goals to be achieved. This objective is familiar to, although not widely practiced within, the probation field. By specifying goals to be achieved rather than establishing definite duration, the programs will more nearly reflect the general intentions of the juvenile code. All of this should become possible as part of the dispositional order of the judicial element once a reasonably complete evaluation has been prepared for each individual placed in this element. When this type of evaluative information is not available, wholly inappropriate goals are not only possible, but likely.

These programs may require a court order in order to accomplish its purposes. However since those considered for placement within this general element are those whose behavioral patterns and environmental situations are not felt to be serious or severe, the utilization of consent arrangements are appropriate where it is felt that will be effective. As the present experience of many courts indicates, there are a number of juveniles appearing before the court whose parents are willing - and probably capable - of renewing their interest in and re-asserting their responsibility for parental leadership and guidance. For such persons, their apprehension and processing by the court becomes the point at which family relationships are restructured. When this appears to be the case, use of unofficial handling may be the most appropriate approach to take. This optional course of action might also be related to handling the cases "unofficially" in the Judicial element.

These programs are intended to be used for most of the cases appearing before the court and, as presently conceived, they will not ordinarily involve intensive services. However, they are intended to have significant rehabilitative influences on the juvenile's specific actions and general behavior. These programs are most applicable to those who have been apprehended while "testing the limits" of the society in which they live and who do not have seriously antisocial predispositions. It would be inappropriate to assign juveniles with severe emotional or other environmental problems or those whose delinquent acts are serious, either as first offenses or as repetitions of offenses, to these programs.

This element is relatively simply structured to provide a definite response the first or second time the juvenile is apprehended for the commission of a miscreant act (or, under certain circumstances, the first time he commits a delinquent act). The rule of thumb which will be suggested regarding the first occurrence of a delinquent act is that the use of this alter-

native would be applicable in situations in which there appear to be sufficient environmental and family strengths which can be utilized in modifying the juvenile's behavior and ameliorating the situations which appear to have immediately preceded or precipitated the event in question. It must be emphasized that the results of the evaluation made prior to the judicial disposition of the case should be the basis for assigning the individual to this element.

This constitutes the least extensive and cheapest of the dispositions which can be made following adjudication. Only adjudicated juveniles are to be placed within this group, and, therefore, the directions and conditions imposed by the court can be made mandatory and subject to periodic review. It is important to stress the principle that the penalties assessed by the court within this element should be commensurate with the seriousness of the offenses.

Within the limitations imposed by the appropriate nature of the penalties related to the seriousness of the offense, there should be no question of the court's ability to deal with those who are placed within this element. When the court has prescribed or ordered mandatory participation in a particular service or services, or has imposed mandatory penalties, the further right to enforce these orders through imposition of additional penalties or an extension of the original period should be reserved. There is little logic in ordering services or imposing penalties if no further action can be taken in the face of non-compliance. It is felt that an indeterminate period for achieving the desired goals or objectives would be appropriate for many of those assigned to this element.

Likewise, if experience in working with the juvenile or other subsequent developments indicate an inappropriate placement in this element, there should be no question about the possibility of transferring the individual from this general element to either the selective programs or re-

sidential treatment element. It should be emphasized that the individual's placement in this particular element does not necessarily represent the final disposition of his case. When needs more serious than those originally perceived become apparent, both the interests of the individual and those of society demand that there be no structural barriers to the development of a more adequate and potentially more effective rehabilitation process.

It is entirely possible, and desirable, for both the juvenile's parents and volunteers to be involved with the probation counselor and others in carrying out the probationary conditions imposed on any individual in this general element. It will be suggested that volunteers can be used in nearly all of the specific programs which are developed for this general element. The use of volunteers is considered to be so important that concrete, systematic efforts designed to recruit, train, assign, and supervise a sufficient number of volunteers should be initiated and this potentially valuable asset should not be left to chance. Similarly, a definite effort should be made through orientation programs aimed at helping them to deal with their problems and take advantage of their opportunities to involve those parents who are capable of exercising supervision over their children. These principles may require specifications for the probation counselor's work or may mean supplementing the probation officer's traditionally conceived functions.

The probation counselor must furnish a report to the judge when he feels that the conditions of probation have been satisfied, and at specified intervals prior to that time. The probation counselor should immediately report to the Judicial element whenever he feels that it is unlikely that the specified goals will be achieved (adjustments might be possible in the case), if it appears that the person has been mistakenly placed in this element, or when other factors arise which affect the ability of accomplishing the intentions of the

placement. When the probation officer has reported to the judge that the conditions of probation have been met, an order releasing the probationer from further responsibility will be made. If there is a failure to conform to the conditions imposed in this general element, the judge may reconsider the placement and, when necessary, make an alternative placement in either the Selective Rehabilitation Programs or Residential Treatment elements.

Though a court order can be used to accomplish some of the objectives of this general element, this will not always be necessary. In cases where a court order is not felt to be necessary, incentive might be developed by refraining from ordering placement in this element, and relying, instead, on the "consent decree" approach involving referral to the CYSA. Court orders should be used only when it appears likely that such are necessary in order to insure progress. In the absence of such indications, other arrangements are more appropriate and should be used.

The four specific elements described in the following sections are expected to be adequate for the needs of most of the juveniles involved in the delinquency control system. The probation element applies to the entire group while the other elements are expected to be applicable to smaller and more selective groups. In every case, the decision to use one or more of these elements should be based on an accurate understanding of the juvenile's individual capabilities and situation. Neither group decisions nor inflexible rules should be applied to everyone in this category. The basis for applying these programmatic elements is simply that control and support are necessary for those who become a part of the post-adjudication control system. It is assumed that the expectations of society will be clearly made known to juveniles placed here and that methods of monitoring their progress and satisfying their legitimate needs will be developed.

SECTION 2: GENERAL PROBATION

The General Probation programmatic element (610) encompasses a small number of activities and services designed to assist adjudicated juveniles adopt and maintain more socially acceptable patterns of behavior or simply to refrain from further delinquent or miscreant acts. It is the key programmatic element within the General Community Rehabilitative Programs general element, a point illustrated by its placement on Chart 19 where it is the only element relating to all of the others. This section will describe the element in detail according to the following format: general definition, clientele, rationale, objectives, specific tasks, accountability, evaluation, and commentary.

Prior to the systematic development of this material, however, a description of the current situation is provided to acquaint the reader with probation resources in Kansas. This is followed by examination of the results of poor probation arrangements, pervasively found throughout the state at present.

CURRENT PROBATION RESOURCES

In Chapter 1 (pp 21-24), we described the current probation resources in the state, insofar as they are known. We reported the results of two surveys, made a little more than two years apart. The changes that occurred in this period of time show a very substantial gain in probation resources. Though we fall far short of the clarity of concept and accuracy of analysis that would be desirable in considering this subject, it seems obvious that we have made a great deal of progress in the past two years - an impression confirmed by visits to a number of communities. Of special note are the significant improvements in the Johnson County Court, the Wheatlands agency in the Southwest, the student intern program in several locations, the "storefront" office in the northeast part of Wichita, and the development of new probation resources in small and medium-sized counties. Further optimism seems justified in view of the serious

discussions occurring in several places about even greater expansions.

We are obviously in a better position, as a state, than we were two years ago. There is a more optimistic view (in most counties) about what we can do. In many places there are obviously more qualified and capable persons working in established positions, and there are many more new people.

But all of these improvements occurred without the benefit of established minimum qualification standards, coherent philosophy, salary standards, and a host of other pivotal or relevant considerations. We therefore urge the discussion and adoption of these considerations at the earliest possible date in order to prevent serious dissatisfactions and loss of effectiveness as enthusiasm wanes.

Though the overall picture is one of improvement, there are still very wide discrepancies in the practical availability of probation resources in various counties having full-time employed persons, and between that group (37 counties) and those with no full-time employed persons (68 counties). Similarly, we are not really very close to the projected need for probation personnel specified in this plan.

Currently (in Kansas) there is no standardized way of measuring the effectiveness of the probation officer's work. Such a measurement system is necessary before it is possible to state categorically that probation is worth the time and effort presently being invested in it. The absence of professional qualifications for the position of probation officer, the lack of periodic opportunities to obtain significant additional training in Kansas, the difficulty of relating the individual probation officer's work to the successful completion of probationary periods, all result in the conclusion that although we have a substantial investment in the area of probation, it would be difficult to

prove that this type of program is as effective, or more effective, than other optional programs.

POOR PROBATION ARRANGEMENTS

There are two kinds of poor probation arrangements: no supervision, and ineffective supervision. In the first kind, we refer to the situation where a probationer is given no real supervision to determine whether the specifications of the probation order are being met. In the latter kind, we refer to the situation in which supervision ostensibly exists, but, for any of several reasons, it does not really exist. The first kind is common in almost all of our smaller counties while the second kind is typical of medium-sized and larger counties where large case load assignments are common.

Both of these poor probation arrangements are likely to strongly influence dispositions of cases by judges, even though very few will discuss the matter openly.

Both kinds of ineffective probation arrangements are viewed as clearly deleterious influences on the individual involved and the community. The individual is not provided with a clear picture of the limits of socially acceptable behavior, or given the help and attention which was sought through the illegal activity. Society's interests are not protected because a large percentage of persons not helped or penalized to illustrate the dimensions of unacceptable behavior will continue, if not escalate, this kind of activity.

In the absence of distinct, structured probation resources, the juvenile court judge is likely to place the juvenile on probation to his parents (or to supervise him himself). Placement on probation under parental supervision does not ordinarily have a very good success rate. A workshop at the first conference felt that "Parents, in most cases, have made a major contribution to the delinquency or miscreancy of the child, either by commission or omission. They, therefore, make poor

supervisors for any probation program." They also thought that any third party - even the judge himself - would be a better supervisor of probationary conditions. The ineffectiveness of this type of arrangements becomes apparent in situations where the juvenile repeatedly appears before the court after having been placed under his parents' supervision. Such instances were found to be common during the first round of interviews conducted by the staff.

We are aware that many of the state's juvenile judges, on whom this responsibility now rests, have tried to establish professional probation arrangements in their counties without success. They certainly cannot be held accountable for community failure to respond to this need. Current state statutes do not clearly support the establishment of probation, since this is traditionally interpreted as an optional local decision.

The lack of a probation program run by a person able to devote his full efforts to it and who operates within a professionalized structure is felt to be a disservice both to the juvenile and the community.

The growth in the magnitude of the problems of delinquency, and, more particularly, the steady growth in the number of recidivists in both the juvenile and adults fields indicates a general failure in the deterrent intentions of the juvenile justice system. Even though the ineffectiveness of probation resources in the state is responsible for only a portion of these increases, it should certainly be identified as an area in which significant improvement is necessary and could easily be made. The following considerations, relating to this point, have previously been recorded during our planning efforts: a lack of qualified personnel performing probation services, poor salaries, non-existent training opportunities, a lack of professional status, the absence of guidelines for establishing a probation program (there is no "cook book"), and inconsistencies in the philosophies of the various juvenile courts which add to the

confusion regarding how effective probation arrangements should be evaluated. The probation workshop at the first conference made the following recommendations on these points:

- * Probation officers (and the juvenile courts) should be removed from the political scene.
- * Probation officers should be given status and tenure under a civil service system, and adequately compensated.
- * The probate and juvenile courts should be separated, as has subsequently been done in Sedgwick, Johnson and Wyandotte Counties.
- * A shortage of qualified probation personnel will continue to exist until some basic changes such as civil service status or other more permanent and professional employment base is provided.

In summary of other points emerging from the conference, the following additional points will be made; there was common agreement that greater professionalization of probation workers was needed, that all persons be treated equally, that probation services be realistically adapted to a given geographic area, and that a clear distinction between adjudicatory and rehabilitative functions be reflected in a prohibition against the use of police officers - regardless of their status or background - as probation officers.

DEFINITION OF GENERAL PROBATION

General Probation is an essential management and service-providing programmatic element within the mainstream of the system. It is carried out by a "Probation Counselor" (PC) whose responsibilities are: case management, personal relationship, counseling, and utilization of volunteers. The clientele of the element consists of more than two-thirds of the dispositions of the juvenile courts, and is described as those whose offenses are not serious and who do not evidence serious personal problems. The rationale

for this service is that those who have been found guilty of an offense merit public interest and appropriate services both on humanitarian and self-interest principles. The services are also based on the belief that appropriate services are capable of helping development and maturation of the juvenile into socially responsible adulthood. The objective of general probation is to examine each person individually and to make referrals to other appropriate sources of assistance to the end that the juvenile can refrain from further offenses. General probation is accountable to the court for progress reports on each disposition and to the KJSA Area Rehabilitation Director for professional practices. Evaluation of this key service is made on the basis of the viability of individual remediation plans, the success with which these plans are carried out, and the longitudinal histories of the persons placed in this element.

GENERAL PROBATION CLIENTELE

Juveniles appropriately placed in this general element are most simply described as those whose offenses are not serious, who have not demonstrated a repetitive pattern, and who have some familial strengths with which to work. Admitting that this is something of a negative way of describing the characteristics, it will be noted that this category includes those for which no sufficient reason exists for placement in one of the other two elements. Since this is the least clearly defined of the categories, it is accurate to say that it is a "catchall" element that is most appropriate for the majority of juvenile court dispositions. The referral guidelines for this element are:

- * First miscreancy offense (or 3 years since a previous offense)
- * Larceny convictions that have not revealed a seriously criminalistic tendency.
- * Juveniles whose evaluation does not indicate the need for intensive services.

* The majority of second time miscreancy offenders.

A large number of first and second miscreancy offenders, and a large quantity of larcenists are included in this clientele group. Many miscreants will continue to be handled non-judicially (as they are now) on their first contact with the juvenile justice system. The formalized handling of miscreancies, but in a less intensive manner than repetitious and part one offenses, is deliberate. "Part two" offenses should not be ignored, but do not require the application of the maximum resources available to the juvenile justice system.

A further characterization of appropriate dispositions for this element is the suggestion that it would include a younger average group than the other two rehabilitative elements.

In summary, this element is concerned with more than two-thirds of those being handled formally by the juvenile courts, a group not showing serious tendencies toward antisocial behavior, but in whom a degree of interest and concern is justified and expressed through placement under the supervision of a probation counselor. Several methods of determining those to be placed in this element, and their supervision requirements, exist. The Nicholson article (29) is one example of this.

RATIONALE

General probation is founded on the belief that the majority of those who have committed an offense are seeking to discover where social controls lie and will revise their behavior when they have learned this through a constructive experience. Most such persons need only a small amount of intervention in their lives, but, at the same time, require an intervention of some substance.

Those correctly placed in this general element are not in need of considerable services over a long period of time, but

a generally helpful and significant series of contacts with a person who can constructively represent and interpret the laws of society, and relate them to the juvenile's frame of reference and experience.

OBJECTIVES

The specific objectives of General Probation are several: communication of society's standards, development of a constructive relationship with an interpreter of those standards, treatment as an individual of worth and value, referral to other sources of assistance as appropriate, appropriately measured intervention in the juvenile's life style to sufficiently demonstrate society's disapproval of previous actions, clear communication of the principle of the reciprocal relationship between the citizen and society, and an opportunity to explore practical morality and the meaning of life with a competent adult figure.

The adjudication and disposition of the juvenile's case should be considered as the point of origination for a more comprehensive presentation of the civil and criminal standards of our society for those who have not obtained this. If there is any major gap in factual knowledge about the reason for laws and their enforcement, this gap should be filled immediately and routinely through the general probation element. It is believed that almost all juveniles under 14 have an incomplete and probably distorted understanding in this subject area, and there were over 3,000 arrests of juveniles under 12 in 1970.

The PC is responsible for developing a constructive relationship with each probationer through which society's standards may be interpreted, examined, explored, and discussed. The relationship with the PC is viewed as one of the most desirable and potentially effective frameworks through which this can be accomplished, and probation falls considerably short of its potential when it does not accomplish this objective.

The personal relationship with the PC is the framework through which another important value will be communicated - whether the offender is still to be regarded as an individual of worth and value. The juvenile's perception of the attitude of society toward him or her is likely to be strongly influenced by the attitude and actions of the PC. Many will think first, in this regard, of a rejecting and condemning attitude on the part of the PC doing damage to the juvenile's attitude. It is probably just as important to note the juvenile's reaction to a probation officer who is too overworked to check on the probationer, who must deal superficially with him, or who is confused about his or her own role and objectives. The probationer is likely to sense any or all of these attitudes quickly and accurately to the clear detriment of the goals of probation.

Referrals to other sources of assistance is an obvious objective in general probation. There are three other programmatic elements that serve as a resource to the PC in this general element, prevention programs to use as a concurrent or subsequent resource, and re-referral to the Judicial (disposition) element for those whose situation is much worse than the previous evaluation indicated, or changes for the worse during placement in this programmatic element.

Society's disapproval of the behavior that was the basis for the adjudication is communicated to the offender through intervention in his or her accustomed life style. It will be suggested that nothing less than a 30 minute a week intervention gets this point across very well, even though some active probation officers feel a less significant intervention can be equally useful.

The necessity of the existence of a reciprocal relationship between the citizen and the larger society in which he lives must be clearly communicated to each probationer. The means to do this must be individualized for each probationer, and the PC must be responsible for insuring

that this occurs.

General probation must offer an opportunity for the juvenile to examine and explore the practical morality of society and the meaning of life with a competent adult figure. Though this is not likely to be possible in more than a percentage of cases, the PC must be sure the juvenile is made aware that this opportunity exists.

SPECIFIC TASKS

Four specific kinds of activities are to be undertaken by the PC in general probation: case management (611), development of a personal relationship (612), counseling (613), and utilization of volunteers (614). These activities are undertaken within the framework of a maximum annual intake of 100 and a maximum current caseload of 60. Those serving dispersed population areas are to have a maximum annual intake of 80 and a maximum current caseload of 45. It should also be remembered that those placed in this general element correctly do not have serious or intense personal problems.

CASE MANAGEMENT (611) - The case management function centers on the development and implementation of a realistic probation plan. More specifically, it consists of accepting responsibility for the individual case with such conditions and requirements as were established when a judicial disposition of the case was made, regularly monitoring the individual's progress in meeting these requirements, making referrals to the other services within this element which are applicable in individual cases, regularly reporting the individual's progress to the Judicial element, and developing recommendations regarding his continuation, termination, or re-assignment to other rehabilitation programs. The case management function requires considerable skill and perception.

PERSONAL RELATIONSHIP (612) - The development of a personal relationship between the probation officer and probationer is expected to be an integral part of the

practical function of this element. It will be characterized as a helping or supportive relationship to help the juvenile interpret his position in society and society's general expectations regarding his conduct. It is also one of which the probation officer should be sensitive to the probationer's legitimate personal needs. The development of this kind of relationship is considered to be essential for purposes of understanding, if for no other reason, for every juvenile placed on probation.

COUNSELING (613) - The counseling relationship is more selectively applicable and consists of constructive guidance based on the probationer's needs and situation. This term is not intended to imply involvement in therapy or formally-structured programs of counseling. It is intended to indicate that the probation officer is expected to provide guidance and direction on a personal and individual basis to most probationers in his caseload, as noted in the preceding narrative on objectives. The article by Hill in the reference section furnishes a report on a recent effort to teach group counseling to probation officers in California. (19)

The counseling function will be easily misunderstood or given a distorted meaning. There is absolutely no intention to establish counseling as a service which a PC must provide simply because he holds the position. On the contrary, only those who have had specific training including supervised practice should be allowed to undertake this activity. It is desirable for all PC's to have this skill, a point with major implications for education, training, and professionalized supervision for PC's. For a fuller discussion of this subject, the Piven and Alcibes book (30), the Crites article (9) and the Ives article in Techniques of Probation (42) might profitably be consulted in addition to other listings at the end of this and the next chapter.

VOLUNTEER UTILIZATION (614) - The use of volunteers is included as one of the pri-

mary functions of general probation. Volunteers are expected to be helpful in virtually every case and their utilization is seen as a key or pivotal influence in carrying out the intentions of general probation in many cases. The PC will not be required to recruit and train volunteers, but he will be responsible for their assignment, supervision, and support.

After all, probation services began with volunteers, and there are currently many examples of highly effective and efficient volunteer probation programs. The programs in Boulder, Colorado (Scheier) and Royal Oaks, Michigan (Leenhouts) are well known to many Kansans and have influenced the development of some of our volunteer programs. However, volunteer programs in probation don't just "automatically" work simply because someone has announced that volunteers will be used. Volunteer programs must be carefully designed and administered if they are to get off the ground and maintain a position of usefulness. Volunteers can be a major asset to probation services, but not without considerable effort at the outset and intelligent management later.

The workshop considering this subject at the first conference adopted the position that volunteers should never be used as replacements for professionally-employed probation officers or in order to avoid hiring professional personnel. They emphasized that volunteers should always be auxiliary to a sound, well-managed probation program conducted by regular employees. This principle has already been well-established in most fields of volunteer activity and will merely be acknowledged as an essential premise in considering this subject.

Since the initiation of the planning project, the Juvenile Court of Sedgwick County and other courts have added extensive volunteer services to its operations. It can be assumed that ordinary citizens, both male and female, without exceptional skills or extensive training, can perform valuable services as part of a general probation program. Those with exceptional

abilities and backgrounds can also be used, although such persons might more appropriately be assigned to intensive probation programs. The point is simply that it is unnecessary to limit recruitment to only school counselors, psychologists, social workers, and others with these types of training as volunteers in a probation program.

There are seven discrete elements within the general framework of volunteer programs, apart from the general design for their utilization: recruitment, screening, training and orientation, assignment of work, supervision of activity, adjustments in assignments (as necessary), and expressions of gratitude at the end of a work assignment. This subject is discussed at greater length in Chapters 3 and 5 of Volume IV, where interest focuses on structuring and implementation of a volunteer program, rather than the specific tasks of the volunteer.

There is a rapidly growing body of published literature on this specific subject, as well as the broader subject of the use of volunteers in other tasks. The articles by Jorgensen, Scheier, Lee, and Burnett, and, especially, the manual by Barker are valuable aids to understanding the potentialities of volunteers (20,37,24,7,2).

This section offers a proposal for general probation which differs somewhat from the written descriptions which we have used in the past, and which also places the idea of general probation in a broader perspective than is currently common. It is intended to help eliminate some of the inconsistencies observed in the present situation. At present, those who are called probation officers are often asked to be all things to all people. Mershon's article (26) in the reference section sets forth the expectations of a Kansas judge for probation officers (in our current structure). Here, we have distinguished between the functions of probation for those whose problems are not severe and what we will call in the next chapter, "Intensive Probation" aimed at dealing with those whose problems are serious to

critical at the time they are placed on probation. In presenting this proposal, it may be observed that probation, as discussed in this section, is not familiar to some of those who are in touch with current probation practices. Some specifications given here conflict with current positions of some people in our state. This means that further discussions and examinations of this material are necessary to achieve a sound understanding of what is being proposed.

The typical workload for a PC performing the general probation is predicated on the desirability of having an average of 30 minutes per week to spend with each probationer. This specification is, admittedly, a rough estimate of need, but believed to be accurate enough for purposes of discussion. With current caseload of 60 persons at any particular time, the probation officer would obviously need to spend 30 hours per week keeping in contact with all of his probationers. Some of those on probation might require less time than this, while others might require more; it is not self-evident that contact once a week is necessary (once every two or even three weeks might be sufficient), but this provides a rough estimate which can be used in computing the time allocations necessary to accomplish the tasks outlined above.

This computation does not include much time for traveling, which would be a major factor in some areas and would mean that the number of persons who could be carried on the PC's current caseload should be reduced. However, ignoring, for the present, the amount of time required for travel, it appears that the PC could have as many as ten hours per week free for administrative duties, service to the juvenile courts, visits to agencies participating in the rehabilitation processes and for other community contacts. By acknowledging that there will be fluctuations in the number of cases assigned (not to exceed 75 at any particular time), and by estimating the average duration of probation in this element at slightly more than 6 months,

it is possible to estimate that a probation officer will be able to accept a maximum of 100 new cases annually, and proportionately less in areas of dispersed population.

With this type of working structure, it is reasonable to anticipate that all placed in this general element will be given at least some personalized attention, which is, of course, essential to the success of any probation program. Moreover, a working structure of this type should permit, at least cumulatively over a period of months, the development of reasonably complete knowledge about the probationer as an individual and any changes which may - or may not - be taking place in his accustomed habits and behavior. Perhaps equally important is the fact that such a working structure promises the probation counselor the likelihood of obtaining a reasonable amount of job satisfaction which is now often impossible. Since it is difficult to separate the programs from the personnel who are chosen to carry them out, it is felt that the creation of a reasonable working structure will have a positive influence on the operations of this element.

ACCOUNTABILITY

There are three kinds of accountability for general probation: judicial, professional, and probationer. The judicial accountability is the responsibility of the PC to keep the judge apprised of events and general trends during the period of probation. Every juvenile judge must be furnished with an accounting of what has been happening in regard to the dispositions he or she has made. Professional accountability is accomplished through the supervision of each PC's professional practices by a Probation Supervisor (in turn supervised by the Area Rehabilitation Director). This accountability concerns the development of a remediation plan, practices used in carrying it out, periodic reviews of cases, and consultation regarding difficulties. Any purely administrative supervision would be additional to this. The

accountability to the probationer is simply the obligation of the PC to be as excellent in the conduct of his responsibilities as possible, and to help the probationer obtain the sound guidance he needs (whether recognized or not). The professional accountability is dealt with in more detail under the heading of "commentary" which follows.

EVALUATION

There is really only one useful criteria for the evaluation of general probation; the number (and rate) of probationers who do not re-appear in control programs. This simplistic point of evaluation interest is useful even though more refined points must also be developed for improvement of practices and rating personnel. This element will include a significant percentage of persons for which these services will not be useful and who will go on to more serious and repetitious offenses. There is very little possibility of identifying this group accurately, but their first contact with control programs is likely to result in placement in this element.

As is pointed out in our chapter on evaluation, the key to a useful evaluation program is the development of longitudinal career studies of all persons having contact with the system. The career study is the key item, to which the other points of information are related. See chapter 6 of Vol. IV for additional information on this.

COMMENTARY

General probation is an essential service in the control field, and serves as the key to the utilization of other important services. As such, it requires attention not required by most of the other services. This portion of the text examines some broad issues which emerge from a careful study of the subject: organization of probation services, volunteers in probation, education for probation personnel, salaries in the probation field.

ORGANIZATION OF PROBATION SERVICES - A11

probation services, both general and intensive, are to be organized on an area basis throughout the state. They are to be coordinated with each other, and placed under the professional supervision of the Area Rehabilitation Services Director (ARD). A five level organization plan for professional full-time workers in probation is specified, with "non-professional" and volunteer workers constituting a sixth level. The five level organization plan seems necessary to match the need for greater skills and experience with those who present the most substantial problems, and to provide an adequate supervision structure.

The first professional level is that of the Probation Counselor (PC), responsible for General Probation (610). The maximum intake of probationers for a PC is 100, and the average maximum current caseload is 60. However, probably a majority of PC's will be serving in multi-county areas where travel time will reduce these maximums to 80 and 45 respectively, and some will be serving areas of such dispersed population that their practical maximums will be 60 and 35.

The second professional level is the Juvenile Services Worker (JSW) whose duties consist of Intensive Probation (710) and whose annual intake maximum is 25 and maximum current caseload is 20. JSW's are described in the next chapter.

The first of three specified levels of supervision is a position designated as a Rehabilitation Supervisor (RS). At least one such position is established for each area, and additional positions created on the basis of a 1:8 relationship with PC's. The supervision of this person will consist primarily of consulting with the probation counselor about proper courses of action and the progress being made with individual probationers. The administrative duties of the rehabilitation supervisor are expected to be minimal. It is estimated that 20 such persons will be needed in the state as a whole, one for each of 14 areas, and additional supervisors when the number of PC's indicates a need for

them.

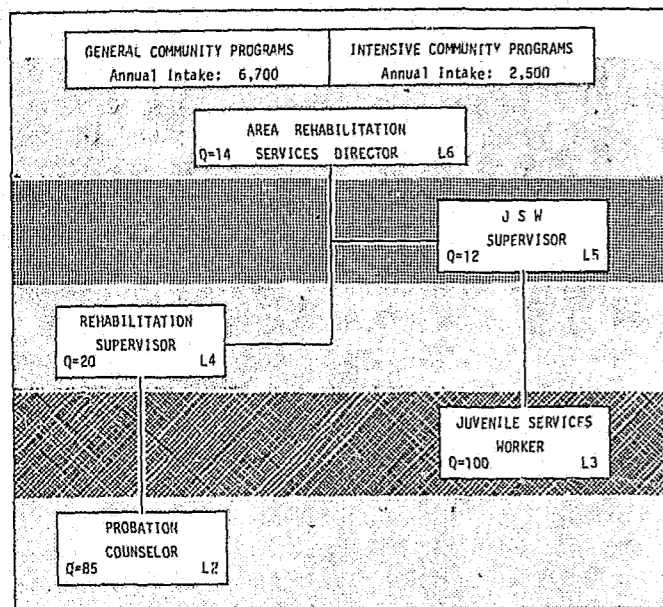
The supervisor of Juvenile Services Workers is level four in this organizational plan. At the outset, only four areas (11 through 14) are expected to need any of these persons. Each JSW supervisor will be responsible for supervising the work of from four to six juvenile services workers. It is possible that other areas might eventually need a JSW supervisor.

A person designated as the "Area Rehabilitation Services Director" (ARD) is specified for each area. The ARD is responsible for supervising both the general community rehabilitation programs (600 series) and the selective community rehabilitation programs (700 series). The ARD is to be responsible for supervising up to 8 individuals. In four areas, this will include JSW supervisors and Rehabilitation Supervisors. In the remaining ten areas, it will probably include Rehabilitation Supervisors and each of the individual JSW's serving in the area. Further comment on this latter point are presented in the next chapter, and in Chapter 3 of Vol. IV.

This five level organization plan is graphically displayed on Chart 20. The levels it specifies clearly illustrate the "ladder" concept of job structuring which is so important in developing and maintaining staff of high quality and ability.

Further comments about the Rehabilitation Supervisor and ARD are appropriate at this point. The primary function of the RS is to review progress of each probationer on a current caseload of a PC. The RS must be personally familiar with each case in order to be able to provide guidance where necessary. The RS also serves as a resource to the PC in developing individual remediation plans and for guidance regarding unusual individual situations. The RS is the (only) authority for reconsideration referrals to the judicial element, prior to which a different PC assignment might be tried. The RS will also make such arrangements as are necessary to maintain the system in the

CHART 20:
A FIVE LEVEL PLAN OF ORGANIZATION FOR THE
ADMINISTRATION OF GENERAL AND INTENSIVE
COMMUNITY REHABILITATION PROGRAMS



event of sickness, resignation, or poor performance of a PC.

The Area Rehabilitation Services Director (ARD) has three primary relationships: one to the Judicial element in the Crisis Programs element, another to the Residential Treatment element (800 series), and a third to the area board. The relationship to the Judicial element consists of assuming responsibility for the management of those placed in either the general or selective community rehabilitation programs by a court dispositional order. The ARD will be responsible for furnishing the monitoring information to the judge involved, and for selecting, orienting and supervising personnel.

The ARD's relationship to the area board will ordinarily be through the office of the Area Director who serves the area board. The area board should periodically be furnished with monitoring information on the effectiveness with which the responsibilities of either the general or selective community rehabilitation programs are being achieved.

The relationship of the ARD to the residential treatment element consists of the

assignment of a JSW to each person placed in residential treatment, at the time of his placement, so that the aftercare services can be effectively implemented upon the individual's release.

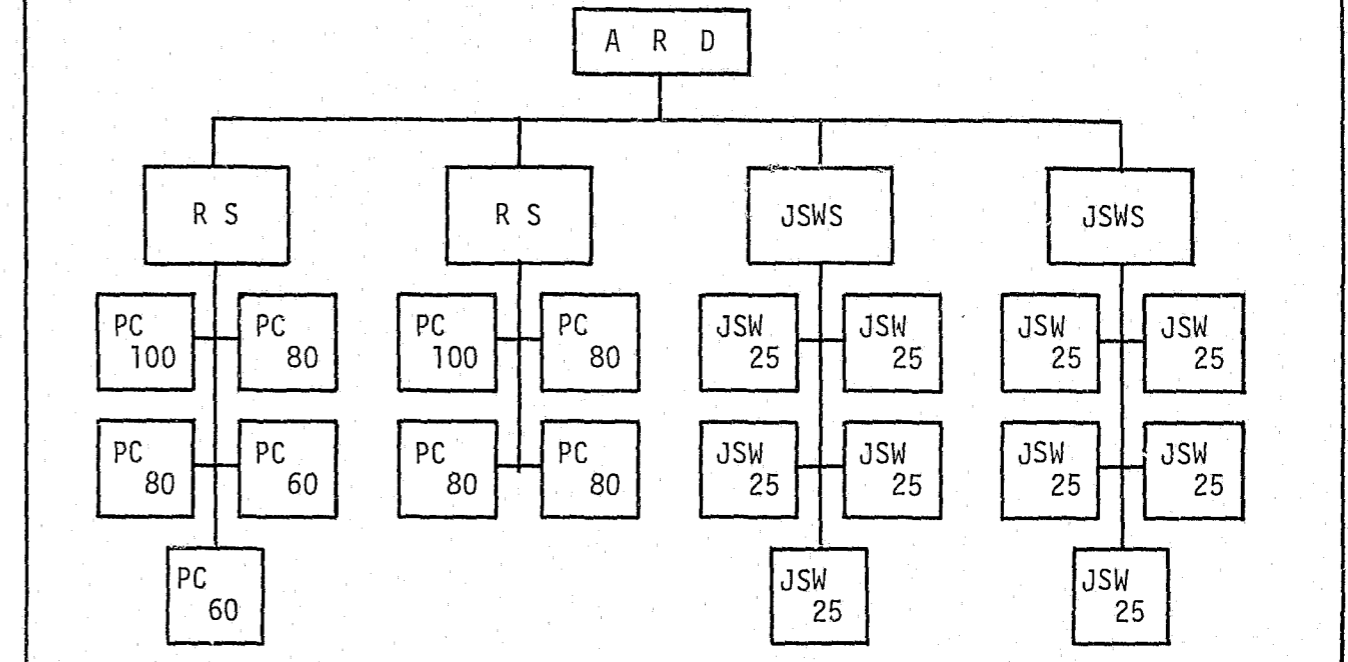
It is suggested that the ARD be responsible both to the Area Director and to the area board itself. It does not seem necessary to establish two positions to serve both the general and selective community programs. It is felt that it should be possible for one person to perform both tasks. The other specific programmatic elements which are to be used in supplementing the basic service within this element are described in the immediately following sections.

Chart 21 illustrates the principles set forth above in a hypothetical multi-county area experiencing a load equal to one-tenth of the system as a whole (920 in general, 200 in intensive, and 50 in residential treatment). This shows that both intermediate supervision levels are necessary according to the stated principles in the text.

VOLUNTEERS IN PROBATION

Some believe that there is a shortage of persons seriously concerned with the problems of juvenile delinquents and they, therefore, take no action to establish volunteer programs. There are also those who are openly resistant to the idea of a volunteer probation program. The fact that volunteer probation programs are successful in other places has not changed the minds of those who steadfastly maintain that, "It won't work." Many communities have adequate resources and the leadership or coordination to draw agencies and potential volunteers together into an effective unit. For some such communities, a volunteer probation program could be, at least, a partial answer to the financial barriers which are presently being experienced and to citizen apathy which is widely identified as the reason why these programs have never been initiated, apart from the other benefits it confers.

CHART 21: AN AREA ORGANIZATION PLAN FOR GENERAL AND INTENSIVE PROBATION
Annual load is 1/10 of projected annual system load: General Rehab = 680;
Intensive Rehab = 200; Residential = 50. (24 positions specified)



It is also believed to be possible and desirable to establish multi-county probation programs under dependable direction and effective supervision. The volunteer in probation work has characteristics and a uniquely valuable contribution to make similar to the volunteers in any other human services activity. The volunteer combines a unique, unduplicable quality of both practical and symbolic significance. Even the least perceptive of those who will be affected by the volunteer's work soon realize that the volunteer is there only because he feels he can be helpful. No financial gain or other reward is expected. Initially, many such persons will be regarded with curiosity ("What's your bag?"), which is usually replaced by the understanding that the volunteer actually does want to help. A long-range practical value is seen in the fact that the probationer has an opportunity for continued contact after the period of probation with someone who can serve as an adequate model of maturity.

QUALIFICATIONS OF PROBATION OFFICERS

There are no widely accepted qualifications criteria for probation officers in Kansas. As a result of this, the qualifications must be determined by analyzing the skills needed to carry out the function, as described, within the total comprehensive system. The previously noted inconsistencies between job expectations and the descriptions of the state's juvenile courts do not, by this method, assume as great a degree of importance.

As a starting point, we will reaffirm a basic principle clearly established during the first months of the planning effort; the probation officer should be someone who is able to communicate both with the juvenile and with his family... on both sides of the generation gap. This ability to communicate is believed to be more important than formal educational accomplishments. Inability to communicate with the juvenile as well as

with his parents would be a serious disadvantage in carrying out the minimum expectations for probation officers.

There are no relevant statutes regarding the qualifications of probation officers, but K.S.A. 38-814 is listed as a reference.

The probation workshop at the first conference had difficulty with the word "qualifications." They felt that it would be more useful to describe the "qualities" of a good probation officer. Their five recommendations on this subject were as follows:

- * A probation officer should be a mature, sober, law-abiding citizen. He should be flexible in his attitudes but tenacious in seeing a job to its conclusion. He must be a good listener; one who works well with others in a team effort. He should be warm and friendly and, most of all, must like children. The unanimous opinion was that he should be at least 21 years of age and a college graduate, preferably majoring in the behavioral or social sciences.
- * If these standards were observed statewide, it would help to improve the image of the probation officer in the juvenile court.
- * Probation officers should not dabble in psychological testing or similar types of evaluation; they should learn to use the community resources available for such purposes. The probation officer should be relieved of all investigative responsibility and all aspects of prosecution.
- * Civil service status would confer the advantage of tenure and consequent relief from political pressure. It might also receive substantial monetary gain. Disadvantages noted included the possibility of unsought transfers in a statewide system and a feeling that too much security might destroy initiative and make the work routine.
- * There was strong current of thought

that probation officers should be active in community affairs and organizations, especially those whose objectives are the improvement of youth and prevention of delinquency.

As stated in the first recommendation above, it is expected that a probation officer should have a college degree. If this qualification is accepted as a norm, it would not necessarily mean that those without college educations would be prevented from performing this function, but only that the job should be designed according to this norm. The requirement that the individual have studied in the fields of the behavioral or the social sciences is believed to be appropriate. However, several of those who have tried to design programs of education specifically to meet the needs and challenges of probation work, have found it difficult to establish the courses which would be needed for this purpose in our state's colleges and universities.

Therefore, we have suggested that additional specifications for the probation counselor's qualifications include specific and moderately extensive study in the field of probation. This would require petitioning state universities to develop courses for this purpose which would be made available on either a resident or an extension basis.

The content, or basic orientation for the education of probation personnel is a subject area that suffers from a polarization of opinion, as Gibbons points out:

"In recent years, opinions on the question of where responsibility for training should be lodged have become relatively polarized. One highly vocal group has maintained that social work education prepares persons for correctional work, so that treatment workers should be hired from among social welfare graduates. Persons with social work backgrounds have entered correctional employment in considerable numbers, and there have been concerted efforts made by the social welfare field to "capture"

corrections as a social work area of practice.

"Those who would define corrections as a subarea of social work claim that the goals of correctional therapy are consistent with those of social welfare and that, as a consequence, correctional activities can be considered social work. According to this line of thinking, training in "generic" social work principles, casework techniques, eclectic behavioral theories, and so forth is adequate to the task of rehabilitating offenders.

"The opponents of social work in corrections point out that social workers are products of different programs of generic social welfare training so that they do not get consistent educational content. In addition, aside from the variations that exist among these programs, there is serious doubt that such educational backgrounds prepare workers for the task of rehabilitation of law-breakers. Whatever the merits of generic education, such training does not provide social welfare workers with clear guidelines concerning how they are supposed to deal effectively with the rather special problems that are presented by correctional "clients," many of whom do not fit the conventional model of the social work agency voluntary client.* In this view of things, social welfare training fails to provide the agent with necessary knowledge regarding the causes of crime and delinquency, variations among offenders, societal restrictions upon correctional agencies, and kindred matters. As a result, the social worker's skills do not equip him for the tasks he is called upon to perform in corrections." (16,p. 17) *(Item 31 on p. 192)

Brennan (6) has studied the role perceptions of juvenile probation workers and found that those without a degree tend to be more easy and willing accomplices for purely organizational demands on their efforts - which easily fail to reflect any respect for standards of professional pro-

priety. From this point it can be concluded that at least eventual acquisition of a degree is highly preferable if the system is to reflect truly professional practices - rather than purely administrative necessities.

The obvious solution to the problems noted by both Gibbons and Brennan is to consciously develop a full curriculum for the special challenges of professional probation work, including a fully-rounded B.A. level program as well as an M.A. (or M.S.W.) program, and to make it available in several locations throughout the state.

In addition, it is believed to be valuable - if not essential - to develop more in-service training courses for those who are presently employed as probation officers. The first program of this type was conducted at Washburn University in the summer of 1971. It is the result of action by the Probation Officers' Association (especially its current president, Gary McGinness) and was partially funded by a GCCA grant. We strongly suggest that the content of this program should be expanded, that it should be made available to more probation officers and that it should become, at the very least, an annual event.

In anticipation of future needs and, because we are optimistic about the expansion of probation services in Kansas, we suggest that regular courses on probation counseling should be made available at the state's universities, colleges and even Jucos for those working toward a B.A., that graduate courses should be developed so that those seeking advanced degrees will be able to specialize in probation counseling, that an annual institute (held in a centralized location) should be made available for everyone wishing to attend, and that additional, localized-in-service training programs should be conducted on a continuing basis in differing areas of the state so that those who cannot be relieved of their duties may obtain the benefits of further education in this field.

Two remaining problems in this field of interest which deserve further exploration are: salaries and the education vs. experience issue. The two are obviously related and will be discussed together after presentation of a formula for assigning a value to supervised and unsupervised experience.

CREDIT FOR EXPERIENCE FORMULA - A formula for crediting both supervised and unsupervised experience in the probation field is proposed as a substitute for both the typical "grandfather clause" and slavish adherence to the possession of a degree without concern for the content it represents. We firmly believe that both of these approaches are fundamentally in error and that their application can seriously undermine the effectiveness of an otherwise good system. We propose here an eight credit system covering all of the employment levels in the probation field, combining relevant educational accomplishments and experience.

Four standards for computing these credits are proposed: years of relevant college level education, years of other college level education, years of supervised experience in probation work, and years of unsupervised experience. The schedule for computing credits is as follows:

* **RELEVANT COLLEGE EDUCATION** -(Figured on the basis of major requirements in social work, sociology, anthropology, counseling, psychology, etc.) 1 credit per year of college completed, including graduate school, with 1/2 credits for a successful completion of in-service training. No maximum for credits in this category.

* **OTHER COLLEGE EDUCATION** - Successful completion of college work in fields of study outside of those considered relevant to be computed on the basis of 1/2 credit per year. All applications under this heading to be computed on an individual basis. A maximum of 4 credits in this category.

* **SUPERVISED EXPERIENCE** - Years of work in probation under the direct supervision of a qualified person to be credited at the rate of 1/2 credit per year up to a maximum of 3 credits. Work in a supervisory position may also be credited at this rate.

* **UNSUPERVISED EXPERIENCE** - Years of work in probation without the benefit of case-work supervision (supervision by a judge would not ordinarily count) to be credited at the rate of 1/4 credit per year up to a maximum of 2 credits.

This credit system would allow those with previous experience to compete for jobs in the system, and strikes a balance between education and experience not commonly found in most personnel systems. An example of various combinations of experience and education is presented below:

	CREDIT CATEGORIES					TOTALS
	Unsup. Exp.	Sup. Exp.	Other Col.	In-Service Trg.	Rel. Col. Ed.	
WORKER A						
YRS	0	1	2	1	2	
CR	0	1/2	1	1/2	2	= 4
WORKER B						
YRS	4	3	2	3	0	
CR	1	1 1/2	1	1 1/2	0	= 5
WORKER C						
YRS	0	6	0	6	0	
CR	0	3	0	3	0	= 6
WORKER D						
YRS	0	1	0	1	6	
CR	0	1/2	0	1/2	6	= 7

The salary of probation workers is one important consideration in an adequate personnel structure providing incentives for outstanding performance. A detail

of the general salary classification system that appears in Chapter 3 of Vol. IV is reproduced here in order to give a clear idea of what is being proposed.

CHART 22: SIX PROPOSED PROBATION SALARY RANGES

JOB TITLE AND COMMENTS	MIN CR.	SALARY	
		MIN	MAX
1. PARAPROFESSIONAL (less than the professional level) 1 mo. trial, no particular experience stated	1	6,500	8,000
2. PROBATION COUNSELOR The B.A. level of achievement or equivalency, 1 mo. trial	4	8,000	9,500
3. JUVENILE SERVICES WORKER Above the B.A. level, 3 mo. trial period	5	9,000	10,500
4. PROBATION SUPERVISOR The M.A. level of achievement or equivalency, 3 mo. trial	6	10,000	12,000
5. JSW SUPERVISOR Above the M.A. level, 6 mo. trial period, other specifications	7	11,000	13,500
6. AREA REHABILITATION DIRECTOR Well above the M.A. level of achievement or equivalency, 6 mo. trial period	8	12,000	15,000

The most important consideration that emerges from analyses of personnel matters is generally described as the ability to take pride in what one is doing, and to be able to feel that the work is socially useful. We believe that the working structure set forth in this plan gives promise of being able to provide this.

Before leaving this subject, we should note that considerably more attention should be devoted to selection of probation personnel than is currently practiced. If a reasonable working struc-

ture is developed, and accompanied by adequate remuneration and other concerns, then attention can be focused on selecting persons with appropriate training and demonstrated skills. This would be a great improvement over the present situation which forces major decisions on the basis of low salary and poor working conditions - not the least of which are dependence on the vicissitudes of the political fortunes of judges. The NCCD publication "Standards..." and the Saleh article in the reference section are pertinent to this point (27, 33).

SECTION 3: SOCIAL SERVICES

The social services programmatic element (620) encompasses a relatively large number of services of selective applicability to the estimated 6,700 persons annually placed in General Community Programs. These services are expected to be important aids in the effort to give juveniles support in solving such personal and social needs as they are presently experiencing. They may be a crucial influence in some cases. They are provided either through established service responsibilities of public agencies, purchased from public or private agencies, or donated to the system by private agencies or individuals. Most of these services are currently available within the state, though not always in the community of residence.

DEFINITION

Social services is a collective term used to summarize four kinds of community services of selective applicability to persons within the general community rehabilitation programs element. The four kinds of services are: counseling, employment, community services and personal development. These services would rarely, if ever, be operated as a direct responsibility of the system, but would, rather, be operated by existing community agencies. No "blanket" referrals are appropriate to any of these services - all referrals are to be designed on an individualized basis as specified in the individual's probation plan. All of these services are viewed as supplemental to the objectives of general probation even though they may be viewed as highly important in their own right from some other perspective.

CLIENTELE

The clientele for any of these services is first defined by placement in the general element and under the supervision of a probation counselor. From this group, individuals are chosen for placement in any of the four elements

on the basis of personal situation and characteristics, the specifications of the probation plan, local availability of programs, eligibility, and other considerations.

RATIONALE

The reason for inclusion of these programs is twofold: the lack of the support they provide may have contributed to deviant behavior, and the provision of these services may help to prevent further illegal activities. For example, the inability to obtain gainful employment may lead to illegal activities for any of several reasons. Employment services such as those described here may remove the precipitating cause of the illegal behavior. The same kind of service may also restructure the juvenile's environment and customary living arrangements in a manner that greatly reduces the risk of future delinquent activity originating from unemployment even if this has not formerly been a precipitating cause. These services are also keyed to the basic intention of the element - to help the juvenile remain in the community and adopt more socially acceptable behavior.

OBJECTIVES

The programmatic element as a whole attempts to supplement the work of the probation counselor through involving other agencies and individuals in the life of the juvenile during the period of probation. The specific services and programs have more closely defined objectives mentioned under their separate headings in the following text.

FOUR SPECIFIC PROGRAMS

PERSONAL COUNSELING (621) - A majority of juveniles placed in this general element will be able to profit from individual, personalized counseling by a mature adult or, in some cases, a young adult. It should be clearly understood that the

word "counseling," as used here, is not intended to indicate a deep therapeutic relationship or any other activity that would be considered therapy. The term counseling means a genuine, personal interest supplemented by factual information, encouragement, and constructive guidance regarding socially acceptable goals and opportunities.

The value of this kind of service is almost traditional, and has been increasingly used since about 1935. The studies of relative effectiveness of this service are numerous. Adams' article in the reference section is representative (1).

A school counselor might very appropriately provide personal counseling. Although there are disadvantages in using some persons designated as school counselors, it will be, nonetheless, suggested that school counselors with preparation in testing and counseling can be utilized quite effectively for this purpose. Junior high school counselors with these capabilities could be the single most important asset for this element, but since many junior high schools do not employ counselors, this is, obviously, not a very practical resource for many juveniles in our state at present. The counselor at the senior high school level, if he occupies a position not devoted almost exclusively to college preparation, is expected to be the second most useful resource for this purpose. During our previous discussions, the counselor in elementary schools has also been identified as a key element within the system. However, the elementary school counselor has not generally been regarded as a rehabilitation resource, but, instead, as a prevention resource, and has been described in Volume II.

Also of potential benefit, in some areas, is the welfare worker trained in social casework. Welfare department workers who have backgrounds in psychiatric social work should be particularly valuable. Though some stigma might be attached to a person not on welfare who is being

counseled by a welfare worker, the recent separation of the county welfare departments into divisions for financial support and community services should, in time, reduce this possibility significantly. There are a great many very sensitive people occupying such positions who might be able to benefit the juveniles who have been assigned to this element.

Although it is statistically unimportant, the involvement of college or community junior college faculty members, psychologists, psychiatrists, or social workers, employed by private agencies or in private practice, and other resources that are not uniformly available throughout the state can mean a welcome addition to these services - and should be utilized whenever possible.

Big Brothers and Sisters - A different type of counseling might be provided by the Big Brother and Big Sister programs as traditionally conceived. Although the dividing line between programs of this type and the volunteer probation officer program described in the preceding section of this chapter might not be clearly identifiable, there is little doubt that Big Brothers and Big Sisters can play an important role in the field of supportive services.

The principal value of these programs is seen in the fact that they provide, at the very least, personal attention. Though it cannot be accurately and clinically described, the model of behavior which an adult or young adult provides the juvenile through his or her role as a Big Brother or a Big Sister has obvious merit. Since much of human activity is simply an imitation of others, the importance of an adequate, mature adult model for someone experiencing difficulties of self-concept and understanding cannot be underestimated. Programs which have operated for several years in this state, and in other states, seem to have established this principle beyond question.

Self-Help Groups - At least one example of a "self-help" group is worth mention - Ala-Teens. This outgrowth of Alcoholics Anonymous was specifically designed to help the children of alcoholics to understand their particular problems of adjusting to life with greater clarity, and, hopefully, with more wisdom of and tolerance for their sick parent or parents. There are few examples of Ala-Teens in Kansas, but experience with such groups indicates that they meet a real need that is rarely met in any other way.

Children from families in which one or both parents are alcoholics have several distinct disadvantages, whether or not there are economic disadvantages. This is particularly applicable to children whose parents have managed to maintain middle-class economic status.

Some of the most important advantages of the Ala-Teen Group are conceptualized by the sharing of a common disadvantage and finding persons with whom intelligent discussions about the problem can be conducted.

Minority Group Counselor - In similar ways, members of minority racial or ethnic groups may profit greatly from working with a counselor who is himself a member of that minority and who occupies a useful place within a society that generally rejects the minority. A program similar to that in the Hutchinson public schools, though not developed as part of a delinquency rehabilitation program, might be useful for this type of supportive service. The members of the minority racial or ethnic group continually face, as soon as they become aware of the workings of society, numerous problems of self-identity and understanding. The potential support which a minority group member who serves as a counselor could provide is considerable.

EMPLOYMENT (622) - Employment is always a crucial matter for juveniles over 16 and out of school, important for many 13 to 15 year olds, and even occasionally

important for those 12 and under. Since there is a clearly significant statistical relationship between unemployment and delinquency, this is a subject area of considerable importance when applicable to an individual situation. Employment is also a significant contributive or accompanying factor in other such negative social conditions as poverty, poor health, inadequate housing, etc. The subject will be discussed under the six following headings: pre-vocational preparations, skills training, licensing, placement, supportive counseling, and transportation.

Pre-vocational Preparations - Many of those seeking employment are unsuited by habits and previous experience for assuming the kind of responsibility for their behavior which is necessary in order to find or keep a job. Not everyone needs such preparation by the time he is ready to seek and accept employment, but some do. The reasons for this lack of basic habits and attitudes vary but, when an individual has not learned how to present himself in a manner which will merit consideration, to be dependable about showing up for work, and presents problems with which an employer is not ordinarily prepared to deal, his employment potential ranges from slight to nonexistent. Those who lack these habits and abilities need special preparation before they develop an employment history of failure which they interpret in such a way that it destroys their self-image or self-concept. Those who have repeatedly failed to obtain employment when they thought they were doing what was required, soon develop the attitude that the world is against them. This attitude bears a striking resemblance to the criminal point of view. Remedies for this problem are not difficult, expensive, nor time-consuming but require specifically organized efforts.

Skill Training - There are very few jobs available today which do not require a skill of some sort. The skill may be a relatively simple one or it may be relatively complex. In either case, definite preparation is necessary prior to one's

becoming acceptable for the job. The period of time needed to develop the appropriate skill may be as little as one or two weeks or as much as three to six months. In most cases, the employers who use these skills do not provide the instruction necessary to learn them. Although there are exceptions to this, the skill must ordinarily be learned at a location other than the place of employment. Major resources in obtaining skills are the vocational technical schools operated in communities throughout the state. An AVTS provides instruction in a number of skills which can lead to employment.

There are also a number of privately-operated opportunities for obtaining skills which can lead to reasonably good jobs. It is not clear where those who do not have enough money to pay for a private school can obtain the necessary finances, but such schools represent, at least, potential opportunities in this regard.

Distributive education which combines ordinary academic work in a public high school with paid work experience at a commercial establishment will be described as a schools program in Section 5.

Licensing - Even when one has the pre-vocational habits and the skill for the job being sought, there are, occasionally, licensing or other certification hurdles which must be crossed. Health examinations, automobile operator's permits, acceptance into a union, and other such hurdles loom large for some juveniles who are otherwise prepared for work. In some cases, meeting these requirements involves problems with which a juvenile who has a history of delinquency is not prepared to contend unaided.

Job Placement - After sufficient pre-vocational preparations have been made, the necessary skills have been acquired, and applicable licensing or certification hurdles have been cleared, the juvenile is ready for job placement. This is ordinarily considered to be the

responsibility of the state employment service (KSES) which has specific services for juveniles. The Youth Opportunity Centers which are in operation in several communities in Kansas, under the auspices of KSES, are specifically prepared to deal with the job placement problems of juveniles.

Other possibilities suggest themselves, especially for part-time and summer employment. The Neighborhood Youth Corps has programs in a number of Kansas communities. The NYC programs include both in-school and out-of-school programs; the specific jobs are generally with public employers. In most cases, the jobs are menial, but the income is desirable. The greatest disadvantage to NYC programs is that they are available for only a small proportion of those seeking employment.

The Youth Employment Service, described in Vol. II as a prevention program, is applicable both to this general element, and to the selective community rehabilitation programs element.

Several communities have sponsored summer employment programs for juveniles under public auspices. This often consists of utilizing the juveniles' services in connection with established municipal or county programs.

The placement of a juvenile on a job for which he is qualified can usually be achieved by KSES. In cases where this has not occurred, the probation counselor or volunteer assigned to work with the juvenile might be able to assist in his placement.

Supportive Employment Counseling - Some, but by no means all, of the juveniles for whom employment is found need additional supportive counseling. This is often true of those belonging to minority groups, but may also be true of others who have previously experienced severe deprivations or disadvantages. The newcomer on any job is usually subjected to harassment or hazing of some kind. Although there

are rarely any malicious intentions behind such activities, they are not always perceived that way by the new worker, especially when he is a juvenile with little work experience and what may be significant personality problems. Some juveniles respond constructively to this activity and others do not. Those who are unable to take this activity in stride should receive additional supportive employment counseling from those who can help them place these uncomfortable experiences in a broader perspective and weather what may be a difficult period. In some cases, the passage of time and increasing experience are the only successful means of eliminating this as a problem.

Transportation - Juveniles are likely to face problems in getting to and from their places of employment. This is because they often do not own vehicles of their own, in most cases they cannot afford to purchase one which would be dependable, and their jobs are usually too far away for them to walk to work. While this problem is likely to be solved as soon as the juvenile is able to save enough money to make a down payment on a vehicle, there is a period of perhaps several months before this becomes possible. Therefore, the problem of transportation deserves attention, and, in some cases, additional assistance from someone who is interested in the juvenile's employment career will be necessary. In areas where public transportation is adequate, this may not be a problem. However, it is believed that most of the juveniles who will be assigned to this element will not have access to adequate public transportation.

These six aspects of employment, as supportive services for general probation, are all believed to be applicable to a significant number of juveniles. It should be emphasized that only a few persons will need all of these supportive employment services. On the other hand, it is estimated that more than one-quarter of those placed within this element will probably need at least one, or more, of

these supportive employment services. In illustration of the preceding statements, it can be pointed out that several years ago a manpower system established in Wichita, with an annual intake of more than 4,000 persons, found that nearly half of the persons being processed had not been residents of Wichita for any significant period of time and needed at least four of the services mentioned above. The fact that many of these persons were also known to law enforcement agencies in Wichita or in the communities from which they came should help to re-emphasize the connection between unemployment and delinquency.

The anthology by Herman, Sadofsky, and Rosenberg is one of a large number of books in this field.(18).

COMMUNITY SERVICES (623) - Most juveniles correctly placed in this general element are likely to come from families experiencing a crisis of some magnitude. Some may be on the verge of breakdown. Remedial intervention into the family situation is addressed in the next section, while some of the standard community services are described here.

One of the most common problems is that in the field of income maintenance. This area is the responsibility of the county department of social welfare. Income maintenance assistance may be provided in the form of general assistance or as the well-known Aid for Families of Dependent Children (AFDC).

It may also be important to provide health services, whether the family is receiving welfare assistance or not. Many of the juveniles who would be appropriately placed in this element, as well as members of their families, are in poor health. Referrals (by a probation counselor or other individual) to clinics or private practitioners who can provide the needed assistance in this area would be appropriate. In other instances, referrals to the county environmental health agency might be appropriate.

In a small minority of the cases, other established services for family members - as distinguished from the juvenile - may also be appropriate. It might be necessary to refer the juvenile's parents for family consultation or to a mental health clinic occasionally. Referring parents for alcoholic treatment or to Alcoholics Anonymous may be appropriate in some cases. Legal aid may be important in other instances. Services to the elderly may be needed by some families. The juvenile's siblings might be referred to prevention programs.

The importance of these referrals in those cases where they are indicated may be great for particular families. Unless the community is organized to provide centralized referral and diagnostic services, the probation counselor will be responsible for making appropriate referrals to the types of services mentioned above as well as to any others which might be appropriate.

PERSONAL DEVELOPMENT (624) - This group of programs will include activities and services rarely regarded as the key to rehabilitation but widely regarded as important or valuable. In addition, these services may have a strong symbolic value, especially for individuals with highly specialized needs which other services do not meet. Four kinds of services are described.

General Recreation - A vast majority of the communities in Kansas presently provide some type of recreational resources. Most juveniles have at least a passing interest in using these facilities or participating in recreational activities. Most of these activities, however, are unable to hold the juvenile's interest over a period of several years unless he becomes unusually competent and is rewarded for his achievements by status and recognition. On the other hand, there are many untapped, potential resources in the field of recreation that could be interesting and significant for those that would be assigned to community rehabilitation programs.

Special Interest Groups - The juvenile's interests generally change in cycles of less than one year's duration. It is typical for those passing through adolescence and the teen years to be very interested in a particular subject or activity for a period of months, after which the interest wanes and, occasionally, disappears.

Consequently, it can be suggested that a number of the more common types of activities which interests juveniles today might be promoted by various groups within the community. A "skills bank" of parents, each with particular competence or expertise in one field, might be developed for use whenever it is needed in order to guide juveniles in their exploration of a subject or activity. Rocketry, mechanics, kart racing, cycling, photography, spelunking, scuba diving, etc., are all possibilities. Virtually every community has at least one adult who is capable or providing guidance in these activities and who is interested enough in juveniles to devote the time which would be required. Most such activities would not need formal or even semi-permanent organizational structures. Some such activities might be conducted under the auspices of explorer scouting.

Vocational Counseling - There is considerable potential for personal development in providing other than professional vocational guidance for those for whom college is not a viable option, and those who are not even expected to complete high school. This type of counseling could be undertaken under the aegis of a civic club whose membership probably encompasses most of the interests and knowledge which would be needed for this purpose.

Junior Achievement - The development of an active junior achievement program is considered to be primarily a prevention program, but it might also be quite useful in meeting the needs for personal development of the juveniles placed in this general element. The benefits to be derived from this activity are described in Volume II.

ACCOUNTABILITY

There are two ways in which accountability in this programmatic element should be judged. Each of the agencies and individuals providing these services should be accountable for their potential contribution to the further development and maturation of the juveniles referred to them. Secondly, the Probation Counselor is accountable for insuring that these referrals are appropriate, that they are actually carried out, that they produce the desired effect, and that they form a part of an overall plan that is meaningful.

Several of the services noted above will be carried out by private agencies and individuals, and often on a voluntary kind of arrangement. This creates an entirely different structure for accountability than that which exists in regard to public agencies with more clearly defined responsibilities and eligibility criteria. It is suggested that the proper way to introduce the principle of accountability into this element is to allow agency representatives or individuals to have a voice in designing the probation plan, and given an opportunity to suggest how their service or activity can contribute to the overall goal for an individual. After this has been established, the agency will be accountable for fulfilling its assigned role in the probation plan or informing the PC of its failure to do so (and, hopefully, explore the reasons for this failure).

Apart from services guaranteed by public statute and regulation, the PC is re-

sponsible for making such adjustments or revisions in the probation plan as appear necessary because of availability of activities and services and the probationer's response to them.

The persons performing these services should also feel a strong sense of responsibility to the juveniles they serve, and their families. It is difficult to describe a way in which this accountability could be insured, but this accountability for performance should, at the very least, be communicated to the juvenile and his or her family from the outset, along with information about where complaints or dissatisfactions should be registered.

EVALUATION

Evaluation of services in this programmatic element is much more simplistic than in the previous one because the goals and objectives are much more narrowly defined. These evaluations will be defined in simple terms, occasionally with attendance or contact being the only point of information recorded. However simple this information is, it becomes a part of the longitudinal career history of the individual, and becomes a sorting factor for retrospective evaluation.

The criteria for evaluating any of these services must be developed with due regard for specific intentions and actual capabilities of a particular agency or individual.

SECTION 4: FAMILY COUNSELING

The family counseling programmatic element (630) provides services of selective applicability to the 6,700 persons annually placed in the general community programs element. The family counseling services are expected to be an important aid in the effort to give juveniles support in solving such personal and social

needs as they presently experience. Such services will, at least occasionally, have a very positive influence on the juvenile and his immediate family environment. These services will be provided through either established public agencies, purchased from public or private agencies, and may include donated services from

private agencies or individuals. Some of the specific activities described in this element are currently available within the state, but nowhere are they available on a uniform basis, and they are simply not available to the majority of the families with children placed in this element.

DEFINITION

Proceeding from the assumption that apprehension, adjudication, and a dispositional order for delinquency will either result from, or produce, a family unit crisis, this element is designed to provide constructive assistance and guidance to the family of the adjudicated juvenile. The activities and services carried on under the heading of this element are intended to help the family constructively adjust to the fact of delinquency of one of its members, to take appropriate action, and to promote a greater awareness of mutual needs within the family unit. These services may be specified in the dispositional order, participation in them may be ordered by the court, or they may be voluntarily requested. These services are viewed as supplemental to the objectives of general probation even though they may be highly significant in the overall rehabilitation plan.

CLIENTELE

The clientele for this programmatic element is first defined by placement in the general element, and placement under the supervision of a probation counselor. Within this large group, individuals are to be chosen for placement in the family counseling programmatic element on the basis of their personal situation and characteristics, the specifications of the probation plan, and a general willingness to participate. Even assuming uniform availability of this service throughout the state, these services will not be equally appropriate for all persons placed in the element. The principal criteria to be used in selecting persons for these services is a judgement

of weak or disintegrating family structure, accompanied by parental interest in restructuring or revitalizing parent-child relationships.

RATIONALE

The reason for developing this programmatic element is the simple observation that parental inadequacy or incipient family disintegration are contributing factors in delinquency, and conditions which can be improved. The improvement of these conditions generally is desired by the parents, who often do not know where to turn for help, or who follow the lead of less than adequate models. By working with the parents, and the entire family group, changes in behavior of a juvenile who has been identified as delinquent is possible, and prevention of delinquency with other siblings is also possible. As someone has said, "No one wants to be a bad parent."

OBJECTIVES

The principal objective of the family counseling programmatic element is to communicate the legitimate public interest in the troubles being experienced by the family which may have been the cause for delinquency, or which may accompany the identification of the juvenile as a delinquent. In communicating public concern for the family's welfare, more specific objectives will be defined in regard to each individual family. A greater awareness of symptoms of family dysfunction, a greater knowledge of sources of help, and the development of a willingness to adjust thinking and habits toward more constructive ends, might also be identified as general objectives.

SPECIFIC TASKS

The specific task within this element by which modification and ameliorization of the undesirable and unacceptable conditions will be discussed under the following headings: identification, referral, work with parents, work with siblings, and parent-group meetings.

IDENTIFICATION - The identification part of the program begins by an initial screening conducted by the probation counselor while he or she is making a preliminary investigation of the family situation after placement of the juvenile in this element. A screening tool is to be developed for this purpose. It will be concerned with parental attitudes, apparent understanding of themselves and their children, and their response to suggestions regarding family counseling.

REFERRAL - The referral to family counseling will occur through a conference between the probation counselor, his or her supervisor, other community agencies known to be involved with the family, and the parents and the juvenile. The actual referral will be made as a group decision. Parental consent or interest will be viewed most highly, while the possibility of using a court order to require participation should be considered in rare cases. In the latter case, the judge should, of course, be involved in this conference. In cases of outright recalcitrance to participate, it seems inadvisable to try to force participation. Where a family situation has disintegrated, the more appropriate course of action may be to place the juvenile in intensive community programs, and specifically in one of the living arrangements programs.

WORK WITH FAMILIES - There are at least five general avenues of potentially considerable assistance that may be rendered to the families.

1. The first task is to make a systematic assessment of the strengths, weaknesses, and interests of the family through visitation in the family home one or more times. This stands in contrast to the typical procedure of having a person desiring help be required to present himself or herself at some other location for this help. A standardized assessment tool should be developed for this purpose, and should be completed even when it

would require two, three, or more visits to the home.

2. After an assessment has been completed, the family can be provided with assistance in obtaining referrals to such existing sources of aid for parents or children, as may be indicated. Intelligent referrals should be possible once the assessment has been made, and it will often be found to be valuable to offer assistance in transportation and introducing the person at the agency which is the subject of the referral.
3. Counseling with the parents of the family about their perception of their role and their capabilities in carrying out this role is a third kind of activity. Through this counseling relationship, parents will be encouraged to constructively express their parental authority within reasonable limitations imposed by their abilities and the immediate environment. This activity will be referred to as "revitalization of parent-child relationships."
4. A supporting role for the parents in all constructive directions which seem at least potentially fruitful will be provided by the family counselor. The counselor will be guided in this by consultative advice from licensed social workers, psychologists, and psychiatrists, as appropriate.
5. Additional adult models as necessary for individual family situations will be arranged for, within limitations imposed by availability. Such persons will uniformly be volunteers who have been selected and trained for this purpose. Adult models for the guidance of the children in the family are also considered a part of this activity.

WORK WITH SIBLINGS - The siblings of a juvenile who has been identified as a delinquent are uniformly regarded as a "high risk" group. Accordingly, the family counseling element will also direct attention toward these persons. Their needs

and special problems should have been reasonably well identified in the family assessment (Step 1 above). The assistance which may be provided within this framework include one or more of the following:

1. Companionship
2. Assistance in educational achievement
3. Obtaining needed professional services
4. Assistance in obtaining specifically identified and otherwise meaningful recreation opportunities
5. Development of special interests and capabilities
6. Providing a countering influence where unconstructive or clearly illegal influences exist within the sibling's circle of present relationships
7. Assistance in obtaining full or part-time employment as need and abilities indicates
8. Development of a relationship which will encourage the expression of need and interest by the siblings in the family to someone other than peers or siblings

PARENT-GROUP MEETINGS are scheduled to become a part of this element in order that parents who share roughly similar situations can be brought together in a formal setting to share their problems and explore potential solutions together under the guidance of a group therapist. Such meetings are intended to be small and informal and operate on a group-work principle.

The result of these efforts is conceptualized under five general headings: parents, other siblings, the delinquent, the system, and the community.

THE PARENTS - These services are expected to have a positive and constructive influence on the way in which parents carry out their roles with the juvenile who has been identified as a delinquent and also with other siblings in the family. Seven areas of potential improvement can be identified:

1. Increasing parental effectiveness

and appropriateness in exercising their parental roles of authority and guidance.

2. A reduction in the need for defensiveness on the part of the parents in their external relationships, developing from an increase in self-confidence as well as the solution of some specific problems.
3. Increased parental perceptions of areas of their inadequacy leading to a more open-minded attitude about the value of help and their acceptance of it.
4. Increased parental ability to share important concerns with others such as their counselors or the members of the parent group which they attend.
5. The parents should also be able to increase their ability to participate in events and processes through which they can gain valuable experiences.
6. The development of greater sensitivity to symptomatic expressions from any of their children who appear to require or demand attention.
7. When even only partially successful, this service should help to replace a discouraging or disparaging attitude that "nothing can be done" with a practical and soundly-based optimistic view that "something can be done."

WORK WITH SIBLINGS - Since this programmatic element is part of the control field, the work with the other siblings in the family, unless they are clearly delinquent, will generally be viewed as a prevention activity. However, it will be noted that this service should help to reduce the unwelcome and unacceptable behavior on the part of siblings which is related to a need to get attention at any cost, including mimicry of the actions of the child who has been identified as a delinquent. The services described here should also enable the parents to deal with other siblings more effectively.

THE DELINQUENT - This service is likely to have positive and constructive influences on the lifestyle of the boy or girl who is placed in this element. The delinquent is expected to benefit from the greatly changed and improved environment in contrast to that which existed at the time that his or her actions required court action. The delinquent is also expected to profit from the provision of more effective and, possibly, quantitatively increased contacts with other persons whose intention is to provide guidance and control.

THE SYSTEM - The quantitative increase in persons concerned with problems reflected by the cases appearing within this general element is viewed as a clearly positive result. Through this programmatic element, a quantum increase in the immediate knowledge of families identified as experiencing stress or nearing disintegration will be clearly beneficial. Such knowledge can form the basis for more intelligent handling of all cases under consideration in the system. In addition, the experience which accrues from this service will increase the appreciation of those who work in the general community rehabilitative field of the forces bearing on the children and their families.

THE COMMUNITY - It is also believed that the community will profit significantly from the operation of this programmatic element. It should be able to gain a greater appreciation of the extent and nature of the problems of children in the community since there will be a much larger number of persons personally familiar with situations that are often not now commonly known.

ACCOUNTABILITY

Each of the agencies and individuals providing the family counseling service should be accountable for their potential contribution to the general family welfare. The probation counselor is also accountable for insuring that referrals to this kind of service is appropriate,

and that they are actually carried out, that they produce the desired effect, and that they form a part of the overall plan that is meaningful.

It is likely that private agencies and individuals will often be the most appropriate resources for these services. As was described in the preceding section, this creates an entirely different structure for accountability than that which exists in regard to public agencies with more clearly defined responsibilities and eligibility criteria. It is suggested that the proper way to introduce the principle of accountability into this element is to allow agency representatives or individuals to have a voice in designing the probation plan, be furnished an opportunity to suggest how their service or activity can contribute to the overall goal for the individual, and then to be held accountable for fulfilling this assigned role.

It is further suggested that departments of public welfare be administratively or statutorily required to furnish these services, that definite criteria are developed for the operation of this service, and that this become a regular reporting factor for the system.

EVALUATION

Evaluation of these services is likely to involve relatively subtle judgements. It seems more than likely that the ordinary data produced to reflect activity in this element will be relatively simple. It is further suggested that it will be defined in terms of the needs of particular families, as they are defined and recorded on the probation plan.

Literature on this subject tends to be part of more comprehensive treatises, making it more difficult to locate than many other subjects. We have listed articles by Crow and Fike, a chapter of the Task Force Report (Rodman and Grams) and a monograph we obtained (Durig) as a representative sample of relevant writing on the subject. (10,15,31,14)

SECTION 5: EDUCATION PROGRAMS

The education programs programmatic element is designed to include any separate arrangements which have been made for those with serious educational achievement problems. They are to insure, insofar as possible, an opportunity to continue scholastic achievement to the highest level of which each individual is capable. In most school systems, this would require special handling, special attention, supplemental tutoring or other individual work. Most such programs would operate under the auspices of existing services mentioned.

A finding of delinquency, or itself, may clearly indicate a need to restructure the methods used in trying to achieve the educational objectives cited above. For many juveniles, the restructuring will be away from the typical organization of the public school, since many delinquents will no longer be socially acceptable in the ordinary junior or senior high school setting (not in all cases, of course). Where a finding of delinquency is not believed to be a significant disadvantage to further educational accomplishment, the first two options mentioned below would be applicable while the following three options would be most appropriate when this is not the case.

DEFINITION

Educational programs, within the general community rehabilitative element, are specialized programs designed to assist those with serious educational achievement problems or classroom adjustment problems to proceed with educational progress to the level of high school equivalency through programs of: individual attention, tutoring, vocational-technical training, distributive education, and metropolitan secondary education.

CLIENTELE

The large group from which clientele for these programs is part of the group of

adjudicated juveniles placed in the general community rehabilitative programs. By definition, these persons do not evidence serious personal problems (or they would be placed in intensive programs) but may have important problems such as, previous experience of difficulty in the ordinary public school setting, difficulty which occurred at the same time as the finding of delinquency, previous expulsion or suspension, or those who are dropouts even though they are over 16.

OBJECTIVES

The principal objective of these programs is to keep or re-enroll the juvenile in educational programs appropriate to his or her needs. This may be done through providing the juvenile with opportunities for achieving success in a traditional school setting or in some other form of substantial educational development. In order to do this, it is assumed that efforts will have to be made to increase the juvenile's interest in learning and perhaps help with some practical arrangements to channel this interest. The programs that are noted below are intended to provide juveniles with the opportunity to attain the highest level of scholastic achievement of which they are capable, which should be no less than the acquisition of a high school diploma or equivalent achievement level.

RATIONALE

A very simple reason for such programs is the belief that poor academic achievement and delinquency are causally related and often appear together. It is also noted that the level of academic achievement of delinquents is often well below that of others his own age, delinquents often show that they are from two to five years behind others of their same age in actual performance ability, though possibly not in grade assignments. It is also believed that interventive measures to remedy this should be taken before the

youth drops out or is expelled from school. Those placed in this group should be generally of average intelligence with those of less than average intelligence handled by other special arrangements. These specialized programs also operated on the assumption that many found to be delinquent may no longer be acceptable to the school system, either to the administration or the other juveniles in the school. It is further believed that there should be educational alternatives to the traditionally conceived school setting to allow those with unusual problems to proceed with their education.

SPECIFIC TASKS

The first specific task is to determine the nature of the youth's educational needs, ability, and interest by using school records, test scores, and evocative counseling. Following the precise determination of the juvenile's need, the necessary arrangements for enrollment in special programs should be accomplished. This should be followed by follow-up work by the probation counselor to see that services are actually being provided and periodic conferences with those responsible for the service to determine whether progress is being made and whether adjustments are needed. The participation in such programs should be specifically evaluated and those responsible for the programs and the PC should prepare recommendations regarding termination or continued participation in the program.

Five kinds of school programs which may be applicable to the needs of a minor percentage of the juveniles placed in this element will be distinguished. The first two deal with increasing the juvenile's ability to adapt to the demands of the ordinary academic school setting, and are generally more appropriate for the needs of younger juveniles. The last three programs offer alternatives to the ordinary academic school program and are generally more applicable to older juveniles.

INDIVIDUAL ATTENTION - Those juveniles who evidence significant impairments in educational achievement should be enrolled in programs providing individual attention from school authorities and individual teachers. The individual attention might consist of helping with assignments, use of study periods to provide supplemental personalized instruction and specially prepared classroom assignments. Such programs recognize that a finding of delinquency should never be sufficient reason for the school to reject the child or seek to make an example of him. Only a few schools have a consciously designed uniformly available response which acknowledges that if a finding of delinquency, combined with poor past performance, justifies renewed efforts on the part of the school. Further rejection and a lack of interest in a child identified in this way is much more common. The emphasis of these programs is to maintain progress according to previously established curriculum. The Sadofsky, Munk and Paniagua monograph on this subject emphasizes the development of appropriate curriculum related to vocational needs and other problems of 14 and 15 year old probationers. (32)

TUTORING - Another widely applicable method of assisting a juvenile to close the gap between what might reasonably be expected of him and the level of achievement he is actually recorded is individualized tutoring. Ordinarily tutoring takes place outside of the school structure, usually at another location, and is usually conducted by someone who is not a professional educator. In many cases, tutoring produces rather remarkable results, often because the juvenile believes that someone is really interested in his progress upward from the point at which he must begin any "catch-up" efforts. Many different kinds of people are successfully utilized in tutoring programs. Even some who would, initially, seem to be unlikely candidates for fulfilling this role. For example, a project sponsored by the Johnson County Mental Health Center uses older delinquents

and under-achievers as tutors for younger children in order to enhance the self-image of the delinquent. Structuring tutoring arrangements in this manner has a "serendipitous" result since the older delinquent finds reason to gain new self-confidence and improve his or her own self-image through performing this role. (Deming, 12) The Boulder Court's manual on tutors is also useful. (41)

VOCATIONAL-TECHNICAL SCHOOLS - There are several AVTS schools in Kansas, most of which offer a combination of academic and vocational education for persons of a wide range of ability. The combination of academic and vocational education is believed to provide positive benefits for a significant percentage of persons. It should be pointed out that many students from AVTS later enter college and many of them are both bright and accomplished individuals. This latter point is made because there is a general feeling that schools with a "vocational" emphasis are for those who are intellectually dull, which is neither the intention nor the practice of the better VT schools.

DISTRIBUTIVE EDUCATION - Another alternative to the ordinary school approach is the traditional combination of a half-day of school and a half-day of paid employment at a commercial establishment. In many cases, the academic education offered in the school setting is related to the kinds of work that the students are doing during their employed time. The Neighborhood Youth Corps program is a national effort to achieve this objective, and succeeds in accomplishing this rather well according to the Vocational Guidance Service report. (44)

METROPOLITAN SECONDARY EDUCATION - An additional alternative to the traditional academic school program is that exemplified by the metropolitan secondary

education program of the Wichita Public Schools - USD #259. This program has been described in Volume II as a prevention program, although many of the first persons assigned to this program were those who had obvious difficulties with the juvenile court. It responds to many of the problems noted by Shafer and Polk in the Task Force Report. (35)

ACCOUNTABILITY

The school authorities who provide these services are those who should be held primarily accountable for their performance. If diagnosis of a juvenile's problem has resulted in an appropriate referral, than these programs should be reasonably successful. In addition, accountability to the juvenile and his family by the school officials should be considered important. The probation counselor is accountable for insuring that enrollment has actually occurred in these programs, that progress is being registered, or that alternative methods are being employed.

EVALUATION

The simplest kind of evaluation of these programs is whether the juvenile is participating in them. Especially in the case of older juveniles, the compulsory attendance laws will not apply, and attendance will be on a voluntary basis. This allows a relatively easy evaluation based on whether participation actually occurs. Evaluation should also be concerned with the measured progress that is made over a period of weeks or months, judged against the capabilities of the individual. Behavior within the educational setting should also be a point for evaluation, at least when behavior becomes a potential problem that could cause termination from a program. The use of standardized tests and other performance criteria should be used wherever applicable.

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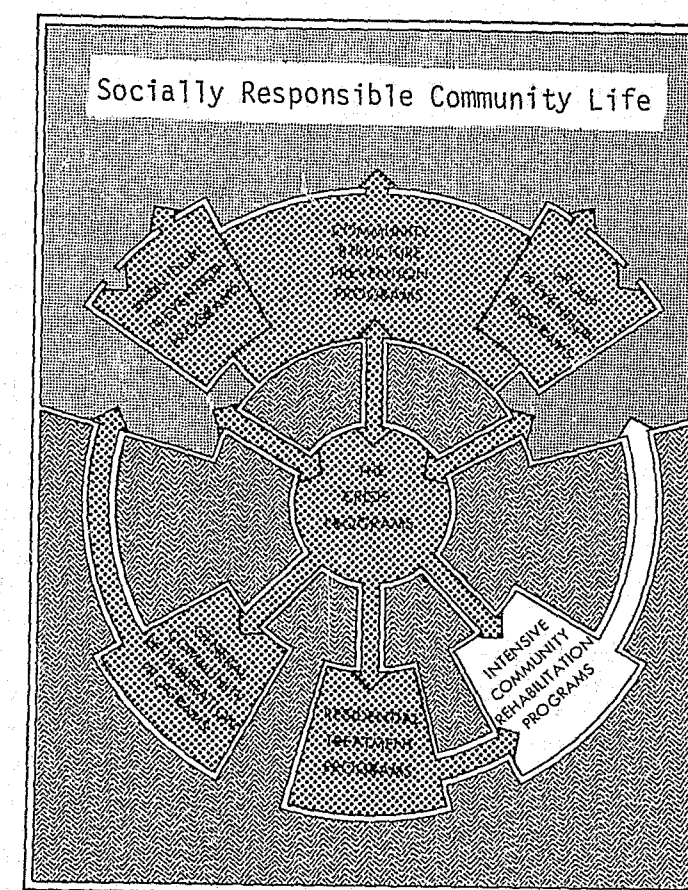
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CHAPTER 4

INTENSIVE COMMUNITY REHABILITATIVE PROGRAMS

THE SYSTEM MODEL
FOR DELINQUENCY PREVENTION AND CONTROL
IN KANSAS



with the intensive community rehabilitative programs general element highlighted

CHAPTER 4: INTENSIVE COMMUNITY REHABILITATIVE PROGRAMS

Section 1: INTRODUCTION

Page 147

A description of the general element designed for about one quarter of the total group of juveniles placed in the control field. This element includes programs to meet the needs of those whose problems are severe or whose offenses are serious in either the first instance or in repetition. The relationships of this element to the other elements in the system and other matters are discussed at this point.

Section 2: INTENSIVE PROBATION

Page 155

The key programmatic element in intensive community programs is described here. The management of individual cases, frequent counseling between the juvenile and a Juvenile Services Worker possessing considerable skill and extensive training, and the utilization of volunteers are the headings under which this subject is presented. Supervision and other organizational considerations are also explored.

Section 3: SUPPORTIVE SERVICES

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This section identifies and describes several kinds of supportive services that may be applicable to the problems of selected juveniles placed in this general element: counseling, employment, social services, skill training, etc.

Section 4: LIVING ARRANGEMENTS

Page 173

Some juveniles placed in this general element are expected to need the type of living environment provided by a group home or halfway house. This programmatic element includes programs of less magnitude than residential treatment facilities but which have a structure and services that provide needed and otherwise lacking guidance and direction.

Section 5: THERAPY

Page 180

A significant percentage of juveniles placed in this element are expected to need outpatient treatment from a mental health center or equivalent private institution or practitioner. Specialized experience in treating the typical problems evidenced by those in this general element is not widely available, and is crucial to the rehabilitation of many.

Section 6: FAMILY COUNSELING

Page 183

Many juveniles placed in this general element face massive problems caused by disintegrating family structures. Many others present their families with new problems with which they are not prepared or equipped to deal. This programmatic element is addressed to methods of helping alleviate these problems.

Section 7: AFTERCARE

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Specific and dependable provision of support, counseling, and appropriate referrals for those returning to the community following a period of residential treatment is essential to maintain the gains made during treatment.

SECTION 1: INTRODUCTION

The Intensive Community Rehabilitative Programs general element has a projected annual intake of approximately 2,500 persons - or slightly more than one-quarter of all those placed in rehabilitative programs. It includes six programmatic elements, giving it an internal structure of moderate complexity. Its key service is intensive probation, defined in a way that makes it different from almost all current practices of probation in the state. An exception to this is the recent reorganization of the Johnson County probation staff, closely approximating the presentation here. There are two sources of input for this element: a direct placement in the element through a dispositional order of the juvenile court, and the indirect placement which results from commitment to residential treatment, for which this element provides aftercare. The output from this element is through termination of the probationary period allowing return to Socially Responsible Community Life. The positioning of the general element within the system is portrayed on the chapter face page.

This introductory section is devoted to an overview of the general element, and is followed by separate sections describing the details of the six programmatic elements of which it is composed. This section is arranged in four parts: the basic definitions for the general element, its positioning in the system, general descriptions of the four programmatic elements, and some commentary.

DEFINITION - The Intensive Community Rehabilitative Programs general element is one of the three rehabilitation elements in the control field. Its primary purpose is to provide intensive services to approximately one-quarter of those over whom the juvenile court has found jurisdiction. The services included within the general element are appropriate for repetitive offenders and those who do evidence major personal, familial, or social problems. The goal of activities

within the element is to be able to return probationers to Socially Responsible Community Life at the earliest possible date consistent with their needs and the public interest.

Intake for the element is defined by dispositional orders from juvenile courts. The dispositional orders may be of two types, direct placement and indirect placement through direct placements in residential treatment. An estimated 2,500 persons annually will be placed in this element, according to current experience of delinquency in the state. This is slightly more than one-quarter of all dispositional orders.

The element is comprised of six kinds of services (programmatic elements) of which intensive probation is the administratively responsible and otherwise key service. These services are operative until a specific period of time has elapsed or specified objectives have been attained. Services provided in this element may be followed by services provided under the aegis of the Children's and Youth Services Agency (CYSA) in the prevention field, or may simply be terminated at the end of the period specified in the dispositional order.

The output for the element is a simple termination of requirements or services at the end of the period specified in the dispositional order or the attainment of objectives it specifies. Termination means that no further jurisdiction exists, and voluntary enrollment and participation in any further services believed to be valuable is the only possibility after termination.

The services in this element are unlike those typically provided in the state at present, and the term "probation" should not be used as the basis for assuming any similarity. The probation described in this general element is "intensive probation" which demands a level of skill and experience not commonly

available at present, and an overall system structure for which no current examples exist in Kansas.

The agency identification of the Juvenile Services Workers who are the most significant part of this general element is to be determined by the area board of geographic jurisdiction for any particular community.

A considerable financial investment is programmed for the services in this general element; much more than is currently available for similar circumstances. This considerable investment of resources is intended to allow community programs an opportunity to replace or displace residential treatment for a significant percentage of those who might otherwise be placed in this even more expensive kind of rehabilitative program.

POSITIONING IN THE SYSTEM

This general element relates to three other general elements: Crisis Programs, Residential Treatment, and Socially Responsible Community Life. Its relationship to the Crisis Programs element is solely defined by the Judicial element (Disposition, 573). Court disposition specifying direct placement in this element, along with various degrees of specified details, accounts for the majority of the input into this element (estimated at 2,000 per year). Intensive probation is accountable on a regular periodic basis, and on specific request, for informing the Judicial element (Dispositional Supervision, 574) of progress being made in carrying out the general intention and specific prescriptions of the dispositional order. Individuals placed within this element may be returned to the court for reconsideration of the disposition for sufficient reasons. The majority of such reconsiderations would probably request for placement in residential treatment, even though the possibility of referrals back to general community programs should be allowed. It might be noted that reconsideration is most appropriate when the immediate

situation of the juvenile changes during the period of placement in this element.

The other source of input for the general element is defined by the dispositional orders of placement in residential treatment. Coincidental with placement in residential treatment is the responsibility for the Intensive Community Programs element to assume responsibility for preparing, and later conducting, aftercare services for each individual. Persons in residential treatment are concurrently assigned to a varying degree of responsibility in the Intensive Programs element.

The third relationship between this and another general element involves the eventual return to Socially Responsible Community Life; the ultimate objective of all activities within this element. The Juvenile Services Worker is encouraged to make referrals to the CYSA or any other community structure prevention program during, or subsequent to, the period of intensive probation. During the probationary period, referrals to the CYSA are "accountable" referrals requiring the CYSA to regularly furnish such information as requested by the JSW. Referrals made after the period of intensive probation do not require such accountability. There is no reciprocal relationship back from the Socially Responsible Community Life to this general element.

There are six programmatic elements within the general element, one of which serves as the administratively responsible activity for the general element as a whole. The six elements are:

- 710 INTENSIVE PROBATION
- 720 SUPPORTIVE SERVICES
- 730 LIVING ARRANGEMENTS
- 740 THERAPY
- 750 FAMILY COUNSELING
- 760 AFTERCARE

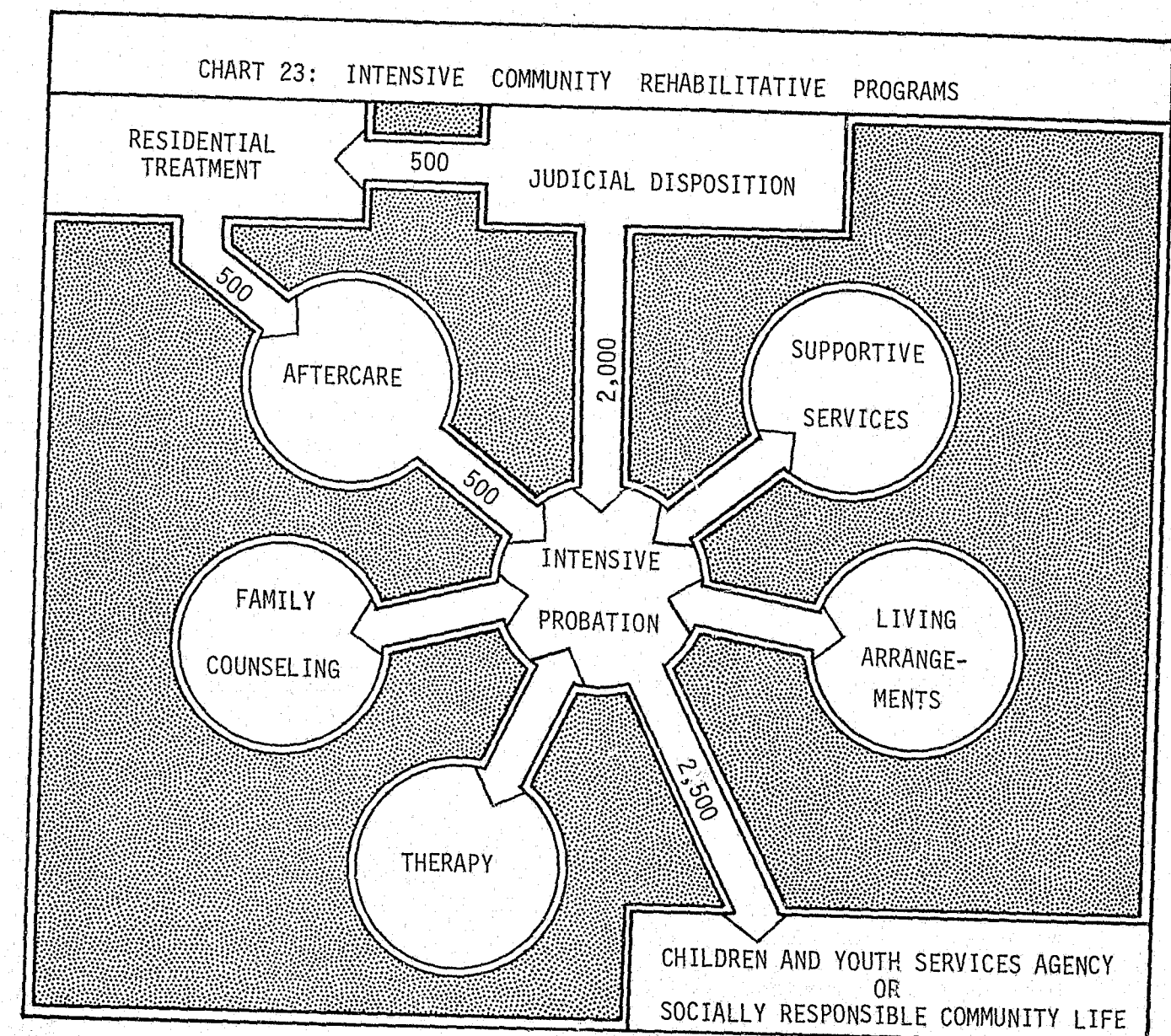
Only Intensive Probation is involved in the sequential ordering of these services for any particular individual. It

serves as the point of accountable referral for the Judicial Disposition (573) and is the authority for termination of further jurisdiction and return to Socially Responsible Community Life. The central position occupied by Intensive Probation is clearly illustrated on Chart 23, which appears below, where it, the other five programmatic elements, the two sources of input, and the one output channel are clearly illustrated.

Very brief definitions of the six programmatic elements within Intensive Community Programs are provided at this point to

give an overview of the general element, prior to the more specific descriptions presented later.

INTENSIVE PROBATION - Intensive probation is defined as the utilization of a highly trained and experienced probation worker designated as a Juvenile Services Worker (JSW) to provide an intensive concentration of services for all juveniles placed in this element, remembering that placements in this element are made on the basis of repetitiousness of offenses, very serious first or second offenses, and for serious personal and soc-



ial problems. The JSW is to have been proven adept at working intensively with probationers and is given a caseload permitting frequent and extended contacts with each probationer. A ratio of one JSW to 20 probationers is suggested as an average maximum, allowing an intake of approximately 25 per year. Counseling is the primary transaction between the JSW and the probationer, though the JSW also coordinates any and all other services applicable to the needs of any particular individual. The JSW is responsible for insuring that needed referrals to other services are accurately determined and is responsible for insuring that such services are actually initiated and maintained, or that alternate plans are developed. The JSW also is responsible for involving the juvenile's parents and volunteers in achievement of the objectives of intensive probation, along with other services specified in this chapter. The JSW functions as an advocate of the probationer in helping him obtain other necessary services for himself or other members of his family. Intensive probation may be carried out while the juvenile continues to reside at home, or while he is living at another location. The JSW has responsibilities for maintaining contact with all persons in residential treatment, and in assisting the treatment personnel to understand the disadvantages and opportunities in the home community.

SUPPORTIVE SERVICES - The Supportive Services programmatic element includes services similar to those described under a similar heading in the General Community Rehabilitation Programs, but are here expected to be needed more acutely. A person may be assigned to this general element because it is considered to be essential for him to receive the kinds of supportive services available as part of this element, whereas it may have only been "desirable" in a general community element placement. The specific services included here are: social services, educational services, employment services and personal development. As was true in the General Community Rehabili-

tation element, it is anticipated that these services will either be provided through established programs of public agencies, through a purchase of service arrangement with a public or private agency, or as a donation from a private agency or individual. It is expected that the goals to be achieved through these services will be more difficult to accomplish on the average, than those represented in the group of juveniles assigned to the General Rehabilitative Programs element.

LIVING ARRANGEMENTS - A significant percentage of juveniles placed in this element are expected to require the additional support or improvement in their environmental conditions that can be accomplished by removing them from their accustomed residence and placing them in other living arrangements. Regardless of the kind of offense or repetitiousness of offenses, all those who seem to require a change in their living arrangements are to be placed in this general element, solely for that reason. Four kinds of services are included under this general heading: revised living arrangements at home, day-care services, foster family placements, and group homes. The first of these, revised living arrangements at home, may accompany the Family Counseling element, and consists of revision of formerly existing family practices. Day-care services may be used to assist the family to adopt new patterns of behavior and attitudes regarding the juvenile. The foster family placements should be viewed as a very valuable and potentially constructive experience, on either a short-term or a long-term basis. The placement in a group care home, which may not exist in the community of the child's residence, is the maximum possible service to be provided under this heading, and should ordinarily be tried prior to the time that consideration is given to placement in residential treatment. Group care homes, in contrast to the others, includes a consciously designed "treatment" program with professional supervision. The purpose of these programs is to relieve some of the tensions

and problems in the juvenile's accustomed residence, whether these problems seem to originate with the juvenile or with other members of the family. These services would almost always be purchased from private agencies or other purveyors of service.

THERAPY - This element includes professional out-patient treatment in a mental health center or other private institution, or from a private practitioner. It is distinguished from all other "counseling" by the fact that it is to be conducted under the direct supervision of a licensed psychiatrist, psychologist, or psychiatric social worker. Such treatment is not uniformly available within the majority of communities throughout the state, even when it is available to them. The residents of most Kansas communities must travel to some other county in order to obtain this kind of service, often posing significant problems in obtaining the service or developing motivation for therapy. The objective of this service is to deal with personality problems of deep significance in the juvenile's personality. It is expected that a significant percentage of those placed within this general element will require this type of professional treatment if significant improvements in their unacceptable behavior are to be realized. Everyone requiring this type of service, according to the evaluation made prior to judicial disposition, are placed in this general element for that reason. It is anticipated that therapists who have been successful in dealing with physically large, recalcitrant males will be at a premium in carrying out the intention of this programmatic element.

FAMILY COUNSELING - This programmatic element is defined as efforts to work with the juvenile's parents and siblings while he or she continues to live at home or resides elsewhere in order to produce a more constructive home environment. The objective of this service is to help solve some of the family's problems believed to be contributing to delinquent

behavior. Access to the family unit may be achieved by a specification within the dispositional order of the court in cases where resistance or recalcitrance is encountered. Family counseling should also be conducted while a juvenile is receiving residential treatment or is residing in a group home in some other community, in order that reentry into the family unit may be achieved at some future date.

AFTERCARE - This element is defined as the sum total of all actions taken in order to supplement, confirm, and strengthen the progress made during residential treatment. Though most of the effort in aftercare will occur in the period immediately following institutionalization, it will also include periodic contacts with the juvenile and the residential treatment personnel during the conduct of residential treatment. The more intensive period of service will follow discharge from treatment and will be aimed at providing the support necessary to enable the juvenile to reenter the community in which he resumes his life. The aftercare program, in some cases, may begin with a period of "off-campus" residency while the juvenile is still officially enrolled in residential treatment. Aftercare planning begins during the initial phases of residential treatment (the first month), and the JSW periodically visits the juvenile while in the residential treatment institution. The JSW is to be a contributing member in any planning for the juvenile's release from residential treatment. As will be noted on Chart 23, discharge from residential treatment is only to the Aftercare element which is part of this general element.

COMMENTARY

The Intensive Probation programmatic element is responsible for case management and the individual's discharge from this element back to Socially Responsible Community Life. The Intensive Probation element may also refer anyone who is found, on the basis of experience, to be inappro-

appropriately placed in this general element back to the Judicial element for another, different disposition. This will allow responsible handling of incorrect dispositional placements; cases in which placement in this element is initially believed to be the most appropriate dispositional alternative but in which additional experience indicates that residential treatment or general community programs are more appropriate.

This element is expected to have an annual intake of 2,500 individuals, a rough estimate based on a normal distribution curve. It is anticipated that there will be three or four individuals who can profit from placement in some or all of the intensive community rehabilitation programs for every individual for whom residential treatment seems to be indicated. Chart 23 also indicates that it is possible that as many as 100 juveniles a year might be referred back to the Judicial element for placement in another element. Another factor which was used in computing the anticipated need for this general element is the fact that every juvenile who needs any of these services, even if he needs only one, should be assigned to this element. For example, all of those who, it is believed, can appropriately be placed in therapy (740) should be assigned to this general element for that purpose.

The projected internal distribution within the element (the number who will need each of the individual services) has been estimated as follows: supportive services (720) 1,500; living arrangements (730) 500; therapy (740) 500; family counseling (750) 800; and after-care (760) 500. In estimating these figures, it has been recognized that some of the juveniles assigned to this element may require all of these services simultaneously or sequentially. On the other hand, many of the others will only need one or two of the services. Only those assigned to aftercare following a period of residential treatment could conceivably use all of the services

since those who do not enter this element following residential treatment will not require aftercare services. The most frequently needed service is expected to be the employment portion of the supportive services element.

These programs have a distinct rehabilitative purpose. They are designed to invest intensive and expensive efforts in the juvenile's rehabilitation. The processing of persons through this element of the system is only a minor aspect of its intended goals and practical operations. Even though this is also true of the general community programs, it is more characteristic of this specific programs element since juveniles who are seriously disturbed and alienated from society are those appropriately placed here. Extensive efforts intended to resocialize the juvenile, rehabilitate his attitudes, and correct his behavior characterize the element's practical programs.

Participation in these programs is expected to be required for an extended period of time. In most cases, placement in this element will be for a minimum period of one year. Some may need to receive treatment or other services for as long as two years. It should be emphasized that in stating the number of months a juvenile may need to be enrolled in a particular program or element we do not intend to imply that he should be given a "sentence" of that length. This standard is meant to describe the length of time which will probably be required in order to achieve reasonable improvement using the measures specified. As in other programs in the control field, it would be desirable to refrain from requiring participation for a given number of months in favor of establishing certain goals to be achieved. Working toward particular goals rather than within a definite time frame is also believed to reflect the basic philosophy of the juvenile code. The evaluation of each individual, made prior to the judicial disposition of a case, should be the primary determinant for establishing reasonable goals to be achieved.

The use of a court order in accomplishing some of the objectives for the juveniles placed in this element is more appropriate here than in General Community Programs. Those (appropriately) placed in this general element are those suffering from or causing major problems, requiring the utilization of all available court authority before a reasonable amount of progress is likely. This means that court orders will be more specific and widely used and that less reliance will be placed upon using the voluntary participation mentioned as appropriate for most general community programs. This also demands "official" handling of all of the individuals placed here. Recalcitrance, unwillingness to participate, failure to take the court's authority seriously, and other such attitudes can not be allowed to dominate the situation. Although the success of many of the specific activities included in this general element depends upon gaining the juvenile's confidence and willingness to participate, his enrollment in such programs should not be permitted to remain optional. The use of clear specifications in the court's dispositional order would provide the added impetus necessary to insure the juvenile's initial enrollment in such programs.

The services included in this element have been deliberately designed to be intensive. They will be intended to exercise significant rehabilitative influences on both the juvenile's specific actions and on his general behavior. In some cases, they may focus on the developmental problems which the juvenile is experiencing while in others, their purpose may be corrective or rehabilitative. These programs will generally be most applicable to those whose behavior exhibits deliberate attempts to disregard the rights and privileges of others or shows repeated, thoughtless, neglect of this knowledge. The juveniles who should be placed in these programs are not those who have merely been "testing the limits" of the society in which they live. Individuals whose behavior is clearly evident of severe emotional or

other environmental problems, whose delinquent acts are so serious, in either the first instance or because they are repeated, would appropriately be referred to these programs. On the other hand, the persons who, while they fit this general description would more appropriately be placed in residential treatment, should be assigned to that element.

The standards suggested for determining appropriate direct placement in this element is: the first time the juvenile commits a very serious delinquent act if it is believed to have been deliberately and rationally planned, the third time he is apprehended for a miscreant act in cases where the environmental and family situations do not appear to be strong and cannot be relied upon to modify or change the situations which have immediately preceded or precipitated the events in question, all persons who show evidence of serious personality problems (such as those requiring therapy), those whose family environment is a clearly negative influence on their developmental progress (such as those for whom other living arrangements seem indicated) and those with other very serious problems. It is also necessary to note that the results of the evaluation (550) which was made prior to the judicial disposition of the case should be given considerable weight in determining the latter matters.

The programs in this general element represent an intensive, expensive alternative following a disposition based on a judicial finding of guilt. There should be no doubt about the court's ability to impose mandatory directions and conditions which will be subject to periodic revision and review within the limitations imposed by penalties appropriate to the seriousness of the offense, or the juvenile's history of offenses. Where the court prescribes and orders the achievement of certain objectives, these should be made enforceable by the ability to impose additional penalties or extend the duration of any period of required

participation which may have been established. It is illogical to order services or impose penalties if no further action can be taken in the face of noncompliance. An indeterminate period in which to achieve certain goals or objectives is felt to be appropriate for many of those placed within this element.

However, if experience in working with the juvenile or subsequent developments in his family or the community indicate that the juvenile has been inappropriately placed in these services, there should be no question about the ability to transfer him to either of the other rehabilitative elements. The fact that placement in this element does not necessarily represent a final disposition of an individual case should be emphasized. When needs differing from those which were originally perceived become apparent, the interests of the individual as well as those of society demand that there be no structural barriers to developing a more adequately and potentially effective program for that individual.

It is both possible and desirable for the juvenile's parents and for volunteers to be involved with his probation officer and others providing services in working to achieve the goals which have been established for anyone placed within this general element. Volunteers can be used in most of the specific programs in this general element. The use of volunteers is believed to be so potentially valuable that definite, systematic efforts should be undertaken to recruit, train, assign, and supervise a sufficient number of volunteers so that they can become a significant asset in achieving the objectives of this general element. The utilization of volunteers should not be left to chance. Although it is believed that parents will be less of a resource in this element (as compared with the general community rehabilitation programs), deliberate efforts should be made to use them whenever possible. When it is believed that parents can be used, definite efforts should be undertaken to prepare them for a meaning-

ful role. In no case should parents simply be admonished to participate without any preparation or understanding of their strengths and abilities.

The parents' roles in the rehabilitation of the juveniles placed in this element may be easily misunderstood. The typical parent of the serious offender is likely to have lost (or never to have obtained) the degree of parental authority which he needed in order to control his child's behavior. In many cases, this erosion of parental authority is a process which has occurred over a long period. As such, it cannot be restored on the insistence of the juvenile judge, the probation officer or anyone else. This does not mean that some measure of control is not possible; it means that the juvenile's parents may be very poor agents for exercising this direction and control.

Another point often ignored is that, as older juveniles prepared to become independent of their parents and families, they often find that they must assert their own will against those of their parents to establish their own identity. Consequently, parental authority has a decreasing practical impact on older juveniles. This fact is often ignored by those who wish to make parents wholly responsible for the actions of their offspring. It will be suggested that decreasing emphasis should be placed on parental control as a means of dealing with older juveniles in order to avoid conflict with this principle. On the other hand, encouraging parents to assert their influence and authority over younger juveniles is certainly appropriate in most cases.

The JSW who provides the key service within this general element must, consequently, be skilled in utilizing both parents and volunteers whenever appropriate in handling an individual case. It will probably be necessary to develop knowledge of and experience about the most successful ways of achieving this objective. It is certain that the

people who will be candidates for JSW positions will not have any uniformly innate abilities for fulfilling this expectation. It can be categorically stated that using parents and volunteers with desirable qualities, should be considered an essential aspect of the treatment objectives of this general element.

The JSW will be required to furnish a report to the judge (or dispositional supervision element) when he believes that the conditions set forth in the dispositional order have been satisfied. Interim reports, on a monthly basis, should also be required. After the JSW has furnished a report to the judge stating that the conditions of the dispositional order have been satisfied, the probationer's release from further responsibility should follow immediately.

There are six specific programmatic elements described in the subsequent sections of this chapter. In each case, the decision to use one or more of these elements should be based on an accurate understanding of the juvenile's situation and his capabilities. It should be tempered by experience gained from trying to achieve the objectives set forth. Neither group decisions nor inflexible rules should be applied to everyone in this category.

Finally, it should be mentioned that intensive community rehabilitation programs will utilize some of the same individuals and agencies that are used in the general community programs. The principal difference is simply that persons placed in this element have

problems which are more difficult to overcome and it will be more difficult to bring about positive improvements in their behavior. These differences in the seriousness of individual situations may not be readily identifiable in the cases of those in approximately identical circumstances; however, the extremes of the continuum will be easily distinguishable from one another. There will be those in the middle of this continuum who might be placed in either a general or a selective community rehabilitation program; those with minor problems can readily be identified for placement in the general programs element while those with serious problems or behavioral patterns clearly belong in this general element.

This general element serves as the primary resource for "diversion" of juveniles from institutionalization through providing considerable community-based treatment resources. We have not concluded that residential treatment can be eliminated from the system, but these intensive programs can certainly accept and rehabilitate some persons who would be placed in residential treatment by the systems in other states.

Two approaches to this same goal are not reflected in the description of this element (and probably should have been): camps and Outward Bound. The articles by Kelly and Miner (20,28) in the reference section concern the Outward Bound approach and the more general subject of diversion is comprehensively covered by the Weber and Mayer monograph. (47)

SECTION 2: INTENSIVE PROBATION

The "intensive probation" (710) programmatic element provides certain unique services and activities and serves as the coordinating authority for other services needed when working with juveniles with severe personal and environmental problems. It is the key programmatic element within the general element. The

centrality of its position was illustrated on Chart 23 in the preceding section, where it can be noted that this element is the only one that relates to all of the others. It relates directly to the Judicial element in the crisis programs (responsible for the disposition of individual cases). This relation-

ship is determined through a dispositional order assigning the juvenile to intensive probation, which, in turn, makes referrals to supportive services, living arrangements, therapy, family counseling, and aftercare as appropriate for the needs of individual juveniles. These referrals involve provision of a specified service and the responsibility to furnish periodic progress reports and immediate notification of any significant problems which arise.

The key worker in Intensive Probation is given the title of Juvenile Services Worker (JSW). This is a highly trained and experienced person, proven to be adept at working intensively with probationers and given a caseload which allows the establishment and maintenance of frequent, extended contacts with each juvenile on the case-load. (An ideal ratio would be 1:15 with a maximum of 1:20). Counseling is the primary transaction between the JSW and his probationer. Both the juvenile's parents and volunteers may be involved in achieving the goals of intensive probation, as may the probationer's associational preference groups or other companions. The JSW will usually function as the probationer's advocate in helping him to obtain other needed services. The JSW will also monitor all services and activities being provided for each individual in his caseload.

With these brief introductory ideas in mind, a comparison of general and intensive probation will probably be useful since there is no established distinction between these services as we have defined them. Chart 24 provides a partial comparison according to the format we are using. Following this, a more detailed description of this programmatic element is presented.

DEFINITION

Intensive Probation is an essential management and service-providing programmatic element within the mainstream of the system. It is carried out by a highly trained and experienced person designated

by the term Juvenile Services Worker (JSW) whose responsibilities are: case management, counseling, and utilization of volunteers. The efforts of intensive probation are directed toward adjudicated juveniles whose history shows serious disregard for the rights of others, serious repetitiousness, or who are the victim of other severe circumstances. This group is expected to constitute slightly more than one quarter of the total adjudicated group. The rationale for this service, and for the general element, is that those with severe behavioral and personal problems need a concentration of services provided within a structure that allows some chance of success. It is believed that these services will have a positive and constructive influence on the majority of the juveniles placed in this element, and will allow a greater percentage of persons to receive needed services in the community rather than in residential treatment. A small case-load (20 maximum) allows the JSW to devote a considerable amount of time to each probationer and to monitor the success with which other services are contributing to an overall rehabilitation plan.

CLIENTELE

Juveniles correctly placed in Intensive Community Rehabilitative programs need intensive services for either of two reasons: repetitious illegal activity, or severe personal problems which have resulted in some sort of illegal activity. All placements originate in a specific dispositional order of a juvenile court, which may be either direct or indirect. The direct placements are those in which the dispositional order specifies intensive community rehabilitation. These are estimated at 2,000 per year, or slightly more than one fifth of the total adjudicated group. The indirect placements are those which are directly placed in residential treatment, but will subsequently be returned to community aftercare, a responsibility of this element. About 500 individuals per year are estimated for this route, bringing the total load for intensive probation to 2,500 per year, or about 27 per-

CHART 24: A COMPARISON OF GENERAL AND INTENSIVE PROBATION

GENERAL	DEFINITION	INTENSIVE
	A small number of community-based services to help adjudicated juveniles develop and maintain socially acceptable behavior patterns	A wide range and intensive application of community-based services to help adjudicated juveniles develop and maintain socially acceptable behavior patterns
	CLIENTELE	
Adjudicated juveniles placed in this general element by court disposition estimated at 6,700 per year		Adjudicated juveniles placed in this general element by court disposition estimated at 2,500 per year, including aftercare placements
	RATIONALE	
Personal problems generally not severe or complex and existence of helpful and supporting resources and strengths		Severe and complex personal problems demanding considerable carefully developed and applied services
	OBJECTIVES	
<ol style="list-style-type: none"> 1. Caseload 1:50 (4-8 months) 2. Remains in community 3. Active efforts to reduce or eliminate antisocial or problem behavior 4. Work to eliminate negative social or environmental relationships 		<ol style="list-style-type: none"> 1. Caseload 1:20 (1 year minimum) 2. Remains in (returns to) community 3. Active efforts to reduce or eliminate antisocial or problem behavior 4. Intensive efforts to eliminate negative influences on behavior 5. Develop essential independent living skills 6. Counseling juvenile and family 7. Restructuring living arrangements as necessary on a temporary or long term basis
	SPECIFIC TASKS	
<ol style="list-style-type: none"> 1. Develop a probation plan prior to dispositional action of the court 2. Implement plan with referrals as specified 3. Carry out general probation tasks, contacting probationer once every two weeks at minimum 4. Summarize progress quarterly, review 5. Monitor and coordinate services 		<ol style="list-style-type: none"> 1. Develop a rehabilitation plan prior to court dispositional action 2. Implement plan with referrals as specified immediately after placement 3. Carry out intensive probation tasks 4. Summarize progress monthly, review 5. Monitor and coordinate services 6. Inter-agency progress reviews

cent of the 9,200 annual dispositional orders to rehabilitative programs. Those appropriately placed in intensive programs will have one or more of the following characteristics:

1. Those whose first or second offense represents a serious disregard for the welfare or property of others ("part one" offenses, but not necessarily all of those)
2. Recidivists: those who have had two prior (total of 3) adjudications within a three year period, and for whom two prior placements in general community programs have not proven effective.
3. Those whose personal situation demands considerable readjustment or intervention, apart from considerations about offenses.
4. Those who were directly placed in residential treatment for which this service provides aftercare.

These guidelines for placement are intended to correct three kinds of abuses currently occurring in Kansas: "over-reaction" to juvenile misconduct, "under-reaction" to clearly serious behavior, and the absence of a dependable after-care program. The abuse of "over-reaction" is the situation existing when an obviously minor infraction is used as the justification for requiring unusually severe conditions of probation. Only serious illegal behavior or a seriously repetitious pattern is sufficient cause for placement in this element. The "under-reaction" abuse is more common and consists of an inadequate or ineffective intervention into the life of the juvenile who has committed a serious illegal act or has developed a serious history of repetition. This element provides for an adequate response for such persons, who may not be appropriate for residential treatment. The final abuse, concerning aftercare, is adequately addressed by the system design which does not allow discharge without accountability.

RATIONALE

Intensive probation, and the general element of which it is a part, is founded on the belief that a distinct minority of persons who become a part of the control field will evidence severe and complex personal problems that demand considerable attention through carefully developed and conscientiously applied services.

Some persons who become known to the juvenile justice system obviously require considerable intervention in their behavior patterns or living environment, even though they are not in need of the more highly structured residential treatment programs. Intensive probation, and the other services in the general element, provide a dependable way of responding to these needs in a potentially more effective and somewhat less expensive manner.

Providing these services within the community of residence also obviates the need for dealing with separation and re-entry crises, interruption of contacts with peers and others, and other disadvantages. Problems originate in community life and must ultimately be solved there.

OBJECTIVES

There are several objectives for intensive probation: communication of society's standards, development of a constructive relationship with a responsible interpreter of those standards, referral to other sources of relevant and appropriate assistance, constructive intervention in the habits or living environment of the juvenile, exploration of practical morality and the meaning of life with an adequate adult figure, and communication of the principle that a reciprocal relationship must exist between society and the individual.

These matters were briefly explored in the previous chapter. The same general objectives are specified here with the

understanding that the severity of the problems addressed is greater and the resources reserved for this purpose are likewise greater.

SPECIFIC TASKS

The specific tasks of intensive probation will be discussed under three headings: case management, counseling, and volunteer utilization, all three being the direct responsibility of a JSW (persons who have demonstrated exceptional skill and have received training in developing in-depth counseling relationships with those who are experiencing severe problems). Although some of the probation officers in Kansas are nominally equipped for this type of work, they are not usually employed in situations which allow them to exercise this skill. The average and maximum workloads specified for these persons give promise that they will actually be able to give personalized attention to each person assigned to them - an impossibility for most persons currently working in probation in Kansas. The three services are briefly described below, and then in greater detail on following pages.

The case management function consists of: preparation of a rehabilitation plan, accepting responsibility for the juvenile according to the conditions and specifications set forth in the judicial disposition of the case, regularly monitoring the individual's progress in meeting these requirements, making appropriate referrals to other services, regularly reporting the probationer's progress to the judicial element, and preparing periodic recommendations regarding each individual.

The counseling function is designed as a formally-structured relationship through which understanding between the JSW and his probationer can be developed. Although it would be inaccurate to characterize this counseling relationship as therapy, its intensity, depth, duration, and other characteristics make it more significant than some ideas of counseling. The purpose of this service is to

deal with overt behavioral, developmental and maturational problems, rather than with deep-seated personality disturbances which would more appropriately be dealt with through therapy. Helping the juvenile to determine what constitutes acceptable behavior is expected to be a result of this counseling relationship, although its major purpose is to obtain an understanding of the individual and to help him toward greater self-understanding.

The potential utilization of volunteers is designed to be a major feature of this element. Volunteers are expected to be useful in most of the specific programmatic elements and to be a significant contribution to the attainment of objectives in this general element. The JSW will not be required to recruit and train volunteers, although he will be responsible for their assignment, supervision, and support. Therapy is probably the only programmatic element for which volunteers are not likely to be used.

This brief description of intensive probation is probably sufficient to illustrate the point that it is designed to provide an individual and community service not now generally available in Kansas. More detailed descriptions of these functions follow.

CASE MANAGEMENT

The case management function will be discussed under six general headings: development of a rehabilitation plan, acceptance of responsibility, referrals to other appropriate sources of aid, monitoring progress, periodic reporting, and the development of recommendations.

REHABILITATION PLAN - The chronologically first step in intensive probation is the development of an individual rehabilitation plan for every person being considered for placement in intensive community programs, and the aftercare plan for those placed in residential treatment. An outline of this plan is to be completed

prior to the adjudicatory hearing in the court, where it will be considered by the judge prior to his dispositional order. In many cases, one of the other two rehabilitation elements may also be asked to submit recommendations on the same individual in order that the judge may have the benefit of more than one point of view. The dispositional order may closely (or exactly) conform to the outlined rehabilitation plan, or may differ from it - according to the insights and perspectives of the judge.

After a dispositional order has been made, a more specific and detailed rehabilitation plan will be prepared by the JSW, discussed with the juvenile and his or her parents, and other interested or involved persons. The plan will then be filed with the court, and a copy furnished to the juvenile in order to insure mutual understanding. The "rehab plan" serves as the basis for the practical responsibilities of the JSW, referrals, monitoring, reporting and recommendations.

PRACTICAL RESPONSIBILITY - The dispositional order, and the responding rehabilitation plan filed by the JSW define the practical responsibilities of intensive probation. When the judge is satisfied that the rehab plan is a viable way of carrying out the dispositional order intentions, the performance responsibility shifts to the JSW. Up to this point, responsibility is more or less "provisional". Those in residential treatment present a somewhat different situation. Each disposition to residential treatment includes an assignment of responsibility for a JSW. Practical tasks during the period of residence may be undertaken on the suggestion or direction of the treatment staff, or as a preparation for subsequent reentry into the community after discharge. The JSW is responsible for participating in staff discussions about his residential treatment assignments no less often than quarterly.

REFERRALS - The rehabilitation plan will almost always specify the desirability of enrollment in other services.

An important function of intensive probation is, therefore, to insure that appropriate and effective referrals actually occur according to plan. The JSW will discuss many of the available options with the probationer in order to ascertain the appropriateness of any proposed referrals. Some rehabilitation plans may include several of the services described in this general element, while others might be limited only to intensive probation. In each case, the rehabilitation plan should be tailored to the individual needs of the probationer. Referrals to other agencies participating in the rehabilitation plan should be made personally by the JSW who should, ideally, transport the juvenile to the place where the service is being offered and assist him or her with whatever the intake process may require.

MONITORING PROGRESS - The JSW will be responsible for closely monitoring the progress of each juvenile in his caseload. The juvenile's activities should usually be monitored at least once a week and never less frequently than once every two weeks. Monitoring should be considered to involve at least the verification of the fact that the juvenile is still participating in treatment or other assigned activities, and should, ideally, include brief discussions with those providing the service regarding his progress. In some cases, monitoring may need to be conducted on a daily basis. The purpose of monitoring as part of the case management function is merely to insure that all of the services within the total rehabilitation plan are actually being provided. After personal relationships have been formed, most monitoring can be accomplished through phone conversations.

PERIODIC REPORTING - The JSW is required to periodically summarize the nature of each juvenile's rehabilitation plan and the success - or lack of success - with which this plan is proceeding. This report should be made available to the judge who made the dispositional placement and the Area Rehabilitation Director.

Such reporting should be dependable and on a consistent basis and should include enough information so that the judge will be able to determine whether reasonable expectations for the dispositional placement are being met or are likely to be met.

DEVELOPING RECOMMENDATIONS - The JSW has been described and defined as a professional performing an important function within the total juvenile justice system. As a professional, the JSW's should be responsible for developing recommendations regarding changes in the status of the juveniles on his or her active caseload. Changes may involve terminating the dispositional order (once all of the original conditions have been met), may involve recommending reassignment to residential treatment or general community rehabilitation programs. Recommendations may also be made regarding necessary alterations in the specifications of the judicial order if more accurate information or experience indicates that other conditions might be more potentially productive. It is likely that many of the juveniles assigned to this general element will experience significant changes in their homes or social environments during the course of their placements which may have implications requiring adjustments in the original dispositional order. Recommendations concerning the termination of their participation in treatment and their return to socially responsible community life will eventually be made for every juvenile placed in this element.

The case management function is an essential aspect of intensive probation. When conscientiously carried out by skilled and well-trained persons, the judge should be able to determine the degree of success with which the dispositional objectives are being achieved. It also provides a written record which may be quite helpful in the future in tracing the histories of those who become recidivists. The records generated at this point may prove to be an important aid in understanding those who subsequently appear before the court.

Services and activities in the intensive programs element will not be maintained at the same level throughout the entire period of intensive probation. The initial months will almost invariably consist of a much greater overall intensity than the months just prior to termination. In these latter months, the intensity of services may be no greater than those designed for the general community programs, perhaps even less.

This has been taken into account in the design of the optimum workload for the element. Perhaps no more than half of the concurrent case-load will be requiring the maximum amount of services at any particular point in time.

It has been suggested that we structure this general element to show a return to general community programs when the intensity of services being provided is reduced to a minimum level. We have not incorporated this suggestion for two reasons: (1) any transfer of responsibility from one worker to another is viewed as clearly undesirable unless necessitated by an incompatible personal relationship, and (2) some services (therapy, for example) may be maintained at a constant intensity even though other services are reduced and terminated. It seems necessary to maintain the person in this element, even when services are being "tapered off" for these reasons.

These considerations also have clear implications for the case management responsibilities of the JSW.

COUNSELING

The counseling function is an essential aspect of intensive probation. The term counseling, as used here, indicates the development of a significant personal relationship between the JSW and his probationer. It is expected that this counseling will require more time, involve a deeper relationship, and be potentially more effective for the juvenile than that which was discussed as part of the general probation element (610). Whereas the type

of counseling described in the 610 element will probably consist primarily of guidance and direction, counseling of the type identified here has a more therapeutic purpose. Though guidance and direction are still expected to be provided by the JSW, counseling in intensive probation should be based on the assumption that a much deeper relationship will be necessary and that the orientation should be more therapeutic.

Individual Counseling - It is suggested that the counseling will need to be more frequent and intensive than the one-half hour per week session specified in general probation. The first goal of this counseling is to develop a mutual understanding between the JSW and his probationer. This understanding must include an appreciation of one another as individuals and of the role each is expected to assume. It is important that trust develop mutually as the counseling relationship proceeds. It will not be necessary for complete agreement to be achieved on every important point. A counseling relationship of this type automatically assumes that the JSW has personal qualities which it would be desirable for the probationer to emulate. The counseling relationship is intended to focus on the maturational and developmental problems which the juvenile is facing. This counseling relationship is not intended to deal with deep-seated personality problems which would more appropriately be dealt with in the therapy element (704) although there are certain to be areas of overlapping interest. Although it may be difficult to distinguish between "counseling" and "therapy" in some instances, this delineation of objectives should be useful. The JSW is not meant to be a certified psychotherapist. It is hoped, however, that a deep, meaningful counseling relationship can be developed between the probationer and the JSW, a process which will require time as well as skill.

Obviously, the inclusion of counseling in the intensive probation element requires that the JSW will be trained and

experienced in counseling, and that the counseling relationship which develops will be subject to periodic review and consultation by a more experienced counselor. There are legitimate questions which can be raised regarding the JSW's capabilities for conducting individual counseling, which we have explored but not resolved. The position we take at this time is that the JSWs should be equipped to perform this counseling function before they can qualify for positions as JSWs. Training and supervised experience in counseling with this limited objective should be provided as part of the individual's preparation for assuming the role of a JSW.

Group Counseling - The value of responsibly designed and conducted group counseling as a specific function is firmly established. (1, 9, 17, 23, 44) However, for a variety of reasons, it has never been widely used. Without further exploration of the subject, we simply repeat the conclusion of others, to wit; nearly everyone with serious problems can profit to some extent from his participation in a group counseling program. Group counseling can provide a means of constructively dealing with some types of inter-personal problems which cannot be handled effectively in any other way. The group counseling approach can become a method for dealing with adolescent anger, irresponsibility, and rebellion. It can improve the individual's decision-making capabilities and greatly facilitate his communication skills both at his peer level and in his relationships with adults. Guided group interaction can greatly accelerate the maturational processes - an advantage from which nearly every juvenile who has been placed in this element should benefit.

A distinction that was made in the counseling function also applies to group counseling. Group counseling conducted by the JSW should never attempt to deal with deep-seated personality problems, even though juveniles with these types of problems might be permitted to participate in the group with the approval of

their therapists. For some juveniles, placement in group counseling during the initial stages of their treatment programs might not be appropriate; however, their assignment to such groups could become appropriate as their rehabilitation programs progress.

The intensive probation counseling function is expected to inject a number of positive influences into the total rehabilitation process. It is expected to apply to virtually every juvenile who would be correctly placed in this element at sometime during his overall rehabilitation plan. The JSW should be equipped to handle this responsibility effectively. This factor will be important in selecting and training JSWs.

UTILIZATION OF VOLUNTEERS

The utilization of volunteers in working with those placed in this general element is considered to be a third essential aspect of intensive probation. In other words, volunteers should be considered as a mandatory, rather than optional, activity or service. The reason for making this mandatory is the idea that juveniles with problems serious enough for them to be appropriately assigned to this element will need a number of adult and young adult influences in their lives if rehabilitation objectives are to be achieved.

Two kinds of volunteers will be identified: those whose primary function will be to provide individualized attention and those whose primary function will be meeting specific categorical needs. It is likely that many of those placed in this element can benefit from help by both types of volunteers. These volunteers will be called, respectively, "generalists" and "specialists."

The first task in using volunteers is to accurately assess the needs of the individual juveniles. This should be done while the overall rehabilitation plan is still being developed. At this time, decisions should be made regarding

the legitimate roles which the volunteers will play in the rehabilitation process. It may be appropriate to think of assigning two or three volunteers to work with a single probationer if his problems are unusually severe. This might consist of one "generalist" and one or more "specialists" all working with the same individual as part of an intensive treatment program. Once the need for volunteers has been determined, two further functions must be performed: the volunteer must be given an assignment, and he must be supervised.

Assignment of Volunteers - Following an assessment of need for one or more volunteers, the next step is to select, assign, and orient individual volunteers to the tasks they will be performing. Hopefully, the JSW would have several volunteers from which to choose the one or more who would most appropriately meet the needs of each probationer. As has already been mentioned in Chapter 3, the responsibility for recruiting volunteers will not rest with either the probation counselor or the JSW. Volunteer recruitment is one of the functions which should be carried out at the area level by an as yet unidentified agency or individual.

The selection of a particular individual to serve as a volunteer in the rehabilitation process is followed by assigning and orienting him to perform a particular task. Emphasis should be given to preparing the volunteers specifically for the challenges of working with individual probationers. This would usually consist of spending an hour or more briefing the volunteer about the probationer's background and the specific steps being taken to achieve the objectives of his rehabilitation plan. This orientation about an individual probationer would be in addition to the general orientation or training which may be given to the volunteer by another authority. It is possible that the volunteer's orientation to a specific task might require spending from two to five hours obtaining the background information which will be necessary in order for him to understand

the challenge ahead. The assignment and orientation processes should also include at least one informal discussion with the probationer so that the probationer and the volunteer will have an opportunity to become acquainted with one another. A firm commitment or final assignment should never be made until it has become apparent that a particular volunteer's assignment will be, at least potentially, worthwhile. There will be less need for these extensive assignment and orientation processes for those who will be providing specialized types of volunteer services.

Supervision and Support - After the assignment has been made and the volunteer has been oriented to the nature and extent of the task in which he will be involved, the JSW will be responsible for supervising and supporting the volunteer as he attempts to assist in the rehabilitative process. In practical terms, this means that the JSW should be in contact with the volunteer at periodic intervals. The JSW should regard the volunteer's input in the same ways that he regards inputs from any of the other treatment elements. Most volunteers should receive direction regarding their specific activities and a majority of them will seriously question their roles and the changes which have or have not been occurring in the probationer's behavior. The JSW will, therefore, need to become a supporting influence for the volunteer as well as a source of information and guidance. It is not unlikely that the volunteer and the JSW will occasionally disagree about what is best for the probationer. In such cases, it may become necessary for the JSW to have the authority to terminate the services of a volunteer if these services are not contributing positively to the individual's overall rehabilitation plan.

The involvement of volunteers in this element may be a crucial, deciding factor in the life of the probationer. Its potential importance therefore requires definite and dependable arrangements

and provisions. The JSW is responsible for assigning and supervising those volunteers who work with intensive probationers, while the Area Boards are responsible for a comprehensive volunteer recruitment and training program - discussed in more detail in Chapters 3 and 5 of Vol. IV.

JSW QUALIFICATIONS

Kansans are not generally familiar with the qualifications that must be required for JSW's to effectively perform their duties since this particular service has never been attempted in our state. While there are precedents and considerable experience in using probation counselors, neither the JSW nor intensive probation as defined here, are familiar to Kansans. Consequently, attention has never previously been given to developing the qualification criteria for positions such as these.

Other states, however, have experimented with concepts of general probation and have developed a reservoir of experience from which general ideas can be drawn.

Each of the qualities and qualifications which has been described in Chapter 3 as being desirable for a probation counselor is also applicable here. It would probably be beneficial to require most of those employed as JSW's to serve as probation counselors for at least a year, in addition to the specialized training which they receive.

The specific content of training necessary for qualification as a JSW has not been determined, but some matters appear self-evident. The aforementioned (Chapter 3) education in behavioral sciences is the base from which additional qualifications are enumerated, and at least 3 years of college level work should be assumed - with other factors such as supervised and unsupervised work experience not being allowed to dominate the minimum qualifications credits as specified in the previous chapter. This is suggested as much for peer relationships with other

agency persons in the community as for the ability to perform certain tasks.

Of particular importance is a personal familiarity with therapy. Though admitting the existence of exceptions, most people do not understand therapy until they have personally experienced it. Since many of those carried on intensive probation caseloads will be simultaneously be involved in therapy, this understanding will be an important influence on the performance of intensive probation. Therefore, we suggest that JSW's be required to have participated in a minimum therapy program - not on the assumption that they are sick and personally require it, but on the assumption that they must experience it in direct relationship to their own lives before they will fully appreciate its effect on others. Furthermore, it would give them a much better grasp of counseling skills that are a required part of their direct responsibilities. It may help to clarify the distinction between their counseling and the therapy which the juvenile is involved with - or at least avoid the major misunderstandings that easily occur when therapy is not clearly understood. This background would also greatly improve the likelihood of real communication between the JSW and the therapist.

We will suggest that working-learning experiences such as those conducted by the Council for Clinical Training be used as the model for acquiring this experience. A 12-week program including therapy in both individual and group settings, and accompanied by practical work assignments should be viewed, we believe, as a minimum qualification standard.

In no sense do we suggest that counseling be undertaken by persons who have not been at least minimally qualified, and certified to perform that function. This may have no absolute relationship to formal educational attainments (although it traditionally does) if some method for screening can be worked out satisfactorily.

We do emphasize that untrained and unqualified persons should not be allowed to perform significant counseling under the auspices of a public agency or system - as is currently being done in some places. Hill reports on a relatively successful effort to teach group counseling techniques to supervisors in probation departments. (16)

ORGANIZATION OF INTENSIVE PROBATION

In Chapter 3 a five-level organizational plan for the administration of the general and intensive probation functions was presented. In the five-level organizational plan, the JSW occupied the position immediately above that of the probation counselor and the JSW supervisor occupied the position above that of the supervisor of probation counselors. This can be found in Chart 20 in Chapter 3 on page 122. An individual designated as the "Area Rehabilitation Director" (ARD) occupied the highest of the five levels in that organizational plan. Both the JSW supervisor and the supervisor of the probation counselors were directly responsible to the ARD.

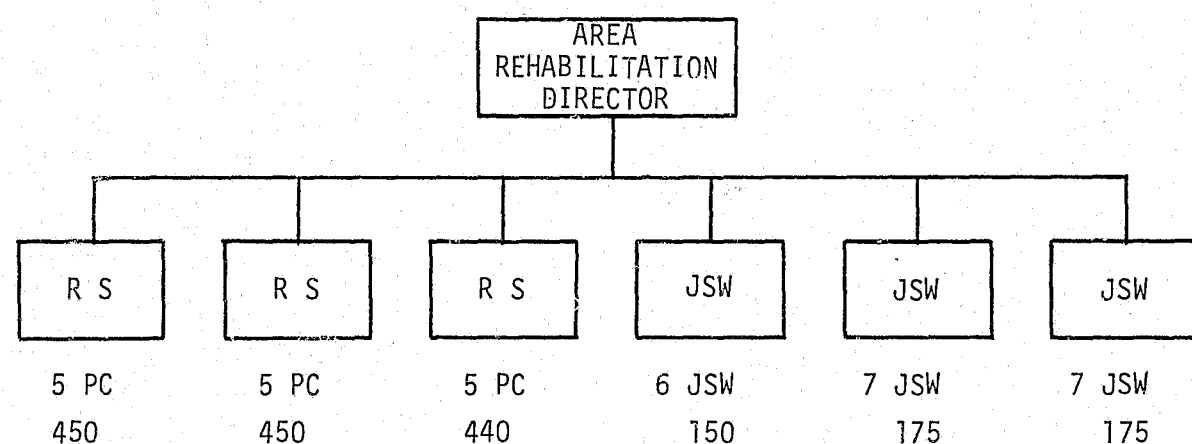
The work of a JSW should be supervised in the same manner as any other service within the system. The person responsible for this supervision will ordinarily be the "JSW Supervisor" who is directly responsible to the ARD, unless the number of JSWs in an area is small, in which case it may be feasible for the ARD to supervise the work of individual JSWs.

The current load in an area, and the staff required to work with these persons, determines the need for the JSW supervisor position. When the combined number of Rehabilitation Supervisors and JSW's in an area exceeds eight, then at least one JSW supervisor should be added to the area organization plan.

Two hypothetical area organization plans for both general and intensive probation are presented as Charts 25 and 26. Chart 25 illustrates a maximum area organization according to the estimated figures

CHART 25: AN AREA ORGANIZATION PLAN FOR ONE FIFTH OF THE ANNUAL PROJECTED SYSTEM LOAD

Annual load is 1/5 of state-wide load; general rehabilitation = 1,340; intensive rehabilitation = 400; residential treatment = 100; (42 positions specified)



we are using. It shows the number of PC's, JSW's, and supervisors needed to deal with one fifth of the state total. Chart 26 shows a minimum area load of only one-twentieth of the total projected state load. These, along with Chart 21 in Chapter 3 (page 123), display the organizational principles to be used in assuring adequate supervision for JSW's and PC's in an area.

The maximum illustration (Chart 25) shows a load likely only in the four large counties. In fact, an even larger load might be experienced in one or more of these areas, but note the fact that the current cases being reported in these counties have not been "recidivism reduced" and do not reflect nonjudicial handling as we have described it. This chart shows an intermediate level of supervision which is probably optimum (6) and begins to approach the absolute maximum of eight persons under the supervision of the ARD. The annual intake in this illustration is twice that shown in Chart 21, and four times that in Chart 26. The

annual intake of 1,840 requires no less than four additional persons performing intake (520) services, not shown on this chart.

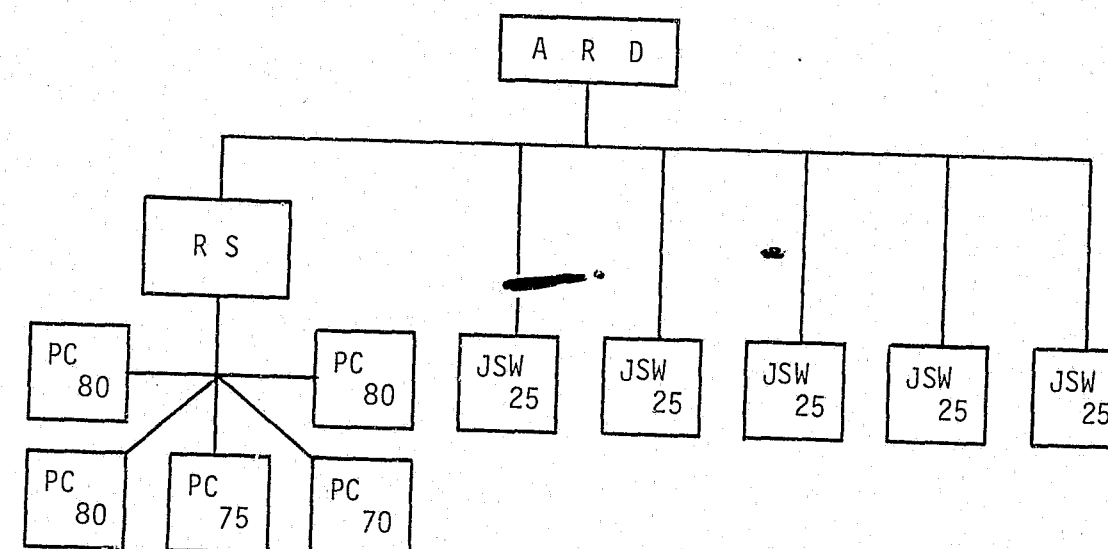
Chart 26 illustrates the probable load and organizational imperatives for three to six of the multi-county areas (Areas 2,4,5,6,7 and 10). All have fewer than 500 reported court cases in 1970. Areas 4,5, and 7 reported less than 300. This organizational plan has no intermediate level of supervision between the JSW's and the ARD. Without violating the span of control principle, the ARD is able to effectively supervise each JSW in the area individually, while relating the PC's through an intermediate level of supervision. Since JSW's are able to devote more time to individual cases, and since they are more qualified and experienced than PC's, this would appear to be a viable organizational plan for small load areas.

ACCOUNTABILITY

The JSW is accountable to his or her im-

CHART 26: AN AREA ORGANIZATION PLAN FOR ONE TWENTIETH OF THE ANNUAL PROJECTED SYSTEM LOAD

Annual load is 1/20 of state-wide load; general rehabilitation = 385; intensive rehabilitation = 100; residential treatment = 25; (12 positions specified)



mediate supervisor for professional practices and case management. No matter what agency is the employer of record, professional practices and certification is a function of the ARD, and other supervisors relating to this position.

The JSW is accountable to the juvenile court for the preparation of rehab plan outlines, rehabilitation plans, and periodic reporting on progress relating to approved probation plans.

The JSW is accountable to the juveniles (and their families) assigned to him or her for excellence in carrying out the details specified in the rehabilitation plan and for being sensitive to other needs previously unrecognized or which emerged during the period of intensive probation.

The JSW is accountable to other community agencies participating in the rehab plans for conducting activities on an entirely professional level, communicating all important developments, encouraging participation in the development

of both broad plans and limited strategies, and, in general, for acting in a manner that reflects credit on the overall juvenile justice system.

EVALUATION

The evaluation criteria for intensive probation consists of the longitudinal career histories of all those placed in this element. The shorter term judgement as to whether specific illegal behavior has been prevented, and the general viability of the individual rehabilitation plans.

The criteria by which these evaluative judgements may be made must be developed since there is no present body of data against which realistic comparisons can be made. It must be clearly recognized that either "success" or "failure" will simply be a difference of percentages from planned results or previous experience. There is no realistic possibility of total elimination of illegal activity or other personal problems, even though significant improvements can be expected.

SECTION 3: SUPPORTIVE SERVICES

The Supportive Services Programmatic Element is a collection of several selectively applicable services providing supportive assistance to those in the Intensive Programs. The services described here are expected to require greater investments of effort and funds, as well as greater coordination with other concurrent - or sequentially arranged - services. In most cases, these services will be purchased from existing community agencies. These services include: employment, social services, personal development, and educational assistance. The objectives of these services are expected to be much more difficult to achieve than those identified in the comparable General Community Rehabilitation Programs Element.

A further assumption regarding these services is that they will be applied to a group which is, on the average, older and has more serious problems or problem syndromes. Even though these are only projections of what will occur, they are important considerations because they identify the nature and extent of the services which will be required in order to achieve the rehabilitation objectives. These differences in the juvenile's age and in the severity of his problems result in different emphases being placed upon the individual programs described and upon the operation of the element in general.

DEFINITION

Supportive services provide important, but selectively applicable, assistance to the situations being experienced by juveniles placed in Intensive Community Rehabilitation Programs. The programs included here are arranged under four headings: employment, social services, personal development, and educational assistance, each of which has its own specific definition and description.

CLIENTELE

The group from which selective referrals are made to many of these programs is the group of persons placed in this element by a dispositional order of a juvenile court. Specific referrals are made on the basis of individual needs, availability of services, and eligibility criteria.

RATIONALE

The simple reason for including this element within the system is that many of those experiencing severe problems or who have developed serious patterns of antisocial behavior are also experiencing other kinds of problems that, even though not crucial, are an important part of the overall situation. It will not be possible, and not necessarily useful, to determine cause and effect relationships in regard to these problems. It is enough to know that they accompany the more crucial problems. Solution or modification of the crucial problems is somewhat simplified by application of these supporting services where appropriate.

OBJECTIVES

The overall objective for these programs is simply to successfully apply those of these services which are appropriate to individuals within the general element. These specific objectives of any particular service or activity are expressed in terms of the service and the juvenile involved.

EMPLOYMENT

Although it is recognized that not everyone who can be appropriately placed in this element will need employment services, it is believed that most of those who do need such services need them critically. Assuming that the juveniles placed in this element will be older juveniles, primarily 16 and 17 year olds, employment

will be a major objective to be achieved as soon as possible. It is expected that this will also be important for some of those between 13 and 15 years old. A majority of those who need employment services may be high school or junior high school dropouts. The employment services will focus on helping the juvenile to obtain employment as soon as possible. Employment is viewed as an acute problem which, when not available, causes or allows the perpetuation of negative social conditions such as poverty, poor health, poor housing, etc. The subject will be discussed under six headings: pre-vocational preparation, skill training, licensing, placement, supportive counseling, and transportation.

Pre-vocational Preparation - Many of those seeking employment are unsuited because of their habits and previous experience for assuming the kinds of responsibility for their behavior which are necessary if they are to obtain or hold a job. Not everyone needs such preparation by the time he is ready to seek and accept employment, but some do. The reasons for this lack of basic habits and attitudes vary but, when an individual has not learned how to present himself in a manner which will merit consideration, to be dependable about showing up for work, and presents problems with which an employer is not ordinarily prepared to deal, his employment potential is slight or nonexistent. Those who lack these habits and abilities need special preparation before they develop an employment history of failure to which they react in such a way that it destroys their self-image and self-concept. Those who have repeatedly failed to obtain employment when they thought they were doing what was required, soon develop the attitude that the world is against them. This attitude bears a striking resemblance to the criminal point of view. The remedies for this problem are neither difficult, expensive, nor time-consuming.

Skill Training - There are very few jobs available today which do not require a

knowledge of a skill of some type. The skill may be a relatively simple one or it may be relatively complex. In either case, definite preparation is required before one becomes acceptable for the job. The period of time needed to develop the appropriate skill may be as little as one or two weeks or as much as three to six months. In most cases, the employers who use these skills do not provide the training needed to learn them. Although there are exceptions to this, the skill must usually be learned at a location other than the place of employment. Major resources in obtaining skills are the vocational technical schools operating in communities throughout the state. An AVTS provides instruction in a number of skills which can lead to employment.

There are also a number of privately-operated opportunities for obtaining skills which can lead to reasonably good jobs. It is not clear where those who do not have enough money to pay for a private school can obtain the necessary finances, but such schools represent, at least, potential opportunities in this regard.

Distributive education which combines ordinary academic work in a public high school with paid work experience at a commercial establishment has been described as a schools program in Section 5.

Licensing - Even when one has the pre-vocational habits and the skill for the job being sought, there are, occasionally, licensing or other certification hurdles which must be crossed. Health examinations, automobile operator's permits, acceptance into a union, and other such hurdles loom large for some juveniles who are otherwise prepared for work. In some cases, meeting these requirements involves problems with which a juvenile who has a history of delinquency is not prepared to contend unaided.

Job Placement - After sufficient pre-vocational preparations have been made, the necessary skills have been acquired, and

applicable licensing or certification hurdles have been cleared, the juvenile is ready for job placement. This is ordinarily considered to be the responsibility of the state employment service which has specific services for juveniles. The Youth Opportunity Centers which are in operation in several communities in Kansas, under the auspices of the Kansas State Employment Service (KSES), are specifically prepared to deal with the job placement problems of juveniles.

Other possibilities suggest themselves, especially for part-time and summer employment. The Neighborhood Youth Corps has programs in a number of Kansas communities. The NYC programs include both in-school and out-of-school programs; the specific jobs are generally with public employers. In most cases, the jobs are menial, but the income is desirable. The greatest disadvantage of NYC programs is that they are available for only a small proportion of those seeking employment.

The Youth Employment Services (YES), which has been described as a prevention program, is equally applicable to this general element and to the general community rehabilitation programs element.

Several communities have sponsored summer employment programs for juveniles under public auspices. These programs often consist of utilizing the juveniles' services in connection with established municipal or county programs.

A highly applicable program called RODEO (Reduction of Delinquency through Expansion of Opportunity) used intensive community supervision with an employment program as an alternative to camp placement successfully. It also utilized indigenous aides and included family counseling. (24)

The juvenile's placement on a job for which he is qualified can usually be achieved by KSES. In cases where this has not occurred, the probation counselor

or volunteer assigned to work with the juvenile might be able to provide the additional assistance needed.

Supportive Employment Counseling - Some, but by no means all, of the juveniles for whom employment is found need additional supportive counseling. This is often true of those belonging to minority groups, but may also be true of others who have experienced severe deprivations or disadvantages. The newcomer on any job is usually subjected to harassment or hazing of some kind. Although such activities are rarely intended to be malicious, occasionally they are perceived that way by the new worker, especially when he is a juvenile with little work experience and what may be significant personality problems. Some juveniles respond constructively to this activity and others do not. Those who are unable to take this activity in stride should receive additional supportive employment counseling from those who can help them place these uncomfortable experiences in a broader perspective and weather what may be a difficult period. In some cases, the passage of time combined with increased experience is the only means of successfully eliminating this problem.

Transportation - Juveniles are likely to face problems in getting to and from their places of employment. This is because they often do not own vehicles of their own. In most cases they cannot afford to purchase one which would be dependable, and their jobs are usually too far away for them to walk to work. While this problem is likely to be solved as soon as the juvenile is able to save enough money to make a down payment on a vehicle, it may be several months before this becomes possible. Therefore, the problem of transportation deserves attention, and, in some cases, additional assistance from someone who is interested in the juvenile's employment career will be necessary. In areas where public transportation is adequate, this may not be a problem, but most juveniles assigned to this element will not have access to adequate public transportation.

These six aspects of employment, as a supportive service for intensive probation, are all considered to apply to a significant number of juveniles. It should be emphasized that only a few persons will need all of those supportive employment services. On the other hand, it is estimated that more than one-quarter of those placed within this element will probably need at least one of them. In illustration of the preceding statements, it can be pointed out that several years ago a manpower system established in Wichita, with an annual intake of more than 4,000 persons, found that nearly half of the persons being processed had not been residents of Wichita for any significant length of time and needed at least four of the services mentioned above. The fact that many of these persons were also known to law enforcement agencies in Wichita or in the communities from which they came should reemphasize the connection between unemployment and delinquency.

SOCIAL SERVICES

Many of the juveniles assigned to this general element will come from families experiencing severe crises. Four kinds of social services are identified in the following material, and a fifth - family counseling - is described as a separate programmatic element later in this chapter.

Income Maintenance - A common problem of families of the juveniles assigned to this element will be their dependence on an income other than that derived from employment. In some cases, there may be a regular or periodic employment income which must be supplemented from other sources in order to meet the family's basic needs. Income maintenance is the responsibility of the county department of social welfare. This assistance may be provided either through General Assistance or through the well-known Aid for Dependent Children. In a few instances, additional supplemental income may be obtained from private agencies and, in

rare cases, as a result of cooperative ventures established by groups of private citizens. Income maintenance should be used as a last resort when employment cannot or has not yet been obtained.

Health Services - Whether the family is receiving financial assistance from the county department of social welfare or not, health services may be necessary. Many of the juveniles appropriately placed in this element, as well as other members of their families, will be in poor health. Referrals to clinics or private practitioners who are able to provide needed assistance may be appropriate in a surprisingly large number of cases. It might also be appropriate to refer some families to the county environmental health agency.

Rehabilitation Services - It may be important to provide vocational rehabilitation services to one or both of the juvenile's parents or other members of his family, or even to some of the juveniles placed in this element. The need and eligibility for vocational rehabilitation services should be determined, and, under appropriate circumstances, referrals made.

Housing - A significant percentage of those assigned to this element will probably be found to be living in housing that is unsafe, unsanitary, and dilapidated. Even though poor housing is usually related to an inadequate income, and while the possibilities for remedial action may be extremely limited, efforts should be made to help the family obtain decent housing within its budgetary limits. In some cases, it might be possible to convince the family's landlord to make the necessary improvements. In towns and cities which have enforceable housing codes, this task would be much easier. In other cases, it might be worthwhile to relocate the family elsewhere. Ordinarily, the JSW should be familiar with the procedures for seeking solutions for housing problems as well as the opportunities for improving the general housing situation. In cities where a public de-

partment deals with housing conditions, referrals for needed improvements should be directed to that agency.

The act of referring those who might benefit from them to these four social services may, in some cases, result in a significant improvement in the family situation. Some communities have created a centralized agency or service which assists in meeting these needs. In other cases, the services available from the county department of social welfare may be sufficient to help the family achieve these goals. Some of the juveniles assigned to this element, however, will come from families which are not known to the area's welfare agencies, and the JSW should insure that, whenever appropriate, the family is referred to these agencies.

PERSONAL DEVELOPMENT

As in the general community rehabilitation programs element, personal development services can be identified at this point as potential resources for a few of the juveniles placed in this element. The services cited are rarely key elements in the maturational processes, but they may help to solve specialized needs not met by other types of supportive services: general recreation, special interest groups, vocational counseling, and junior achievement.

General Recreation - Almost all Kansas communities presently provide some type of recreational resources. Most juveniles have at least a passing interest in using these facilities or participating in recreational activities. Most of these activities, however, are unable to hold the juvenile's interest over a period of several years unless he becomes unusually competent and is rewarded for his achievements by status and recognition. On the other hand, there are many untapped, potential resources in the field of recreation that would be interesting and could prove significant for those that would be assigned to the intensive programs element.

Special Interest Groups - The juvenile's interests generally change in cycles of less than one year's duration. It is typical for those passing through adolescence and the teen years to be very interested in a particular subject or activity for a period of several months, after which the interest wanes and, occasionally, disappears.

Consequently, it will be suggested that a number of the more common types of activities which interest juveniles might be promoted by various groups with the community. A "skills bank" of parents, each with particular competence or expertise in one field, might be developed for use whenever it is needed in order to guide juveniles in their exploration of a subject or activity. Rocketry, mechanics, racing, cycling, photography, spelunking, scuba diving, etc., are all possibilities. Virtually every community has at least one adult who is capable of providing guidance in these activities and who is interested enough in juveniles to devote the time which would be required to it. Most such activities would not need formal or even semi-permanent organizational structures. Some of these activities might be conducted under the auspices of explorer scouting.

Vocational Counseling - There is considerable potential for personal development in providing other than professional vocational guidance for those for whom college is not a viable option as well as for those who are not even likely to graduate from high school. This type of counseling could be undertaken under the aegis of a civic club whose membership probably encompasses most of the interests and knowledge which would be needed for this purpose.

Junior Achievement - The development of an active junior achievement program is considered to be primarily prevention program, but it might also be quite useful in meeting the needs of some of the juveniles placed in this general element. The benefits to be derived from this activity are described in Volume 2.

EDUCATIONAL ASSISTANCE

Another category of supportive services includes those programs aimed at improving and extending the juvenile's formal educational achievement. In the general community rehabilitation programs, "schools programs" were treated as a separate element whereas here they are part of a broader grouping. In this element, however, it is felt that educational assistance should more appropriately be considered to be a supportive service for a majority of the juveniles. The assumption is that most of those who will be placed in this element will be unable to attend the ordinary public school. Some who have been placed in this element, however, will be able to remain in the regular public school setting. For this latter group, although the "schools programs" (640) would be appropriate, they will not be repeated here. It is believed that for those who are 15 and under, placement in school programs would be appropriate while those who are 16 and over would probably benefit more by being assigned to the programs described in this chapter.

G.E.D. Program - Obtaining a General Educational Development high school equivalency certificate is a reasonable goal for most juveniles in this element. Standard procedures and guidelines have been developed for this purpose and the G.E.D. program is generally available throughout the state under the auspices of the school districts. Although G.E.D. certification cannot be obtained until the class in which the person was enrolled has actually graduated, this formal educational program should begin as soon as possible.

Tutoring - The availability of specialized help in completing his assignments can be a valuable asset for the juvenile regardless of whether he is attending the public school or is participating in the G.E.D. certification program. The juveniles assigned to this element can also serve as tutors for younger children while at the same time improving their own self-images and increasing and consolidating their own knowledge. A program initiated by the Johnson County Mental Health Center for this purpose has been found to be successful. (12 on p.142)

SECTION 4: LIVING ARRANGEMENTS

DEFINITION

A significant number of those placed in this general element are expected to require important improvements in their living environment. This may be accomplished by improving their accustomed residential living arrangements or placing them in some other residential environment for a period of time. Removal of a juvenile from his natural home or accustomed residence is a very serious action which may require exercise of the full authority of the juvenile court. Severance of parental rights might accompany this action, or not, as circumstances allow. The criteria for placement in this general element are more than sufficient for the imposition of the authority of the court in this regard.

Living Arrangements is a programmatic element designed to produce a more constructive living environment for juveniles whose natural or accustomed home has been clearly identified as a negative influence. These services may be designed for a temporary period of time or may be planned to continue indefinitely. These services include: improvements in the natural or accustomed home, day-care arrangements, foster families and placement, and group home placement. Any individual within the control field, subject of a dispositional order, determined to need such services will be placed in this general element for that reason alone.

CLIENTELE

Appropriate placements in these programs are limited to those juveniles whose present living situation has been clearly established as a negative influence on reasonable expectations for growth and development. The seriousness of illegal behavior is only one of several possible reasons for arriving at this judgement, though all persons placed in living arrangements under the authority of this element must have been found guilty of an act of delinquency or miscreancy. Of special interest are those who have "run away" from home and those who are overtly or covertly "pushed out."

RATIONALE

Despite the implication of the currently popular assertion that family structures are "breaking down" or "distingetrating," the family environment still has a very major effect on the development and maturation of children. Where there is a clear predominance of negative influences, the child is likely to suffer significant arrest or distortion of natural development. In such cases, the public concern for the child's welfare is judged to outweigh parental rights and the law allows intervention up to the point of severance of parental rights if necessary to improve the situation affecting the child. Several possibilities short of this drastic action are both possible and practical. It should be noted that the rationale must use a negative definition which emphasizes pathology rather than a positive definition emphasizing an ideal condition.

Though current Kansas laws are relatively good in regard to dependency, neglect, and child abuse, abuse of a more subtle (and usually less physical) nature is rather common. Psychological abuse is even more common. Where these factors can be identified, there are sufficient reasons for consideration for placement in this programmatic element.

OBJECTIVES

The objectives of the program described below is simply to soften some of the severe circumstances existing in the home environments of some juveniles and to reduce some of the tensions, anxieties, and animosities that have developed. The objectives are realized through intervention of various kinds, appropriate to individual circumstances. Obviously, any action taken to improve a bad situation should actually give some promise of being able to do this.

A further objective of this programmatic element is to develop alternatives to residential treatment (training schools, most particularly) which will surely be used when practically available. The Weber and Mayer booklet listed in the reference section (47) lists all of the specific programs noted below except home improvement as an alternative to training schools as traditionally conceived. Even though our Kansas training schools handle only a very small (2%) percentage of juvenile court cases, the principle is as important to us as it is to those states that have used training schools for larger percentages.

SPECIFIC PROGRAMS

The specific programs in the programmatic element will be described under the four following headings: home improvement, day-care, foster care, and group homes.

HOME IMPROVEMENT - This program consists of efforts to restructure the home environment to the advantage of the juvenile and siblings. This may be attempted in several ways, including family counseling (Section 6 of this chapter), social services (preceding section), or assistance in gaining a more adequate physical structure. These efforts may be undertaken with the hope that the juvenile will not need to be removed from the family, or may be undertaken during a period of removal in order to allow replacement to be less stressful.

DAY-CARE - Another alternative short of removal is a day-care program which insures that a child receives the care and attention needed through a formally structured program while continuing to reside at home. As traditionally conceived, such programs are most appropriate for younger (10 and younger) juveniles though creative thinking would obviously come up with some variations on the principle that would be relevant to the needs of an older age group.

Day-care programs for adjudicated delinquents have many advantages over round-the-clock institutions. Post, Hicks, and Montfort (35) report that to lower expected costs are added the clear advantages of maintaining parental responsibility and community ties in a day-care program for girls and their parents in San Mateo County (Ca.). Also in California, the Community Treatment Project operates a "dayroom" in Sacramento that is described in the Johns and Palmer monograph.(18) Villeponteaux describes how "crisis intervention" can be used in a day-care setting to good effect. (46)

FOSTER HOMES - Those assigned to this element should be considered for foster home placement when their home environments are unacceptable, have directly contributed to problems which brought the juvenile before the court, or if the juvenile has left (run away from) his home. Placement in a foster home should be regarded in terms of providing the juvenile with a wholesome living environment which does not involve any formal treatment programs. It is assumed that the "foster family" will be non-professionals who are interested in children and can generally provide a constructive atmosphere. As in previous descriptions of foster care, the homes of relatives and neighbors might be considered first, and the possibility of placing the juvenile with strangers or even with someone who lives in another community should not be overlooked if his relatives or neighbors are unable to provide this service. Foster homes should not be con-

sidered to be "secure" placements except in the sense that the juvenile may be closely supervised. As much financial assistance as possible should be available for the foster family.

The Witherspoon article in the references (49) highlights the disadvantages of training school placements as contrasted with foster home placements, and emphasizes the need for training of foster parents. Austin (3) points out that intensive treatment, accompanied by brief removal from the natural home, gives a greater expectancy of success in helping to resolve the familial problems that brought the child to the attention of the court. The King article (21) also addresses itself to this subject. Foster home placements are one of the oldest practices in the juvenile field, it should be noted. The history of their use goes back to at least the mid-nineteenth century at which time "placing out" was a popular alternative to placement in institutions for children (usually called "Houses of Refuge" and "Schools of Reform"). The founder of the New York Children's Aid Society, defending the practice of sending children to western farms in "wholesale lots" to prevent their institutionalization, asked; "If enough families can be found to serve as reformatory institutions, is it not the best and most practical and economical method of reforming these children?" (quoted in Menzel, 27, p. 76). Needless to say, placements of this sort were not uniformly successful or humane, even though they might have been better than institutional placements. Since that time, foster home practices have varied considerably from place to place.

Placement in a foster home is not likely to be possible for a large, belligerent male with a long history of delinquency. It is understandable that few families are willing to accept the challenge that such a person represents. On the other hand, it may be possible to place smaller, less mature juveniles in this kind of setting.

GROUP HOMES - A resource of rapidly developing popularity and somewhat more predictable usefulness is the "group home." Though replicability considerations have not been adequately demonstrated in many cases, the group home concept does seem to justify a large measure of confidence in its effectiveness. The basic idea is quite old, and more specific definitions of group homes (models) differ from each other. There is really no doubt that properly designed, adequately supported, and faithfully administered group homes provide a viable alternative to residential treatment. In fact, the use of group homes as an alternative to institutionalization has grown markedly in Kansas in the very recent past, with new homes having been established in Kansas City, Lawrence, Topeka, Emporia, Fort Scott, Wichita (3), Winfield, Dodge City, Syracuse, Oberlin, and Hays within the past two and one-half years. A recently published list of group homes in Kansas appears as Chart 27.

The John Howard Association proposes the following definition of a group home in one of their "position statements":

"A group home is a private home owned or rented by a couple, who should be warm, accepting, understanding and able to set reasonable limits. They should be mature, flexible, and have some personal needs that make them expect too much of others. Generally, they have had experience in raising their own children or caring for foster children. Group homes of an average of five youngsters work best.

"One major advantage is that the state does not have to invest monies in buildings, rent, or staff. The professional worker supervising the youngsters provides constant support to the family and youth. Individual and group meetings are held regularly. Various community resources are utilized as needed. The situation is as close to normal family living

as possible. The length of stay generally is 6 to 18 months."(51, p. 1)

They propose the wider application of this resource in the juvenile justice field, believing that group homes proved their effectiveness many years ago. In this regard, they offer the following illustration:

"Independent research showed that youngsters processed through group homes in Wisconsin from 1959 to 1963 returned to institutions in about 28 percent of the cases, compared with 48 percent for those who returned to their own homes. This occurred in spite of the fact that youngsters going into the group homes were regarded as more difficult cases. Sixty-two percent came from unintegrated ("broken") homes compared with 16 percent for the own-home sample and 51 percent were from lower socio-economic level compared with 19 percent of the own-home youngsters. Yet, group home youngsters fared better in school, associated more with reputable persons, had less disruptive use of alcohol and were less assaultive.

"Another interesting factor - many big city boys made good adjustments in suburban, smaller metropolitan and rural group homes. While the urban youngster is not going to stay "on the farm" or "settle down in the smaller city," the several months of positive living experience in group homes seem to have been a major factor in allowing him to go back to the big city (in some instances, to his own home) and adjust more successfully than if he went there directly. Experience has also shown that some youngsters do not return to their own home after a successful experience in a group home and, in many instances, this is positive."(ibid.)

From a different point of view, the Child Care Association of America printed a booklet Group Homes in Perspective, in

CHART 27: GROUP HOMES IN KANSAS - 1971

NAME	LOCATION	TOTAL CAPACITY	AGE RANGE	SEX
Achievement Place	Lawrence, Ks.	8	10-16	Male
Achievement Place *	Lawrence, Ks.	4	12-16	Female
Adorers of the Blood of Christ of Wichita	Wichita, Ks.	New - not yet determined		
Barton County Youth Care	Great Bend, Ks.	8	12-16	Female
Colorado Christian Home	Wichita, Ks.	8	12-16	Female
Community Youth Home	Topeka, Ks.	8	Teenage	Female
Community Youth Home	Topeka, Ks.	8	12-16	Male
Continuing Care #2, Inc.	Wichita, Ks.	7	13-16	Female
Cookson Hill Christian School & Boys Ranch	Niotaze, Ks.	New - not yet determined		
Cookson Hill Christian School & Boys Ranch	Oberlin, Ks.	New - not yet determined		
Cox, Garvin	Wichita, Ks.	8	8-16	Male
Educational Care, Inc.	Atwood, Ks.	New - not yet determined		
Emergency Shelter Home	Hutchinson, Ks.	6	0-16	Male
Faylor, Dale	St. Francis, Ks.	6	10-16	Male
Friendship House	Hays, Ks.	10	11-17	Both
Johnson, Delbert	Reading, Ks.	8	9-16	Male
Johnson County Home for Girls, Inc.	Olathe, Ks.	8	12&over	Female
Maplewood Girl's Home	Hutchinson, Ks.	10	6-16	Female
Mennonite Children's Home	Kansas City, Ks.	4	10-16	Of One Sex
Mennonite Children's Home	Kansas City, Ks.	New - not yet determined		
Methodist Youthville, Inc.	Emporia, Ks.	8	12-16	Female
Fort Scott Methodist Youthville, Inc. *	Fort Scott, Ks.	8	12-16	Male
Methodist Youthville Group Home	Newton, Ks.	New - not yet determined		
Sack, Melvin	Emporia, Ks.	7	12-16	Male
Southwest Youth Center, Inc.	Liberal, Ks.	8	12-18	Female
Optimist Boys Home *	Overland Park, Ks.	6	Jr.High&High Age	Male
Townhouse (MY)	Dodge City, Ks.	8	" "	Male
Twin Oaks Boy's Home	Hutchinson, Ks.	10	12-16	Male
Wyandotte House, Inc.	Kansas City, Ks.	6	Teenagers	Male
Monica House, Inc. *	Wichita, Ks.	6	Teenagers	Female

* Assisted by grants from the Governor's Committee on Criminal Administration

1965, pointing the relationships between groups homes and foster family care programs.

"We think that foster family care

programs can benefit enormously from aspects of group home programs. As staff and board members and financing bodies understand and accept the realities in providing children with

a house, child-care staff, and other essential services, they may move more quickly than in the past to realizing how much foster families have subsidized the community's responsibility for foster children. Perhaps, then, they will pay foster parents salaries for their service, as they must pay child-care workers whom they employ, and reimburse foster parents more equitably for the use of their homes and for their other expenses. In this way, agencies will be able to retrain some of the able foster parents whom they might otherwise lose. Also, it is likely that they might attract more foster parents of a higher quality than many of those who are now applying. It is also possible that more women, as well as men, will look with higher regard upon a child-care job if there is more indication that our society holds it in esteem or values it. It is important that we retrain and recruit more capable adults to care for children, irrespective of the setting, else we shall be losing ground in providing more services for the growing number of children needing foster care." (13)

More specific and generally accepted guidelines for describing group homes and the "treatment" or regimen of activity taking place within its structure must be developed. Group homes rarely have any security in the ordinary sense, though they do provide a form of security through the relatively close supervision given to residents. Licensing requirements in the state at present do not address themselves very specifically to the relative merits of the activities within the group home - and they should.

Achievement Place in Lawrence has achieved a great deal of attention as a group home utilizing a "behavior modification" approach that has been adequately researched and made the basis for a training program for new houseparents. This latter point is a crucial consideration if any dependability and minimum level of services is to be achieved. One of the

major advantages of the "Achievement Place Model" is the fact that it has been operated, from its inception, with a research commitment that has produced some valuable information about techniques being used. The training program for new houseparents, conducted under the auspices of the University of Kansas, is a tremendous practical value, and persons trained there have assumed the duties of houseparents in new group homes in Kansas and elsewhere. We have included only two of many possible references to Achievement Place at the end of this chapter (Phillips, 33 and 34). The Bandura (4), Burchard (5), and Stuart (40) listings are also applicable to this model.

The Villages is another example of the group home idea, sponsored by the Menninger Foundation of Topeka. Most of the children in this facility are dependent and/or neglected.

Other models for group homes exist, and it should not be assumed that all group homes are alike - or equally valuable for juveniles with different sorts of problems. Some are little more than a boarding house while others have a conscious and deliberate treatment program. Group homes as a setting for treatment is an area in which there is a great deal of interest and activity and from which a great deal might be reasonably expected in the next few years. Selection of clients, matching clients with houseparent treatment modalities, and termination criteria are subjects under investigation and in the process of refinement. (Pearson, 32). There is evidence that group homes are not equally advisable for all juveniles (Turner, 43) and that there are some negative effects, viewed from a treatment point of view, to group homes.

Available literature certainly does not suggest the conclusion that group homes have proven to be an adequate replacement for the best types of residential treatment, even though Massachusetts has, in recent months, closed its institutions and placed former residents in group homes

CONTINUED

2 OF 3

The reasoning behind this striking move was based more on negative than positive considerations, according to published reports.

Some group homes are designed exclusively or primarily to serve as a bridge between the controlled environment of an institution and independent living in the community. Such facilities are given the generic title of "halfway houses" and are designed to provide a short, transitional experience. They are much more common in the adult than the juvenile field. Keller and Alper have published a recent survey of this field.(19) The basic value of such facilities was established at least a generation ago, when The Vermont Story was published. It dealt with two facilities for mental patients that had proven their usefulness as a part of an overall treatment and rehabilitation process.

Since that time, a number of specialized facilities have been established to serve particular needs, including prison and reformatory parolees, (Vasoli,45) and previously institutionalized delinquents. (26) Not all such facilities have proven to be useful, and the experience that has accrued to such efforts is now available for guidance of those who intend to start new programs (7). Significant community opposition to establishment of a halfway house is by no means unknown (in Kansas, as elsewhere) even though Hecht found that the traditionally voiced objections to halfway houses (revolving around some important deleterious effect on the neighborhood) are not proven to be a fact.(15) Also see the Nishinaka article (30).

In summary, it seems clear that group homes can play an important role in an overall system, as long as the diverse nature of such facilities is recognized and that they must be used intelligently to extract their maximum benefit.

COMMENTARY

Living arrangements will ordinarily be purchased from private purveyors of ser-

vice, generally private corporations and, occasionally, individuals. No serious consideration is given to establishing these services under public auspices, even though Kansas has enabling legislation that might be used for this purpose. A final possibility under the general idea of living arrangements is worth noting: independent living arrangements.

INDEPENDENT LIVING ARRANGEMENTS - Many older juveniles assigned to this element should be considered for placement in supervised independent living arrangements. In most cases, it is felt that this placement should follow placement in a group or foster home. In any event, all of those considered for placement in independent living arrangements should be seventeen. It does not seem appropriate, given the current practices of our society, to consider 16 year olds for placements of this type.

Independent living arrangements would consist of renting a room or, possibly, an efficiency apartment.

Before a juvenile can be considered for an independent living arrangement, he should have a relatively stable job with an income sufficient to pay his rent. It is not suggested that any funds should be appropriated for this purpose. The requirement of relatively stable employment prior to the time that a living arrangement of this type will be considered is expected to provide an additional incentive for adjusting to his job in particular and to the world of work in general.

Independent living arrangements will need to be closely supervised by the JSW. This would ordinarily mean making periodic visits, and checking with those in a position to judge how well the juvenile is functioning in this living arrangement. It is not suggested that independent living should simply be arranged and then forgotten.

SECTION 5: THERAPY

This programmatic element might be the one most easily misunderstood. Many people with a modern education know enough about psychological principles to realize that there are unconscious motivations and reasons for all behavior, including antisocial actions. They follow this with the assumption that therapy can discover these underlying factors, resolve them, and consequently solve the illegal behavior problem. Others, of course, believe that people are what they do, and it is fruitless to look beyond overt and observable behavior.

A realistic view of the contributions which might be made by therapy in a delinquency control program lies somewhere between these extreme views. To begin with, any psychotic juvenile entering the system is to be transferred to the jurisdiction of mental health and handled under arrangements provided for that purpose. Secondly, it must be recognized that a sociopathic personality is not very successfully dealt with through conventional therapy unless there is a noticeable personal motivation to change. Thirdly, therapy resources are by no means unlimited, and are not always conveniently located. These practical limitations on the utilization of therapy in the system will cause it to be used in a manner different than might be expected or desired. It is a potentially valuable programmatic element that should be used to its fullest potential within its limitations.

DEFINITION

The term therapy is used to indicate outpatient treatment conducted by a skilled professional at a mental health center, a private institution, or by a licensed private practitioner. The element is separated from the supportive services primarily because this more professionalized treatment is not available in many communities and because it is qualitatively different from the services described previously. The residents of

many Kansas counties must travel to another county in order to obtain therapy. This element concentrates on major, deep-seated personality problems and disturbances. This point also distinguishes it from the "counseling" previously described. A significant percentage of those assigned to this element will need formalized treatment of this kind, and every juvenile deemed to be in need of it should be placed in this element for that reason. The court's decision to place a juvenile in this general element so that he can participate in therapy should be based on the results of evaluation prepared before disposition of the case was made, and subsequently confirmed.

CLIENTELE

Appropriate referrals to therapy are those juveniles with significant personality disturbances or emotional problems, but not so severe as to require residential treatment in a mental health facility. In general, those referred to this element should be at least marginally motivated to participate in a therapy program. All referrals should be individually determined, and persons who have different characteristics than those mentioned should certainly be referred on a trial basis.

RATIONALE

The specific act of delinquency or miscreancy which brought the juvenile to the attention of the juvenile justice system may simply be the overt expression of a significant personality problem or even a more deep-seated disturbance. Techniques for isolating these causative factors, helping a person recognize and deal with them, and learning how to avoid situations which trigger or activate them have been developed and should be applied. The efforts are directed toward the elimination or neutralization of basic problems that may allow the individual to live a more productive and socially responsible life.

OBJECTIVES

In the most general sense, the objectives of therapy are to achieve a greater degree of self-understanding and a greater capacity for self-control. Since this system is concerned with juveniles, the objectives might also be stated as an attempt to help the maturational or developmental processes in construction directions. More specific descriptions of objectives would necessarily make reference to individual problems.

SPECIFIC TASKS

Individual Clinic Therapy - Most of the juveniles who are participating in therapy programs will be enrolled in individual therapy. This therapy will usually be provided by a community mental health center. It is possible, however, that some juveniles may be placed in programs sponsored by other agencies or, in isolated examples, under the care of an individual in private practice. It is anticipated that programs of this type will involve psychiatric supervision in most cases. This means that the use of chemotherapy as well as psychotherapy will be possible. Glasser's "reality therapy" is one of the approaches to this challenge. (12) Lenrow (22) and Zimberoff (50) describe other approaches.

Group Therapy - Perhaps a larger number will (or should) be enrolled in treatment programs using a group approach. If the group therapy is being conducted under the auspices of a mental health center and a psychiatrist, this form of treatment might also be combined with chemotherapy. While individual therapy is usually available only by going to the practitioner's office, it might be feasible to consider conducting group therapy sessions in other places. With several persons participating in a group, requiring the group therapist to travel to a location which is convenient for all of them becomes justifiable. This might allow the use of group therapy in areas where individual therapy is not available. The references which might

be profitably consulted on this matter include: Didato (9), Adams (11), and Shore and Massimo (39).

ACCOUNTABILITY

The professionals who provide therapy will ordinarily feel that their most important avenue of accountability is to their profession. They will also regard their relationship to their "patient" as a primary channel of accountability. The reasonable expectations for accountability to this system should recognize these prior claims for accountability and adjust its perspective accordingly. It will be suggested that accountability defined in terms of providing the necessary services according to the techniques of the professional discipline and the interests of each individual patient.

EVALUATION

As with most other services, the most important evaluation is whether those who have been in therapy have improved their behavior patterns in relation to their previous history. More refined judgments can be made by isolating professions, individual therapists, clinics, techniques, duration, and the combination of therapy with other services to gain comparative evaluations of more specific considerations within the programmatic element.

COMMENTARY - Three issues require some additional comment: relationship of therapy to JSW counseling, the issue of recalcitrance, the question of transportation to places where therapy is available.

Relationship to JSW Counseling - The relationship of the therapy programmatic element to the counseling element, identified as a primary responsibility of the JSW, should be explored. It would be easy for conflicts between these efforts to develop since both are aimed at helping the juvenile remediate his unacceptable behavior and mature in a

constructive manner. The first principle to identify is the fact that therapy and the counseling conducted by the JSW will focus on different things. The therapy element is aimed at correcting deep-seated personality disturbances and problems while JSW counseling is intended to focus on overt and observable behavior. The dividing line between these two elements may sometimes be difficult to distinguish. The therapist, however, is assumed to have a background of professional training which enables him to understand the juvenile's expressions at a more complex level than the JSW. The therapist will also be able to use chemotherapy whenever it is appropriate. In regard to the objectives and specific methodologies to be used within an individual, the therapist's opinion should have the deciding factor in determining the nature of treatment goals and the specific methods to be used in order to achieve them.

The therapist and the JSW (and others who are less directly involved) should all be part of a "team" working for the juvenile's benefit. The efforts of each of these professionals should be coordinated and fully understood by the other. This implies the desirability of allowing the JSW to participate in staff conferences regarding his probationers. However, unless the JSW has been suitably trained and is prepared to accept this responsibility, resistance from mental health center personnel or private practitioners should be expected. Regardless of whether the JSW attends the staff conferences or not, the JSW should receive periodic progress reports from the therapists on his probationer. Verbal communication would be the most desirable method for conveying most of this information.

As previously stated, the JSW should have participated in therapy or group counseling himself, to enable him to develop a better understanding and appreciation of what is actually happening to the probationers for whom he is responsible. This does not mean that those who apply for positions as JSWs will necessarily need

therapy or counseling in order to correct major personality defects. It does mean that until an individual has actually participated in therapy himself, it will be difficult for him to fully appreciate what actually occurs. The therapists at the mental health centers should feel much more secure in releasing information about someone in therapy to another professional whose background enables him to understand the process.

Recalcitrance - The real challenge for this element will lie in working with those who are recalcitrant about participating. Those who are uncooperative, not to mention belligerent, about participating in this element are rarely accepted for extensive therapy. Most therapists work on the premise that the patient must accept and cooperate with them, or therapy will be terminated. Since the therapist will not be able to rely on the individual's cooperation in meeting some of the major challenges for this element, recalcitrance becomes extremely important.

It is not yet clear where a solution to this problem will be found. What is clear is that one which can be extensively used has not been found. For this reason, we suggest that the juvenile justice system should not have the unilateral or unlimited authority to order a mental health center to accept the juvenile for therapy. This is not presently feasible, nor is it likely to become feasible in the foreseeable future.

It would appear that the approach with the greatest potential would be for the JSW to develop a counseling relationship with the probationer through which communication of the gains that might be expected from therapy could be transmitted. In other words, the JSW might be assigned the responsibility of helping the probationer develop the motivation - or at least reduce his opposition - to enroll in a therapy program. Here again, extensive cooperation between the JSW and the therapist will be essential if the desired objectives are to be achieved.

Transportation - It has already been mentioned that most of the counties in the state do not have mental health centers, private practitioners or agencies located within their boundaries. This means that those who desire such services must travel from one community to another. In some cases, the distance which must be traveled is considerable (the round trip from St. Francis to Hays is 400 miles). Consequently, the problem of

transporting the juvenile to a place where he can receive therapy will be a major issue in some areas.

It will be suggested that the juvenile's transportation to and from therapy should be the responsibility of the JSW. The JSW should be encouraged to develop suitable transportation arrangements so that most of his time will not be spent in providing such services.

SECTION 6: FAMILY COUNSELING

INADEQUATE FAMILY STRUCTURE

The family counseling programmatic element is based on the recognition of the fact that many of the problems expressed or illustrated by commission of illegal acts originate in poor family situations which are potentially soluble. Within this programmatic element there are a wide range of activities that might help the juvenile, his parents and siblings develop a more viable family unit or which could reduce his need to participate in illegal activity. Practical programs may be aimed at restructuring the family through counseling so that appropriate measures can be undertaken to relieve existing tensions, redirect the family's interests and, generally, to revitalize the relationships between family members.

When a family structure is so inadequate that a need for these services is indicated, a referral to this general element should be made solely for that reason. Although caution is suggested in using this approach, the authority of the juvenile court (in areas other than those of delinquency and miscreancy) permits action to be taken in dealing with recalcitrance and parental apathy. Many of the actions which may be indicated in individual situations will be those which have been described as prevention programs. However, the utilization of these programs should not be considered optional where their applicability is clearly apparent.

One of the more commonly cited causes of juvenile delinquency is a lack of parental control and the failure to exercise the parental prerogative of discipline. Several hundred of those who expressed their opinions during this planning effort cited examples of parents who were either incapable or apparently unwilling to try to exercise parental control and discipline. The most commonly used description of this was "permissiveness." Though this concept needs to be clarified, many wish to identify "permissiveness" as the cause of all behavioral problems. There is little doubt that the general level at which parental control and discipline are being exercised in our society today is below that which was used a generation ago. However, it will be suggested that it is not permissiveness itself but a distorted and abused permissiveness which causes severe problems. In many cases, permissiveness is used as an expression for parental neglect.

Inadequate family structures can often be traced to the poor models provided for children by the parents. Many parents are incapable of providing models that would be worthwhile for their children to emulate. In part, this may be a result of the sweeping changes that have taken place in our society in recent years. In other cases, it may simply mean that the parent has habits and practices which are illegal, immoral, or are expressions of a personality disturbance.

The sometimes severe problems evidenced by children from families with only one parent should also be recognized. Some exceptionally capable "single" parents are able to provide or make sure that their children receive the same kind of parental guidance that is given to children who have two parents. There are many such parents, however, who are not capable of doing this. The reason why there is only one parent in the home is also an important factor in determining how well the remaining parent is able to function. For example, in cases where divorce has followed a bitter and, perhaps, even traumatic relationship, the situation is different from those in which the absent parent is deceased. A further examination of this point is found in Chapter 4 of Vol. I.

Having more children at home than the parents are capable of handling should also be recognized as a problem. Every one who becomes a parent is not automatically capable of managing and maintaining an interest in the children the marriage has produced. Individual abilities differ greatly, and each child in the family has his own unique needs for guidance and understanding. When it has become apparent that one or more of the children in the family are experiencing serious difficulties, additional problems can easily develop. Even though some parents may be able to satisfy the basic needs of several children, others find that even one or two children present problems with which they are not equipped to deal. Still another problem is that of the family which suffers from overwhelming external pressure. This pressure might originate with the grandparents, other relatives, or from the fact that the family is not highly regarded within their neighborhood or the community. Many times pressure from such sources has a serious, deleterious effect on the family's internal relationships.

Another problem which easily undermines all but the soundest internal family structures is for the children to develop

a lack of respect for their parents. Most juveniles go through developmental stages in which they try to evaluate their parents' abilities and accomplishments. This evaluation is often unfavorable to the parents. When this is true, the resulting lack of respect might easily be a factor in soothing the juvenile's conscience when he knows that he has done something illegal. Although this is not inevitable, and may not even be an enduring attitude, it can be quite important in some specific situations.

An inadequate family structure may be merely a reflection of the inevitable developmental phenomenon which occurs when the juvenile begins to test the possibilities and the attitudes which will be necessary in order for him to leave his family home and assume an independent role and identification. This process has usually begun, to some extent, by the time a juvenile reaches 16 or 17 (and younger in some cases). It is inevitable - as an expression of healthy development - for the juvenile to begin to think in terms of living away from home. In order to achieve this break successfully, the juvenile must become emotionally independent of his parents. If his parents do not understand or react appropriately to this developmental phenomenon, their reaction is likely to create additional problems and conflicts. At such a point in the juvenile's developmental history, his parents should be helped to understand the dynamics of what is taking place so that they will respond more intelligently to the situation.

There are, of course, instances in which the parents' relationship to one another is negative or destructive. Husband-wife relationships run the entire gamut from mutually helpful and loving to mutually destructive and hostile. Those relationships which are primarily negative or destructive generally affect children in negative or destructive ways. Many marriages which are primarily negative and destructive are never dissolved by divorce or separation. It is virtually impossible to avoid the effect of these

negative and destructive influences on the children of such marriages even though many of them will never express their conflicts and hostilities by participating in illegal activities.

Families at the lower socio-economic levels, and especially those which must depend upon public funds to supplement their incomes, generally experience severe problems. However, it should be suggested that poverty is not, in and of itself, a major contributor to illegal activities. In fact, in some counties in our state, juveniles from families receiving public assistance are less likely to appear before the juvenile court for miscreant or delinquent acts than others who are not welfare clients.

AGENCIES AND SERVICES

A wide variety of agencies which could appropriately become involved in helping some of the families in need of counseling such as that identified on the preceding pages will be briefly mentioned. Some of these services are at least potentially or theoretically available throughout the state. Others are available only at selected locations.

The county department of social welfare is an important agency in this field. Though some departments do not have large enough staffs to permit extensive specialization, every department has some capabilities for providing these types of services.

Other agencies which immediately come to mind include: family counseling services, child guidance clinics, mental health centers, county or municipal environmental health agencies, public agencies dealing with housing standards, legal assistance provided by the bar association or an agency created for this purpose, employment services, etc. Armstrong's article provides more content on this point. (2)

The actual and potential contributions which churches make, or could be making,

to the kinds of needs being identified above are significant. Many churches are interested in these kinds of problems and many ministers in Kansas are adept at dealing with them. This resource, however, could and should be greatly expanded both in terms of its scope and its effectiveness.

It is also appropriate to note that special problems are experienced by most minority group families. The very fact that they belong to a minority creates problems. Agencies dealing with the special problems of minorities should be considered major assets wherever they exist. Minority group families often suffer what we describe as "overwhelming outside pressures."

Prevention programs appropriate for the siblings of a delinquent should also be mentioned. The impact of corrective and rehabilitative programs for older siblings (especially those who are no longer "juveniles") can also be highly significant in many families. When an older brother or sister has been involved in delinquent or criminal activities, the kinds of programs and rehabilitative actions being used in working with him or her can have major implications for younger children who have also been identified as delinquent.

THE FAMILY VOLUNTEER

The Sedgwick County Juvenile Court designed (and received a grant from HEW for) a "Family Volunteer Program," in 1971. It is being described separately since it represents a relatively unique approach to this subject.

The idea behind the family volunteer program is to provide a formalized structure through which the community's concern for the delinquent's siblings and parents can be expressed. At its most basic level, it is a concrete expression of neighborliness. However, the project is designed to use the services of a well-trained and well-qualified volunteer whose abilities will be significant.

The family volunteer is a person who has been recruited, screened, selected, trained, and assigned to perform a constructive helping service. The volunteer program is based on the premise that the appearance of delinquency signals serious problems in the family structure. The volunteer will function as a non-professional counselor who is also expected to be an enabler and facilitator in helping the family obtain the kinds of assistance which it needs.

SUMMARY

Work with families of delinquents showing serious problems is a potentially valu-

able option to some of the living arrangement programs previously described. It is much too common to find the attitude that the family is "no good" and not worth the investment of effort to change it. Predictably, most parents do not transform their attitudes and habits simply because they have been admonished by a social worker or chastised by a judge. They may, however, respond to an intensive and intelligently designed program of appropriate assistance. Winder and Tierney (48) describe a combination of casework and therapy for parents of emotionally disturbed children that has obvious applicability to the interests of this programmatic element.

SECTION 7: AFTERCARE

Five types of residential treatment are identified and described in Chapter 5. Since these residential treatment options affect the delivery of aftercare services, they will be noted here. BIS, operating from locations in Topeka and Atchison, with an annual intake of 150 per year, serves juveniles from all parts of the state. The GIS, located in Beloit, with an annual intake of approximately 75 girls, also serves the entire state. Several other treatment options have been combined under the collective title "other state treatment resources." New programs specifically designed for delinquents have been established at the Osawatimie and Larned State Hospitals; and another program has been established at the Kansas Vocational Rehabilitation Center in Salina. In addition to these programs which focus primarily on delinquents, the regular programs at the state's mental hospitals and its facilities for the mentally retarded should be noted. The intake of these treatment programs is expected to be slightly more than 100 cases per year. There are also a number of privately-operated residential treatment facilities located in and outside of the state. As many as 125 juveniles might be placed in these facilities. The largest single resource for residential treatment which will be part

of the Kansas juvenile justice system in the future is a group of six new institutions called "Regional Rehabilitative Facilities." These facilities are designed for capacities of 25- or 50-beds (probably three of each size) and are to be located in scattered locations throughout the state. With a total capacity of 225-250 beds in six institutions, the annual intake is expected to be 300 cases. Each of these residential treatment facilities has certain advantages and disadvantages.

Aftercare as currently handled in Kansas, is generally believed to be inadequate. There are some instances in which both the planning for and the execution of aftercare are good. In others, aftercare arrangements are poorly planned and may even be practically nonexistent. Statutory provisions governing aftercare can be found in Section 76-2112-14, 2211-12, and 2214-15 of the Kansas Statutes Annotated. These statutes cover only the releases from BIS and GIS.

Though aftercare has long been regarded as an essential service that should be included as part of the rehabilitation process, the present statutory provisions do not establish any administrative guidelines, quality control procedures, or in-

sure the allocation of the resources which would be needed to implement the concept. As might be expected, the responsibility is virtually ignored in some places.

In addition, the processes of adjudication, treatment, and aftercare require the juvenile's case to be transferred from the court, to the institution, and then to the county department of social welfare. These transfers of jurisdiction are felt, by many, to be ineffective (at best) and detrimental (at worst). Significant communication gaps occur each time the juvenile's case is transferred to a new agency.

Aftercare was the subject of a workshop at the first conference, and subsequently, the subject of one chapter in the publication Programmatic Dimensions of The Planning Task. A review of the inadequacies in the way aftercare is currently being handled led the workshop participants to develop the following recommendation:

"We recommend that a state-administered aftercare program be considered as the most positive alternative to meeting present problems and needs. Such an aftercare program would be geared to coordinating the institution's planning for the child with the resources in the community. Personnel involved would be community or regionally-based with a goal of extending the institution's program to the community. Personnel would also be available to courts as consultants and representatives of the institutions prior to commitment. People involved in this program would need to establish a relationship with the child before he leaves the institution, and work toward coordinating community and institutional efforts toward meeting goals and plans designated for the child."

This general recommendation was accompanied by additional suggestions reflected in the following text.

DEFINITION

Aftercare is defined as all rehabilitative efforts designed to help the juvenile reenter the life of his or her community following a period of residential treatment. In the majority of cases, residential treatment will have been provided in a different community. Aftercare responsibilities are to begin at the outset of placement in residential treatment though the period of intensive services follows discharge from such treatment. Aftercare is not limited to this post-institutionalization period. The aftercare element is the only point of legitimate discharge for a person who has been placed in residential treatment by a dispositional order of a Kansas juvenile court - as illustrated on the system model. The actual services involved in aftercare may be all, or only some, of the other intensive services, but will always include intensive probation.

CLIENTELE

The clientele for aftercare are those persons placed in residential treatment by dispositional order of a Kansas juvenile court - whether or not that placement is voluntarily agreed upon and whether or not the treatment institution is located in Kansas. The dispositional order for residential treatment concurrently refers the individual to the aftercare element. Therefore, all persons in residential treatment are also being carried as a responsibility of a community service.

RATIONALE

An aftercare program is needed to insure that the gains made during the period of residential treatment are maintained and confirmed when the juvenile resumes residence in the community. In addition, we have defined the aftercare service to include the maintenance of contact with the home community during the period of residential treatment, in order to insure two-way communication that is almost always lacking under present circumstances. Monson

and Cowden (29) highlight another consideration: the period of (more expensive) institutionalization might be shortened for some through the use of intensive aftercare services (including halfway houses).

OBJECTIVES

The primary objective of aftercare as we define it is to insure a positive and constructive readjustment of the juvenile to the community after being away from home and community and being involved in a highly structured and unusual environment. The problems of the juvenile originated in the community and must be ultimately resolved in the community. The period of residential treatment is a relatively short period of time in the juvenile's life, the sole objective of which is to better prepare the juvenile for socially responsible community life. Aftercare serves as a bridge from the community to the institution while the juvenile resides there, and helps to facilitate and simplify the transition from the total environment of the institution to the less controlled and monitored community life after discharge. This is a major transition which all but a few need assistance and support in completing successfully.

SPECIFIC TASKS

The beginning of aftercare, as a longitudinal process, should occur soon after the juvenile is placed in a residential treatment program. It is possible that those who are eventually placed in residential treatment will already be known to the court and will have been previously placed in either general or intensive community rehabilitation programs. In such cases, aftercare planning would be no more than a continuation of previous efforts which have failed, but are now placed in a new structure.

However, it should be stressed that aftercare planning should never be delayed beyond the first few weeks of residential treatment. The individual responsible

for aftercare services is the JSW. Each treatment institution must design its program so that it will be able to utilize information provided by the JSW regarding the juvenile and his family in the treatment plan as fully and as early as possible. If the juvenile has previously been involved with community institutions and programs, the information about him may be extensive, and should be communicated to the treatment institution prior to his transfer to that agency.

During the first few weeks of the treatment program, the JSW has an important contribution to make regarding future aftercare objectives. This contribution will involve becoming familiar not only with the juvenile and his family but also with the treatment plan which the institution has prepared for him. If there is no prior knowledge of the juvenile, or if nothing extensive is known about him or his family, the initial task would be to become familiar with those factors in his background which have resulted in his placement in a residential treatment program. Any services which are deemed appropriate to the family's needs (in the community) should be initiated at this point. The family may need the services which we described earlier in this chapter as family counseling. Even in cases where this does not appear to be necessary, the family should be kept informed about the treatment objectives of the residential program as well as about the nature of the aftercare program that will begin once the juvenile returns to the community.

The JSW may also be able to make significant contributions to the treatment agency's knowledge regarding developments in the home in addition to supplying background information. This information may be furnished to the treatment agency periodically whenever conditions in the home change. For this reason, the JSW should be recognized as an important participant in the juvenile's treatment in a residential setting. It will be suggested that a JSW should communicate with the treat-

ment agency at least once a month, except when the juvenile's discharge from the institution is imminent - in which case the interval should not exceed two weeks.

With the knowledge that the JSW accrues regarding the progress being made in treatment, some basic ideas regarding the juvenile's rehabilitation plan should be developed. It would be extremely sensible to develop this as a rough outline and discuss it fully with the staff at the treatment institution as well as with the juvenile and his family.

THE TRANSITIONAL PERIOD

As treatment progresses and consideration is given to returning the juvenile to his community, the JSW's visits to the institution should become more frequent and should include discussion of the elements to be included in the rehabilitation plan with the juvenile, his family and the staff. The frequency of his visits should be determined by the juvenile's progress and by conditions such as the distance to the treatment agency. For most juveniles, the regional facilities will provide increased opportunities for visiting.

The JSW should encourage, assist and enable the juvenile's parents to visit him during the final stages of residential treatment if the family is expected to make positive contributions to the aftercare program. Conversely, the JSW may wish to discourage some families from visiting their children if they are not felt to be positive influences.

During this period, a definite rehabilitation plan should be developed. It should be similar in content to that which is ordinarily developed for any other aspect of this general element. It should relate to specific agencies, services, and dates. It should reflect any changes that occurred while the juvenile has been in the residential treatment facility. A copy of the rehabilitation plan should also be furnished

to the court for informational purposes, or any guidance and comments which might be appropriate. In no case, should the court be uninformed about the nature of this rehabilitation plan.

The desirability of a period of "off-campus" residency as an intermediate stage in the overall rehabilitation process is noted in the next chapter. The basic idea behind this strategem is to provide for the continuation of the treatment program being carried out by a regional facility as the person moves from a relatively controlled environment within the facility to semi-independent life in another living arrangement. The off-campus residency plan includes the possibilities of using group homes, returning the juvenile to the family home, placing him in a foster home, or in an entirely independent living arrangement. It is believed that any or all of these might be useful as supplements in working with the juvenile in a treatment program while he still is a resident of the regional rehabilitation facility. The plan for "off-campus" residency challenges the idea that it is absolutely necessary for everyone in a residential treatment program to live "on-campus." The treatment aspects of the institution's program are emphasized through this challenge. The treatment continues assisting the juvenile to relate to the demands and challenges of a changed environment. Although this subject would be more appropriate in Chapter 5 on residential treatment, it is felt that the JSW, since he is responsible for aftercare, will be a major influence in helping to develop these arrangements and in providing the necessary support once the arrangements have been made.

This transitional period also includes the specific steps which must be taken in order to transfer primary jurisdiction over the juvenile from the residential treatment agency to the JSW. This process should be made as free from artificial (bureaucratic) problems as possible.

The transitional period includes the juvenile's actual relocation in the community,

the initial efforts which must be made to reestablish contacts and to activate the rehabilitation plan by referring him to services specified in the plan. It is not intended for the JSW to have already explained what the requirements will be and the nature of the referrals which are specified in the rehabilitation plan. It is intended that a discussion of these details will have been conducted with the juvenile and his family prior to his relocation in the community.

ACCOUNTABILITY

JSW's are accountable for aftercare services in the same manner as they are accountable for intensive probation, since aftercare is really just a variant form of this service.

EVALUATION

The primary purpose of aftercare is to facilitate and simplify the juvenile's reentry into the community. Provisional help to the treatment institution while the juvenile resides there, and development of a viable rehabilitation plan for the period following institutionalization (and the implementation of that plan) are the basic points for evaluation. The JSW cannot be held responsible for

the use made of these attempts at being helpful, nor can he be held responsible for the success of the treatment program.

COMMENTARY

The conduct of the aftercare program will be similar to that of other selective community rehabilitation programs. The only difference will be that those enrolled in aftercare will have had a history of residential treatment while others will not. The aftercare program proceeds on the basis of an individual rehabilitation plan utilizing all appropriate and available resources. It is both possible and likely that a significant percentage of those in aftercare will be provided with several other intensive community rehabilitation services during the aftercare period. As with the other intensive programs, there will be a gradual reduction and relaxation of the effort directed toward the juvenile. He or she will eventually be terminated to return to socially responsible community life in the same way as are all of the others assigned to this element.

Monographs and articles on this subject, listed in the reference section, include: Faust (11), Manella (25), Nishinaka (30), Schwitzgebel (38), and Studd (41).

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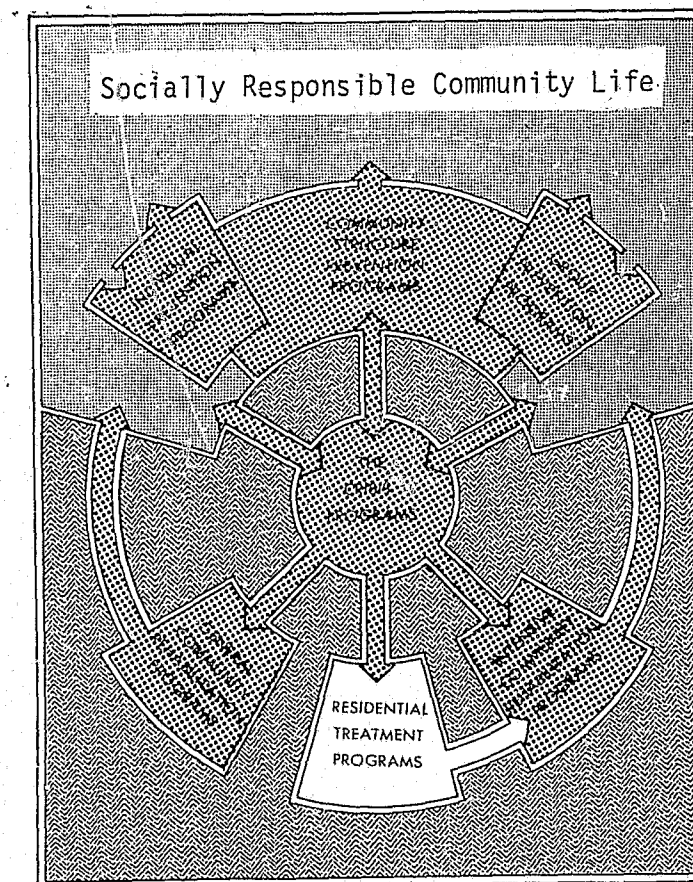
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		FINAL VOLUME III CHARTS		
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CHAPTER 5 RESIDENTIAL TREATMENT

THE SYSTEM MODEL
FOR DELINQUENCY PREVENTION AND CONTROL
IN KANSAS



with the residential treatment programs general element highlighted

CHAPTER 5: RESIDENTIAL TREATMENT

- Section 1: INTRODUCTION Page 197
 This section introduces the subject of residential treatment which is appropriate for only a small percentage of those within the control field. The historical and current polarization of opinion about the proper role for residential treatment is briefly examined.
- Section 2: KJSA INTAKE Page 210
 This section examines the specific programmatic element established to insure an appropriate placement from several available options, for every juvenile placed in residential treatment by dispositional order of the court. Intake utilizes an analytical study of the individual to determine the most appropriate placement.
- Section 3: BOYS' INDUSTRIAL SCHOOL Page 211
 A description of the present major residential treatment resource for delinquents provided by the state. Projections about its future use in a comprehensive state plan and some selected representative program descriptions are provided.
- Section 4: GIRLS' INDUSTRIAL SCHOOL Page 219
 A description of the other residential treatment resource for delinquents provided by the state. Projections about its future utilization in a comprehensive state plan and some selected representative program descriptions are provided.
- Section 5: PRIVATE RESIDENTIAL TREATMENT Page 225
 A small minority of those within this general element can also be handled by private institutions. This specific programmatic element describes the potentialities for utilization of these resources in a comprehensive overall state plan and describes some of the representative programs in operation or planned.
- Section 6: OTHER CENTRALIZED TREATMENT Page 229
 Some juveniles placed within this general control element are most appropriately treated at mental health or retardation facilities, or at the three newly established programs at Larned and Osawatimie State Hospitals or the Rehabilitation Center in Salina. Selected representative program descriptions provided.
- Section 7: REGIONALIZED TREATMENT Page 230
 The proposed regional rehabilitation facilities, which have been under discussion for several years, are discussed in this section. The general design of the facilities, treatment program, staffing pattern, location, and other pertinent facts are presented, along with some general projections of their role in the system.

SECTION 1: INTRODUCTION

This section provides an overview of the Residential Treatment general element that serves as one of the three major dispositional options in the control field. Programs of considerable substance and expense involving a drastic intervention in the previous life-style of the juvenile for an extended period of months are included in this general element. This introductory section provides a commentary on the general idea of residential treatment, its placement within the overall system, the programmatic elements of which it is composed, and exploration of some other issues.

By way of introduction of this subject, prominent mention must be made of the fact that there is no widely accepted or universally applied criteria for making a judgement that a particular juvenile requires residential treatment. This becomes obvious when comparing one state with others, or when comparing commitment practices of different judicial jurisdictions within a given state. About all that can be said is that residential treatment commitments represent a group of juveniles which a community believes itself incapable of dealing with. Obviously a great variety of considerations might lead to such a belief.

Though the laws of our state are comparatively good, viewed within currently popular standards, they are not good enough to insure consistent and equitable utilization of such residential resources as are available to us. On the other hand, we have not made the mistake of some other states in developing residential treatment as a quantitatively major dispositional option of the juvenile justice system. Those states which follow this course of action have now "discovered" probation subsidy as a strategy for modifying the practices and habits of the past. Probation subsidy is an attractive concept, but the strongest examples of its effectiveness are found in states whose previous practices lie at the other end of the spectrum

from our own. Chart 9 in Volume IV (page 41) shows that the state of Washington, after a probation subsidy program began to take effect, still had a commitment rate to state-operated residential treatment facilities six times greater than our own.

Influential thinking and opinion has always been divided about the role which residential treatment should play in a juvenile justice system. In Chapter 5 of Vol. I, we briefly noted some of the major currents of thinking and some of the definite actions taken in the development of the juvenile justice system in our country. That text should be consulted for a fuller description of this subject. We will note, however, that active resistance to the placement of children in jails and prisons, led to the establishment of houses of reform and schools of correction, which were opposed and countered by individual and group placements in private homes. These two general lines of development continued throughout the remainder of the nineteenth century and up to the present time. There is still an obvious polarization of opinion about what can and should be done for (or to) delinquents. However, it has probably never been as clearly polarized as very recent developments in two states illustrate. In recent months, a formal proposal for maximum security facilities for "hyperaggressive" juveniles in Missouri (53) was closely followed by reports of the closing of all state-operated juvenile institutions in the state of Massachusetts.(36) To oversimplify, Missouri is undertaking a plan which will provide additional security to insure that a certain defined group of juveniles are isolated from community life, while Massachusetts believes that juvenile institutions have overall negative effects greater than any temporary protection afforded the public by isolating some juveniles within them. Massachusetts is embarking on a state-wide system of community-based group homes to replace the institutions they are closing. The contrasts between

these recent actions illustrates the polarization of opinion about the place of residential treatment in a juvenile justice system as clearly as any other events in the past 125 years. This is not solely an American polarization of opinion; as Peter points out, it has been the subject of heated debate in Switzerland for 20 years. (43)

In view of the history of this polarization of opinion, one might easily conclude the practices and habits regarding residential treatment will continually shift to a greater or lesser degree. This has been true in Kansas during the more than 90 years that the state has provided residential treatment, and especially during the past ten years. Occasionally, changes and practices are forced by developments wholly unrelated to development in the juvenile field, a point illustrated by the partial emptying of juvenile institutions in Colorado (and termination of their staff) as a result of a financial crisis in state government.

As a working principle, we will take the position that a limited amount of residential treatment is necessary for juveniles with certain kinds of problems, but that it should never be a major resource in the overall system, and should utilize the best treatment practices to the fullest possible extent. We further emphasize the principle that residential treatment should be closely connected, throughout its duration, to the community conditions which will affect the reentry of the juvenile into community life. Under the heading of "aftercare" in the preceding chapter, the active role of the community-based JSW during the period of residential treatment was described.

As Sol Rubin has noted, "In the U.S., where liberty is highly praised, people are deprived of it and institutionalized more often than in any other country in the Western world." (47) Nationally, a large number of children in training schools are young; about one-third are

between 10 and 14 years of age. A disproportionate number of them are non-white, and a study of children committed by New Jersey courts found that about 70% were first offenders. Though Kansas is not guilty of such excesses, we have no present guarantees that this could not happen here. We have not remained entirely aloof from the theory that children should be institutionalized in preference to working toward other solutions in the community as evidenced by the fact that BIS had a population of 300+ back in the 1920's when both the state population and recorded delinquency were considerably less than current levels.

Wheeler and Inskeep cynically compare the current juvenile justice system, in its worst forms, with the practice of "running the gauntlet" in primitive societies. They liken the processing from arrest through detention, court action, probation, commitment, institutionalization and release an an extended version of this primitive practice, and, for some at least, including brutalization. They feel this comparison will continue to be relevant until we professionalize and otherwise upgrade treatment and care personnel. (62)

THE ROLE OF RESIDENTIAL TREATMENT

An accurate understanding of the role of residential treatment is essential since there are misconceptions about its reasonable possibilities for modifying juvenile behavior which persist and are perpetuated. These misconceptions must be discarded before the potential role of residential treatment can be accurately perceived.

Residential treatment provides a limited and highly specialized service which is only a part of the overall delinquency prevention and control system. It is not an isolated service, but one which is closely related to the community services preceding placement and those which follow discharge. It is, therefore, part of a continuum of services rather than an isolated and unconnected service.

The problems of delinquency originate in the juvenile's community and they are not really solved until he or she has been reassimilated into community life. For a vast majority of those in the juvenile justice system, there may be several hundred approaches which might be taken before residential treatment is considered and also a variety of alternatives available following such treatment.

Residential treatment should be regarded as a specialized supplement to resources in the community. It should never be considered in isolation as is commonly done. As a resource for other approaches which might be tried in a community setting, it can fulfill a socially meaningful role. However, it is not "the answer" to all of the problems of juvenile delinquency since those who have been placed in residential treatment will eventually resume their lives in the community with a degree of success more determined by community conditions than residential treatment programs. The failure to recognize residential treatment as simply a resource for services and activities in the community can produce a variety of predictable distortions of reasonable expectations regarding its value.

Residential treatment provides an artificial living environment which may be quite helpful in achieving certain, limited objectives. However, it is not a self-contained system since everyone assigned to it will be expected to return to community living. Therefore, even when the internal workings of the residential treatment facility are exceptionally good and, even though they may provide real, tangible benefits, the individual will have new problems in adjusting to the community after he leaves the treatment facility. As Lederman points out, the failure to reintegrate an offender into community life may represent the failure of the community rather than the failure of the institution. (37)

Those who misunderstand the role of re-

sidential treatment commonly regard institutions such as BIS and GIS as "dumping grounds" for their communities' problems. Those who hold this view generally believe that institutions such as BIS and GIS should be capable of solving the community's problems. They expect individuals returning from such treatment facilities to be entirely "cured" of all their unacceptable behavior. This view is wholly inappropriate and does not reflect a proper sense of responsibility regarding the importance of solving community problems within the community.

It should be suggested that most of those considered for placement in residential treatment facilities should have already had at least one opportunity to respond to either the general or selective community rehabilitation programs, or both. In most cases, participation in such programs should have been tested for a year or more before the juvenile is considered for placement in a residential program. It is only after such programs have been found to be inappropriate for the individual juvenile's needs that residential treatment should be considered as the most appropriate dispositional placement

RESIDENTIAL TREATMENT CHARACTERISTICS

Residential treatment programs have several characteristics: duration, intensity, cost, cost-effectiveness and reasonable expectations regarding their success. Each of these aspects should be clearly understood before evaluative judgements are formed.

Participation in residential treatment programs usually lasts for several months, and, occasionally, several years. The extended duration of these programs is necessitated by the fact that those who are placed in such treatment require major redirections in their lives, accompanied by maturational support. In many cases, deeply ingrained habits and attitudes must be altered. The specification of such objectives for a treatment program naturally implies that the pro-

gram will continue for several months.

The intensity of residential treatment services is relatively high, for reasons which are basically the same as those noted above. Although intensity is a highly relative concept, it implies that several trained persons are working with each juvenile as part of a team. It does not imply merely providing life support services such as food, clothing, and shelter.

Residential treatment programs are uniformly expensive. This is caused by the combination of their extended durations and the high intensity with which the services are provided. The cost of these treatment programs is frequently misunderstood, however. A long period of custodial care is often just as expensive as a short period of intensive treatment. For this reason, the total cost for the average period spent in receiving treatment or in confinement is the only sensible point upon which to base a comparison. Per diem or annual per capita expenditures cannot accurately be compared. The cost-effectiveness of treatment programs, as contrasted with custodial programs without any significant treatment objectives, should also be taken into consideration. Although even purely custodial programs appear to have some successes, and even the best treatment programs occasionally fail, a comparison of the relatively percentages for both types of programs will invariably indicate that the cost-effectiveness of treatment programs is greater than that of custodial programs.

The success rate of a given program is a highly elusive concept. Comparing various kinds of reported "successes" often requires making subtle distinctions between several factors. In most cases, the success rate of a program will be related to its duration, intensity, and the investment of resources in it. The success of some residential treatment programs, however, may be determined by the caliber of the aftercare programs in the community, or by the fact that

such services are nonexistent. As an additional comment, it should be noted that BIS is generally regarded as one of the best institutions of its type in the country. Research conducted during the past ten years on those discharged from BIS indicates a rate of successful adjustment to community life exceeding that reported for other states. Satten and others (at Menninger's and BIS) have a study of BIS recidivism in print. (48)

APPROPRIATE PLACEMENT

It has already been noted that residential treatment is not intended to serve as a "dumping ground" for all of a community's unsolved problems. It is hoped that a juvenile's placement in residential treatment will represent a deliberately chosen dispositional alternative which is believed to be appropriate both for the individual and for the community.

Placement in residential treatment is one of the three dispositional options available to the Judicial element. It can only be used on the basis of a court's dispositional order. Only the juvenile court has the authority to place a juvenile in residential treatment. Of course, parents have the right to place their children in private treatment facilities without benefit of a legal order.

Appropriate placements in residential treatment will be simplistically described as: those who have been found guilty of serious first offenses, those whose records of minor offenses are serious because of the recidivism involved, and those whose life situations indicate that, at that point, residential treatment would significantly benefit their development and maturation.

The Gluecks, many years ago, felt that residential treatment placements should be ordered only on the basis of characteristics of the juveniles involved. They developed a "prediction scale" to be used for this and other purposes. (20) It is widely taught in colleges, but rarely used, in our experience.

A more recent report on efforts to accomplish the same objective is provided by Warren, who finds that offenders can be reliably classified in treatment relevant ways, that community-based programs are best for a large proportion of offenders, that at least one type of delinquent is most successfully treated in an institutional setting, and other matters of interest. (59)

Those who are inappropriately assigned to residential treatment can exit through the aftercare element of the selective community rehabilitation programs.

The society's desire to be secure in its persons and property may be most clearly seen in the provision that those who commit serious first offenses should be referred to such treatment. Actually, incidents of this type are likely to be rare. Most persons who commit serious offenses have prior histories of minor offenses, even though they may not be a matter of public record. Then society's interests are also reflected by noting that residential treatment is appropriate for those with histories of recidivism, even when the offenses alone are not serious. The interests of society may be less clear, but they are nonetheless present, in the specification that "other considerations" regarding the juvenile's life situation may justify his placement in a residential treatment program.

Concern for the juvenile's best interests can also be found in these general principles defining the point at which placement in a residential treatment program would be appropriate. Those who are unable to deal with their hostilities in a constructive, socially-acceptable manner will find life increasingly difficult as they grow older. Therefore, those whose offenses are serious the first time they are apprehended need all of the corrective, rehabilitative influences which can be made available. Those who have developed socially-unacceptable habits, even though they are not serious in isolated instances,

are also unlikely to find community life a fulfilling, satisfying experience. Such persons can profit from the corrective, rehabilitative experiences available in a residential treatment program. The interests of the individual can most easily be seen in the "other considerations" idea regarding an appropriate placement. Here, the focus is not on the juvenile's offense or his history of repeated offenses, but on an analysis of the problems besetting him at that point in his life.

Not all residential treatment programs are equally valuable for and applicable to everyone with certain characteristics. Therefore, residential treatment is not a single entity which can be uniformly applied to every juvenile experiencing or causing problems. Recognition of this fact leads to the conclusion that it is desirable to have a variety of residential treatment resources, and a placement mechanism which insures that the most intelligent possible placement will be made in view of the existing resources.

It is obvious to everyone involved in the field that even institutions with similar gross features may be, in actuality, quite dissimilar. An institution is an entity of much greater substance than its physical plant, staffing pattern, and budget reveal.

Add to this the fact that most institutions do not have similar gross features and the complexity of the field of residential treatment begins to emerge clearly. These differences both determine and reflect the role which the institution will play in the overall juvenile justice system of which it is a part.

The role of BIS and GIS in Kansas has changed greatly in the past decade, as will be illustrated at a later point in the text. As a result, new facilities have been created, but have not yet clearly established their place in the system. Within the past three years, another major change occurred in the role of private residential living arrange-

ments (not all of which have any "treatment" in the ordinary understanding of the term) that may, or may not, be affected by the new state operated resources. These changes at least illustrate the point that the role of residential treatment in our overall juvenile justice system is undergoing rapid and significant change. Much (not all) of this change was unexpected and caught us unprepared. (Some was predictable and we should have prepared ourselves for it - the change in juvenile age being the obvious example.) The response we have made to these changes in our residential treatment resources are unproven up to this time. All of these comments have important implications for this programmatic element, and raise questions for which definitive answers have not yet been advanced.

RELATIONSHIP TO THE COMMUNITY

A residential treatment facility primarily relates to the community in terms of the "product" it produces. This product is an improvement in the juvenile's attitude and behavior after he has been committed to its care. Improvements which result from residential treatment should be confirmed and strengthened through an aftercare program (a community responsibility) if residential treatment is to have any enduring value to the community and the juvenile.

A structural relationship between the residential treatment facility and the community also exists in our plan, through the JSW responsible for aftercare services and representing a dependable, constructive point of contact between the community and the juvenile in residential treatment during this period. The JSW also relates to the family residing in the community and encourages changes and improvements in its situation within reasonable limitations.

A further relationship in selected communities within the state will occur

when a regional rehabilitation facility has been established and begins using existing community resources. The communities in which these facilities are located are expected to benefit both directly and indirectly from the facility, since they will utilize existing community resources for major portions of their treatment programs.

There are only limited possibilities for using community volunteers in residential treatment programs. There are some such possibilities, however, not presently being realized. It should be suggested that greater use should be made of volunteers than is presently the case. When this is done, it will represent still another positive contribution to current resources.

The reader should bear in mind that residential treatment is part of an overall system and not an isolated, self-contained element. Once this has been acknowledged, the community can develop a constructive, reasonable relationship to the residential treatment facilities serving its juveniles.

POSITION IN THE SYSTEM

Residential treatment intake originates with a judicial disposition (573) within the Crisis Programs general element, and its output consists of discharges to the Intensive Community Rehabilitation Programs general element. It is intended that a juvenile's placement in this general element will be undertaken carefully and that considerable caution and restraint will be exercised. The discharges of those in residential treatment are made into the jurisdiction of the aftercare service (760) within the Intensive Programs element. It should be emphasized that no other point of exit is specified or will be permitted. The system model on the chapter frontpiece illustrates these two basic relationships.

DESCRIPTIONS AND DEFINITIONS

The Residential Treatment programs element applies to the smallest group of

juveniles assigned to any of the three rehabilitative elements: an estimated 500 per year. This projection represents a partial restoration of the level at which residential treatment was utilized ten years ago in Kansas. At that time, approximately 14 percent of the "official" court cases resulted in commitments to BIS or GIS. As the number of persons apprehended, the total number of cases appearing before the juvenile court, and the number of official cases handled by the courts have increased during the past decade, the percentage of those committed to BIS and GIS has sharply declined. In 1970, this figure represented 4.7 percent of the official court cases. Application of the commitment rate of a decade ago to the current situation produces the estimate that 700 persons would now be referred to residential treatment.

For several reasons, we are estimating a number approximately midway between the recent (1970) experience and that of ten years ago (1961). We have chosen an annual intake of 500 as an appropriate compromise between these established experience rates. Five hundred persons per year would constitute about ten percent of the 4,811 "official" court cases, about five percent of the total estimated number of individuals in all rehabilitation programs, and about three percent of the number of individuals (2% of the cases) reported apprehended by law enforcement agencies in 1970.

SIX PROGRAMMATIC ELEMENTS

There are six specific programmatic elements within this general element; one of which is a processing element and five of which are distinctly rehabilitative programs. They are:

- 810 REGIONALIZED FACILITIES
- 820 BOYS' INDUSTRIAL SCHOOL
- 830 GIRLS' INDUSTRIAL SCHOOL
- 840 OTHER STATE RESOURCES
- 850 PRIVATE TREATMENT
- 860 KJSA INTAKE

This general element includes only pro-

grams which require the juvenile's removal from his customary living environment for several months, if not longer. As the term implies, residential treatment is provided in an institutional setting which combines life support, treatment, and other remedial activities. Juveniles appropriately placed in residential treatment are those whose personal situations are severe and require the intervention of major corrective influences. It is felt that it would be unwise to generalize regarding the nature of the offenses committed by these juveniles, since many of those who could properly be placed in residential treatment will not have committed serious offenses, but, instead fact situations in their homes or immediate environments which cannot be considered conducive to their proper growth and development. On the other hand, many of those who have been adjudicated for a serious crime against others will at least be considered for placement in one of the residential treatment programs the first time such an offense is committed. The six programmatic elements are briefly characterized as follows:

810 KJSA INTAKE - This is the intake element for all juveniles who will be placed in residential treatment, not to be confused with court intake (520). The primary function of this element is to insure a prompt, appropriate placement for each adjudicated juvenile who has become the responsibility of the state. This element includes completion of an extensive evaluation (to the extent required) which will serve as the basis for determining the juvenile's placement in a particular institution. Referral by the court to residential treatment should be determined on the basis of the results of the (550) Evaluation element. A referral to this service will involve a legal transfer of jurisdiction identical to that which is currently used in making commitments to BIS and GIS. The KJSA intake element uses five classifications of residential treatment facilities for the disposition of its referrals.

820 BOYS' INDUSTRIAL SCHOOL - This is the

oldest of the state-operated residential treatment facilities, located north of Topeka. It has a current capacity of about 230 and an annual intake of about 175. It has a psychiatrically-guided treatment program, is basically an "open" facility, and is largely a self-contained institution with an attractive professional staff-to-boy ratio. BIS is also administratively responsible for an "annex" in Atchison which will be significantly expanded by mid-1972, to a total of 68 beds.

830 GIRLS' INDUSTRIAL SCHOOL - This residential treatment facility is located in the small northcentral town of Beloit. Originally a private facility, it was made a part of the state family of institutions before the turn of the century. It has a rated capacity of about 90, and a current annual intake of about 60. It also has a psychiatrically-guided treatment program, is a basically "open" facility, and is also a largely self-contained institution performing a function for girls similar to what BIS provides for boys.

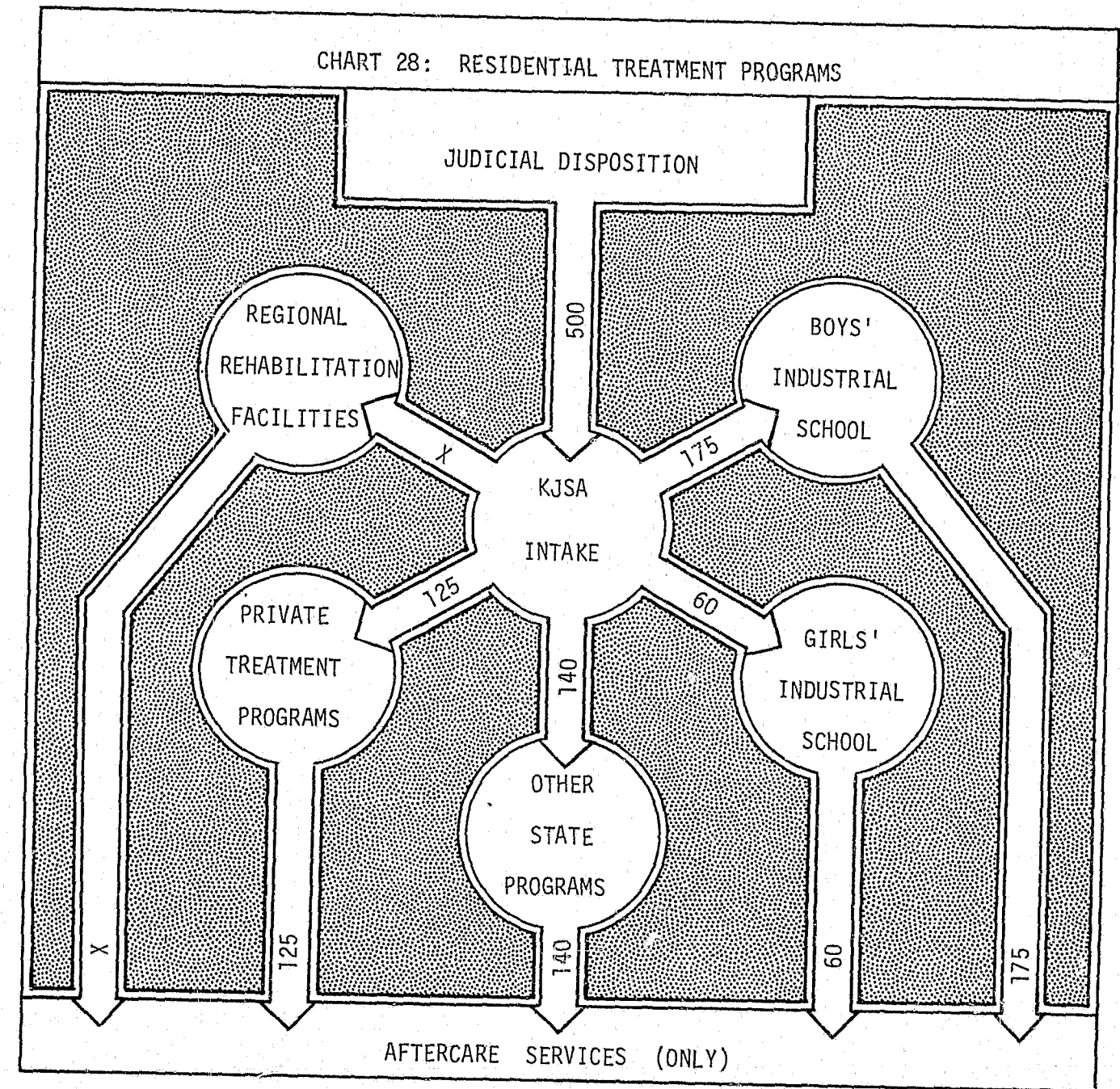
840 OTHER CENTRALIZED STATE TREATMENT RESOURCES - This is a collecting term to indicate two kinds of residential treatment resources of interest to this system: "emergency" facilities established by the 1971 state legislature, and tangential treatment facilities for the mentally ill and retarded. The "emergency" facilities were created by an act of the legislature in the closing days of the 1971 session and consist of special units at Osawatomie State Hospital (30 beds), Larned State Hospital (20 beds), and the Kansas Vocational Rehabilitation Center in Salina (19 beds). All were in operation by 1972, and were redesignated officially as "Youth Rehabilitation Centers." These are the most generously financed of the state treatment resources, and have the most favorable staff-to-boy ratio as a result of this (see Chart 30 on a following page). The other services included under this heading are the established programs at state hospitals and retarda-

tion facilities for those who qualify for admission. The input to these facilities is not programmed, but they are noted since they provide an important resource for the juvenile justice system.

850 PRIVATE RESIDENTIAL TREATMENT - Private agencies and institutions are also available to handle a small minority of adjudicated juveniles. Agencies such as St. Francis Boys' Home, Methodist Youthville, and other private facilities are presently being used by juvenile courts as a significant resource. It is assumed that this utilization can be continued and, possibly, even expanded. Such facilities generally utilize a type of open residential setting which may be the most appropriate kind of treatment design for some juveniles. Substantial and apparently increasing use is being made of such institutions, within and outside of the state.

860 REGIONALIZED TREATMENT is the term used to indicate the regional rehabilitation facilities for which there is presently enabling legislation (K.S.A. 75-3335), but no specific implementation plans. The regional facilities are designed to serve those who require institutionalization for shorter periods than those who would normally be referred to centralized treatment institutions. The community is expected to make substantial contributions to the overall programs of these centers through its schools and social agencies. The regional facilities are not designed for a full complement of treatment staff, but will utilize many professionals whose primary identifications are with community agencies or private practices. They will have a maximum of 50 beds and some may only have a capacity of 25 beds. They may also utilize "off-campus" residency programs as part of their overall treatment programs.

Chart 28 on the next page illustrates the relationships of these elements to one another. It can be noted that the KJSA intake (810) element performs a gatekeeping function for each of the



other five elements since each of them as a parallel relationship to the others. It should also be noted that each of these elements leads to the Aftercare (760) element which is part of the intensive community rehabilitation programs.

Included among the five resources shown on the chart are the regional rehabilitation facilities which do not as yet

exist. These facilities have been a significant aspect of our planning since its inception, and it is assumed that they will be available at some future date. It should be kept in mind, however, that a legislative commitment for the establishment of these services has not yet been made.

Current thinking envisions 6 of these facilities (3 large, 3 small) with a

total capacity of 225 beds making them the largest kind of residential treatment resource. As much as two years may be required to build them once they have been authorized, so it is not likely that the need for residential treatment resources will be satisfied in the near future. The estimated annual intake of these facilities has been computed on the basis of the capacity of three large treatment centers (150 beds) combined with an average stay of eight months, but is not shown on the chart since no definite plans exist.

The annual intake figures shown on Chart 28 for BIS and GIS are approximately the same as the current intakes of these institutions, while the annual intake of 150 cases for other state resources and the intake of 125 persons per year for the private resources are no more than estimates of potential resources which are not currently being utilized at this level.

STATE RESPONSIBILITY

It has been traditional to view the residential treatment of juveniles as a state responsibility. Kansas, like a majority of the other states, has been committed to state responsibility for treatment of the most serious cases of delinquency. The establishment of the Boys' Industrial School in 1879 signaled the state's acceptance of this responsibility, which has continued since then.

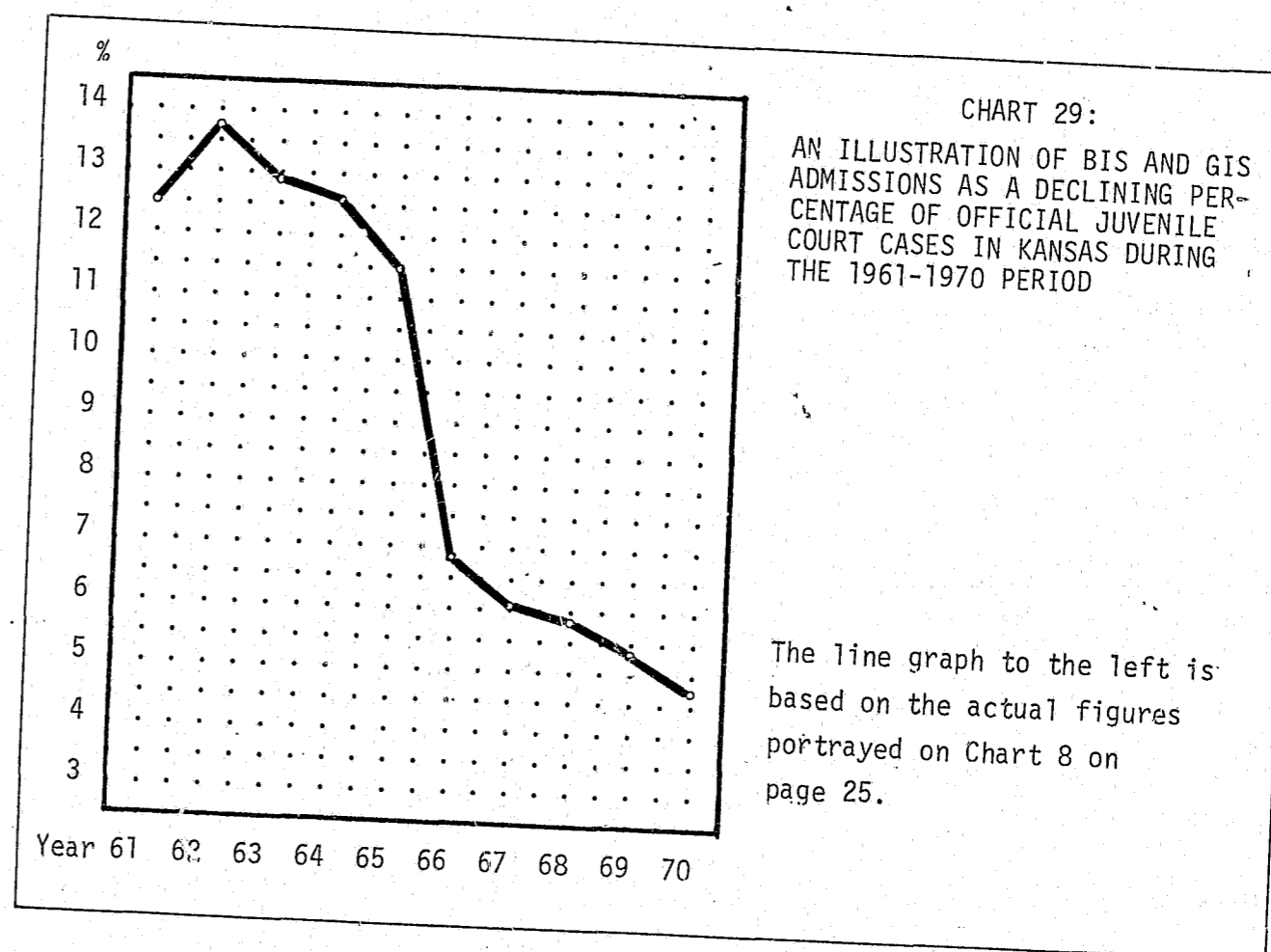
State government is better suited to fulfill this responsibility than most communities. Very few counties in Kansas have enough cases requiring residential treatment to justify establishing their own programs. The four urban counties are the only ones which might possibly be considered to need such programs within their counties. All of the other counties need such services too infrequently to seriously consider establishing residential treatment programs. In such cases, it is logical for the state to assume the responsibility for providing these services.

The usual argument in favor of establishing state-operated services is that the nature of the problem makes it impractical for a smaller political entity to maintain an effective or efficient operation, a judgement usually made from a state-wide perspective. In other words, when a majority of the counties are unable to establish services of this type, the state assumes responsibility across the board.

During the past decade, the resources available in the State of Kansas for residential treatment have not kept pace with the rising tide of delinquency. The number of individuals accepted annually at BIS and GIS, expressed as a percentage of the total number of "official" cases reported by the state's juvenile courts, has steadily declined during the past ten years. Chart 29 on the following page graphically illustrates this decline. The dramatic decline indicated on the chart is the justification for remarking previously that the role of residential treatment had very substantially changed in the past decade. The "official" juvenile court cases were used as the basis for computation since a commitment cannot result from an "unofficial" handling of a case. The reason for the decline, of course, is the rise in court cases, since combined BIS and GIS admission figures have been relatively static throughout this period.

A "purchase of service" arrangement to provide residential treatment for juveniles suggested as a possible alternative to the solution of some problems. The purchase of services principle is simply that a contract is made with a private agency or institution, or other public agency or institution to provide a specific type of service. The framework for establishing a purchase of service arrangement already exists, but it has only rarely been used. This possibility seems worthy of further consideration, and is the subject of further comment in Section 6 which follows.

To summarize, good residential treatment programs should be closely related to,



and work in close cooperation with, effective community programs. Residential treatment is only one resource, aimed at solving a limited problem which has its origins in the community and must ultimately be resolved there. The effectiveness of community programs will affect the need for residential treatment and, in turn, effective residential treatment will be a valuable supplement to and support for community programs.

Chart 30 provides a summary of the staffing arrangements at current and projected state residential treatment facilities.

The subject of "camps" for delinquents deserves brief mention. This organizational form has not been seriously discussed in our planning effort, and only rarely mentioned. A summary of their role in the juvenile justice system

nationally is reproduced below from the publication The Control and Treatment of Delinquency in the U.S. (p. 30)

"It has been found that camps for delinquent children can be constructed more rapidly and at a lower cost than other types of institutional facilities. They are particularly suited to areas not subject to great changes in climate. Equipment, repair and maintenance costs are lower in many instances because of the light frame construction and the emphasis placed upon outdoor rather than indoor facilities. Operational costs are lower for camps than for institutions. Camps which participate in the conservation of forest, land, water and wildlife resources also make a substantial contribution to the society in general."

"Juvenile correctional camps are special-

CHART 30: RESIDENTIAL TREATMENT PERSONNEL

	BIS	ATC	GIS	OSS	LAR	PROPOSED
						REG
Capacity of facility (f.y. 1973)	216	68	97	20	30	48
Average daily population (1971)	219	2	79	--	--	--
PROFESSIONAL PERSONNEL: (FTE)						
Psychiatrist (see note below)	$\frac{200}{108}$	X	$\frac{100}{97}$	X	X	X
Physician	X	X	$\frac{050}{194}$	X	X	X
Psychologist	$\frac{400}{54}$	$\frac{200}{34}$	$\frac{200}{48}$	X	X	X
Supervising Social Worker	$\frac{300}{69}$	X	$\frac{100}{97}$	$\frac{100}{20}$	$\frac{100}{30}$	1
Social Worker	$\frac{600}{35}$	$\frac{200}{34}$	$\frac{100}{97}$	$\frac{100}{20}$	$\frac{100}{30}$	3
Teacher (academic)	$\frac{1350}{16}$	$\frac{500}{14}$	$\frac{900}{11}$	$\frac{300}{7}$	$\frac{400}{7.5}$	5
Teacher (vocational)	$\frac{1050}{20}$	X	$\frac{200}{50}$	X	X	X
Nurse	$\frac{100}{216}$	X	$\frac{100}{97}$	X	X	1
Recreation	$\frac{200}{108}$	X	$\frac{100}{97}$	X	X	X
Dietician	$\frac{100}{216}$	X	X	X	X	X
Chaplain	$\frac{100}{216}$	X	$\frac{050}{194}$	X	X	$\frac{1}{2}$
OTHER PERSONNEL:						
House parents	74.5	24	33	19	29	16
Food Service	12	X	7	X	X	8
Activities - recreation	7	1	2	2	2	2
Maintenance	16	X	10.5	X	X	6
	153.5	34	71.5	26	37	42

NOTE: All professional personnel are stated in a "Full Time Equivalency" (FTE) expression, since many are only part-time workers. One full-time person is an FTE of 100. The number below the FTE is the ratio of professionals to the capacity of the facility.

ized group care facilities which serve delinquent children. They differ from conventional juvenile institutions such as training schools in terms of size, location, architecture, case characteristics of the children served, and the manner in which they are staffed and programmed. Since 1943, over 23 states have established juvenile correctional camps. It is estimated that over 50 separate camps are now being administered by state governments while another 50 are administered by county or municipal governments."

"After diagnosis of the needs and problems of the delinquent at a special center or training school, the camp provides a treatment-training program designed to control and to meet the needs of the delinquent."

"Camps are administered by state agencies, probation departments, or institutional superintendents. In a few states the camps have been placed in a separate division or section within a state agency such as a welfare department." (item 62, p. 104)

Camps are not generally held in particularly high esteem, though their advocates tend to speak highly of them. Some states, California being an example, have made a particularly significant commitment to them. The idea may still attract some support in Kansas, but it has not done so among those involved in our planning.

Within the subject area of residential treatment, "differential treatment" concepts currently are attracting considerable attention. The concept is based on the idea that a treatment program that may be beneficial to some types of offenders may be detrimental to others. The concept leads to an examination of the kinds of programs that are most successful with particular kinds of juvenile offenders, and has resulted in the development of several classification schemata; focusing attention on offen-

ders, treaters, methods and overall treatment environments. The usefulness of these concepts has proven to be considerable, and they have reportedly had great impact on correctional programs in California. (33) The array of services in our residential treatment general element would appear to be wide enough to profit from further examination of this potentially important contribution to its effectiveness. A great deal of research in family behavior indicates that deviant social behavior is reflective of a breakdown in family structure and communication. We have examined this idea under previous material in the prevention volume (Chapters 2, 4, and 5), and in the immediately preceding chapter of this volume. It remains to examine the implications of this point for residential treatment.

It may be practical to ignore this problem for some of the oldest juveniles, who are not likely to return to living with their natural family. For the majority, however, the possibility of returning to live with their family must be considered, and only completely rejected on grounds which would prove sufficient for severance of parental rights. Until this extreme point is reached, efforts should be made to improve the family environment and to maintain contact between the juvenile and the family during treatment.

Family counseling, described as a programmatic element in the previous chapter is highly relevant to the long range needs of families with a juvenile in residential treatment. This service should be provided concurrently with the residential treatment. The family counseling is coordinated by the JSW, who will eventually be responsible for the aftercare service, and who will be visiting the treatment institution periodically. This should allow and promote a much greater degree of contact and communication that is currently common. The JSW might be able to furnish transportation to one or more family members when these periodic trips are taken. Financial appropriation to help low-income families

make visits are also suggested. It is also suggested that the juvenile be allowed to travel home for the purpose of participating in therapeutic family counseling activities. The objective of these suggestions is to insure that, after residential treatment, the juvenile is not

forced to return to the same (or worse) family situation that existed when a breakdown in behavioral controls previously occurred. Stollery reports on an effort to involve families in an institution's rehabilitation plan, which appeared to have realized important goals.(52)

SECTION 2: KJSA INTAKE

This programmatic element is designed to perform the intake function for all juveniles assigned to residential treatment. Placement in residential treatment is one of three dispositional options available to the court. The primary function of this element is to insure that each juvenile who becomes the responsibility of the state will be promptly and appropriately placed. For this reason, it should be viewed as a processing rather than a service delivery element within the system. This programmatic element is related to the five residential treatment categories which were identified in Section 1, thus illustrating its processing function. Any placement in residential treatment should be based on an extensive evaluation. Some, perhaps a majority, of this information will be prepared by the (550) Evaluation element. If this evaluation has not provided all of the material which is needed for making a responsible, intelligent placement decision, further evaluative studies may be ordered. (See: 39)

The juvenile's referral to residential treatment involves a legal transfer of jurisdiction (identical to that of current commitments to BIS or GIS).

KJSA intake performs an essential function within the system by insuring that every juvenile committed to residential treatment will be assigned to the treatment facility most appropriate for his or her needs. At present, the demand for including this function is not widespread since existing residential treatment options are few and it is difficult to envision what the projected system will be like. When a greater variety,

as well as a greater number of residential treatment alternatives become available, more consideration must be given to the proper placement of each juvenile.

PLACEMENT DETERMINATIONS

The dispositional order is the first step in the intake process. It should transfer jurisdiction of a case to the state agency responsible for providing residential treatment. The KJSA is identified as this agency with the understanding that it may be part of another, larger state agency. This jurisdictional transfer will closely approximate current procedures used for BIS and GIS commitments and broader commitments to the State Department of Social Welfare. It is possible that the KJSA will be placed under the jurisdiction of the State Board of Social Welfare in which case the dispositional order for residential treatment would be expected to be nearly identical to that which is presently used.

Once the order for residential treatment has been made, those responsible for KJSA intake will need to assemble and study all available evaluation materials. It should be noted that the Evaluation element (550) consists of two types of evaluations: a study of the individual through standard psychological and other appropriate testing methods, and an analysis of the juvenile's home environment. In most cases, these evaluation materials will be helpful but not entirely sufficient to insure that an intelligent, responsible decision regarding the most appropriate residential treatment placement can be made.

In most cases, the results of this evaluation will be inadequate to a greater or

lesser extent for determining the best placement alternative. In these cases, the function of the KJSA intake element would be to order whatever additional evaluative studies might be helpful in determining a responsible placement. In some cases, an extended evaluation such as that conducted by the Kansas Children's Receiving Home in Atchison may be indicated. While these studies are being undertaken, the KJSA intake element will be responsible for handling the juvenile's case.

This element will also be responsible for being fully informed about the differences (often subtle) between the residential treatment institutions. Careful, detailed knowledge about each treatment program and type of juvenile who is most likely to benefit from it will be necessary in order to carry out the element's function. The previous comments about differential treatment are applicable to this point. Those responsible for making placements should be thoroughly familiar with all of the treatment programs available to the state, even if they are not located in Kansas - an option not widely used at present. The proper functioning of this element will depend, to some extent, on the availability of sound evaluative information.

The placement itself consists of an order assigning the juvenile to the treatment institution which has been selected for him. The KJSA intake element will be responsible for delivering the individual to the institution at which point the institution becomes responsible for his security and well-being until further action is taken to place him back in the community.

It is anticipated that the KJSA Intake element will enter into purchase of service agreements with private facilities both in and outside of the state. The

use of private facilities is clearly the most desirable alternative in some cases. Under such circumstances, an appropriation will be necessary for this purpose, accompanied by a contract between the KJSA and the private agency. It is suggested in a later section that the use of private facilities should become a more important aspect of the overall residential treatment picture.

Even though there are only a limited number of residential treatment possibilities available in the state at present, there is still a considerable need for assembling the background information such as that suggested above. As more resources are established and their programs develop, there will be more of a need for the function as described.

Assuming that an average of three day's work will be required for each placement (including travel time), no less than six positions must be created to adequately carry out this function, with a great likelihood that one or two more will be required to account for the inherent unevenness of commitment experience.

We have not suggested a state operated reception and diagnostic system for all persons committed to residential treatment. However, this is commonly suggested, and used by several states. Amos, Manella, and other contributors have developed a powerful argument for such a system. (4) It is our opinion that much the same effect (less, but adequate) may be accomplished by establishing a system that uses local agency persons to test and accumulate information and by using the treatment facility staff to accomplish the rest. The Atchison KCRH can be utilized as presently for those presenting unusual problems of understanding, but these would continue to be a minority of the total.

SECTION 3: BOYS' INDUSTRIAL SCHOOL

The Boys' Industrial School, located in Topeka, serves delinquent boys as one of

four "centralized treatment" options. This institution is able to provide a program

of intensive residential treatment for a selective group of juveniles adjudicated by the state's juvenile courts. BIS has traditionally accepted those whose personal problems and individual behavior are too severe for them to be treated while remaining in their home communities. The intake of this institution is expected to exceed 175 boys per year with an increase this year as a result of new facilities which will be opened in Atchison. Presently operating under the jurisdiction of the State Division of Institutional Management, its future operation has been specified as a KJSA responsibility, though this might be arranged through an inter-agency contract with DIM. There are important advantages to remaining under DIM.

At the present time, BIS has a rated capacity of 198. In addition, there are 38 beds at the BIS Annex on the grounds of the Kansas Children's Receiving Home in Atchison. The Annex program currently has 18 beds for boys who have been at BIS and have been moved to Atchison to continue their academic and vocational training in a "half-way house" setting. The other 20 beds are for admissions of primarily 13 and 14 year old boys. Two 24-bed cottages are under construction for this program at Atchison which will increase the capacity to 86 beds by early 1972. Since 1964, the combined average daily population at Topeka and Atchison has fluctuated between 213 and 233 juveniles.

Current plans are for most BIS commitments to be boys 14, 15 and 16 years of age with the Atchison program taking primarily those 13 and 14 years of age. Juvenile courts may make direct commitments of boys under the age of 16. Boys who are 16 or 17 years of age may be committed provided prior approval has been given by the State Director of Institutions. In recent years, the average age of the population at BIS has gradually risen due to the increased number of commitments of boys over 16 years of age.

Although an expansion in the capacity of BIS and the BIS Annex will occur when the new cottages at Atchison are completed, the number of admissions accepted annually has changed only slightly during the past ten years. As we noted in Section 1, the increase in the magnitude of problems related to delinquency is more than triple that of the early 1960's. Consequently, the importance of this institution as a resource in dealing with delinquency has been steadily diminished. Today, it is less likely that the juvenile who appears before the court will be committed to BIS than was the case ten years ago. An additional consequence has been that those accepted by BIS today are, on the average, more seriously disturbed than was the case a few years ago.

The expansion of the BIS program through the development of the program in Atchison has been only a partial and limited response to the increase of delinquency in Kansas. This fact might not be very important if strong community-based programs had also been developed, regional facilities established, or greater utilization made of other state and private resources. However, only a few of these developments have occurred as yet. The result has simply been that the expansions of the BIS program, which have taken place, have been much too limited in view of the magnitude of the problem. Further comments on this subject can be found in subsequent sections of this chapter.

The Kansas Boys' Industrial School has been nationally recognized for its effectiveness and is considered to be one of the best facilities of its type in the country. Research on recidivism which has been conducted by the Menninger Foundation showed that those who have been at BIS are less likely to be apprehended for future offenses than studies of recidivism would normally indicate. This record of success has been achieved in spite of inadequate and virtually nonexistent aftercare arrangements. (5, 48)

THE TREATMENT PROGRAM

Commitments to the Boys' Industrial School originate in the state's juvenile courts. No hard and fast rules have ever been promulgated to help the courts in determining the point at which a boy should be committed. It is essential, however, that he be committed before it has become too late to establish emotional contact with him. Since BIS is neither a reformatory nor a mental institution, its goals can be achieved only with those with whom emotional contact is still possible; however, the institution itself recommends that every possible community resource should be exhausted before a commitment to BIS is sought. It must be acknowledged, however, that many communities have few resources available.

The state's juvenile judges commonly report that there is what they consider to be a lengthy waiting period between the time that the decision is made to commit a juvenile and the time that he is actually admitted to the institution. Some have stated that they have "gotten tired of waiting" and have eventually "given up on trying to have anyone from their county admitted." Delays frequently arise in cases where the court has failed to supply BIS with a social history and the other supportive materials which should accompany the commitment. It is not uncommon to learn that a commitment paper may contain little more than the boys' name accompanied by other superficial information. On the other hand, the staff at BIS cannot evaluate more than three or four boys per week for admission. In addition, the increase in the number of cases being handled by the juvenile courts means that there are more potential candidates for admission now than there were a decade ago.

The immediate purpose of BIS is to provide a positive, reeducative community living experience in an open institutional setting which will cause delinquent youth to develop more positive social attitudes and values. This living ex-

perience must contain, in specialized form, all the daily activities and services normally afforded youth. This is accomplished in a consistently understanding and accepting atmosphere in which youth can grow and develop meaningful and constructive relationships and identifications with other youth and adults.

The task assigned to BIS is to reform the adjudicated miscreant and delinquent boys sent to the institution by the juvenile courts of Kansas. The major interest and investment of the state is in the return of these boys to society as soon as they are free of the internal need to commit antisocial acts. This is a difficult assignment because the causes of the antisocial acts are so very different from case to case.

To some extent, BIS serves the state as a diagnostic and screening center, with nearly ten percent of the admissions being referred to the state mental hospitals under the authority of (K.S.A. 75-3328). Boys who run away several times and commit further antisocial acts, may be prosecuted in the adult courts (K.S.A. 1971 Supp. 21-3611). The courts may sentence them to the Kansas State Industrial Reformatory at Hutchinson, or may release them on parole. In rare instances, boys have been returned to the committing court as unreformable (K.S.A. 76-2118).

In 1879, the legislature enacted a statute providing for the selection of a site for the erection of building for a "state reform school" with the provision that the site be selected within five miles of the state capitol building, and further that the city of Topeka should donate 160 acres of land suitable for the purpose. The school opened on its present campus about four miles north and one-half mile west of the capitol building on June 10, 1881. In 1901, the name of the school was changed to the "State Industrial School for Boys." Additional land has since been acquired, and the institution now owns approximately 335 acres. The main campus occupies roughly 66 acres of this with 193.5 acres leased out to private firms and approximately 75

acres allocated for the right of way of the new Soldier Creek channel which was built as a flood control project in the late 1950's.

In the course of the institution's development, three distinct plans for meeting the goals of the school are evident as seen by the methods used. Early in the school's history, when it was known as a reform school, the staff regarded its responsibility primarily as punishment and confinement. In the middle period, after the name was changed in 1901, more emphasis was placed on education and training with considerable military training. The third phase began in 1944 when the late Lawrence H. Gardner was named superintendent. This program emphasizes education and treatment adapted to the nature and needs of the boys individually and collectively.

Any boy under the age of 16, who is found by a juvenile court in Kansas to be a delinquent child or a miscreant child may be committed to BIS (K.S.A. 1967 Supp. 38-326). Boys 16 and 17 years old may be committed with the consent of the State Director of Institutions. The length of commitment is indefinite with the maximum term being until the boy is 21 years of age. However, he may be released when he has been found fully reformed (K.S.A. 76-2109). Under the present program, the length of stay depends on the adjustment the boy makes and the availability of a placement resource when he is considered ready to leave the institution. Some boys are able to show improvement in less than a year, while for others the rehabilitative process takes a longer period of time. The average is about 14 months. A boy usually leaves the school on parole under the supervision of the county welfare department. Discharge is granted on recommendation of the county worker usually after a period of six months to a year of satisfactory adjustment in the community.

Admissions are scheduled through the admissions officer in the Division of Institutional Management. Boys are assign-

ed to cottages largely on the basis of their age, with consideration also being given to physical size and mental development.

BIS is under the Division of Institutional Management, State Department of Social Welfare (K.S.A. 75-3303 and K.S.A. 76-2101). The executive officer of the school is the superintendent, appointed by the state director of institutions with the approval of the state board of social welfare. He is responsible for the overall administration of the institution. The activities and programs of the institution are conducted through two general operating departments - clinical and service.

The clinical program is supervised by the clinical director, a fully trained and board-certified psychiatrist. The clinical department includes the divisions of psychiatry, psychology, social service, religious education, academic education, vocational education, physical education, recreation, medicine and surgery, and cottage life - all areas having direct and continuous contact with the boys in the school.

The service department is supervised by the business manager. This department includes fiscal and personnel, supply, dietary, and engineering.

In order to use the available psychiatric, psychological and social service staff in the most advantageous fashion, they have been assigned to cottages, or living units, as members of a cottage committee team. These committees consist of a clinician as coordinator, the head cottage parent and a social worker as regular members. Psychiatrists, psychologists and case work supervisors are currently being used as coordinators. Each coordinator has the total clinical and administrative responsibility of determining the appropriate time for release of boys in his cottage. He also supervises the head cottage parent and through him supervises the cottage staff, and directs and guides the group living and recreational program within the cottage unit. He coordinates

his work with the work of the educational areas and other program areas. The clinical coordinator is supervised by the clinical director.

The academic school provides courses from the fifth grade through the tenth grade with many special remedial classes. Some boys are transferred to the BIS annex at Atchison and attend the Atchison public schools there.

Basic vocational training is offered in printing, auto mechanics, welding and machine shop. Prevocational training is offered in woodworking, barbering, food service, laundry work, landscaping and warehousing. While the boys do not ordinarily stay in the institution long enough to secure a complete course of training in any vocational trade or subject, they are given valuable prevocational work, which may induce them to seek additional training or to follow in the same type of work after leaving the Boys' School.

Regular physical education classes are conducted and a high percentage of the boys are enrolled in these classes. The physical education division is also responsible for most varsity sports teams. Teams are fielded in football, basketball, and track. Opponents are generally teams from schools in the Topeka area.

The recreation division provides for free-time activities in the evenings, on week ends and holidays. This includes intramural sports, swimming team, junior varsity sports, parties, tournaments, off-campus activities, clubs and games. This division also provides swimming classes during regular school hours.

Religious training is an important aspect of the program. The Boys' School has a clinically trained psychiatric chaplain who conducts services for Protestant boys. Needs of the Roman Catholic boys are served by a priest assigned part-time to the Boys' School by a local church in cooperation with the religion and psychiatry department of the Menninger Foundation.

Medical needs of the boys are looked after by a registered nurse with a physician from Topeka coming regularly to examine the boys and prescribe treatment. Boys needing hospitalization are taken to the medical and surgical sections of Topeka State Hospital. Dental needs are met through the services of a part-time dentist from Topeka, who comes to the school to examine the boys and give needed care.

Security at the institution is provided primarily through close supervision by the staff. There are no fences or other physical barriers around the periphery of the campus and although some of the boys are confined to locked cottages, most enjoy unrestricted movement about the campus during the day.

The importance of well-organized, well-planned aftercare arrangements for those who have been institutionalized has been acknowledged for over a generation. Therefore, the treatment program offered at BIS, or by any similar facility, is significantly affected by the quality of the aftercare services which are provided. At the present time, the responsibility for aftercare rests with county departments of social welfare and these departments vary considerably in their interests, abilities, and potential resources. A number of proposals have been presented and discussed in the past regarding aftercare services. Aftercare, as it has been discussed during our planning effort, is described in the preceding chapter and it is hoped that these ideas provide a more definite and potentially more effective plan than those which have previously been proposed.

We have included several items in the references at the end of the chapter that are relevant to BIS and the more general field of treatment in an open institutional setting. Of particular interest is the article by Averill (BIS clinical director) which describes the treatment program in some detail (as of 1966). (5) The TICO experiment in developing channels of communication through a boys' committee is described by Catalino (9), and a simi-

larly intentioned effort by Craig. (11) An education effort within a training school is described by Cymbalisky. (12) Panny (BIS superintendent) describes five basic factors that should be kept in mind when cottage structure and routines are being established. (41) Elias develops the idea that offenders must participate as agents of change, not simply as recipients of change. (13)

STATEMENT OF CONCERN

The following "statement of concern" is reproduced from the 1972 Comprehensive Action Plan of the (Kansas) Governor's Committee on Criminal Administration, pages 40-41. (26)

"Statement of Concern: (1) BIS has never been properly staffed in the cottages to meet supervisory needs. They have appealed for additional cottage parents to give double coverage on all cottages during the critical evening and weekend hours when other programs were not operating. They also appealed for additional positions on security cottages to give coverage that would provide sufficient control and protection for boys and staff in those cottages. This appeal was only partially heard. Seven of the fourteen positions requested were approved. Because of the increasing difficulties they were experiencing with boys needing to be housed in security cottages and the problems they were posing once they were placed there, most of those additional positions had to be assigned to the security cottages. Thus, the non-security cottages were not given the positions they needed to maintain proper supervision and control on a 24-hour-a-day basis throughout the year.

"Statistical reporting reveals there were 164 new boys admitted to the institution this last year. A further review of these statistics reveals that a total of 43 boys - most of them newly admitted - were released

either to the county jail to be charged with felonious escape or transferred to other institutions within the Division of Institutional Management. Thus, over one-fourth of the boys admitted were completely beyond staff ability to control and treat with present facilities and manpower from the very beginning of their stay at the Boys School. These figures have been steadily increasing over the past six years. The first step toward reversing this trend will not come until there is greater recognition that severe problems do exist in the control and treatment of today's delinquent children and the necessary facilities and manpower are provided to meet these treatment needs. The budget for 1972 contains a request for the construction of an additional security-treatment cottage, but budget limitations have not permitted a request for additional cottage parent positions to attack the manpower problem.

"The time has passed when institutional treatment programs can hope to control delinquent youth in the same manner they have in the past. The problems are too great and a large number of boys are too disturbed to house them in such large groups as we have formerly done. Recognizing this, they have appealed to the Division of Institutional Management and the Board of Social Welfare to reduce the maximum number of boys we have been housing in the three largest cottages. Both DIM and the Board have approved this request and have authorized the preparation of a budget with a maximum number of 24 boys in each of these units. Thus, beginning with the 1973 fiscal year, the operating capacity of the institution will be reduced from 219 boys to a maximum of 198 in keeping with the reductions in these three large cottages.

"The reduction in the number of boys housed in the largest cottages will ease the management problems they have had in these three cottages. It will not,

however, eliminate the problems that are caused by having only one person on duty during the critical evening and weekend hours in each of the cottages."

UTILIZATION OF BIS

An analysis of the utilization of BIS by the state's 105 counties produces an interesting pattern. The analysis shows that some counties utilize this treatment institution in different ways. As could be expected, the four most populous counties in the state (Johnson, Sedgwick, Shawnee, and Wyandotte) dominate the utilization. Although these counties contained approximately 41 percent of Kansas' total population, they were responsible for 48 percent of the commitments to BIS during the past ten years; these counties committed 796 of the 1,669 persons who were admitted between 1961 and 1970. A further analysis indicates, however, that the individual rates for these counties, when compared with the counties' population bases, varied greatly. The rate for Wyandotte County was 1.86 per year; Shawnee County had a rate of .98 per year while the rate for Sedgwick County was only .65 per year. Johnson County had a rate of .44 per year which was less than one-quarter than that of Wyandotte County. No completely satisfactory interpretation of these facts has yet been made and this subject merits further consideration.

On the other hand, the two counties with the highest admission rates per 1,000 county residents are counties in the western part of the state: Finney (2.11) and Lane (2.08).

Chart 31 illustrates the gross numbers and the rate per thousand of BIS commitments over the past decade. The counties are ranked in order of commitments per thousand to the total county population rather than in terms of gross numbers of commitments, since it is

rates rather than gross numbers which concern the average citizen. The 1960 and 1970 census of population figures were averaged for purposes of figuring the rates. Some counties changed very significantly during the decade (i.e., Johnson County grew by 73,870). The chart also shows rate categories (A through G) which are summarized below.

Rate A	Over-1.50	3 counties	2.9%
Rate B	1.49-1.00	8 counties	7.6%
Rate C	.99- .75	18 counties	17.1%
Rate D	.74- .50	12 counties	11.4%
Rate E	.49- .25	27 counties	25.7%
Rate F	.24- .01	21 counties	20.1%
Rate G	0.00	16 counties	15.2%

Further comments about the information reflected in this chart would be appropriate. Eleven counties had a rate of more than one commitment per 1,000 population while, at the opposite end of the spectrum, sixteen counties made no commitments at all to BIS during this past ten year period. All of the counties which did not utilize BIS during the past ten years have small populations (thirteen of the sixteen are west of Highway 81). It can also be observed that the counties in the eastern part of the state generally tend to have higher utilization averages than those in the western portion of Kansas.

Some other points should be made. The BIS program includes some limited camping experiences. Busse reports on a program of this type called "Youth Adventures" which has been operating in Oregon for several years. (64) In the previous chapter we made note of the Outward Bound program which is related, but has much higher objectives than these (listings 19 and 28 on pg.191-2) and is viewed as a possible alternative to institutionalization.

Several times in recent years, the problems associated with aftercare in relation to BIS and GIS have been presented. The Schul article (25) is just one of these.

CHART 31: BIS ADMISSIONS AS A RATE OF AVERAGE COUNTY POPULATION FOR THE DECADE 1960-1970

Rank	County	Rate per/m	Total Adms	10 year pop av	Rank	County	Rate per/m	Total Adms	10 year pop av
RATE A	1 Finney	2.11	37	17,520	46 Ford	.46	10	21,736	
	2 Lane	2.08	6	2,883	47 Harper	.46	4	8,706	
	3 Wyandotte	1.86	347	186,170	48 Bourbon	.45	7	15,653	
RATE B	4 Saline	1.48	75	50,654	49 Elk	.45	2	4,453	
	5 Sherman	1.39	10	7,237	50 McPherson	.45	11	24,533	
	6 Jackson	1.36	14	10,326	51 Johnson	.44	80	180,727	
	7 Atchison	1.25	25	20,032	52 Ellsworth	.43	3	6,912	
	8 Montgomery	1.18	50	42,478	53 Osborne	.43	3	6,961	
	9 Ellis	1.17	27	23,000	54 Butler	.42	16	38,527	
	10 Franklin	1.11	22	19,778	55 Wilson	.41	5	12,197	
	11 Lyon	1.02	30	29,500	56 Thomas	.40	3	7,430	
RATE C	12 Shawnee	.98	144	148,304	57 Norton	.39	3	7,657	
	13 Graham	.97	5	5,169	58 Osage	.38	5	13,199	
	14 Stevens	.95	4	4,299	59 Linn	.37	3	8,022	
	15 Labette	.92	24	26,290	60 Crawford	.37	14	37,441	
	16 Leavenworth	.92	47	50,932	61 Mitchell	.36	3	8,438	
	17 Dickinson	.91	19	20,783	62 Phillips	.34	3	8,749	
	18 Harvey	.90	24	26,551	63 Wichita	.33	1	3,020	
	19 Sumner	.86	21	24,435	64 Doniphan	.32	3	9,346	
	20 Geary	.84	24	28,445	65 Haskell	.30	1	3,331	
	21 Seward	.82	13	15,837	66 Cloud	.29	4	13,937	
	22 Pratt	.81	9	11,089	67 Coffey	.26	2	7,800	
23 Brown	.80	10	12,457	68 Logan	.25	1	3,925		
24 Cowley	.79	29	36,437	69 Cherokee	.23	5	21,914		
25 Meade	.77	4	5,209	70 Republic	.22	2	9,133		
26 Chautauqua	.75	4	5,299	71 Pawnee	.21	2	9,369		
27 Barton	.75	24	31,516	72 Kingman	.21	2	9,422		
28 Rice	.76	10	13,115	73 Marshall	.21	3	14,369		
29 Douglas	.75	38	50,826	74 Trego	.20	1	4,955		
RATE D	30 Scott	.74	4	5,417	75 Woodson	.20	1	5,106	
	31 Reno	.73	44	59,910	76 Clay	.19	2	10,283	
	32 Greenwood	.69	7	10,197	77 Allen	.19	3	15,706	
	33 Comanche	.67	2	2,987	78 Decatur	.19	1	5,383	
	34 Hamilton	.67	2	2,946	79 Russell	.19	2	10,388	
	35 Kearney	.65	2	3,078	80 Grant	.18	1	5,615	
	36 Sedgwick	.65	225	346,963	81 Rush	.18	1	5,639	
	37 Neosho	.63	12	19,134	82 Pottawatomie	.17	2	11,856	
	38 Edwards	.60	3	4,850	83 Stafford	.15	1	6,697	
	39 Morton	.58	2	3,465	84 Wabaunsee	.15	1	6,523	
	40 Morris	.58	4	6,912	85 Smith	.14	1	7,267	
	41 Miami	.51	10	19,569	86 Marion	.13	2	14,539	
RATE E	42 Riley	.49	24	49,351	87 Barber	.12	1	8,365	
	43 Kiowa	.46	2	4,357	88 Anderson	.11	1	8,768	
	44 Ottawa	.46	3	6,481	89 Washington	.10	1	9,994	
	45 Rooks	.46	4	8,681					

16 counties had no admissions to BIS during the decade.

SECTION 4: GIRLS' INDUSTRIAL SCHOOL

The Kansas Girls' Industrial School (GIS) is the state's primary "centralized treatment" facility for emotionally disturbed girls with serious behavioral problems. Located at the edge of Beloit in north central Kansas, this institution seeks to rehabilitate the socially acting-out girl by helping her to develop the socially acceptable attitudes and feelings that will enable her to return to her family and community a more productive member of society. GIS also tries to provide sound moral, religious and social opportunities for each girl and encourages her to take advantage of the academic or vocational programs best suited to her needs.

As one of Kansas' tax-supported, residential institutions, GIS has operated under the jurisdiction of the State Board of Social Welfare since 1939. The chief administrator of GIS, the superintendent, is appointed by the Director of Institutions with the approval of the State Board of Social Welfare and is responsible to them for the institution's day-to-day operation.

As part of the current planning, the program at GIS would become the responsibility of the KJSA although its daily operations would continue to be supervised by the Division of Institutional Management.

GIS was established in 1888 jointly by the Women's Christian Temperance Union of Kansas and the citizens of Beloit to provide shelter for dependent and neglected girls and rehabilitation for delinquent girls. The school was privately-supported until 1889 when responsibility for its operations were assumed by the state.

GIS accepts girls between 13 and 17 years old who have been found to be delinquent or miscreant according to the provisions of the Kansas Juvenile Code. Commitments to the School can be made by any juvenile court in the state for

an indeterminate period until the girl becomes 21 years old. Although "...no girl shall be retained after the superintendent shall have reported her fully reformed,..." the length of time a girl actually spends in the institution is left entirely to the discretion of the superintendent who is empowered to grant home visits, extended home visits, and discharges. Since 1960, GIS has received slightly more than 50 girls a year upon commitment from the state's juvenile courts. It has a normal operating capacity of 97 beds in five cottages and an emergency capacity of 105 beds. Although it is felt by the staff at the school that its programs function more effectively with a population of 75 to 80 girls, since 1964 the average daily population has fluctuated between 84 and 96. The institution itself actively encourages the juvenile courts to commit emotionally disturbed girls whose problems are evidenced in socially acting out while they are still young rather than waiting until social misbehavior and rebellion have become deeply ingrained behavioral patterns.

In recent years, however, the population at GIS has rarely reached the institution's normal operating capacity. This is primarily the result of two factors. First, girls who socially act out tend to direct their actions toward themselves rather than toward others in the community and secondly, because many of the offenses committed by girls are less serious than those of their male counterparts, judges are more reluctant to commit them to a state institution. Some of the juvenile courts, in fact, have tended to regard GIS as a last resort which is still available after everything else has failed; for others, commitment to GIS has been useful as a means of threatening a girl who has not changed her behavior.

Despite the fact that GIS accepts 16 and 17 year old girls, the girls being committed to the institution are generally younger than they were five or even ten years ago,

Within the past eight years, the average age at GIS has dropped by approximately two years and the median age of the girls at the school is presently 14 years.

During the last few months of our planning effort, GIS reached its maximum capacity for the first time in at least 9 years. This was not wholly attributable to the closing of the Friendly Gables facility in Wichita and the increased tempo of disturbances in schools there. The increased commitments reflected increases in many parts of the state.

THE TREATMENT PROGRAM

Only two statutory conditions must be met in order for a girl to be admitted to the Girls' Industrial School. First, she must be at least 13 years old but under 18 at the time she is initially committed and second she must have been adjudged delinquent or miscreant according to the provisions of the Kansas Juvenile Code. Commitments to GIS may be made by any of the state's 105 juvenile courts. In addition to these statutory criteria, GIS recommends that the girl should be committed before she becomes too old and her deviant behavioral patterns too well-established for her to benefit from the institution's programs. Girls whose behavior and thinking patterns are noticeably psychotic should be referred directly to an appropriate mental hospital rather than to GIS even though a limited number of severely disturbed girls can be handled. The school has neither the facilities nor the trained staff to work with the mentally retarded and these girls should be referred directly to the State Hospital and Training Center in Parsons. The courts are also strongly urged not to commit girls who are pregnant to the institution.

Once the order committing a girl to GIS has been made, a short waiting period of one to six weeks is all that is required before she is accepted by the institution. Three to four weeks usually elapses between commitment and actual

admission to the institution.

Upon arrival at the School, each girl is immediately assigned to a four to six-week evaluation program during which the staff tries to obtain an accurate picture of the girl's needs. The evaluation combines psychiatric interviews, psychological, educational and vocational testing, a social history evaluation, a medical evaluation and the observations of the cottage parents and other staff who have had contact with the girl. Each girl's "program" is initially developed by the clinical team on the basis of this information although it may be refined as treatment progresses. Four areas - academic and/or vocational training, milieu therapy in the cottage, and formal psychotherapy conducted by a professional member of the clinical staff - can be used in developing each girl's program. Special education, including remedial services, is provided using funds obtained under Title I of the Elementary and Secondary Education Act of 1965.

The Girls' School uses a milieu therapy program based on the "team approach" to treatment. Each of the institution's five cottages serves as the hub for a treatment team which includes the members of the cottage's child care staff, the Director of Child Care Services, both of the institution's psychologists and social workers, one representative each from the Activity Therapy Department, the dietary staff and the vocational-educational staff as well as any other members of the staff who have a particular interest in the girl or her program. All of the treatment recommendations for the girls are made by the treatment teams during their weekly meetings; in addition to developing plans for girls who are about to leave GIS, they also plan for passes and home visits.

The program in the cottages consists primarily of structuring each girls' activities so that she is able to develop a measure of stability in her relationships with her peers and with adult authority

figures. At the same time, the girl is under enough pressure that she will be forced to work through some of the conflicts responsible for her institutionalization. This approach is intended to enable her to learn how to react to the stresses and strains of daily living in socially acceptable ways.

A fully-accredited 12 year academic program staffed by seven secondary and one elementary teacher is provided on a contractual basis by Unified School District #273 based in Beloit. Academic education at the school operates according to a modified special education format which allows more individual programming. Since January 1, 1968, the salaries of one full-time special education teacher and three part-time summer teachers have been paid with Title I funds.

Vocational training is intended to be primarily therapeutic rather than a means of equipping the girls with marketable job skills. The vocational program includes training in commercial and home cooking, food preparation and decoration, cosmetology, advanced tailoring, and secretarial and business skills. Training as a waitress or as a nurse's aid is also available as are arts and crafts.

A clinical program of group and individual psychotherapy is carried out by professional members of the clinical staff. These services are ordinarily the responsibility of the clinical director - a psychiatrist.

In addition to providing psychiatrically-oriented therapy, the clinical director is responsible for supervising the activities of the School's psychologist, social workers, chaplain, activity therapist, nurse and the Director of Child Care Services. Through his supervision of the Director of Child Care Services, he exercises administrative responsibility over the activities of the cottage parents as well. When this position is vacant and superintendent assumes many of these responsibilities.

Recreational and extracurricular activities are also part of the treatment process. These programs, which are the responsibility of the Activity Therapy Department, are designed to provide constructive activities for the girls during their free time. A Girl Scout Troop consisting of four patrols of eight to ten girls each was formed at GIS in April, 1970. A girl's chronological age and level of maturity are used in determining the patrol to which she belongs. The girls in the most advanced patrol participate in hikes, tours off campus and in a camp-out while the remaining patrols take part in programs on the institution's grounds.

A second program - a Sing Out America Group - is part of the national Sing Out America program. The girls interested in participating meet twice a week to sing the songs and study the material prepared for this program. This group participates in the functions conducted by the state group in addition to performing before community groups in and around Beloit.

The GIS campus is open, unbounded by fences or other means of physically preventing the girls from running away. Most girls are permitted to move freely from one aspect of their treatment programs to another. A security and control area, located in Prairie Vista Cottage, is available for girls requiring intensive care. Although this cottage is divided into two nine-bed units, a single orientation is used as the basis for its program. One unit serves the entire institution as a temporary holding area for acutely disturbed girls. The other unit is used for working with chronically disturbed girls requiring long-term intensive treatment. Those assigned to this cottage lack the self control to function appropriately in the "open campus" environment and require an environment which makes fewer demands upon them. This highly structured program utilizes group psychotherapy, recreational activities, occupational therapy and a special education program.

Since the School is presently without a psychiatrist, girls who are openly psychotic or mentally ill are transferred to appropriate mental hospitals.

The program is oriented toward returning each girl to her home community more capable of functioning as an individual. For this reason, periodic visits home are an important part of her treatment program. The institution's social service department is responsible for supervising this aspect of treatment. In addition to working with the welfare department in the girl's home county, the social service department works with the girl's family, helping them to understand the treatment processes and occasionally providing direct casework services for them.

Approximately three months before she is to be released from GIS, the girl is assigned to Grandview Cottage. This cottage's program is unstructured and is intended to provide data which will be used in evaluating her readiness to return home. Each girl is basically autonomous and is given near total responsibility for her behavior. Those assigned to this program have more latitude in making their own decisions and more freedom, including town privileges. They are expected to plan and cook their own meals and to care for their personal laundry. During her stay in Grandview Cottage, the girl participates in group discussions of problems related to leaving the Girls' School and returning home.

Once a girl is released and returns home, her supervision becomes the responsibility of the county welfare department. Kansas' 105 county welfare departments are statutorily responsible for performing aftercare services for those released from both BIS and GIS. Present aftercare provisions are perhaps the least desirable aspect of the state's "centralized" treatment system, since they are fragmented, lacking in continuity and widely variant in quality from one county to another. County welfare department staff are rarely trained to work with juveniles who have

recently been released from BIS or GIS nor do they have sufficient time to do so. Although the staffs of the institutions are trained for this type of work, they have neither the authority nor the means to undertake this activity. During the course of the project, a number of plans dealing with aftercare were brought forth and are now reflected in the design of the system model and the aftercare element in the preceding chapter.

Of particular interest to this subject is the Jurjevich book in the reference section (31), the Gokbora and Gorlich articles (21,23), the Hughes monograph (29), and most of the material noted in the BIS section.

UTILIZATION OF GIS

During the ten-year period between 1961 and 1970, 69 of the state's 105 counties committed a total 642 girls to the institution. Nearly half of these commitments - 304 girls - came from the state's four largest counties and stand in sharp contrast to the 20 counties which made only one commitment each during the entire ten-year period. Although Wyandotte, Johnson, Shawnee and Sedgwick Counties contained approximately 41 percent of Kansas' total population and accounted for 47 percent of all Girls' School commitments between 1961 and 1970, only one of these counties (Wyandotte County - .63) has had an annual commitment rate exceeding .50 per 1,000 population. Shawnee and Johnson Counties have annual rates of .26 and .22 respectively, while the rate for Sedgwick County has been .31 per year.

Wallace County with an average population of less than 2,250 inhabitants had an average commitment rate of .95 - the highest of any county in Kansas. Of the 13 counties with commitment rates of more than .50 per 1,000, 10 were western counties. It is difficult to interpret exactly what these figures indicate in view of the wide variations in the populations, judicial philosophies and local resources of the 105 counties.

Utilization rates for all 105 counties can be found in Chart 32 on the next page. The counties are listed on the chart according to their commitment "rates" per 1,000 inhabitants. Although these rates may provide insight into a county's delinquency, they are not to be taken as an absolute measure of serious delinquency. The population information currently available at the state level does not permit an analysis of this data solely on the basis of those under 18 years of age.

The chart has been arranged according to the following categories:

Rate C	.99-.75	1 county	0.1%
Rate D	.75-.50	12 counties	11.4%
Rate E	.49-.25	20 counties	19.0%
Rate F	.24-.01	36 counties	34.3%
Rate G	0.00	36 counties	34.3%

As can be seen from the chart, five of the counties with annual rates of more than .50 per 1,000 had average ten-year populations exceeding 20,000 inhabitants while three others had populations between 15,000 and 20,000. At the other end of the spectrum, however, only four of the 36 counties which had not made any commitments since 1961 had at least 10,000 inhabitants and nearly half had populations of less than 5,000. Twenty-five, or approximately 70 per cent, are located in the western half of the state.

OTHER CONSIDERATIONS

Despite the fact that nearly all other kinds of publicly-supported residential treatment programs are co-educational, "centralized" treatment facilities for juvenile offenders for the most part are still segregated according to the sex of the offender. In 1966, only 20 states plus the District of Columbia operated at least one residential co-educational treatment or diagnostic facility for juvenile offenders. In six of the states, the co-educational facility was the only "centralized" treatment facility while the other states maintained at least one and frequently two

or more "segregated" facilities as well. The states with single, co-educational facilities are predominately less populous, rural states.

Those who oppose co-educational facilities cite the following disadvantages: First, illegitimate pregnancies would occur as a result of sexual liaisons between the residents. Secondly, boys and girls who had become acquainted at the institution might get into trouble together following their release. Third, a co-educational classroom would create new problems for children who already have difficulty with school. Fourth, because of the presence of both boys and girls, the campus would be in turmoil. And, finally, a co-educational program does not punish the youngster as much as isolating him from those of the opposite sex does; the residents would not want to leave the institution.

The advocates of co-educational facilities point out that having youth of both sexes in the institution produces a much more natural environment than that in a segregated institution. By associating with others of the opposite sex, the youth is able to work through his feelings about male-female relationships and vice versa. The number of illegitimate pregnancies occurring at co-educational facilities are considerably fewer than at most public or private junior or senior high schools. Sexually segregated institutions, in fact, tend to foster a variety of sexual phenomena other than normal heterosexual development. The effects of involving both boys and girls in the treatment program has been found to be positive rather than negative both for the staff and for the youth; morale at the institution is higher, the routine is generally more varied and the presence of the opposite sex tends to have a calming effect. An additional plus for co-educational facilities is that they can be operated more cheaply than single sex institutions. A 1963 survey by the Children's Bureau of the U.S. Department of Health, Education and Welfare found that the per capita costs of co-educational institutions were con-

CHART 32: GIS ADMISSIONS AS A RATE OF AVERAGE COUNTY POPULATION FOR THE DECADE 1960-1970

Rank	County	Rate per/m	Total Adms	10 year pop av	Rank	County	Rate per/m	Total Adms	10 year pop av
RATE C	1 Wallace	.95	2	2,142	36 Stevens	.23	1	4,299	
	2 Saline	.73	37	50,654	37 Cheyenne	.22	1	4,482	
	3 Reno	.70	42	59,910	38 Johnson	.22	39	180,727	
	4 Sherman	.69	5	7,237	39 Pawnee	.22	2	9,369	
	5 Franilin	.66	13	19,778	40 Edwards	.21	1	4,850	
RATE D	6 Finney	.63	11	17,520	41 McPherson	.20	5	24,533	
	7 Wyandotte	.63	118	186,170	42 Trego	.20	1	4,955	
	8 Graham	.59	3	5,169	43 Chautauqua	.19	1	5,299	
	9 Seward	.57	9	15,837	44 Jackson	.19	2	10,326	
	10 Geary	.56	16	28,445	45 Scott	.19	1	5,417	
	11 Grant	.54	3	5,615	46 Ford	.18	4	21,763	
	12 Rice	.53	7	13,115	47 Leavenworth	.18	9	50,932	
	13 Ellis	.52	12	23,000	48 Montgomery	.17	7	42,478	
	14 Dickinson	.48	10	20,783	49 Sumner	.16	4	24,435	
	15 Jewell	.45	3	6,658	50 Ottawa	.15	1	6,481	
RATE E	16 Doniphan	.43	4	9,346	51 Wabaunsee	.15	1	6,523	
	17 Lincoln	.40	2	5,069	52 Riley	.14	7	49,351	
	18 Meade	.38	2	5,209	53 Bourbon	.13	3	15,653	
	19 Lyon	.37	11	29,500	54 Linn	.13	1	8,022	
	20 Atchison	.35	7	20,032	55 Marion	.13	2	14,539	
	21 Hamilton	.34	1	2,946	56 Mitchell	.12	1	8,438	
	22 Rooks	.34	3	8,681	57 Crawford	.11	4	37,441	
	23 Comanche	.33	1	2,987	58 Kingman	.11	1	9,422	
	24 Barton	.32	10	31,516	59 Phillips	.11	1	8,749	
	25 Douglas	.32	16	50,826	60 Miami	.10	2	19,569	
RATE F	26 Sedgwick	.31	109	346,963	61 Neosho	.10	2	19,134	
	27 Clay	.29	3	10,283	62 Russell	.10	1	10,388	
	28 Cloud	.29	4	13,937	63 Cherokee	.09	2	21,914	
	29 Pratt	.27	3	11,089	64 Brown	.08	1	12,457	
	30 Norton	.26	2	7,657	65 Butler	.08	3	38,527	
	31 Shawnee	.26	38	148,304	66 Labette	.08	2	26,290	
	32 Cowley	.25	9	36,437	67 Osage	.08	1	13,119	
	33 Wilson	.25	3	12,197	68 Marshall	.07	1	14,369	
	34 Gray	.23	1	4,448	69 Allen	.06	1	15,706	
	35 Harvey	.23	6	26,551					

36 counties had no admissions to GIS during the decade.

siderably less than those of segregated facilities. It cost \$2,064 per person to operate a co-educational facility while the per capita expenditures for all male or all female institutions were \$2,707 and \$3,274 respectively.

Although Kansas is not presently considering moving in the direction of co-educational "centralized" treatment facilities, this possibility is not without its advocates. The possibility of developing such a facility has been informally discussed and a proposal presented by the current superintendent of the Girls' Industrial School, Denis Shumate. Mr. Shumate feels that it would be possible to construct two 16 bed cottages on the grounds at GIS for young male offenders. The boys involved in this program would

necessarily be those who are not seriously emotionally disturbed so that they could easily be assimilated into the School's existing program. The additional staff required would be minimal - staff for the two new cottages plus an addition or two to the recreational department. Since this proposal has never been formally presented, it is difficult to judge what its ramifications might be. The possibilities for developing such a program, however, should be carefully considered.

In this regard, we have listed the NATSJA Proceedings of 1965 (64) which contains two articles on this subject, one by Pratt and one by Greenleaf. The Gokbora article in that book is also relevant to the subject. (21)

SECTION 5: PRIVATE RESIDENTIAL TREATMENT

As noted previously, the use of private residential resources for delinquents has increased greatly in the last few years. Though the majority of this increase has involved small unit "group homes" some of its has also occurred in the residential treatment field. A very casual survey of only a few courts in Kansas has revealed that placements have recently been made in private facilities in Arizona, Arkansas, Colorado, Missouri, Nebraska, Oklahoma, Texas and Virginia. Placements in Kansas facilities have also been recently increased. A study made by the Sedgwick County Juvenile Court easily identified dozens of places in Kansas and adjoining states where "residential treatment" is claimed to be offered. Obviously, not all of these places are of equal value, and some surely must fall far short of even the most rudimentary idea of "treatment."

However, the subject deserves examination on several grounds, not the least of which is the well-proven record of effectiveness of the better institutions.

Private residential treatment institutions are generally created as a practical ex-

pression of some group's concern for children in trouble. There are a number of institutions created on the basis of a religious motivation to help children, and others based on a community concern. As noted in the preceding section, GIS was originally established by the WCTU and community leaders nearly a century ago.

There is a very poor recognition of the role of private facilities in the delinquency control field for several reasons. Many placements are voluntary and not a part of official records, many publicly supported placements are not officially recorded as related to delinquency (even though they are), and there is no uniform reporting of this activity on a state-wide basis. The principal difficulty in obtaining an accurate understanding of the activity in this field is the lack of clear and widely accepted concepts - as is true with other aspects of the juvenile justice field. As a result of this, it cannot be asserted that this resource is being used to a much greater extent than previously even though all known facts seem to indicate this. The rapid growth of both large and small

facilities in recent years, and their almost immediate utilization by courts leaves no other significant impression even when there are negative or equivocal comments about whether these referrals would be considered a part of the delinquency control field.

Obviously, some definitions are necessary for fruitful discussions of this subject. The two key words are "residential" and "treatment." The idea of "residential" must include provision for life support services meeting the basic licensing requirements of relevant authorities. The idea of "treatment" must include regular contact with the juvenile by a person belonging to a recognized and licensed profession specializing in child care, and capable of making referrals to other professions as needed. The problematic issue in this definition is whether persons in the religious profession can be considered qualified to provide treatment. It will be suggested that individual determinations be made on this matter rather than a categorical approval or disapproval. Arrangements for medication, therapy, and constructive experiences relating to identified needs would also characterize treatment programs. Those facilities which do not meet these criteria (the majority of private facilities) would be classified under the concept of "living arrangements."

The Achievement Place model poses a special problem of classification. The "behavior modification" activity obviously justifies categorization as a legitimate treatment program, especially since a formal program of training new house-parents has been initiated. This facility has been consistently referred to as a "group home," and is therefore categorized under that heading in the preceding chapter.

Private institution placements are not always the placement of choice, but are made simply because the child is over or under the eligible age for BIS. In other cases, it is the placement of choice because a judge, social worker, or parent

has a negative view of BIS. Even more significant is the fact that placements are being made in virtually total ignorance of the private institution's general program, treatment objectives, and performance capabilities. "Blind" placements seem to be the rule rather than the exception - and will probably always be so then there are a hundred or more placement possibilities and several hundred persons who would have to be familiar with them. Directories have been assembled (item 14, p.191) but are no substitute for personal acquaintance with a variety of private facilities. In addition, there is considerable evidence that the directories of Kansas' licensed facilities are not widely read or referred to. As a result of this, inappropriate placements, unrealistic expectations, wasted efforts, and erroneous conclusions about the value of private residential facilities are common. It is obviously in everyone's interest to develop a broader base of understanding about the potential use of private facilities, and a more dependable way of utilizing this potential.

A dispositional order specifying private residential treatment facility placement should be much more of a practical possibility than it is at present. Such facilities are capable of constructively dealing with many adjudicated juveniles, and can do so in a straightforward and aboveboard manner. Though such placements are unwise in the face of overt recalcitrance, and will probably always involve the facility's acceptance of a placement, many persons could be easily persuaded that private facility placement is preferable to placement in BIS or GIS.

LICENSED PRIVATE CHILDCARE AGENCIES

There are currently 21 Kansas agencies joined together in an association of licensed child care agencies. They provide a broad range of services, principally in what we have described as the field of prevention, though some services are provided in what we describe as the control field. There is some interest in providing

more rehabilitation services and a willingness to accept placements of adjudicated delinquents, but there are significant present and prospective problems associated with this. These problems originate in the clear realization that care must be accompanied by treatment - which costs more money than is made available to them.

The public support level for private residential treatment amounts to only about two-thirds of the cost of an established program such as that at Methodist Youthville in Newton, and only about half of what the state spends on its own treatment programs at BIS and GIS. Therefore, an agency such as Youthville must make up the difference in cost through private solicitations. The cost of public schooling is another factor that enters the picture when there are more than a handful of children involved. The school, quite rightly, expects reimbursement for any nonresidents but the school district of natural residence is not likely to honor bills presented for this purpose unless there has been a formal action by the court in placing the individual in the treatment institution.

A third problem centering around financing is the general principle that juveniles who are the subject of a placement based on an adjudication for delinquency are more likely to need extra security arrangements. Since "supervision security" is highly preferred over "physical security," the cost of treatment rises again.

Finally, the proposed application of existing wage and hour legislation to child care agencies will completely transform the cost of at least the custodial house or cottage parent portion of the agency's budget.

There are some serious philosophical questions concerning state financing of private placements as a standard procedure. Some feel that this would necessitate at least some loss of control of programs, might narrow the range of ser-

vices offered, and cause the domination of certain professional practices and techniques. None of these possibilities would be viewed as anything other than a negative development, for reasons mentioned under the idea of "differential treatment" previously. It has not been determined whether such fears are realistic or not, and the subject deserves further serious exploration.

A proposal to reimburse private facilities for services rendered at the same rate as the state pays out to provide those services in its own institutions was not adopted by the committee for this volume. The proposal specified the establishment of cost categories with minimums and maximums determined by current state expenditures, and a documented line item billing for services rendered by the private institution within this range. Such a reimbursement plan would conceivably double the reimbursement to the better institutions with formalized treatment programs, and would probably reduce reimbursements to some agencies that provide little more than custodial care. The present situation heavily penalizes the private agencies attempting to do the best job while apparently allowing other agencies to realize a profit over their programs of absolutely minimum services. Admittedly, those with minimum services are classified as "group homes" rather than residential treatment, but some committing authorities view them as the latter rather than the former.

Unfortunately, our planning did not result in definitive guidelines on this subject. It was, generally, a subject that was neglected (rather than avoided) and did not receive the attention it probably deserves.

No proposal was made to reimburse private agencies for use of their physical facilities. Most private agencies do not seek to obtain reimbursement for this, since they rely on solicitation of endowments or private fund raising campaigns to build, maintain, or expand.

THE LICENSING ISSUE

At present, the State Departments of Health and Social Welfare combine efforts to license private facilities. There is no negative comment in regard to this other than the one that licensing does not really concern the treatment program of the facility. To some extent, this problem is related to the fact that social workers are not legally recognized in state statute and are not licensed by a state authority. Since the majority of professional persons employed by the private facilities are social workers, the two facts are obviously linked. Efforts are being made to set up standards for licensing of social workers, and the achievement of this goal would surely have positive implications for the licensing of treatment programs.

Until licensing of treatment programs is accomplished, the current situation which severely penalizes the agencies attempting to do the best job (and allows those doing the minimum job to even make a profit) will persist to the overall detriment of the public interest.

Licensing and public support of treatment in private facilities are directly related concerns. Licensing standards and financial support of treatment programs (in addition to life-support and educational costs) are needed now.

THE POTENTIAL ROLE

This plan proposes an expanded role for private residential treatment in the delinquency rehabilitation field, up to a total annual intake of about 125, with no reduction in their present role as a resource for the prevention field. Financing private treatment, for all adjudicated delinquents, should be centralized in the KJSA. A payment schedule based on the need for treatment services, and their actual provision, should be allowed in addition to standardized costs for life-support, education, and other expenses.

Payments should approximate the state's current expense in providing comparable services. Some flexibility should also be allowed in order to encourage the development of innovative or other unusual approaches to the residential treatment challenge. This would give the private facilities a sound financial basis for their treatment programs, that could be supplemented from their own resources.

This expanded role and more equitable financing would encourage private agencies to take a greater interest in adjudicated delinquents. It would relieve the better institutions of the unfair financial burden they presently bear. Several advantages would also accrue to the state: treatment would be provided without the necessity of capital investments in physical facilities, smaller treatment units would be encouraged, a healthy competition might develop between private agencies, utilization of substandard programs would be eliminated, and this resource could become available in a much shorter period of time than is possible for the state to establish residential treatment programs. A further advantage is found in the fact that no two private agencies are likely to develop identical programs, and the variations may be viewed as a positive asset in the total array of residential treatment options.

Limitations on this proposed expanded role should also be mentioned. No private agency is likely to develop programs involving the use of physical security - an "open" setting seems to be the only likelihood. Private agencies must also be allowed to be selective about their admissions. Nor is an individual agency likely to accept a large number or percentage of adjudicated delinquents. Finally, a private agency could arbitrarily decide, at any time, that it will not accept any further adjudicated delinquents - making the arrangement uncertain in contrast to a state operated facility such as BIS or GIS.

The potential benefits seem to outweigh

the potential disadvantages. The expanded role gives promise of being better able to match the needs of juveniles with treatment program characteristics

and demonstrated competencies. All of this is in addition to the ability to expand and generally up-grade residential treatment services.

SECTION 6: OTHER CENTRALIZED STATE TREATMENT RESOURCES

This programmatic element includes the special units established at institutions under the State Department of Social Welfare as a result of legislation enacted in 1971 and 1972.

Mentally ill or retarded juveniles may be referred by the probate courts under appropriate statutes to the state hospitals. The state hospitals at Topeka, Osawatomie and Larned each have children's units to treat mentally ill children. Mentally retarded children are treated at Parsons State Hospital and Training Center, Winfield State Hospital and Training Center, and the Kansas Neurological Institute at Topeka. It has been generally accepted in Kansas that the child with severe mental problems, who may also be delinquent, is more properly treated in a mental hospital or institution for the mentally retarded, rather than in an institution for delinquents. In keeping with this philosophy, between ten and fifteen percent of the admissions to the industrial schools, who are found on examination to be having severe mental problems, are subsequently transferred to the more appropriate mental facility.

In view of the fact that the state's mental hospitals have declined in population and there were vacant beds in the hospitals, the 1971 Legislature provided funds for male juvenile offenders programs at Larned State Hospital, Osawatomie State Hospital and the Kansas Vocational Rehabilitation Center at Salina. These programs are to be operated separately from the respective institution's basic program, but are under the supervision of the institution director. These programs were conceived as a temporary move pending implementation of the regional rehabilitation center concept. It should be particularly noted that these facilities should be

used only until such time as the more permanent regional facilities are built, and further that they are not intended or programmed for the mentally ill juvenile.

Thirty beds are provided in the unit at Larned State Hospital and twenty beds at Osawatomie State Hospital. Most of the boys admitted to these units will be 16 or 17 years of age. The programs will have particular emphasis on remedial education, social rehabilitation, psychological treatment, and possible preparedness for vocational rehabilitation.

Legislation passed by the 1972 Legislature (Senate Bill No. 527) authorized the State Board of Social Welfare to establish, maintain and improve throughout the state supplemental youth care facilities for delinquent or miscreant children confined in the various institutions under the jurisdiction and control of the State Department of Social Welfare, for the purpose of providing treatment and rehabilitation services for such children. Senate Bill No. 527 also provided that all children committed to the supplemental youth care facilities would be admitted in accordance with the laws relating to the admission of delinquent or miscreant children to the industrial schools, and that said children would be subject to all laws, rules and regulations relating to children committed to the industrial schools. Senate Bill No. 527 was published in the official state paper March 23, 1972.

On March 27, 1972, the State Board of Social Welfare established the Atchison Youth Rehabilitation Center at the Kansas Children's Receiving Home; the Larned Youth Rehabilitation Center at Larned State Hospital; and the Osawatomie Youth Rehabilitation Center at Osawatomie State Hospital. Commitments to these centers are being made

by the juvenile court judges under K.S.A. 1971 Supp. 38-826(a)(6).

Administrative procedures put in operation early in May 1972 provide for 13 and 14 year old boys to be admitted to the Atchison YRC and 15 year olds to the Boys' Industrial School. Boys over sixteen years of age, whose commitment has had the prior approval of the Director of Institutions, are assigned to BIS, Larned YRC and Osawatomie YRC by the division staff.

SECTION 7: REGIONALIZED TREATMENT

The term "regionalized treatment" is used to indicate the regional juvenile rehabilitation facilities for which enabling legislation has been enacted, although no specific plans for implementing it exists at the present time. The first commitment to the concept of regional facilities came in 1969 through an act authorizing the State Board of Social Welfare to develop plans for the programs and physical plants of not more than ten such institutions. (K.S.A. 75-3335)

The regional rehabilitation facilities are expected to serve those requiring institutionalization for shorter periods than those who are referred to what have been called "centralized treatment institutions." The shorter treatment period will result from the fact that the juvenile's personality disturbances and other problems are not as severe. The community should be able to make substantial contributions to the programs of these centers through its existing agencies such as the schools and social agencies. The regional facilities will not be equipped with complete treatment staffs, but will utilize many professionals employed by community agencies or in private practice in the community. None of the regional facilities will have a maximum capacity exceeding 50 beds and some are designed to accommodate only 25 juveniles. They are intended to be closely related to many of the services operating within the communities in which they are located.

Nineteen beds are provided in the juvenile facility at the Kansas Vocational Rehabilitation Center at Salina. Boys who meet the eligibility requirements for vocational rehabilitation (physical or psychological disability) will be admitted to this unit. Juvenile courts will work directly with the Kansas Division of Vocational Rehabilitation and its District Office counselors to screen and select admissions for this facility.

It should be emphasized that the implementation of the regional rehabilitation facilities has not as yet been authorized, only planning for them has been authorized to date. Even though no commitment exists, these facilities have been key elements in our planning for expanded residential treatment facilities in Kansas.

These facilities were originally proposed more than six years ago when the possibility of raising the juvenile age from 16 to 18 years was being considered by the legislature. They were originally intended to handle the greatly increased load on the state's juvenile courts expected to follow the upward revision of juvenile age. Approximately four years elapsed between the time that the juvenile age was raised and the passage of legislation authorizing planning for these facilities. Since planning for the facilities has been authorized, three distinct planning efforts have been completed, and a fourth effort is currently under way.

The first of these planning efforts was undertaken by the Johnson County Health, Welfare, and Recreation Council in mid-1969, as a response to the possibilities created by Senate Bill 198 enacted during the 1969 legislative session. (This bill authorized planning for such facilities.) The plan which they developed specified the creation of a 50-bed unit for juveniles 12-15 years old, which would use

the area's schools for its academic educational programs, combined with a treatment program centering on the practice of psychiatric social work. It specified that volunteers would be used to transport the juveniles to and from some of the schools in the areas, emphasized the importance of using community agencies to provide many services, and was intended to serve the less seriously disturbed juvenile rather than those who might be more appropriately placed in BIS. (30)

Similar planning was initiated in Wichita during December, 1969, and supported by a small planning grant. The plan which emerged from this effort identified the need for 100 beds (two 50-bed units) to serve 16 and 17 year old males. The planning was conducted by the Community Planning Council, and differed from the planning in the Kansas City area primarily because Sedgwick County already had established community resources for those under 16. This plan, by focusing on 16 and 17 year old males, placed greater emphasis on the juvenile's employability, and emphasized use of the MDTA Skills Center in Wichita as a primary resource. Aside from the differences in the ages to be served and in their emphases, the two plans are quite similar. (63)

Both plans emphasized the importance of using community agencies and private practitioners in conducting the treatment programs instead of staffing the facilities with full-time professionals. A unique feature of the Wichita plan was the utilization of a period of "off-campus" residency during the treatment process; this feature has been described in greater detail elsewhere in this volume.

A third planning effort was undertaken during 1970 in order to develop a rough model of the physical plant which would be needed for the treatment plan once it had been selected. This architectural planning resulted in the general design for a 48-bed facility reproduced later in this section.

As further consideration of this preliminary planning was made, the emphasis shifted slightly. The regional facilities are presently intended to serve the younger, less seriously disturbed juvenile, while older juveniles and those with more serious problems would be placed in the Boys' Industrial School. This would require modifications in BIS's admission criteria before this could be accomplished.

The relationship between the regional facilities and BIS and GIS would have to be cooperative and coordinative. The regionals, by taking younger, less disturbed juveniles, would absorb some of those who are currently being committed to BIS and GIS. The regional facilities would be able to accept some juveniles who cannot now be considered for placement at the state industrial schools. The availability of a new element in the overall residential treatment program would require that more of the emphasis at BIS be placed on vocational training and enhancing the juvenile's employability, since the use of the regionals would mean that the population at BIS are now older and in greater need of marketable job skills.

THE TREATMENT PLAN

In accordance with a widely-accepted recommendation of the National Council on Crime and Delinquency, none of the regional rehabilitation facilities would have a maximum capacity of more than 50 beds. It is felt that larger facilities would be inappropriate because a large institution is frequently impersonal, involving an extensive physical plant as well as other accessories which do not necessarily benefit the juvenile. A smaller facility of 25 beds is also being considered to serve areas of dispersed population. A pragmatic view of what might become available in Kansas during the next few years resulted in a recommendation for the creation of three 50-bed facilities and three 25-bed facilities.

It is anticipated that an average 8 months of residence in a regional facility might be possible. It was believed that the

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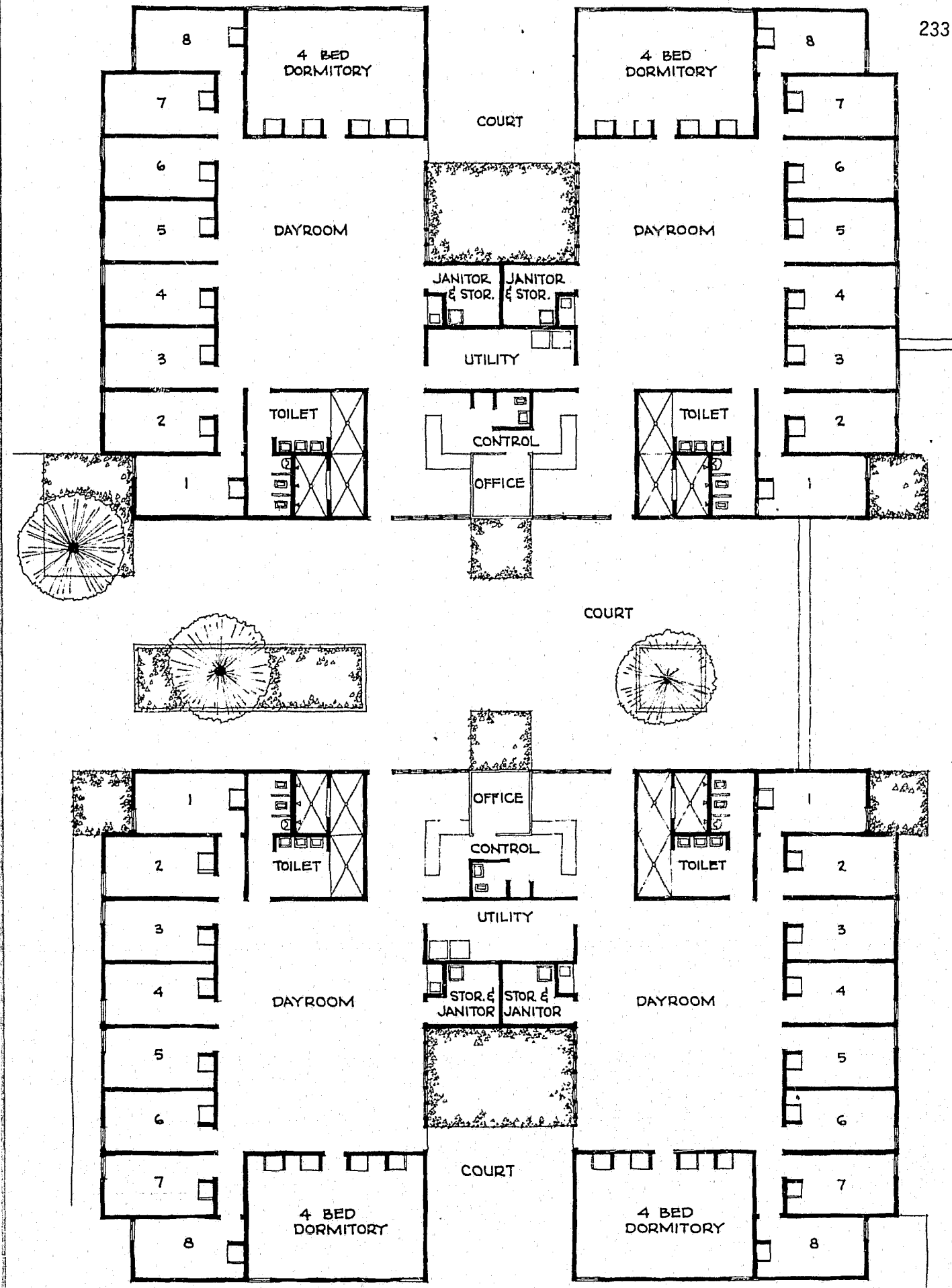
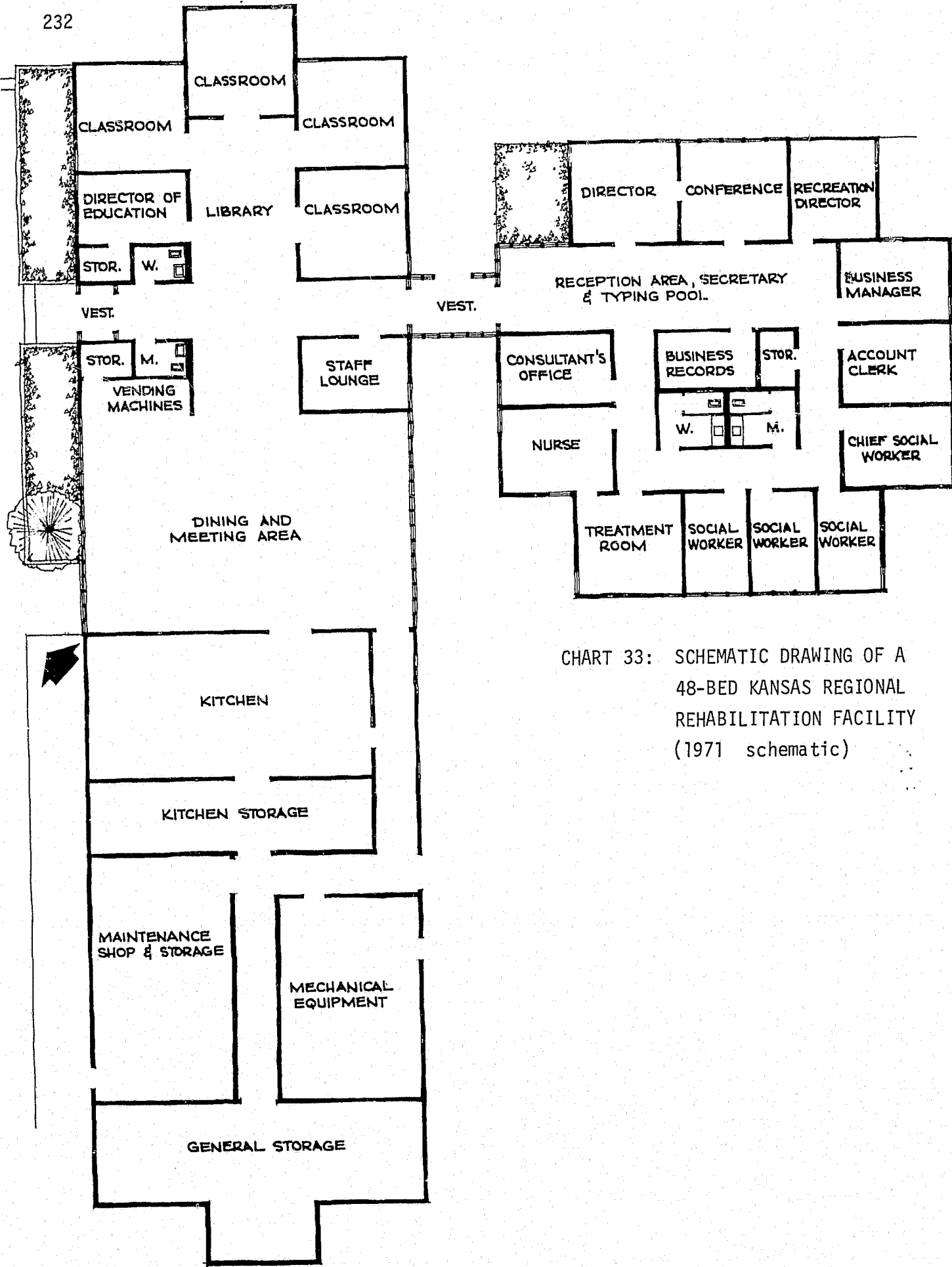


CHART 33: SCHEMATIC DRAWING OF A 48-BED KANSAS REGIONAL REHABILITATION FACILITY (1971 schematic)

be learning to function acceptably in the community.

SIX REGIONS

K.S.A. 75-3335 presently provides that "not more than ten" such facilities shall be established in the state. Early planning resulted in a decision by the State Board of Social Welfare to limit the number of projected facilities to six since this should be sufficient to meet the state's needs. Consequently, the state was divided into six geographical regions which were reviewed at several points during our planning. The six regions are shown on Chart 34. These regional boundaries - or "catchment areas" - have been accepted by the State Board of Social Welfare as the geographical bases for these facilities. The following factors were considered in developing these areas:

1. The state is currently divided into 13 health planning regions and 11 mental health catchment areas. Although the areas to be used for the rehabilitation facilities are larger than those of the health or mental health planning regions, their boundaries have been drawn so that, wherever possible, they represent consolidations of these existing geographical divisions.
2. The population, the population density and the land area which would be included in each of the proposed regional areas were important factors in determining the six regions which were selected.
3. Since these proposed facilities will be community-oriented, major highways and travel patterns were taken into consideration. It is important that the distances within a region not be prohibitive.
4. The number of reported juvenile offenses and cases was also considered in the development of these regions.

5. The volume of official and unofficial delinquency hearings handled by the juvenile courts in each of the proposed regions during 1968 was considered.

6. The rate of admissions to the Boys' Industrial School for the 5-year period between 1965-1969 was another factor given consideration.

As this planning effort proceeded, two sessions of the State Legislature occurred with no formal move toward the establishment of these facilities with the exception of a small appropriation for architectural planning. As a result of this, we have limited our thinking to only three facilities, instead of six, since the history of this matter gives little cause for optimism. When only three facilities are being considered, the locations mentioned are Johnson, Sedgwick, and Ellis Counties, each of which would serve two of the six treatment regions shown on Chart 34. Sites for facilities in these counties have been selected and arranged for.

Since two and one-half years is the absolute minimum time in which these facilities could be created and become operational after the publication of this report, we removed the projected intake for these facilities from our plans, while maintaining a firm commitment to the concept.

There are several references at the end of the chapter directly relevant to the concepts of these facilities. The planning reports from Johnson and Sedgwick Counties are the most relevant (30,63) Bradley reports on the results of a two year effort to develop conceptual, operational, and architectural designs for advanced correctional practice that resulted in an overall design quite similar to ours. (6) Guided Group Interaction as a means of modifying the contraculture in an institutional setting is described by Scott and Hissong.(49) The CYA publication on living-unit size supports concepts used in developing our re-

gional facility plan.(33) Persons reports on the significantly better community adjustment made by boys who have been in therapy in an institution. (42)

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