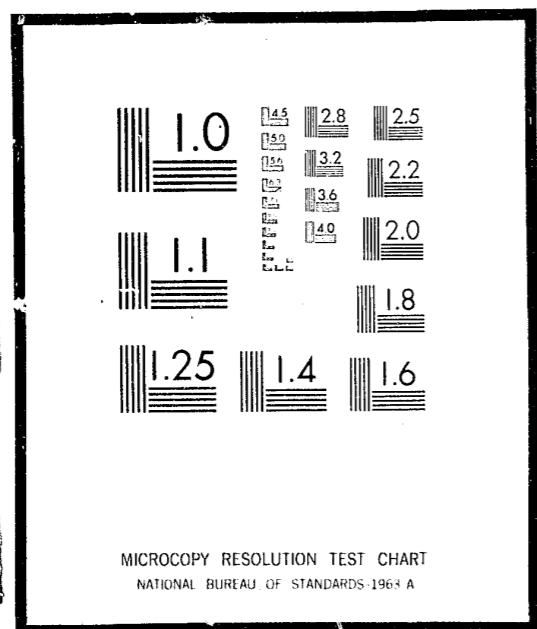


# NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504 .

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

11/1/76

Date filmed

4  
30835

## STANDARDS AND GOALS COMPARISON PROJECT

FINAL REPORT

VOLUME II

*Juvenile Delinquency*

Prepared for the Ohio Criminal Justice Supervisory Commission and  
The Department of Economic and Community Development,  
The Administration of Justice Division

THE  
OHIO  
STATE  
UNIVERSITY



PROGRAM FOR THE STUDY OF CRIME AND DELINQUENCY

DELINQUENCY  
CORRECTIONS  
POLICE  
COURTS

College of Administrative Science  
Division of Public Administration

PRINTED BY THE PROGRAM FOR THE STUDY OF CRIME AND DELINQUENCY

1314 KINNEAR ROAD  
COLUMBUS, OHIO 43212

MARCH 31, 1974

The project from which this report is drawn was supported by a grant (#2907-00-J3-72) from The Ohio Department of Economic and Community Development, The Administration of Justice Division to The Ohio State University Program for the Study of Crime and Delinquency. Such funding does not necessarily indicate concurrence by the funding agency with the contents, findings, or recommendations contained within.

STANDARDS AND GOALS  
COMPARISON PROJECT

Final Report

VOLUME II, PART 2

Juvenile Delinquency

Program for the Study of Crime and Delinquency  
1314 Kinnear Road  
Columbus, Ohio  
43212

PREFACE

The National Advisory Commission on Criminal Justice Standards and Goals did not publish a volume on Juvenile Delinquency; instead, standards relating to juveniles were placed in several of the Commission's volumes. The papers on those standards have been compiled in this booklet. These same papers also appear in the main topic booklets. Thus, the papers on standards from Community Crime Prevention which are produced here are also found in the Community Crime Prevention booklet, and so forth.

There seemed to be no convenient way to make specialized display charts without renumbering the standards; however, the display charts for all four volumes from which these standards were taken are included here. A specialized bibliography was compiled and is also included.

In addition to the standards selected for this booklet, there are some others not specifically written about juveniles, yet related, which might be of interest to those concerned with juvenile delinquency. A list of these follows; papers on these standards will be found in the main topic booklets.

- Community Crime Prevention

Chapter 4 - Programs for Drug Abuse Treatment and Prevention

- Corrections

Chapter 2 - Rights of Offender

Chapter 4 - Pretrial Release and Detention

- Police

Recommendation 4.1 - Alcohol and Drug Abuse Centers  
Standard 9.10 - Narcotic and Drug Investigations

TABLE OF CONTENTS

COMMUNITY CRIME PREVENTION ----- 1

CHAPTER 3 - YOUTH SERVICES BUREAUS A MODEL FOR THE DELIVERY OF SOCIAL SERVICES ----- 3

Standard 3.1 Purpose, Goals, and Objectives ----- 3

Standard 3.2 Decision Structure ----- 4

Standard 3.3 Target Group ----- 5

Standard 3.4 Functions ----- 6

Standard 3.5 Staffing ----- 8

Standard 3.6 Evaluation of Effectiveness ----- 9

Standard 3.7 Funding ----- 10

Standard 3.8 Legislation ----- 11

CHAPTER 5 - PROGRAMS FOR EMPLOYMENT ----- 13

Recommendation 5.1 Expansion of Job Opportunities for Youth ----- 13

Recommendation 5.2 After-School and Summer Employment ----- 14

CHAPTER 6 - PROGRAMS FOR EDUCATION ----- 17

Recommendation 6.1 The Home as a Learning Environment ----- 17

Recommendation 6.2 The School as a Model of Justice ----- 17

Recommendation 6.3 Literacy ----- 18

Recommendation 6.4 Improving Language Skills ----- 19

Recommendation 6.5 Reality-Based Curricula ----- 20

Recommendation 6.6 Supportive Services ----- 21

Recommendation 6.7 Alternative Educational Experiences ----- 21

Recommendation 6.8 Use of School Facilities for Community Programs ----- 22

CHAPTER 7 - PROGRAMS FOR RECREATION ----- 25

Recommendation 7.1 Use of Recreation to Prevent Delinquency ----- 25

POLICE ----- 27

CHAPTER 4 - CRIMINAL JUSTICE RELATIONS ----- 29

Standard 4.3 Diversion ----- 29

CHAPTER 9 - OPERATIONS SPECIALIZATION ----- 31

Standard 9.5 Juvenile Operations ----- 31

COURTS ----- 33

CHAPTER 1 - SCREENING ----- 35

Standard 1.1 Criteria for Screening ----- 35

Standard 1.2 Procedure for Screening ----- 36

CHAPTER 2 - DIVERSION ----- 39

Standard 2.1 General Criteria for Diversion ----- 39

Standard 2.2 Procedure for Diversion Programs ----- 40

|   |    |
|---|----|
| CHAPTER 14 - JUVENILES -----  | 43 |
| Standard 14.1 Court Jurisdiction Over Juveniles -----                                   | 43 |
| Standard 14.2 Intake, Detention, and Shelter Care in Delinquency Cases -----            | 45 |
| Standard 14.3 Processing Certain Delinquency Cases as Adult Criminal Prosecutions ----- | 46 |
| Standard 14.4 Adjudicatory Hearing in Delinquency Cases -----                           | 47 |
| Standard 14.5 Dispositional Hearings in Delinquency Cases -----                         | 49 |
| CORRECTIONS -----   | 51 |
| CHAPTER 3 - DIVERSION FROM THE CRIMINAL JUSTICE PROCESS -----                           | 53 |
| Standard 3.1 Use of Diversion -----   | 53 |
| CHAPTER 8 - JUVENILE INTAKE AND DETENTION -----   | 55 |
| Standard 8.1 Role of Police in Intake and Detention -----                               | 55 |
| Standard 8.2 Juvenile Intake Services -----   | 57 |
| Standard 8.3 Juvenile Detention Center Planning -----                                   | 59 |
| Standard 8.4 Juvenile Intake and Detention Personnel Planning -----                     | 60 |
| CHAPTER 16 - THE STATUTORY FRAMEWORK OF CORRECTIONS -----                               | 63 |
| Standard 16.9 Detention and Disposition of Juveniles -----                              | 63 |
| BIBLIOGRAPHY -----  | 65 |

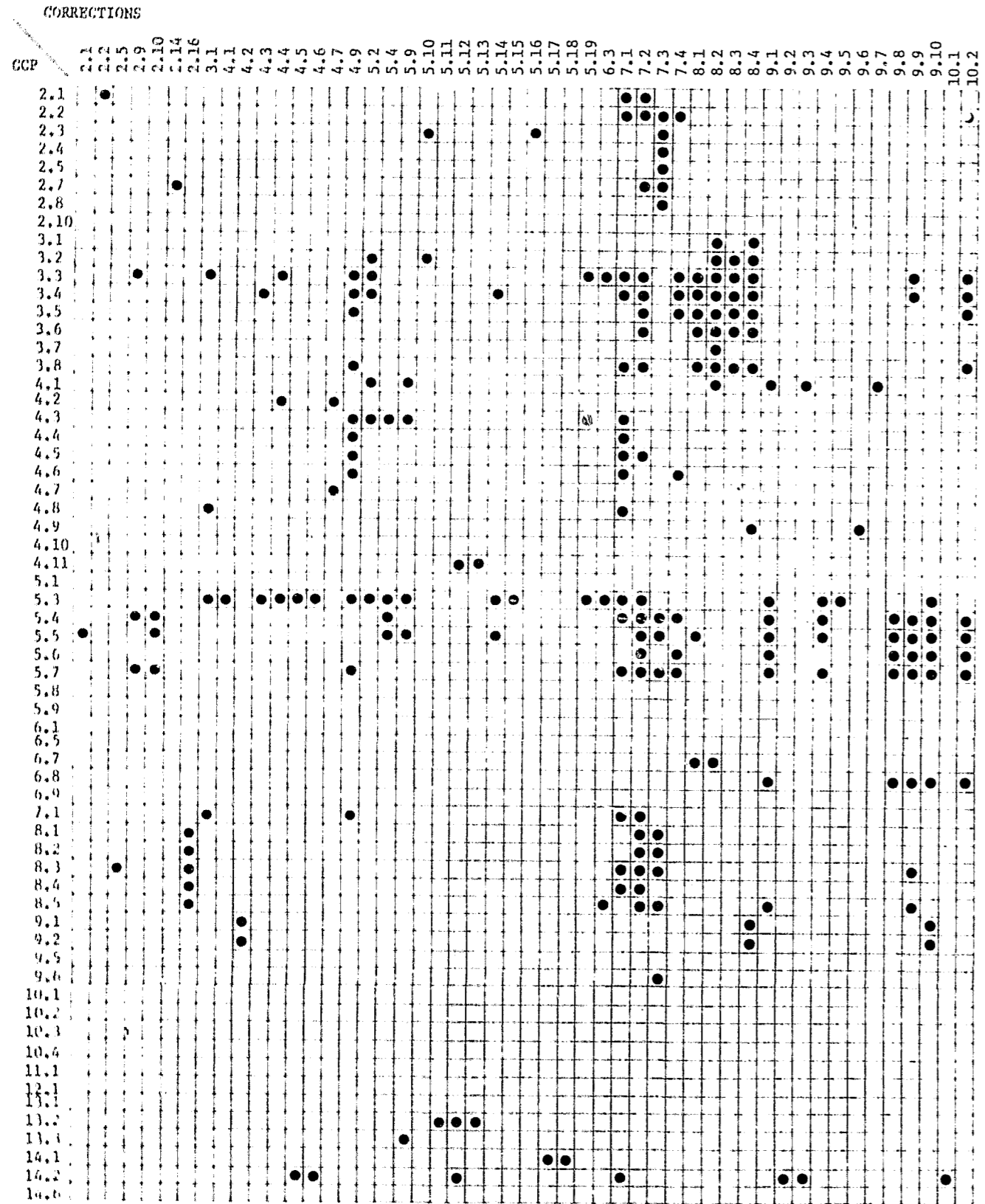
INTERRELATED STANDARDS

Community Crime Prevention -- Police

| CCP  | POLICE |     |     |     |     |     |     |     |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
|------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|---|
|      | 1.1    | 1.6 | 3.2 | 4.1 | 9.1 | 9.2 | 9.3 | 9.5 | 9.6 | 9.8 | 9.10 | 9.11 | 10.1 | 10.2 | 18.4 | 19.1 | 19.2 | 19.3 | 19.4 | 19.5 | 19.6 |   |
| 2.1  | ●      |     |     |     | ●   | ●   | ●   |     |     |     |      |      | ●    | ●    |      |      |      |      |      |      |      |   |
| 2.3  |        | ●   |     |     |     |     |     |     |     |     |      |      | ●    |      |      |      |      |      |      |      |      |   |
| 2.4  |        | ●   |     |     |     |     |     |     |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 3.1  |        |     |     |     |     |     |     | ●   |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 3.2  |        |     |     |     |     |     |     | ●   |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 3.3  |        |     |     |     |     |     |     | ●   |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 3.4  |        |     |     |     |     |     |     | ●   |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 3.5  |        |     |     |     | ●   | ●   |     | ●   |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 3.6  |        |     |     |     | ●   | ●   | ●   | ●   |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 4.1  | ●      |     |     |     |     |     |     |     |     |     |      | ●    |      |      |      |      |      |      |      |      |      |   |
| 4.2  |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.3  |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.4  |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.5  |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.6  |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.7  |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.8  |        |     |     | ●   |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.9  |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.10 |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.11 |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 4.12 |        |     |     |     |     |     |     |     |     |     | ●    |      |      |      |      |      |      |      |      |      |      |   |
| 7.1  |        | ●   |     |     |     |     |     |     |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 8.5  |        |     |     |     |     |     |     |     |     |     |      |      | ●    |      |      |      |      |      |      |      |      |   |
| 9.1  |        |     | ●   |     |     |     |     |     |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 9.2  |        |     | ●   |     |     |     |     |     |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 9.4  |        |     | ●   |     |     |     |     |     |     |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 9.5  |        |     |     |     |     |     |     |     | ●   |     |      |      |      |      |      |      |      |      |      |      |      |   |
| 9.6  | ●      | ●   |     |     |     |     |     |     |     | ●   |      |      |      |      |      |      |      |      |      |      |      |   |
| 10.1 |        |     |     |     |     |     |     |     |     |     |      |      |      |      | ●    | ●    | ●    | ●    | ●    | ●    | ●    | ● |
| 10.2 |        |     |     |     |     |     |     |     |     |     |      |      |      |      | ●    | ●    | ●    | ●    | ●    | ●    | ●    | ● |
| 10.3 |        |     |     |     |     |     |     |     |     |     |      |      |      |      | ●    | ●    | ●    | ●    | ●    | ●    | ●    | ● |
| 10.4 |        |     |     |     |     |     |     |     |     |     |      |      |      |      | ●    | ●    | ●    | ●    | ●    | ●    | ●    | ● |
| 11.3 |        |     |     |     |     |     |     |     |     |     |      |      |      |      |      | ●    | ●    | ●    | ●    | ●    | ●    | ● |
| 14.1 |        |     |     |     |     |     |     |     |     | ●   |      |      |      |      |      |      |      |      |      |      |      |   |
| 14.2 |        |     |     |     |     |     |     |     |     | ●   |      |      |      |      |      | ●    | ●    | ●    | ●    | ●    | ●    | ● |

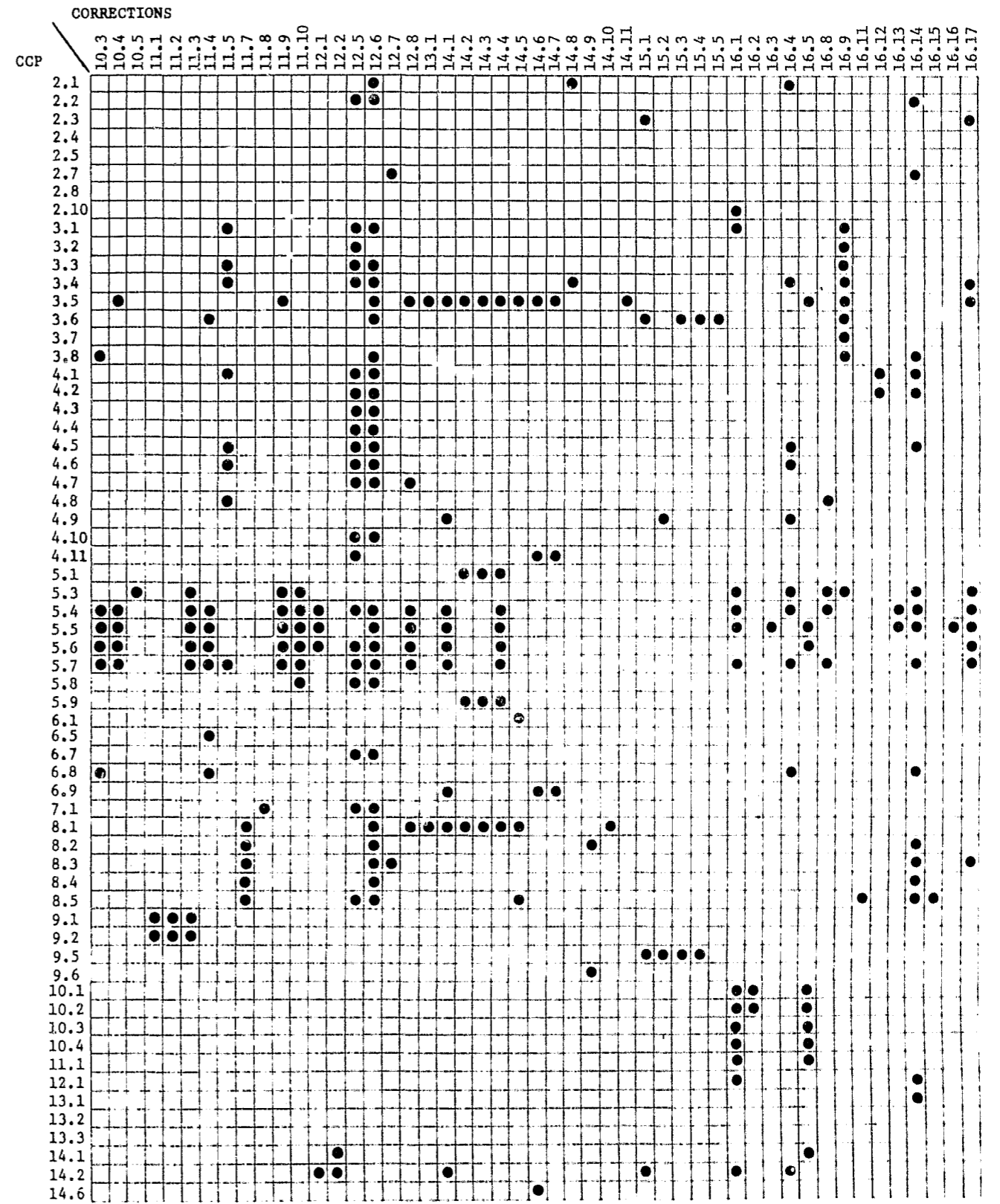
INTERRELATED STANDARDS

Community Crime Prevention -- Corrections

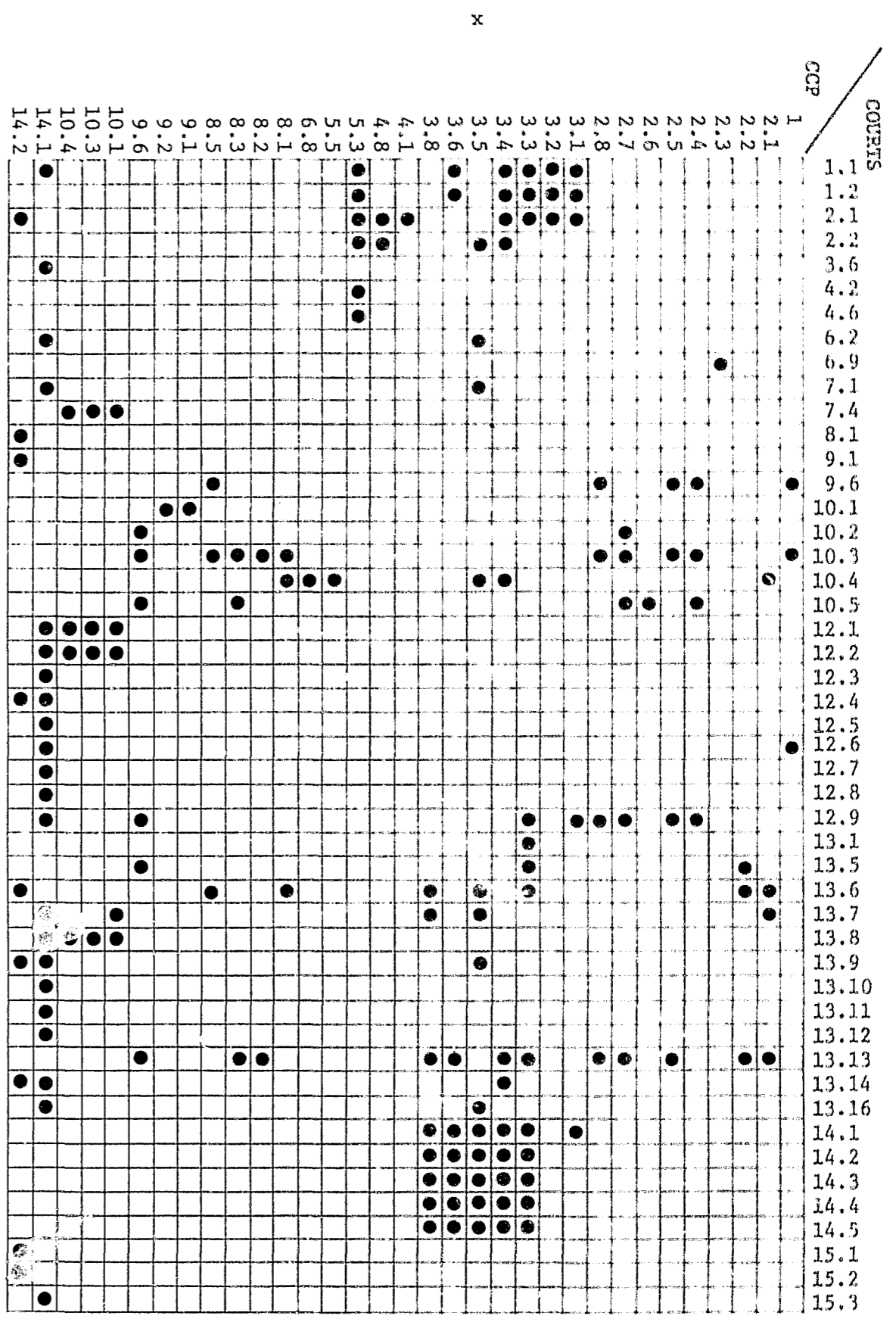


INTERRELATED STANDARDS

Community Crime Prevention -- Corrections



INTERRELATED STANDARDS  
Community Crime Prevention -- Courts









COMMUNITY CRIME PREVENTION

Including all Standards from:

- Chapter 3 - Youth Services Bureaus a Model for the Delivery of Social Services
- Chapter 7 - Programs for Recreation

and selected Standards from:

- Chapter 5 - Programs for Employment
- Chapter 6 - Programs for Education

## CHAPTER 3 - YOUTH SERVICES BUREAUS

### Standard 3.1 PURPOSE, GOALS, AND OBJECTIVES

Youth services bureaus should be established to focus on the social problems of youth in the community. The goals may include diversion of juveniles from the justice system; provision of a wide range of services to youth through advocacy and brokerage, offering crisis intervention as needed; modification of the system through program coordination and advocacy; and youth development.

1. Priorities among goals should be locally set.
2. Priorities among goals (as well as selection of functions) should be based on a careful analysis of the community, including an inventory of existing services and a systematic study of youth problems in the individual community.
3. Objectives should be measurable, and progress toward them should be scrutinized by evaluative research.

#### I. Officially Known Endorsements and Objections

In 1967, the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE in its Task Force Report: Juvenile Delinquency and Youth Crime recommends:

Communities should establish neighborhood youth-serving agencies--Youth Services Bureaus--located if possible in comprehensive neighborhood community centers and receiving juveniles (delinquent and nondelinquent) referred by the police, the juvenile court, parents, schools, and other sources.

These agencies would act as central coordinators of all community services for young people and would also provide services lacking in the community or neighborhood, especially ones designed for less seriously delinquent juveniles.<sup>1</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) in 1972 published The Youth Service Bureau--A Key to Delinquency Prevention. Much of the contents of the Standards in Chapter 3 of the National Advisory Commission Report on Community Crime Prevention parallels the recommendations of the NCCD.

The NCCD says:

The purpose of the Youth Service Bureau is to divert children and youth from the juvenile system.<sup>2</sup>

Stressing the local, individual character of the Youth Service Bureau, the Council says the Youth Service Bureau should be "creatively adapted to local needs."<sup>3</sup>

Because communities differ widely in population density, ethnic composition

and youth mores, appropriate means of reaching youth in one neighborhood or one part of the country may be quite inappropriate in another. Likewise, agency organization, citizen action, and government involvement will differ from city to city and from state to state, affecting the financial and administrative feasibility of any particular type of program.<sup>4</sup>

While each Youth Service Bureau should be a local community oriented service agency some qualities of the bureaus are alike and the basic goals should be the same.

The Youth Service Bureau is not a part of the justice system, although it may accept referrals from it. Its immediate goal is to keep children from becoming involved with the justice system. Its long-range goal is to reduce home, school, and community pressures to which children react with antisocial behavior.<sup>5</sup>

And, regarding Youth Service Bureau objectives and evaluation, the NCCD says:

Although experience and observation may offer clues to good preventive programs, research has yet to be developed to the point where certain types of organization, techniques, and programs can be positively identified as more effective than others. Therefore, maximum experimentation in the operation of Youth Service Bureaus and demonstration projects is to be encouraged, provided that evaluation by a reliable, well-qualified research organization is built into the operation from its inception.<sup>6</sup>

#### II. Special Considerations

In 1971, in a monograph funded by a grant from the National Institute of Mental Health, Edward Lemert said of Youth Service Bureaus and the President's Commission:

... it does seem clear that the recommendation for the establishment of the Youth Services Bureau was the Commission's more important contribution to implementing a policy of diversion.<sup>7</sup>

Youth Service Bureaus were, indeed, established following the Commission's recommendation. Lemert notes the following in his appraisal of the bureaus.

It is both premature and unfair to criticize Youth Service Bureaus too harshly before they have a chance to become fully organized and prove themselves in practice. However, probing questions already have been raised about their sources of authority, means

of support, professional tone, and their relationships to existing agencies working in the same field of endeavor. The ubiquitous risk is that such Bureaus will become just one more community agency following popular or fashionable trends in youth work, muddying the waters a little more and falling into obscurity. Much depends on the way in which States and localities see the possibilities of the enabling legislation.<sup>8</sup>

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: 1967), p. 83.

<sup>2</sup>Sherwood Norman, The Youth Service Bureau--A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 2.

<sup>3</sup>Ibid., p. 5.

<sup>4</sup>Ibid., p. 4.

<sup>5</sup>Ibid., p. 9.

<sup>6</sup>Ibid., p. 6.

<sup>7</sup>Edward M. Lemert, Instead of Court, Diversion in Juvenile Justice (Chevy Chase, MD: National Institute of Mental Health, 1971), p. 92.

<sup>8</sup>Ibid., p. 93.

\* \* \* \* \*

### Standard 3.2 DECISION STRUCTURE

Youth services bureaus should be organized as independent, locally operated agencies that involve the widest number of people of the community, particularly youth, in the solution of youth problems. The most appropriate local mix for decisionmaking should be determined by the priorities set among the goals, but in no case should youth services bureaus be under the control of the justice system or any of its components.

1. A bureau should be operated with the advice and consent of the community it serves, particularly the recipients of its services. This should include the development of youth responsibility for community delinquency prevention.

2. A coalition, including young people, indigenous adults, and representatives of agencies and organizations operating in the community, should comprise the decisionmaking structure. Agency representatives should include juvenile justice policymakers.

#### I. Officially Known Endorsements and Objections

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY

stresses the importance of the Youth Service Bureau being a locally oriented agency, independent of the justice system.

There is no prototype for a Youth Service Bureau. Each community must determine which particular type of organization and emphasis can best divert its children from the juvenile justice system and reduce the possibility of future court involvement.<sup>1</sup>

The Youth Service Bureau should involve representatives from all sections of the community.

The Youth Service Bureau concept provides a foothold for public action. Its structure offers citizens, professionals, and youth an opportunity to join forces in solving problems underlying troublesome behavior before youngsters are labeled delinquent. This calls for an entirely different approach from that of authoritative intervention.<sup>3</sup> . . . it challenges citizens and government to break through the inflexibility of officialdom and open up new lines of communication by means of Youth Service Bureau Boards, block associations, and other groups.<sup>4</sup>

As recommended in this Standard, the NCCD stresses the independence of the Youth Service Bureau and the interactive participation of representative community leaders and neighborhood residents.

The Youth Service Bureau is organized as an independent agency established by one or more official sponsoring bodies. Citizens representing political, social, and economic leadership in the community at large and citizen and youth leaders in high delinquency areas are appointed to the Youth Service Bureau Board. An important feature of the Youth Service Bureau Board is its many citizen committees responsible for implementing the community-wide program with the aid of staff. Because many of the committees are closely related, interaction between them will enrich each one's ability to carry out its responsibilities.

As need is determined and funds made available, Youth Service Bureau branch offices, also with citizen committees, are established in target neighborhoods. Each office has its own autonomous neighborhood citizen board initially appointed by the central Youth Service Bureau Board. Since a cardinal principle of the Youth Service Bureau is active participation by target area residents, branch board members are liberally represented on the central board.<sup>5</sup>

## II. Special Considerations

In Youth Service Bureaus: A National Study, the following organizational principles for Youth Service Bureaus (YSB) were suggested which emphasize the importance of orienting the bureau toward the particular community served.

1. The organization and program must be viable and flexible in order to respond to the unique needs and unanticipated problems of the community it serves but without undue reliance on traditional bureaucratic responses.

2. The program must be prepared to deal objectively and effectively with the powerful in the community, including those who believe in a punitive and deterrent course of action.

3. Whatever the staff orientation, the program implemented must be a real substitute for other courses of action, particularly if the object is to reduce the likelihood of recurring delinquency, minimize stigmatization or maintain youth who are in jeopardy of the criminal justice system in or close to the mainstream of the law abiding community.

4. Program must be organized in such a manner that the favorable public bias for children and youth be used to full advantage.<sup>1</sup>

<sup>1</sup>Sherwood Norman, The Youth Service Bureau--A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 13.

<sup>2</sup>Ibid., p. 19.

<sup>3</sup>Ibid., p. 8.

<sup>4</sup>Ibid., p. 18.

<sup>5</sup>Ibid., p. 41.

<sup>6</sup>Department of the California Youth Authority, Youth Service Bureau: A National Study (Washington, DC: Department of Health, Education and Welfare and Youth Development and Delinquency Prevention Administration, 1972), pp. 14-15.

\* \* \* \* \*

### Standard 3.3 TARGET GROUP

Youth services bureaus should make needed services available to all young people in the community. Bureaus should make a particular effort to attract diversionary referrals from the juvenile justice system.

1. Law enforcement and court intake personnel should be strongly encouraged, immediately through policy changes and ultimately through

legal changes, to make full use of the youth services bureau in lieu of court processing for every juvenile who is not an immediate threat to public safety and who voluntarily accepts the referral to the youth services bureau.

2. Specific criteria for diversionary referrals should be jointly developed and specified in writing by law enforcement, court, and youth services bureau personnel. Referral policies and procedures should be mutually agreed upon.

3. Diversionary referrals should be encouraged by continual communication between law enforcement, court, and youth services bureau personnel.

4. Referrals to the youth services bureau should be completed only if voluntarily accepted by the youth. The youth should not be forced to choose between bureau referral and further justice system processing.

5. The juvenile court should not order youth to be referred to the youth services bureau.

6. Cases referred by law enforcement or court should be closed by the referring agency when the youth agrees to accept the youth services bureau's service. Other dispositions should be made only if the youth commits a subsequent offense that threatens the community's safety.

7. Referring agencies should be entitled to and should expect systematic feedback on initial services provided to a referred youth by the bureau. However, the youth services bureau should not provide justice system agencies with reports on any youth's behavior.

8. Because of the voluntary nature of bureau services and the reluctance of young people who might benefit from them, the youth services bureau should provide its services to youth aggressively. This should include the use of hotlines and outreach or street workers wherever appropriate.

#### I. Officially Known Endorsements and Objections

According to the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency and Youth Crime:

While some of the cases would normally originate with parents, schools, and other sources, the bulk of the referrals could be expected to come from police and juvenile court intake staff, and police and court referrals should have special status in that the youth service bureau would be required to accept them all. If, after study, certain youths are deemed unlikely to benefit from its services, the bureau should be obliged to transmit notice of the decisive and supporting reason to the referral source.<sup>1</sup>

Youth Services Bureaus should also accept juveniles on probation and parole, as well as "walk-ins" and those whose parents request voluntary service. The compelling priority of a bureau should be youth who have displayed behavioral problems either at home or in the community.<sup>2</sup>

The Task Force Report stipulates that referrals by police, school officials, and others to local community agencies should be on a voluntary basis. If the request to seek available help is ignored, the police or another organized group may refer to the court. However, to protect against abuse of such power, the option of court referral should terminate when the juvenile or his family and the community agency agree on a disposition.<sup>3</sup>

The U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE in The Challenge of Youth Service Bureau mentions that more than half of all referrals to the Youth Service Bureaus contacted (50.9%) were for unacceptable behavior, i.e., youth in jeopardy of processing in the juvenile justice system but whose behavior would not have been illegal if engaged in by an adult.<sup>4</sup>

## II. Special Considerations

In The Youth Service Bureau, A Key to Delinquency Prevention, published by the NATIONAL COUNCIL ON CRIME AND DELINQUENCY, Norman recommends:

The YSB should make its services available to children seven to eighteen years old (a) who have been referred to the justice system but for whom the authoritative intervention of the courts is not needed or (b) who have problems that might eventually bring them within the jurisdiction of the court. Although this is the primary target group, neither older nor younger children need be excluded.<sup>5</sup>

The youth served by the YSB are most frequently having problems in their family relationships usually aggravated by school or community difficulties.<sup>6</sup>

<sup>1</sup>President's Commission on Law Enforcement and Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 20.

<sup>2</sup>Ibid., p. 21.

<sup>3</sup>Ibid., p. 20.

<sup>4</sup>U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration, The Challenge of Youth Service Bureau (Washington, DC: Government Printing Office, 1973), p. 14.

<sup>5</sup>Sherwood Norman, The Youth Service Bureau, A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972).

<sup>6</sup>Ibid., p. 8.

\* \* \* \* \*

## Standard 3.4 FUNCTIONS

Youth services bureaus should, whenever possible, utilize existing services for youth through referral, systematic followup, and individual advocacy. Bureaus should develop and provide services on an ongoing basis only where these services are unavailable to the youth in the community or are inappropriately delivered. Services should be confidential and should be available immediately to respond skillfully to each youth in crisis.

1. A youth services bureau's programs should be specifically tailored to the needs of the community it serves. This should include consideration of techniques suitable for urban, suburban or rural areas.

2. The youth services bureau should provide service with a minimum of intake requirements and form filling by the youth served.

3. Services should be appealing and accessible by location, hours of service availability, and style of delivery.

4. The youth services bureau should provide services to young people at their request, without the requirement of parental permission.

5. Case records should be minimal, and those maintained should be confidential and should be revealed to agencies of the justice system and other community agencies only with the youth's permission.

6. The youth services bureau should make use of existing public and private services when they are available and appropriate.

7. The bureau should maintain an up-to-date listing of all community services to which youth can be referred by the bureau. This listing should be readily accessible by all bureau staff.

8. Referrals to other community services should be made only if voluntarily accepted by the youth.

9. The youth services bureau should not refer youth to court except in cases of child neglect or abuse.

10. In referring to other community agencies for service, the youth services bureau should expedite access to service through such techniques as arranging appointments, orienting the youth to the service, and providing transportation if needed.

11. The youth services bureau should rapidly and systematically follow up each referral to insure that the needed service was provided.

12. The youth services bureau should have funds to use for purchase of services that are not otherwise available.

## I. Officially Known Endorsements and Objections

According to the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency and Youth Crime:

A primary function of the Youth Service Bureau (YSB) thus would be individually tailored work with trouble-making youths. The work might include group and individual counseling, placement in group and foster homes, work and recreational programs, employment counseling, and special education both remedial and vocational. The key to the bureau's services would be voluntary participation by the juvenile and the family in working out and following a plan of service or rehabilitation. In this respect the bureau would function as do the traditional public and voluntary child welfare agencies, rendering service on request of parents or with their consent. In the absence of appointment as guardians or custodians these agencies lack power of compulsion; their services are by administrative arrangements and depend upon parental consent. Thus, the significant feature of the bureau's function would be its mandatory responsibility to develop and monitor a plan of service for a group now handled, for the most part, either inappropriately or not at all except in time of crisis.

It may be necessary to vest the youth services bureau with authority to refer to court within a brief time--not more than 60 and preferably not more than 30 days--those with whom it cannot deal effectively.<sup>1</sup>

According to the U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE in The Challenge of the Youth Service Bureau:

Individual counseling and referral were the most important services for at least 75% of the programs responding. Included were referral with general followup; family counseling; group counseling; drug treatment; job referral; tutoring and remedial education, recreation programs; medical aid; and legal aid.<sup>2</sup>

Staff in general tended to emphasize goals that were broad in focus, such as delinquency prevention and youth development. Program participants tended to see the objectives of the bureaus as practical help to people with problems; help with family problems; individual help; help to keep out of trouble. Overall, participants seemed to

view the programs as service agencies for young people.<sup>3</sup>

Youth Service Bureau (YSB) programs tend to focus on the special problems of the community. To the extent that the bureaus' objective is diversion, those most capable of diversion are the bureaus that have a linkage to the juvenile justice system, maintaining immediate communication but that are not co-opted by the justice system.<sup>4</sup>

In The Youth Service Bureau, A Key to Delinquency Prevention, published by the NATIONAL COUNCIL ON CRIME AND DELINQUENCY, Norman recommends:

The immediate goal of the Youth Service Bureau is to keep children from becoming involved with the justice system. Its long range goal is to reduce home, school, and community pressures to which children react with antisocial behavior.<sup>5</sup>

The Youth Service Bureau is designed to correct the following situations and so benefit not only the youth of the community but also the many agencies and individuals concerned with youth:

For the court, the YSB provides a relief from many "nuisance cases" and a source of follow up services for nonadjudicated children.

For probation officers, the YSB provides a reduction in time consuming "informal adjustment" cases, which are now effectively worked with outside an authoritative framework.

For police officers, the YSB provides an alternative to detention and court referral when, in the officer's judgment, release with warning is insufficient but filing a petition is not imperative.

For the public school, the YSB provides a link with the social work community so that truancy and other school behavior difficulties may be handled through cooperative problem-solving with other agencies.

For citizen volunteers, the YSB provides a chance to turn from frustration over juvenile delinquency to constructive efforts on behalf of youth and youth-serving agencies.<sup>6</sup>

For the private social agencies, the YSB provides an extension of youth services through citizen action.

For the welfare department, the YSB provides an advocate for troubled youth and support for protective services available to young children.

For youth, the YSB provides the listening ear of someone who can cut establishment "red tape" in an effort to solve their problem.

For the community as a whole, the YSB provides an opportunity to accept responsibility for assisting its troubled and troubling youth by coordinating services on their behalf rather than relying on court authority.<sup>7</sup>

Norman maintains that the three interrelated functions of a YSB are as follows:

1. Service Brokerage: The YSB bridges the gap between available services and youth in need of them by referral and follow-up.

2. Resources Development: The YSB works with citizens in developing new resources where they are lacking.

3. Systems Modification: There is little sense in helping a young person adjust to home, school, and community difficulties without also intervening to change the conditions that create them. Therefore, the YSB seeks to modify, in established institutions, those attitudes and practices that discriminate against troublesome children and youth and thereby contribute to their antisocial behavior.

There is no reason why a bureau may not begin with one type of operation and shift its emphasis as the need to do so becomes evident. In any case, the eventual goal is to perform all three closely interrelated functions. An agency that focused exclusively on only one of them would be too limited in effectiveness to fit the NATIONAL COUNCIL ON CRIME AND DELINQUENCY definition of a Youth Service Bureau.

The Youth Service Bureau is not itself a service agency so much as an agency for organizing the delivery of services to children and their families. Its uniqueness lies in its relationship to youth and to agencies serving youth. Although it may conduct demonstrations and projects and perform an information, counseling, and referral function, it is not in competition with other direct-service agencies. In fact, one long range aim of the Youth Service Bureau should be to achieve such a change in court intake practices and such coordination and development of youth resources in the community that whatever direct services it may have temporarily provided will no longer be needed.<sup>9</sup>

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 21.

<sup>2</sup>Department of Health, Education and Welfare, The Challenge of Youth Service Bureau (Washington, DC: Youth Development and Delinquency Prevention Administration, 1973), p. 11.

<sup>3</sup>Ibid., p. 14.

<sup>4</sup>Ibid., p. 16.

<sup>5</sup>Sherwood Norman, The Youth Service Bureau, A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972).

<sup>6</sup>Ibid., p. 11.

<sup>7</sup>Ibid., p. 12.

<sup>8</sup>Ibid., p. 13.

<sup>9</sup>Ibid., p. 14.

\* \* \* \* \*

#### Standard 3.5 STAFFING

Sufficient full-time, experienced staff should be employed by the youth services bureau to insure the capacity to respond immediately to complex personal crises of youth, to interact with agencies and organizations in the community, and to provide leadership to actualize the skills of less experienced employees and volunteers.

1. Staff who will work directly with youth should be hired on the basis of their ability to relate to youth in a helping role, rather than on the basis of formal education or length of experience.

2. Staff should be sensitive to the needs of young people and the feelings and pressures in the community. They should be as sophisticated as possible about the workings of agencies, community groups, and government. Staff should be capable of maintaining numerous and varied personal relationships.

3. Indigenous workers, both paid and volunteer, adult and youth, should be an integral part of the youth services bureau's staff and should be utilized to the fullest extent.

4. Young people, particularly program participants, should be used as staff (paid or volunteer) whenever possible.

5. Volunteers should be actively encouraged to become involved in the bureau. Those working in one-to-one relationships should be screened and required to complete formalized training before working directly with youth. The extent of training should be determined by the anticipated depth of the volunteer-youth relationship.

6. Whenever possible, the youth services bureau should have available (perhaps on a volunteer basis) the specialized professional skills of doctors, psychiatrists, attorneys, and others to meet the needs of its clients.

#### I. Officially Known Endorsements and Objections

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) makes the recommendation that the director of the Youth Service Bureau (YSB) be appointed by the governing board and be held responsible for

the board for all staff activities.<sup>1</sup>

The NCCD recommends that a variety of resource personnel be utilized to staff the Youth Service Bureau.<sup>2</sup>

a. Volunteers: Working under the supervision of staff, volunteer case aides, both young people and adults, keep in touch with the child as his advocate to see that the individualized program planned for him continues to be carried out after the initial planning is formulated.

b. Youth Workers: Should be able to work with youth both individually and in group approaches. Hopefully, they will be challenged by the YSB concept and committed to its goals.

c. The Staff Team: Educational qualifications and experience alone are not sufficient to qualify professional personnel to assist young people with their problems. Sincerity, a talent for community organization, and an understanding of casework and of group work are necessary qualities.

According to a survey reported in the U.S. DEPARTMENT OF HEALTH EDUCATION AND WELFARE, The Challenge of Youth Service Bureaus:

... typical programs had five to six full-time staff and either had or were developing programs utilizing the services of from one to fifty volunteers.<sup>3</sup>

#### II. Special Considerations

In Youth Service Bureaus--A National Study the importance of the Youth Service Bureau staff is stressed, and the variety of staff members recommended is in accord with the recommendations of this Standard.

Staff is the single most important ingredient--staff who are committed to the program. It is also important that they are concerned with and know the power structure of the community and seek to deal with it effectively. Staff indigenous to, or with special knowledge of, the target area are significant to a program's success. Part-time staff, partially paid staff, volunteer and clientele involvement in the implementation of the program are important considerations as this extends the opportunity for members of the community to be part of the youth service bureau.<sup>4</sup>

The Study goes on to discuss the special abilities that the administrators of the Youth Service Bureau must have to be able to deal effectively with diverse groups in the community.

By the very nature of the services they provide, youth service bureaus are not institutions with plush carpets,

elaborate furniture and leather backed chairs. Because of this, bureaus are at some disadvantage in dealing as equals with the hierarchy of business and government. A youth service bureau leader, or leaders, must have the tenacity, energy and charisma to deal effectively with the most powerful forces in the community and also relate to the least powerful and "socially primitive" individuals and groups in the community. The goal is to pull together the various resources and services of the community in the interest of children and youth.<sup>5</sup>

The Study, like the Standard, also points out the need for availability of specially skilled professionals.<sup>6</sup>

<sup>1</sup>Sherwood Norman, The Youth Service Bureau: A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency), p. 25.

<sup>2</sup>Ibid., pp. 27-48.

<sup>3</sup>U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration, The Challenge of Youth Service Bureau (Washington, DC: 1973), p. 11.

<sup>4</sup>Department of the California Youth Authority, Youth Development and Delinquency Prevention Administration, The Youth Service Bureau: A National Study (Washington, DC: U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration, 1972), p. 149.

<sup>5</sup>Ibid., pp. 151-152.

<sup>6</sup>Ibid.

\* \* \* \* \*

#### Standard 3.6 EVALUATION OF EFFECTIVENESS

Each youth services bureau should be objectively evaluated in terms of its effectiveness. Personnel, clients, program content, and program results should be documented from the inception of the bureau.

1. Evaluation objectives and methods should be developed concurrently with the development of the proposed youth services bureau and should be directly related to the bureau's highest priority objectives.

2. Wherever possible, an evaluation to compare the effectiveness of several youth services bureaus should be implemented in order to increase knowledge of the impact of the bureaus.

3. Evaluation should focus more on changes in institutions' response to youth problems than on behavioral changes in individual youth.

4. Each youth services bureau should establish an information system, nevertheless, containing basic information on the youth served and the service provided, as well as changes in the manner in which the justice system responds to his behavior.

5. Trends in arrest, court referral, and adjudication rates should be analyzed for each youth services bureau placing a high priority on diversion.

#### I. Officially Known Endorsements and Objections

In the book, The Youth Service Bureau, a Key to Delinquency Prevention, the NATIONAL COUNCIL ON CRIME AND DELINQUENCY discusses the need for evaluation of the effectiveness of youth services bureaus and makes suggestions for conducting such evaluation. Evaluation should be performed by an independent agency which should consider:

- 1) how effectively the bureau has implemented its stated objectives;
- 2) whether there is an adequate budget allocated for research personnel and equipment;
- 3) whether planning is of sufficient breadth, balanced between short and long range goals, and whether citizens and youth in particular are included in the planning process.<sup>1</sup>

In the introduction the NATIONAL COUNCIL ON CRIME AND DELINQUENCY includes commentary on the results of evaluation of Youth Service bureaus, saying

Where Youth Service Bureaus have been given an opportunity to function for several years and evaluation has been built into the design from the beginning, the returns look promising.<sup>2</sup>

Here, as in the study mentioned below, the importance of the evaluation is stressed as it is in this Standard.

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY discusses the need for interaction, from the inception of any youth services bureau and its programs, between the bureau and the research agency which would be assigned to conduct evaluation. He covers the need for building measurable goals into any program and the importance of careful, thorough data collection and processing.<sup>3</sup> Chapter 8 of this work gives detailed coverage of the topic of assessment.

#### II. Special Considerations

In Youth Service Bureaus: A National Study, 1972, it was reported that less than 30% of the Youth Service Bureaus (YSB) visited had a thorough evaluation procedure.<sup>4</sup> The Study made the following suggestions regarding evaluation in a discussion of funding, indicating that to secure continuing funding, evaluation of the YSB should be conducted.

Problems relating to establishing cost effectiveness are similar to determining diversion and coordination. The first question is: Cost and effectiveness in relation to what alternative? Again, the method would involve an experimental control model, base-line data, and a system of realistic evaluation to consider circumstances that occur during the time such a study is made.

Because there are unclear or untested issues relating to the concept of Youth Service Bureaus, it would be well to systematically examine and compare selected issues, i.e. coersiveness vs. voluntariness; utilizing the bureau as a substitute for adjudication; examining the different definitions of diversion on a planned basis; comparisons between a direct service model, non-direct and variations in between.<sup>5</sup>

The Study also stated as a general principle, based upon its findings:

Research and evaluation must be included as a part of all program developments if there is to be systematic organizational change based on fact rather than prejudice and hunch.<sup>6</sup>

<sup>1</sup>Sherwood Norman, The Youth Service Bureau, a Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), pp. 140-141.

<sup>2</sup>Ibid., p. vi

<sup>3</sup>Ibid., pp. 142-148.

<sup>4</sup>Department of the California Youth Authority, Youth Services Bureau: A National Study (Washington, DC: U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration, 1972), p. 57.

<sup>5</sup>Ibid., pp. 8-9.

<sup>6</sup>Ibid., p. 15.

\* \* \* \* \*

#### Standard 3.7 FUNDING

Public funds should be appropriated on an on-going basis, to be available for continuing support for effective youth services bureaus. Private funding also should be encouraged.

#### I. Officially Known Endorsements and Objections

In 1967, the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, Task Force Report: Juvenile Delinquency and Youth Crime

suggested:

All communities should explore the availability of Federal funds both for establishing the coordinating mechanisms basic to the Youth Services Bureau's operation and for instituting the programs that the community needs.<sup>1</sup>

This seemed to place the burden for securing funding upon the communities. However, the Task Force went on to say that in order to meet the special needs of youths with special problems, the Youth Service Bureaus (YSB) should be encouraged "by means of specially earmarked funds to develop intensive programs."<sup>2</sup> This would seem to imply at least, the provision of funds for these organizations. The Task Force continued, speaking of the urgent need to deal with delinquent and potential delinquent youth:

... the problem must be attacked, for it is with these young people that most youth-serving agencies today are having the least success.

Presumably, the Commission recognized the need for continuing support since it placed emphasis on the on-going nature of the problem of providing services to delinquent youth as well as youth with special problems who are often excluded by other agencies and institutions.

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) stresses the need for funding of the Youth Service Bureau through state or local government or through an organization such as a Health and Welfare Planning Council.<sup>3</sup> The NCCD feels that private funding, while possible, is less desirable than public sponsorship.<sup>4</sup>

#### II. Special Considerations

In Youth Service Bureaus: A National Study,<sup>5</sup> prepared by the Department of the California Youth Authority in 1972, it was reported:

The most significant and critical problem of Youth Service Bureaus throughout the country today can be summed up in a single word, "funding".

The Study suggested:

The principal methods for strengthening Youth Service Bureaus would be to establish a more realistic and permanent base for funding. This would involve considerably more commitment on the part of the agencies launching into or supporting such a concept in the future than they have shown in the past.

Amplifying this recommendation, the Study made the following suggestion:

If Youth Service Bureaus are to be seriously considered as either

an alternative or substitute for processing in the Juvenile Justice System, they will need a more permanent and stable source of funding on a multiple year basis. Federal funding whether by revenue sharing, revenue source sharing, or some other unnamed method, needs to be seriously considered.

The argument used by Federal funding sources to date in regard to year-to-year financing has to do with providing "seed money." The claim is that local communities know that the money is given conditionally on the basis that financing will be assumed by local government. It is implied that any intent to do otherwise is not quite honest on the part of the local community. This amounts to year-to-year funding which has proved not only unrealistic but sometimes extremely destructive.

<sup>1</sup>President's Council on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 83.

<sup>2</sup>Ibid., p. 88.

<sup>3</sup>Sherwood Norman, The Youth Service Bureau: A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 20.

<sup>4</sup>Ibid., p. 22.

<sup>5</sup>Department of the California Youth Authority, Youth Services Bureau: A National Study (Washington, DC: U.S. Department of HEW and Youth Development & Delinquency Prevention Administration, 1972), p. 57.

\* \* \* \* \*

#### Standard 3.8 LEGISLATION

Each State should enact necessary legislation to fund partially and to encourage local establishment of youth services bureaus throughout the State. Legislation also should be enacted to permit the use of youth services bureaus as a voluntary diversion resource by agencies of the juvenile justice system.

#### I. Officially Known Endorsements and Objections

No national standard-setting organizations are known to have addressed the topic of this standard, enacting legislation to fund local services bureaus in the State.

#### II. Special Considerations

The only comprehensive statement on this issue is found in the book The Youth Service Bureau, a Key to Delinquency Prevention, published by the National Council on Crime and Delinquency,

by Sherwood Norman, in which the following is recommended:

Regardless of who actually administers it, a YSB needs sponsorship by state or local government or by an organization such as a Health and Welfare Planning Council if government sponsorship is not practical. In any case, the administrators of the bureau must be accountable to the sponsoring organization. Sponsorship and funding by the state legislature is appropriate when several small jurisdictions wish to maintain a YSB and cannot obtain funding or agree on joint local sponsorship or the state may sponsor and fund one or more YSBs experimentally in certain high delinquency areas to determine whether greater state involvement is warranted. Such a program might be conducted competitively, as it was in California, with funds granted to those communities where a high degree of initiative among both private individuals and social agencies promised greater success.

State sponsorship could be undertaken by a committee of the state legislature or by a Delinquency Prevention Commission or a state YSB staffed with technicians and consultants offering advisory services to all YSBs throughout the state.<sup>1</sup>

Similarly, county governments may sponsor a Youth Service Bureau especially where village, town, township, or other local governing bodies either cannot obtain funding or cannot agree on joint sponsorship. Once established on a county level, the Youth Service Bureau can then encourage the development of local branches.

Private sponsorship, although not generally recommended, is not inappropriate when public sponsorship cannot be obtained.<sup>2</sup> Most innovations in education and social work have come about by privately sponsored programs later taken over as public services. Private sponsorship by a university or a foundation would not rule out local, state, and federal funding.

Sponsorship by a "joint powers agreement" might be seriously considered where there is no active and influential Health and Welfare Planning Council. This unusual method of establishing and supporting a YSB is based upon the common concern of the major public agencies with responsibility for the well-being of children.

The juvenile court and law-enforcing agencies are not appropriate sponsors or co-sponsors.<sup>3</sup>

Examples of legislation for Youth Service Bureaus found in Appendix G include:

a. Permitting Municipalities to Sponsor Youth Services, State of Wisconsin, Children's

Code 48.80 (1967),

"(1) Any municipality is hereby authorized and empowered to sponsor the establishment and operation of any committee, agency or council for the purpose of coordinating and supplementing the activities of public and private agencies devoted in whole or in part to the welfare of youth therein. Any municipality may appropriate, raise and expend funds for the purpose of establishing and of providing an executive staff to such committees, agencies or councils; may level taxes and appropriate money for recreation and welfare projects; and may also receive and expend moneys from the state or federal government or private persons for such purposes.

"(2) No provision of this section shall be construed as vesting in any youth committee, council or agency any power, duty or function enjoined by law upon any municipal officer, board or department or as vesting in such committee, council or agency any supervisory or other authority over such officer, board or department.

"(3) In this section municipality means a county, city, village or town."<sup>4</sup>

The remainder of Appendix G includes discussion of the following:

a. Stating the Powers of the Department of Community Services, and,

b. Initiating state-funded Youth Service Bureaus.<sup>5</sup>

<sup>1</sup>Sherwood Norman, The Youth Service Bureau-A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 20.

<sup>2</sup>Ibid., p. 21.

<sup>3</sup>Ibid., p. 22.

<sup>4</sup>Ibid., p. 232.

<sup>5</sup>Ibid., p. 233.

\* \* \* \* \*

## CHAPTER 5 - PROGRAMS FOR EMPLOYMENT

### Recommendation 5.1 EXPANSION OF JOB OPPORTUNITIES FOR YOUTH

The Commission recommends that employers and unions institute or accelerate efforts to expand job or membership opportunities to economically and educationally disadvantaged youth, especially lower income minority group members. These efforts should include the elimination of arbitrary personnel selection criteria and exclusionary policies based on such factors as minimum age requirements and bonding procedures.

Employers and unions should also support actions to remove unnecessary or outdated State and Federal labor restrictions on employing young people. Finally, employers should institute or expand training programs to sensitize management and supervisors to the special problems young people may bring to their jobs.

#### I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that:

Efforts, both private and public . . . be intensified to: prepare youth for employment; provide youth with information about employment opportunities; reduce barriers to employment posed by . . . maintenance of rigid job qualifications; create new employment opportunities.<sup>1</sup>

The Commission suggests that employers take the initiative in reconsidering job requirements and in hiring youths who lack some nonessential qualification.<sup>2</sup> As an adjunct to job creation, the Commission urges that programs for the counseling of youths be established or expanded.<sup>3</sup>

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has proposed that high priority be placed on the creation of jobs in the private sector. In conjunction with the creation of greater employment opportunities, the Advisory Commission recommends that employers be prepared to provide special services to aid new youthful employees in areas such as hygiene, health, good work habits, and money management.<sup>4</sup>

The Commission advocates that artificial barriers to employment be eliminated by business<sup>5</sup> and that union apprenticeship programs be made more accessible to minorities.<sup>6</sup>

The AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATION (AFL-CIO) has urged its affiliates to develop manpower programs aimed at creating greater opportunity for minority workers. It further recommends development of programs to aid minority workers in obtaining employment and gaining promotions.<sup>7</sup> The AFL-CIO's Department of Civil Rights has endorsed recruitment and preparation of minority youths to enter into skilled

trades.<sup>8</sup>

The Task Force on Economic Growth and Opportunity of the CHAMBER OF COMMERCE OF THE UNITED STATES recommends that labor unions support equal employment opportunities by extending equal membership opportunities to minority groups and that management assure equal hiring opportunities through practices such as increased recruiting among minorities.<sup>9</sup> The Task Force also recommends that local chambers of commerce and individual businessmen initiate full employment programs in their committees with emphasis on collateral activities such as providing guidance service to the youth of the community.<sup>10</sup>

The Task Force has called for study and analysis of the impact and degree of obsolescence of federal and state child labor laws and of the regulations implementing them.<sup>11</sup>

The WHITE HOUSE CONFERENCE ON YOUTH makes the following proposals:

To expand the job opportunities available to disadvantaged youth . . . employers [should] re-examine their hiring requirements; . . . [S]tates [should] review existing laws . . . which bar young people for employment, . . . Outdated restrictions on youth employment in state and federal laws should be reviewed; . . . Business should accelerate its efforts to employ youth.<sup>12</sup>

<sup>1</sup>The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: U.S. Government Printing Office, 1967), p. 77.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., p. 76.

<sup>4</sup>The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: U.S. Government Printing Office, 1968), p. 232.

<sup>5</sup>Ibid.

<sup>6</sup>Ibid., p. 234.

<sup>7</sup>American Federation of Labor and Congress of Industrial Organization, Proceedings of the Ninth Constitutional Convention (Bal Harbour, FL: November 18-22, 1971), part II, p. 197.

<sup>8</sup>Ibid., p. 291.

<sup>9</sup>The Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States, The Disadvantaged Poor: Education and Employment, 3 Volumes (Washington, DC, 1966), pp. 100-101.

<sup>10</sup>Ibid., p. 107.

<sup>11</sup>Ibid., p. 114.

<sup>12</sup>The White House Conference on Youth, Report of the White House Conference on Youth (Estes Park, CO, April 18-22, 1971), pp. 56-67.

\* \* \* \* \*

Recommendation 5.2 AFTER-SCHOOL AND SUMMER EMPLOYMENT

The Commission recommends that each community broaden its after-school and summer employment programs for youth, including the 14- and 15-year olds who may have been excluded from such programs in the past. These programs may be sponsored by governmental or private groups, but should include such elements as recruitment from a variety of community resources, selection on the basis of economic need, and a sufficient reservoir of job possibilities. The youth involved should have the benefit of an adequate orientation period with pay, and an equitable wage.

Local child labor regulations must be changed wherever possible to broaden employment opportunities for youth. Nonhazardous jobs with real career potential should be the goal of any legislation in this area.

I. Objections and Endorsements

Endorsements

THE COUNCIL OF STATE GOVERNMENTS, THE PRESIDENT'S COMMITTEE ON JUVENILE DELINQUENCY AND YOUTH CRIME, and the NATIONAL COUNCIL ON CRIME AND DELINQUENCY recommend action by states, on their own or in cooperation with the federal government, to fill the increasing need for youth employment programs. The establishment of training programs to provide job orientation is suggested.<sup>1</sup>

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS emphasizes the value of and need for expanded employment opportunities for young people. The Advisory Commission suggests action by the public and private sector with employee recruitment programs aimed at those on the lower level of the socio-economic scales. The Commission recommends that programs involving youths age 14-22 be encouraged and that meaningful work experiences with opportunities for advancement be provided to avoid the debilitating effects of "dead-end" jobs.<sup>2</sup>

The AMERICAN FEDERATION OF LABOR and CONGRESS OF INDUSTRIAL ORGANIZATION (AFL-CIO) suggests that programs to help young people remain in school be expanded, further work and training for drop-outs should be provided. The AFL-CIO recommends that these plans follow the structure of the Neighborhood Youth Corp program.<sup>3</sup>

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that

governments, schools, labor organizations, and businesses mount broad-based attacks on youth employment problems. The Commission suggests that placement activities be expanded to provide for part-time, "in school" jobs as well as permanent employment upon graduating or leaving school. The Commission also recommends that employment programs be created or adapted to combine academic education vocational training, and on-the-job experience for purposes of immediate financial assistance and future employment.<sup>4</sup>

The TASK FORCE ON ECONOMIC GROWTH AND OPPORTUNITY of the Chamber of Commerce of the United States recommends that a youth employment experience minimum wage rate be established to assist in creating employment opportunities while maintaining a suitable minimum wage rate level for youths.<sup>5</sup>

The WHITE HOUSE CONFERENCE ON YOUTH recommends that high school students be given full opportunity for meaningful employment during non-classroom periods.<sup>6</sup> The Conference urges that federal, state, and local governments establish or expand youth employment programs with enrollment limited to those youths who are truly disadvantaged. Counseling and guidance should be provided enrollees.<sup>7</sup> The Conference also recommends that states establish agencies to assist in finding new jobs for youths and that outdated federal and state restrictions on youth employment be eliminated.<sup>8</sup>

Objections

The TASK FORCE ON ECONOMIC GROWTH AND OPPORTUNITY of the Chamber of Commerce of the United States recommends that massive federally funded employment programs, insofar as they create jobs in the public and non-profit sector, be avoided because such programs lead to the development of a "locked-in" class of workers.<sup>9</sup>

II. Special Considerations

The NATIONAL COMMITTEE ON THE EMPLOYMENT OF YOUTH has noted that although most communities face a youth employment problem, the economic needs and resources of each community differ. Before implementing the youth employment program the National Committee suggests that it may be advisable to create a study commission to ascertain the target group to be assisted, the economic needs and resources of the locality, and the expected benefits of any employment program.<sup>10</sup>

-----

<sup>1</sup>The Council of State Governments, The President's Committee on Juvenile Delinquency and Youth Crime, and The National Council on Crime and Delinquency, Juvenile Delinquency, A Report on State Action and Responsibilities; Prepared for the Governors' Conference Committee on Juvenile Delinquency (n.p., 1965).

<sup>2</sup>The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), pp. 232-236.

<sup>3</sup>The American Federation of Labor and Congress of Industrial Organization, The Urban Crisis: A Ten Point Program, The American Federationist, October, 1970, p. 10.

<sup>4</sup>The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), pp. 76-77.

<sup>5</sup>The Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States, The Disadvantaged Poor: Education and Employment, 3 volumes (Washington, DC: 1966), vol. 3, pp. 90-97.

<sup>6</sup>The White House Conference on Youth, Report of the White House Conference on Youth (Estes Park, CO: April 18-22, 1971), p. 53.

<sup>7</sup>Ibid., p. 59.

<sup>8</sup>Ibid., p. 67.

<sup>9</sup>The Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the United States, The Disadvantaged Poor: Education and Employment, vol. 3, pp. 89-90.

<sup>10</sup>The National Committee on Employment of Youth, of the National Child Labor Committee, Youth Employment Programs in Perspective (Washington, DC: Government Printing Office, 1966), pp. 111-112.

\* \* \* \* \*



CHAPTER 6 - PROGRAMS FOR EDUCATION

Recommendation 6.1 THE HOME AS A LEARNING ENVIRONMENT

The Commission recommends that educational authorities propose and adopt experimental and pilot projects to encourage selected neighborhood parents to become trained, qualified, and employed as teachers in the home.

A variety of methods and procedures could be adopted to attain this goal. Among these are the following:

1. Legislation to enable the establishment and continuation of home environment education as a permanent accessory to existing educational systems.
2. Programs designed to determine the most effective utilization of parents in educational projects in the home setting. A logical departure point for such projects would be to increase the level of active involvement of selected neighborhood parents in formal school operations. A carefully designed program of this sort would also benefit preschool children in the home.
3. The development of short-term and follow-through programs by teacher-training institutions to prepare parents for instructing their children.
4. The joint development by parents and school staffs of techniques and methods for using the home as a learning environment.
5. School district and State educational programs to train parents to use situations and materials in the home as a means of reinforcing the efforts of formal schooling.
6. Provision of instructional materials by school districts for use in home-teaching programs.
7. The expansion of programs to train and use parents as aides, assistants, and tutors in regular school classrooms.

I. Officially Known Endorsements and Objections

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has endorsed the concept of involving parents and the home in the educational process. The Advisory Commission has suggested that this involvement can be accomplished through the use of community aides and mothers as assistants in the classroom.<sup>1</sup> The Advisory Commission has also recommended that instruction be individualized through the extensive use of non-professional personnel.<sup>2</sup>

The TASK FORCE ON URBAN EDUCATION has noted the need for schools to increase their involvement with the community in which they are located. The Task Force has recommended that efforts be made to attract residents of communities served by the

schools into careers in the education profession.<sup>3</sup> The Task Force has suggested that training programs be established to enable the community residents to function effectively in the educational system.<sup>4</sup>

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, Task Force Report: Juvenile Delinquency, has recommended that efforts be made to increase cooperation between schools and the communities they serve. As one means of achieving this goal the Task Force has offered the concept of parents and other community members serving as teachers aides.<sup>5</sup>

II. Special Considerations

In a work produced for Professional Educators Publications it is suggested that:

Parents . . . will need to play an important part in activating the educative community. . . Parents and other citizens can help plan educational curricula. Parents can be taught how to use the community and its services for supplementing their children's education.<sup>6</sup>

<sup>1</sup>The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), pp. 246-247.

<sup>2</sup>Ibid., p. 248.

<sup>3</sup>The Task Force on Urban Education, The Urban Education Task Force Report (New York, NY: Praeger Publishers, 1970), p. 241.

<sup>4</sup>Ibid., p. 242.

<sup>5</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency, Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), pp. 53-54.

<sup>6</sup>Roger Hiemstra, The Educative Community (Lincoln, NE: Professional Educators Publications, Inc., 1972), p. 27.

\* \* \* \* \*

Recommendation 6.2: The School as a Model of Justice

The Commission recommends that school authorities adopt policies and practices to insure that schools and classrooms reflect the best examples of justice and democracy in their organization and operation, and in the rules and regulations governing student conduct.

I. Officially Known Endorsements and Objections

Present day school policies have been heavily

criticized for failing to provide students with a functioning model of democracy in action. In criticizing the New York City school system, the New York Civil Liberties Union said:

The failure of the Board to take action against principals who violate the law contrasts sharply with the school system's record of swift action against student misconduct. The effect on students of this double standard has been disastrous. Cynicism, disbelief in the rule of law and a sense that the schools are a massive spectacle of hypocrisy are widespread among the students.

We believe that the single largest crisis facing the schools today is the disaffection and distrust of its students. We believe that this disaffection and distrust is directly traceable to the refusal of school officials to respect the rights of students and establish the rule of the law.<sup>1</sup>

The school system needs to avoid the creation of such attitudes in students. The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE notes that:

The greater the involvement of students in the planning and operation of the school, the more active and intense their interests in learning, achieving, and conforming.<sup>2</sup>

The Commission presented three conditions which should be changed in the present school system: first, the exclusion of students from participation in planning and decision-making; second, the exclusion of students from the exercise of authority in the school; and third, the minimal active involvement of students in the teaching-learning structure.<sup>3</sup>

The Commission further recommends the provision of a full range of supportive services to those students who cannot be adjusted into the school structure.

## II. Special Considerations

Student involvement has been advocated in such areas as discipline and teacher evaluation. Carol Ziegler has recommended that school administrators take the lead in allowing student self-regulation of areas such as dress codes, student publications, and student discipline.<sup>4</sup>

Dr. Edmund Reutter has said, "The prime function of the school is to develop effective citizens for our democracy."<sup>5</sup> The development of such effective citizens for a democracy necessitates both instruction and experience in the democratic process.

<sup>1</sup>New York Civil Liberties Union Student Rights

Project, New York Civil Liberties Union Student Rights Project Report on the First Two Years 1970-1972 (New York, NY: New York Civil Liberties Union, 1972), pp. 7-8.

<sup>2</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 248.

<sup>3</sup>Ibid., p. 248.

<sup>4</sup>Carol L. Ziegler, Struggle in the Schools: Constitutional Protection for Public High School Students (Princeton, NJ: Princeton University Press, 1970), pp. 46-48.

<sup>5</sup>E. Edmund Reutter, Jr., Legal Aspects of Control of Student Activities by Public School Officials (Topeka, KS: National Organization on Legal Problems of Education, 1970), p. 52.

\* \* \* \* \*

### Recommendation 6.3: LITERACY

The Commission recommends that by 1982, all elementary schools institute programs guaranteeing that every student who does not have a severe mental, emotional, or physical handicap will have acquired functional literacy in English before leaving elementary school (usually grade 6), and that special literacy programs will be provided for those handicapped individuals who cannot succeed in the regular program.

A variety of methods and procedures could be established to meet this goal. Such methods and procedures could include the following:

1. Training of teachers in methods and techniques demonstrated as successful in exemplary programs involving students with low literacy prognosis;
2. Training and employment of parents and other community persons as aides, assistants, and tutors in elementary school classrooms.
3. Replacement of subjective grading systems by objective systems of self-evaluation for teachers and objective measures of methods and strategies used;
4. Provision of privately contracted tutorial assistance for handicapped or otherwise disadvantaged students;
5. Redistribution of resources to support greater input in the earlier years of young people's education; and
6. Decentralized control of district finances to provide certain discretionary funds to site principals and neighborhood parent advisory committees for programs directed to the special needs of the students.

## I. Officially Known Endorsements and Objections

The COMMITTEE FOR ECONOMIC DEVELOPMENT suggests that an all-out national effort to secure equality of minimal achievement in the basic literacy skills of reading, writing and computation is an absolute necessity. "These skills are essential to every person and their successful cultivation in every person must be demanded by the schools."<sup>1</sup>

In December, 1961, the General Assembly of the United Nations established UNESCO to make a "general review of the question of the eradication of mass illiteracy throughout the world with the object of working out concrete and effective measures at the international and national level for such eradication."<sup>2</sup> Since that time, UNESCO has centered its attention upon the illiterate, and not upon the sources of this illiteracy. It has, however, recognized the situation.

The most obvious long-term remedy for mass illiteracy is to cut off illiteracy at its source by ensuring universal and adequate primary education. Yet, the expansion of primary schools is not enough in itself, nor is it always fully effective, for it is well known that children returning from the primary school to largely illiterate adult communities rapidly fall back into illiteracy.<sup>3</sup>

The AGENCY FOR INTERNATIONAL DEVELOPMENT, U.S. Department of State, calls for a literacy program that is an integral part of a total development program. Such a program must set standards of achievement in reading and writing that are clearly related to the community and national goals of that program. This national program to eliminate illiteracy must, therefore, incorporate careful long-range planning.<sup>4</sup>

<sup>1</sup>Education For the Urban Disadvantaged: From Preschool to Employment, Committee for Economic Development (New York, NY: Committee for Economic Development, March, 1971), p. 38.

<sup>2</sup>Practical Guide to Functional Literacy, A Method of Training For Development (Paris: UNESCO, 1973), p. 25.

<sup>3</sup>Recommendations of the Work Conference On Literacy, Agency for International Development, United States Department of State (Washington, DC: Center for Applied Linguistics, 1965), p. 30.

<sup>4</sup>Ibid., p. 26.

\* \* \* \* \*

### Recommendation 6.4 IMPROVING LANGUAGE SKILLS

The Commission recommends that schools provide special services to students who come from

environments in which English is not the dominant language, or who use a language in which marked dialectal differences from the prevailing version of the English language represent an impediment to effective learning.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Bilingual instructors, aides, assistants, and other school employees;
2. Instruction in both English and the second language;
3. Active recognition of the customs and traditions of all cultures represented at the school;
4. Hiring school staff from all racial, ethnic, and cultural backgrounds; and
5. Special efforts to involve parents of students with bicultural backgrounds.

## I. Officially Known Endorsements and Objections

The NATIONAL EDUCATION ASSOCIATION'S Tuscon Survey on the Teaching of Spanish to the Spanish Speaking establishes several criteria basic to education for native Spanish speakers. Five such criteria are:

1. instruction in pre-school and early grades in both Spanish and English;
2. teaching of English as second language;
3. emphasis on reading, writing and speaking of Spanish;
4. recruitment of Spanish-speaking teachers and aides;
5. training of bilingual teachers at colleges and universities.<sup>1</sup>

The DEPARTMENT OF HEALTH, EDUCATION AND WELFARE URBAN EDUCATION TASK FORCE calls for the recruitment of minority group teachers, as a contribution to the reduction of the teacher shortage in the urban area as well as a valuable resource within the educational community.<sup>2</sup>

Finally, the NATIONAL CONFERENCE ON SOCIAL WELFARE stated in its 1972 platform statements that: "bilingual education on all levels should be assured by law in those communities where there is significant use of a second language."<sup>3</sup>

## II. Special Considerations

SOUTHWESTERN EDUCATIONAL DEVELOPMENT LABORATORIES (SEDL) is the primary organization studying the effects of traditional educational efforts on migrant students. Specifically, SEDL has conducted extensive research into bilingualism, and as a result of this research has recommended that the "opportunity to profit from bilingual education be extended to children of all non-English speaking groups."<sup>4</sup>

<sup>1</sup>National Education Association--Tucson Survey on the Teaching of Spanish to the Spanish-Speaking, The Invisible Minority, Pero No Vencibles (Washington, DC: Department of Rural Education, National Education Association, 1966), p. 17.

<sup>2</sup>Task Force on Urban Education, The Urban Education Task Force Report (New York, NY: Praeger Publishers, 1970).

<sup>3</sup>National Conference on Social Welfare, Summer '72 Conference Bulletin (New York, NY: National Conference on Social Welfare, 1972), p. 8.

<sup>4</sup>Southwestern Educational Development Lab, Bilingual Schooling in the U.S. (Texas: Southwestern Educational Development Lab, 1970), p. 54.

\*\*\*\*\*

#### Recommendation 6.5 REALITY-BASED CURRICULA

The Commission recommends that schools develop programs that give meaning and relevance to otherwise abstract subject matter, through a teaching/learning process that would simultaneously insure career preparation for every student in either an entry level job or an advanced program of studies, regardless of the time he leaves the formal school setting.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Adoption of the basic concepts, philosophy, and components of career education, as proposed by the Office of Education;
2. Use of the microsociety model in the middle grades. Where this model is adopted, it will be important to realize that its central purpose is to create a climate in which learning is enhanced by underlining its relevance to the larger society outside the school;
3. Awareness, through experiences, observations, and study in grades kindergarten through 6, of the total range of occupations and careers;
4. Exploration of selected occupational clusters in the junior high school;
5. Specialization in a single career cluster or a single occupation during the 10th and 11th grades;
6. Guarantee of preparation for placement in entry-level occupation or continued preparation for a higher level of career placement, at any time the student chooses to leave the regular school setting after age 16;
7. Use of community business, industrial, and professional facilities as well as the regular school for career education purposes;
8. Provision of work-study programs, internships, and on-the-job training;
9. Enrichment of related academic instruction--communication, the arts, math, and science--through its relevance to career exploration; and
10. Acceptance of responsibility by the school for students after they leave, to assist them in the next move upward, or to reenroll them for

more preparation.

#### I. Officially Known Endorsements and Objections

The COMMITTEE FOR ECONOMIC DEVELOPMENT sees the need to develop a total instructional system that brings together "competent teachers, effective technology, and relevant curriculum materials."<sup>1</sup> Specifically the committee urges the establishment of jointly planned educational programs by prospective employers and the schools. This should be achieved through the "introduction of children to the world of work in the primary grades and a continuous infusion of job information and counseling throughout the school years."<sup>2</sup> This program would be designed to open doors to career opportunities or to additional schooling leading to the professions.

The Task Force Report: Juvenile Delinquency and Youth Crime suggests that schools can better prepare students for the future by raising the aspirations and expectations of students capable of higher education and by reviewing/revising present programs for students not going to college.<sup>3</sup> The Commission further recommends the further development of job placement services with a concomitant increase in training and employment of youth as subprofessional aides. The OFFICE OF EDUCATION of the Department of Health, Education and Welfare encourages the growth of vocational education programs as one method of enhancing youthful skills in preparation for participation in the world outside school. "The responsibility of the schools for its students cannot be overemphasized, the responsibility is not just for instruction. It applies to those who leave as well as to those who remain--to the dropouts as well as the stay in."<sup>4</sup>

In its 1968 report, the ADVISORY COUNCIL ON VOCATIONAL EDUCATION also called for early job preparation within the schools. Elementary schools should begin by providing a realistic picture of the world of work to familiarize the student with the world and his role in it. In junior high schools, economic orientation, and occupational preparation should reach a more sophisticated stage to expose a full range of occupational choices. This preparation should become more specific in high school.<sup>5</sup>

<sup>1</sup>Committee for Economic Development, Education for the Urban Disadvantaged: From Preschool to Employment (New York, NY: Committee for Economic Development, March, 1971), p. 15.

<sup>2</sup>Ibid., p. 17.

<sup>3</sup>The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 53.

<sup>4</sup>Office of Education, The Challenge of Vocational Education for Schools, State and the Nation

(Washington, DC: Department of Health, Education and Welfare, 1967).

<sup>5</sup>National Committee for the Support of the Public Schools, Education and the Real World of Jobs (Washington, DC: Department of Health, Education and Welfare, 1968), pp. 16-17.

\*\*\*\*\*

#### Recommendation 6.6 SUPPORTIVE SERVICES

The Commission recommends that the schools provide programs for more effective supportive services--health, legal placement, counseling, and guidance--to facilitate the positive growth and development of students.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Greater emphasis on counseling and human development services in the primary and middle grades;
2. Personnel who understand the needs and problems of students, including minority and disadvantaged students;
3. An advocate for students in all situations where legitimate rights are threatened and genuine needs are not being met;
4. The legal means whereby personnel who are otherwise qualified but lack official credentials or licenses may be employed as human development specialists, counselors, and advocates with school children of all ages; and
5. Coordination of delivery of all child services in a locality through a school facilitator.

#### I. Officially Known Endorsements and Objections

The URBAN EDUCATION TASK FORCE calls for a considerable expansion and enrichment of what constitutes education. Not only should appropriate curricular designs and staff development programs be included, but a comprehensive program of supportive services should be available. This program should include all those services that make effective learning possible--medical/dental assistance, counseling and guidance, nutritional services, social and psychological assistance, educational placement, and dropout prevention services.<sup>1</sup>

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE in Task Force Report: Juvenile Delinquency and Youth Crime suggests the establishment of a twofold service within the schools. First, an ombudsman, to be the advocate in relating to teachers, counselors, and administrators, is a valuable component in helping the student become re-engaged in education. Secondly, the Task Force recommends a consolidation of services into a student advice center, where teachers, counselors, administrators, and other students could participate.<sup>2</sup>

The NATIONAL EDUCATION ASSOCIATION recommends teacher education institutions should provide a comprehensive program of student personnel services including personal counseling, psychological testing, academic advising, health services, financial assistance, and job information and placement.<sup>3</sup>

<sup>1</sup>Proposed by the Health, Education and Welfare Urban Education Task Force, Urban School Crises: The Problems and Solutions (Washington, DC: Washington Monitoring Service, 1970), p. 48.

<sup>2</sup>The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967) p. 376.

<sup>3</sup>National Council on Teaching Education and Professional Standards, A Position Paper on Teacher Education and Professional Standards (Washington, DC: National Education Association, 1963), p. 8.

\*\*\*\*\*

#### Recommendation 6.7 ALTERNATIVE EDUCATIONAL EXPERIENCES

The Commission recommends that schools provide alternative programs of education. These programs should be based on:

1. An acknowledgment that a considerable number of students do not learn in ways or through experiences that are suitable for the majority of individuals.
  2. A recognition that services previously provided through the criminal justice system for students considered errant or uneducable should be returned to the schools as an educational responsibility.
- A variety of methods and procedures could be established to meet this goal. Among these are the following:
- a. Early identification of those students for whom all or parts of the regular school program are inappropriate; and
  - b. Design of alternative experiences that are compatible with the individual learning objectives of each student identified as a potential client for these services, including:

- (1) Shortening the program through high school to 11 years;
- (2) Recasting the administrative format, organization, rules of operation, and governance of the 10th and 11th grades to approximate the operation of junior colleges;
- (3) Crisis intervention centers to head off potential involvement of

- students with the law;
- (4) Juvenile delinquency prevention and dropout prevention programs;
- (5) Private performance contracts to educational firms; and
- (6) Use of State-owned facilities and resources to substitute for regular school settings.

I. Officially Known Endorsements and Objections

The DEPARTMENT OF HEALTH, EDUCATION AND WELFARE URBAN EDUCATION TASK FORCE recognizes the need to design appropriate curricula to meet individual needs. This should be part of a community master plan that tailors the educational experience to the specific needs of urban areas.<sup>1</sup> Although alternatives to existing educational systems (street academies or community operated centers) should receive community encouragement and financial support,

. . . fundamental changes must be made within the system rather than occurring outside of it if education is to be served. . . Alternative educational approaches can also contribute to accelerating the rate of institutional change.<sup>2</sup>

The COMMITTEE FOR ECONOMIC DEVELOPMENT also joins the Task Force in calling for alternatives to traditional educational methods.

Competent business, voluntary agencies and non-profit enterprises should be encouraged to join with the schools in developing alternative educational patterns. The schools should be given contracting powers that will enable them to contract with private agencies for accomplishing specialized tasks.<sup>3</sup>

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency and Youth Crime recommends the establishment of youth service bureaus to provide and coordinate programs for young people. Crime prevention programs, as part of bureau services, should "take advantage of adherence of youth to the norms and values of legitimate society."<sup>4</sup>

Within the school itself

. . . means have to be developed for re-involving, committing and re-integrating students who fall behind or deviate from school or community standards of behavior.<sup>5</sup>

There should be an increased emphasis on eliminating exclusion-oriented responses to students' deviant behavior.

-----

<sup>1</sup>Health, Education and Welfare Urban Education Task Force, Urban School Crises, The

Problems and Solutions (Washington Monitoring Service, 1970),

<sup>2</sup>Ibid., p. 7.

<sup>3</sup>Committee for Economic Development, Education for the Urban Disadvantaged from Preschool to Employment (New York, NY: Committee for Economic Development, 1971), p. 66.

<sup>4</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 48.

<sup>5</sup>Ibid., p. 376.

\*\*\*\*\*

Recommendation 6.8 USE OF SCHOOL FACILITIES FOR COMMUNITY PROGRAMS

The Commission recommends that school facilities be made available to the entire community as centers for human resource and adult education programs.

A variety of methods and procedures could be established to meet this goal. Among these are the following:

1. Scheduling of facilities on a 12-month, 7-day-a-week basis;
2. Elimination or amendment of archaic statutory or other legal prohibitions regarding use of school facilities; and
3. Extended use of cafeteria, libraries, vehicles, equipment, and buildings by parents, community groups, and agencies.

I. Officially Known Endorsements and Objections

The NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS has recommended:

School facilities. . . be available during and after normal school hours for a variety of community service functions, delivery of social services by local agencies, (including health and welfare), adult and community training and education programs, community meetings, recreational and cultural activities.<sup>1</sup>

The Advisory Commission has further noted that interaction between the school system and the community it serves must be increased in order to avoid the isolation in which schools often find themselves. Such isolation prevents the school from playing an effective role in the total life of those it seeks to serve.<sup>2</sup>

The TASK FORCE ON URBAN EDUCATION has recommended:

Where possible, facilities should be designed for recreational, vocational, research and demonstration, and administrative uses. Facilities should be

geared to meeting the needs of the entire community: infants, youth out of school, adults, the elderly as well as those of the children in school. . .<sup>3</sup> To truly serve its community, the school should be placed where all members of the community, old and young, would have the opportunity to learn. It may also function as a community center where health and legal services, counseling and employment are offered.<sup>4</sup>

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, Task Force Report: Juvenile Delinquency, has recommended that schools become more responsive to community needs and has offered the suggestion that schools remain open morning and night during the entire year to accommodate a variety of community activities.<sup>5</sup>

II. Special Considerations

In a work prepared for Professional Educators Publications, Roger Hiemstra has noted that educational facilities are very important in developing a comprehensive community school program. Hiemstra suggests that the school can function as a gathering place for residents to discuss and plan for educational problems, and as a place for various community activities.<sup>6</sup>

-----

<sup>1</sup>The National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (Washington, DC: Government Printing Office, 1968), p. 249.

<sup>2</sup>Ibid., p. 244.

<sup>3</sup>The Task Force on Urban Education, The Urban Education Task Force Report (New York, NY: Praeger Publishers, 1970), p. 255.

<sup>4</sup>Ibid., p. 252.

<sup>5</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency, Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), pp. 53-377.

<sup>6</sup>Roger Hiemstra, The Educative Community (Lincoln NE: Professional Educator Publications, Inc., 1972), p. 43.

\*\*\*\*\*

CHAPTER 7 - PROGRAMS FOR RECREATION

Recommendation 7.1: USE OF RECREATION TO PREVENT DELINQUENCY

This Commission recommends that recreation be recognized as an integral part of an intervention strategy aimed at preventing delinquency; it should not be relegated to a peripheral role.

1. Recreation programs should be created or expanded to serve the total youth community, with particular attention devoted to special needs arising from poor family relationships, school failure, limited opportunities, and strong social pressures to participate in gang behavior.

2. Activities that involve risk-taking and excitement and have particular appeal to youth should be a recognized part of any program that attempts to reach and involve young people.

3. Municipal recreation programs should assume responsibility for all youth in the community, emphasizing outreach services involving roving recreation workers in order to recruit youths who might otherwise not be reached and for whom recreation opportunities may provide a deterrent to delinquency.

4. New mechanisms for tolerance of disruptive behavior should be added to existing recreation programs and activities so as not to exclude and label youths who exhibit disruptive behavior.

5. Counseling services should be made available, either as part of the recreation program or on a referral basis to allied agencies in the community, for youths who require additional attention.

6. Recreation programs should allow participants to decide what type of recreation they desire.

7. Recreation as a prevention strategy should involve more than giving youth something to do; it should provide job training and placement, education, and other services.

8. Individual needs rather than mass group programs should be considered in recreation planning.

9. Communities should be encouraged, through special funding, to develop their own recreation programs with appropriate guidance from recreational advisers.

10. Personnel selected as recreation leaders should have intelligent and realistic points of view concerning the goals of recreation and its potential to help socialize youth and prevent delinquency.

11. Recreation leaders should be required to learn preventive and constructive methods of dealing with disruptive behavior, and they should recognize

that an individual can satisfy his recreational needs in many environments. Leaders should assume responsibility for mobilizing resources and helping people find personally satisfying experiences suited to their individual needs.

12. Decisionmaking, planning, and organization for recreation services should be shared with those for whom the programs are intended.

13. Continual evaluation to determine whether youth are being diverted from delinquent acts should be a part of all recreation programs.

14. Parents should be encouraged to participate in leisure activities with their children.

15. Maximum use should be made of existing recreational facilities—in the afternoons and evenings, on weekends, and throughout the summer. Where existing recreational facilities are inadequate, other community agencies should be encouraged to provide facilities at minimal cost, or at no cost where feasible.

I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report; Juvenile Delinquency and Youth Crime endorses the use of recreation to prevent delinquency:

"The recreation system must be altered in order to combat crime and delinquency....

"In the development of recreation and related programs, emphasis should be placed on those that substitute constructive social action for what might otherwise be anti-social behavior; those that offer avenues to a variety of opportunities, providing not only recreation in the traditional sense but also such means of self-development as job training and placement, education, and health services; and those programs that supplement the adolescent 'play' frame of reference... with a broader and more educational... experience aimed at increasing mastery of oneself and ones environment."<sup>1</sup>

A companion volume, The Challenge of Crime in a Free Society, reflects that:

"...there should be provision of a real opportunity for everyone to participate in the legitimate activities that in our society lead to or constitute a good life; education, recreation, employment, family life."<sup>2</sup>

In 1971, The Report of The White House Conference on Youth commented:

"There is a continuing need for better recreational programs serving poor youth in both urban and rural areas. One of the most immediate needs of poor youth is in recreational facilities in their own

neighborhood to give them 'something to do'. Adequately funded recreation programs, proposed by poor youth themselves, could yield numerous benefits in areas such as crime, drug abuse, education and environment.<sup>13</sup>

<sup>5</sup>Marvin E. Wolfgang, Youth and Violence, U.S. Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration (Washington, DC: Government Printing Office, 1970), p. 75.

\* \* \* \* \*

## II. Special Considerations

In the Youth Service Bureau by Norman Sherwood it is recommended that recreational opportunities should:

- "1. Take an inventory of recreational resources.
2. Enlist local leadership in forming and strengthening recreational programs and in coordinating existing recreational services into a cooperatively planned unit with maximum involvement of youth at the decision making level.
3. Develop cooperative relationships with city recreation departments, physical education departments of the public schools, and universities or college recreation departments."<sup>4</sup>

Professor Marvin E. Wolfgang has noted:

"Recreational facilities, child guidance clinics, boy and girl scout clubs, hobby clubs, Police Athletic League Centers, Little League baseball, and neighborhood associations could function as demonstrably effective vehicles for conversion to non-violent activities. There is no solid empirical evidence that the catalogue of clubs and playgrounds in American cities has been effective in preventing delinquency or reducing violent crime. A common criticism is that they do not reach the delinquent or highly potential delinquent population. Even when they are located in congested neighborhoods with high crime rates, they are often viewed as unwanted invaders of the territory and are consequently unattended except by the bad area's 'good boys'.<sup>15</sup>

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 342.

<sup>2</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 88.

<sup>3</sup>Report of the White House Conference on Youth (Washington, DC: Government Printing Office, 1971), p. 201.

<sup>4</sup>Norman Sherwood, The Youth Service Bureau, A Key to Delinquency Prevention (Paramus, NJ: National Council on Crime and Delinquency, 1972), p. 36.

POLICE

Including selected Standards from:

Chapter 4 - Criminal Justice Relations  
Chapter 9 - Operations Specialization

Standard 4.3 DIVERSION

Every police agency, where permitted by law, immediately should divert from the criminal and juvenile justice systems any individual who comes to the attention of the police, and for whom the purpose of the criminal or juvenile process would be appropriate, or in whose case other resources would be more effective. All diversion dispositions should be made pursuant to written agency policy that insures fairness and uniformity of treatment.

1. Police chief executives may develop written policies and procedures which allow, in appropriate cases, for juveniles who come to the attention of the agency to be diverted from the juvenile justice process. Such policies should be prepared in cooperation with other elements of the juvenile justice system.

2. These policies and procedures should allow for processing mentally ill persons who come to the attention of the agency, should be prepared in cooperation with mental health authorities and courts, and should provide for mental health agency referral of those persons who are in need of professional assistance but are not taken into custody.

3. These policies should allow for effective alternatives when arrest for some misdemeanor offenses would be appropriate.

I. Officially Known Endorsements and Objections

a. Juvenile

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that the police make use of some pre-judicial screening devices for juveniles and divert cases to the appropriate social counseling agency, or release juvenile offenders who have committed "...minor offenses not apparently symptomatic of serious behavior problems." More serious cases would be referred to the juvenile court. Police should have written standards regarding the disposition of a juvenile case for each of these three alternatives.<sup>1</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) recommends that as many cases be diverted from the juvenile court as the community referral programs can handle. The NCCD bases their recommendation on the observation that the juvenile courts are too often called upon to dispose of cases where misbehavior rather than actual illegal acts have been committed. The Council calls upon police, as one agency that turns up juvenile cases,

"...to make the fullest possible use of existing community agencies as referral aids for children whose families cannot handle their problems without help."

The referral of juvenile calls should be governed

by a formal guideline as the Council states:

"Steps should be taken to delete from definition of delinquency all acts, either committed or omitted, that would not be violations of law if perpetrated by an adult."<sup>2</sup>

The AMERICAN BAR ASSOCIATION (ABA) is less specific in its statements on juvenile disposition. The ABA states that there should be cooperation between the police and juvenile justice systems. It may be inferred that diversion of juvenile cases would be included in such cooperative efforts.<sup>3</sup>

b. Mentally ill persons

The AMERICAN BAR ASSOCIATION recommends that police be given a classification of their authority that would allow them to make use of other methods than arrest and prosecution to deal with persons who demonstrate "self-destructive conduct such as that engaged in by persons who are helpless by reason of mental illness."<sup>4</sup> The ABA recommends referral of such persons to an appropriate mental health agency.<sup>5</sup>

c. Diversion of other cases

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE addresses the question of diversion by identifying alternate methods of dealing with drunkenness and narcotics.

Regarding drunkenness, the Commission recommends that drunkenness should not be a criminal offense unless it is accompanied by disorderly or other criminal conduct which is in itself punishable. This decriminalization of drunkenness is to be accompanied by civil detoxification centers as part of a comprehensive treatment.<sup>6</sup> The guidelines here would, if necessary, be formal and written.

The Commission is less specific with regard to narcotic cases. Here the Commission recommends that state and Federal drug laws give a large degree of discretionary authority to the courts and correctional authorities to enable them to deal flexibly with violations. This flexibility would allow the criminal justice system to direct offenders to rehabilitation and treatment in lieu of, or in addition to, criminal imprisonment.<sup>7</sup>

The AMERICAN BAR ASSOCIATION recommends that there be a

"...classification of the authority of police to use methods other than arrest and prosecution to deal with the variety of behavioral and social problems which they confront."

The ABA identifies such problems as persons demonstrating "self-destructive conduct such as that engaged in by persons who are incapacitated by alcohol or drugs."<sup>8</sup> For these persons, the ABA recommends referral to those public and mental health agencies who can give assistance to the

afflicted person.<sup>9</sup>

The ABA also recommends that the police be allowed to exercise informal resolution of conflicts between husband and wife or between neighbors that would be inappropriate for formal disposition in the criminal justice system.<sup>10</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) recommends that alcoholics and problem drinkers be removed from the criminal justice system when no other crimes have been committed. In the place of legal sanction for drunkenness, the NCCD recommends a program of treatment and rehabilitation.<sup>11</sup>

With regard to narcotics offenders, the NCCD recommends more flexible state and Federal sentencing laws allowing courts and paroling authorities greater discretion in sentencing and treating drug abusers. The NCCD position in this case is based on the finding that in some states prosecutors have had difficulty securing convictions, especially in jury cases involving youthful offenders, because of the severity of sentences mandated by the law.<sup>12</sup>

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), pp. 83-84.

<sup>2</sup>National Council on Crime and Delinquency, Goals and Recommendations (New York, NY: National Council on Crime and Delinquency, 1967), pp. 6-7.

<sup>3</sup>American Bar Association, Standards Relating to the Urban Police Function (New York, NY: American Bar Association, 1972), pp. 251-252.

<sup>4</sup>Ibid., p. 95.

<sup>5</sup>Ibid., pp. 93, 251-252.

<sup>6</sup>The Challenge of Crime in a Free Society, pp. 235-238.

<sup>7</sup>Ibid., p. 223.

<sup>8</sup>American Bar Association, p. 95.

<sup>9</sup>Ibid., pp. 93, 251-252.

<sup>10</sup>Ibid., p. 95.

<sup>11</sup>National Council on Crime and Delinquency, pp. 31-32.

<sup>12</sup>National Council on Crime and Delinquency, p. 29.

\* \* \* \* \*

#### Standard 9.5 JUVENILE OPERATIONS

The chief executive of every police agency immediately should develop written policy governing his agency's involvement in the detection, deterrence, and prevention of delinquent behavior and juvenile crime.

1. Every police agency should provide all its police officers with specific training in preventing delinquent behavior and juvenile crime.

2. Every police agency should cooperate actively with other agencies and organizations, public and private, in order to employ all available resources to detect and deter delinquent behavior and combat juvenile crime.

3. Every police agency should establish in cooperation with courts written policies and procedures governing agency action in juvenile matters. These policies and procedures should stipulate at least:

a. The specific form of agency cooperation with other governmental agencies concerned with delinquent behavior, abandonment, neglect, and juvenile crimes;

b. The specific form of agency cooperation with nongovernmental agencies and organizations where assistance in juvenile matters may be obtained;

c. The procedures for release of juveniles into parental custody; and

d. The procedures for the detention of juveniles.

4. Every police agency having more than 15 employees should establish juvenile investigation capabilities.

a. The specific duties and responsibilities of these positions should be based upon the particular juvenile problems within the community.

b. The juvenile specialists, besides concentrating on law enforcement as related to juveniles, should provide support and coordination of all community efforts for the benefit of juveniles.

5. Every police agency having more than 75 employees should establish a juvenile investigation unit if community conditions warrant. This unit:

a. Should be assigned responsibility for conducting as many juvenile investigations as practicable, assisting field officers in juvenile matters, and maintaining liaison with other agencies and organizations interested in juvenile matters; and

b. Should be functionally decentralized to the most effective command level.

#### I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that police departments formulate policy guidelines to maximize the effectiveness of police contacts with juveniles. They also suggest that community service officers maintain close contact with juveniles in the neighborhoods where they work.<sup>1</sup>

The Commission specifically recommends that all officers be acquainted with the special traits of adolescents and particularly with the youth of the racial or social class they will most frequently encounter. The Commission supports police cooperation with other governmental agencies so that whenever possible juveniles may be diverted from the criminal justice system. In their endorsement of the employment of all available resources to detect and deter crime, the Commission states:

"The Commission recommends that police forces should make full use of the central diagnosing and coordinating services of the Youth Services Bureau. Station adjustment should be limited to release and referral; it should not include hearings on the impositions of sanctions by the police. Court referral by the police should be restricted to those cases involving serious criminal conduct or repeated misconduct of more than trivial nature."<sup>2</sup>

Although the Commission does not specifically suggest a juvenile investigation unit, it strongly endorses the effective utilization of police personnel including specialization when necessary. It can be inferred, therefore, that this endorsement would also apply to a special juvenile investigation unit.<sup>3</sup>

The AMERICAN BAR ASSOCIATION'S Standards Relating to the Urban Police Function endorse experimentation with a variety of organizational schemes including decentralization and "the development of varying degrees of expertise in police officers so that specialized skills can be brought to bear on selected problems."<sup>4</sup> A juvenile investigation unit, while not directly addressed by this standard, would come within the ABA's endorsement of varying organizational schemes.

ABA Standard 4.2 recommends that police officers be given policy guidelines in all aspects of police work for the proper exercise of police discretion. Again, this would be applicable to their dealings with juveniles and in that respect could be viewed as an endorsement of this national commission standard.<sup>5</sup>

Recognizing the growing involvement of juveniles in the criminal justice system, the INTERNATIONAL CITY MANAGEMENT ASSOCIATION (ICMA) recommends that

"removing a child from his home and delivering him to a court-designated detention facility is the exception rather than the rule in police procedure. Written criteria in this area should be developed by the police and court."<sup>6</sup>

The ICMA also suggests that whenever possible, specialized and inservice training should occur, including a review of the functions and purposes as well as the responsibilities of patrol officers in situations involving juveniles.<sup>7</sup>



The ADVISORY COMMITTEE ON INTERGOVERNMENTAL RELATIONS addresses itself to that part of the standard suggesting specific training for handling juveniles. It recommends that appropriate training be given to all police officers so that "states can certify to the general public that a local policeman has the aptitude for his work. Training standards are necessary so that the general public will be assured that all local police officers are properly selected and trained for any kind of police work they might have to perform."<sup>8</sup>

<sup>1</sup>President's Commission on Law Enforcement and the Administration of Justice, Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 108.

<sup>2</sup>Ibid., p. 83.

<sup>3</sup>Ibid., p. 117.

<sup>4</sup>American Bar Association Advisory Committee on the Police Function, Standards Relating to the Urban Police Function (New York, NY: American Bar Association, 1972), p. 227.

<sup>5</sup>Ibid., p. 121.

<sup>6</sup>International City Management Association, Municipal Police Administration (Washington, DC: International City Management Association, 1969), p. 157.

<sup>7</sup>Ibid., p. 153.

<sup>8</sup>Advisory Commission on Intergovernmental Relations, State-Local Relations in the Criminal Justice System (Washington, DC: Government Printing Office, 1971), p. 30.

\* \* \* \* \*

COURTS

Including all Standards from:

Chapter 1 - Screening  
Chapter 2 - Diversion  
Chapter 14 - Juveniles

CHAPTER 1 - SCREENING

Standard 1.1 CRITERIA FOR SCREENING

The need to halt formal or informal action concerning some individuals who become involved in the criminal justice system should be openly recognized. This need may arise in a particular case because there is insufficient evidence to justify further proceedings or because—despite the availability of adequate evidence—further proceedings would not adequately further the interests of the criminal justice system.

An accused should be screened out of the criminal justice system if there is not a reasonable likelihood that the evidence admissible against him would be sufficient to obtain a conviction and sustain it on appeal. In screening on this basis, the prosecutor should consider the value of a conviction in reducing future offenses, as well as the probability of conviction and affirmance of that conviction on appeal.

An accused should be screened out of the criminal justice system when the benefits to be derived from prosecution or diversion would be outweighed by the costs of such action. Among the factors to be considered in making this determination are the following:

1. Any doubt as to the accused's guilt;
2. The impact of further proceedings upon the accused and those close to him, especially the likelihood and seriousness of financial hardship or family life disruption;
3. The value of further proceedings in preventing future offenses by other persons, considering the extent to which subjecting the accused to further proceedings could be expected to have an impact upon others who might commit such offenses, as well as the seriousness of those offenses;
4. The value of further proceedings in preventing future offenses by the offender, in light of the offender's commitment to criminal activity as a way of life the seriousness of his past criminal activity, which he might reasonably be expected to continue; the possibility that further proceedings might have a tendency to create or reinforce commitment on the part of the accused to criminal activity as a way of life, and the likelihood that programs available as diversion or sentencing alternatives may reduce the likelihood of future criminal activity;
5. The value of further proceedings in fostering the community's sense of security and confidence in the criminal justice system;
6. The direct cost of prosecution, in terms of prosecutorial time, court time, and similar factors;
7. Any improper motives of the complainant;
8. Prolonged non-enforcement of the statute on which the charge is based;
9. The likelihood of prosecution and conviction of the offender by another jurisdiction; and

10. Any assistance rendered by the accused in apprehension or conviction of other offenders, in the prevention of offenses by others, in the reduction of the impact of offenses committed by himself or others upon the victims, and any other socially beneficial activity engaged in by the accused that might be encouraged in others by not prosecuting the offender.

I. Officially Known Endorsements and Objections

The policies embodied in this Standard are widely endorsed by policy-making organizations in the criminal justice field. These groups consider prosecutorial screening to be among the most pressing of criminal justice system needs.

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE (PCLEAJ) presents this rationale for the screening of arrestees:

"...the substantive criminal law is in many respects inappropriate. In defining crimes, there is no way to avoid including some acts that fall near the line between legal and illegal conduct. Thus under circumstances that do not seem to call for the invocation of criminal sanctions it is inappropriate because placing a criminal stigma on an offender may in many instances make him more, rather than less, likely to commit future crime. It is inappropriate because effective correctional methods for integrating certain types of offenders are either not available or are unknown."<sup>1</sup>

Screening, the halting of formal action against some individuals who have run abreast of the criminal justice system, is also endorsed by Merrill et al in a study funded by the National Institute of Law Enforcement and Criminal Justice. They state forthrightly: "The prosecutor must be committed to the concept of early case screening."<sup>2</sup> As support, the NILECJ finds that a failure to screen has an adverse affect on the judicial system by clogging it with marginal cases and forcing valuable resources away from serious cases. Failure to screen also inhibits prosecutorial use of innovative programs like special processing and diversion. However, the NILECJ injects the cautionary note that in order for screening and diversion to work properly the prosecutor's staff must be aware of the treatment programs and volunteer services available in the community.<sup>3</sup>

Recent pronouncements of the NATIONAL CENTER FOR PROSECUTION MANAGEMENT (NCPM) show that group's strong position on the screening function. The NCPM even goes so far as to state that if police procedure, court structure or state law do not permit the development of a strong screening program, then the prosecutor must take the initiative to bring about the changes needed.<sup>4</sup> Screening at the earliest possible moment allows correction of the weak case before trial, reduces police overtime, removes unimportant and less

serious cases from the criminal process, and reduces recidivism through prompt rehabilitative action.<sup>5</sup>

The Executive Director of the NATIONAL DISTRICT ATTORNEYS ASSOCIATION (NDAA) in introducing that group's screening manual, states:

"We feel that these programs (screening and diversion), if adopted with modifications, to be the answer to the backlog of cases facing the court system today."<sup>6</sup>

In an NDAA sister publication it is also stated:

"Screening, properly implemented, would dispose of those offenders who should be dealt with outside the criminal justice system. It would aid in the early identification of pleas and possible diversions. This would allow a pure trial docket which would then be addressed in a qualitative manner, whereas the emphasis today is on quantity."<sup>7</sup>

In its Compendium of Prosecutor Standards the AMERICAN BAR ASSOCIATION (ABA) calls for the screening of certain individuals from the criminal process. The ABA, reasoning that the prosecutor is the key coordinating element in the criminal justice system, proposes systematic prosecutorial screening,<sup>8</sup> and notes that the prosecutorial discretion to press charges must be exercised on a systematic basis and according to well-founded guidelines.

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 130.

<sup>2</sup>W. Jay Merrill, Marie M. Milks, and Mark Sendrow, Case Screening and Selected Case Processing in Prosecutors' Offices (Washington, DC: Government Printing Office, 1973), p. 13.

<sup>3</sup>Ibid.

<sup>4</sup>National Center for Prosecution Management, The Prosecutor's Screening Function (Washington, DC: n.p., 1973), p. 17.

<sup>5</sup>Ibid., p. 14.

<sup>6</sup>National District Attorneys Association, A Prosecutors Manual on Screening and Diversionary Programs (Chicago, IL: National District Attorneys Association, 1973), p. 1.

<sup>7</sup>National District Attorneys Association, Screening of Criminal Cases (Chicago, IL: n.p., n.d.), p. 52.

<sup>8</sup>American Bar Association, The Prosecution Function and the Defense Function, Approved Draft, 1971 (Chicago, IL: American Bar Association, 1971), p. 84.

\* \* \* \* \*

#### Standard 1.2 PROCEDURE FOR SCREENING

Police in consultation with the prosecutor, should develop guidelines for the taking of persons into custody. Those guidelines should embody the factors set out in Standard 1.1. After a person has been taken into custody, the decision to proceed with formal prosecution should rest with the prosecutor.

No complaint should be filed or arrest warrant issued without the formal approval of the prosecutor. Where feasible, the decision whether to screen a case should be made before such approval is granted. Once a decision has been made to pursue formal proceedings, further consideration should be given to screening an accused as further information concerning the accused and the case becomes available. Final responsibility for making a screening decision should be placed specifically upon an experienced member of the prosecutor's staff.

The prosecutor's office should formulate written guidelines to be applied in screening that embody those factors set out in Standard 1.1. Where possible, such guidelines, as well as the guidelines promulgated by the police, should be more detailed. The guidelines should identify as specifically as possible those factors that will be considered in identifying cases in which the accused will not be taken into custody or in which formal proceedings will not be pursued. They should reflect local conditions and attitudes, and should be readily available to the public as well as to those charged with offenses, and to their lawyers. They should be subjected to periodic reevaluation by the police and by the prosecutor.

When the defendant is screened after being taken into custody, a written statement of the prosecutor's reasons should be prepared and kept on file in the prosecutor's office. Screening practices in a prosecutor's office should be reviewed periodically by the prosecutor himself to assure that the written guidelines are being followed.

The decision to continue formal proceedings should be a discretionary one on the part of the prosecutor and should not be subject to judicial review, except to the extent that pretrial procedures provide for judicial determination of the sufficiency of evidence to subject a defendant to trial. Alleged failure of the prosecutor to adhere to stated guidelines or general principles of screening should not be the basis for attack upon a criminal charge or conviction.

If the prosecutor screens a defendant, the

police of the private complainant should have recourse to the court. If the court determines that the decision not to prosecute constituted an abuse of discretion, it should order the prosecutor to pursue formal proceedings.

#### I. Officially Known Endorsements and Objections

The tone of all endorsements of the intent of this Standard is reflected in a quote from a publication of the NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE (NILECJ):

"The appropriateness of subjecting all offenders arrested by the police to full criminal proceedings presupposes that discretion to institute formal criminal charges should reside in an agency independent of the police."<sup>1</sup>

The NILECJ strongly advocates station-house screening whereby assistant prosecutors, assigned to police stations, perform the primary screening function as arrests occur or questions arise.<sup>2</sup> In the NILECJ's view, the basic purpose of the system is to allocate manpower and resources where they are most needed. Through the use of station-house screening, the prosecutor can set up viable screening criteria and assist the police in deciding whom to arrest and charge. The station-house screening process also has the advantages of allowing immediate investigations, avoiding delay, providing beneficial police access to warrant and complaint drafting assistance, and allowing on-the-spot interviews with police officers, witnesses, and defendants.<sup>3</sup>

The NATIONAL CENTER FOR PROSECUTION MANAGEMENT'S (NCPM) screening guidelines call for the prosecutor to initiate thorough police screening efforts. The NCPM states;

"The most fruitful method of screening is to train police officers on the practical legal criteria to apply in making arrests."<sup>4</sup>

By setting up guidelines for screening, police overtime can be reduced, police effectiveness and the tarnished police image improved, and cases can be prepared more adequately.<sup>5</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) approaches the problem in a divergent manner. The NCCD agrees wholeheartedly that the police should improve their guidelines for the taking of persons into custody, but suggests that the courts should help set such guidelines.<sup>6</sup> The NCCD gives clear and elaborate court rules defining the police function and proposing a solution to the practical problems of arrest and release. The Model Rules of Court does point out the need to abide by due process and the rule of probable cause, but does not discuss the prosecutor's role in the criminal justice process.

<sup>1</sup>W. Jay Merrill, Marie M. Milks, and Mark Sendrow, Case Screening and Selected Case Processing in Prosecutors' Offices (Washington, DC: National Institute of Law Enforcement and Criminal Justice, 1973), p. 5.

<sup>2</sup>Ibid., p. 18.

<sup>3</sup>Ibid., p. 22.

<sup>4</sup>National Center for Prosecution Management, The Prosecutor's Screening Function (Washington, DC: n.p., 1973), p. 15.

<sup>5</sup>Ibid., p. 14.

<sup>6</sup>Council of Judges of the National Council on Crime and Delinquency, Model Rules of Court on Police Action from Arrest to Arraignment (New York, NY: National Council on Crime and Delinquency, 1969), p. 16.

\* \* \* \* \*

## Standard 2.1 GENERAL CRITERIA FOR DIVERSION

In appropriate cases offenders should be diverted into noncriminal programs before formal trial or conviction.

Such diversion is appropriate where there is a substantial likelihood that conviction could be obtained and the benefits to society from channeling an offender into an available noncriminal diversion program outweigh any harm done to society by abandoning criminal prosecution. Among the factors that should be considered favorable to diversion are: (1) the relative youth of the offender; (2) the willingness of the victim to have no conviction sought; (3) any likelihood that the offender suffers from a mental illness or psychological abnormality which was related to his crime and for which treatment is available; and (4) any likelihood that the crime was significantly related to any other condition or situation such as unemployment or family problems that would be subject to change by participation in a diversion program.

Among the factors that should be considered unfavorable to diversion are: (1) any history of the use of physical violence toward others; (2) involvement with syndicated crime; (3) a history of antisocial conduct indicating that such conduct has become an ingrained part of the defendant's lifestyle and would be particularly resistant to change; and (4) any special need to pursue criminal prosecution as a means of discouraging others from committing similar offenses.

Another factor to be considered in evaluating the cost to society is that the limited contact a diverted offender has with the criminal justice system may have the desired deterrent effect.

## I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION endorses the concept of diversion fully, arguing that it is imperative to use such a system because of the volume of cases the judicial system must handle. The Commission recommends:

Prosecutors should endeavor to make discriminating charge decisions, assuring that offenders who merit criminal sanctions are not released and that other offenders are either released or diverted to non-criminal methods of treatment and control by:

Establishment of explicit policies for the dismissal or informal disposition of the cases of certain marginal offenders.

Early identification and diversion to other community resources of those offenders in need of treatment,

The NATIONAL INSTITUTE OF MENTAL HEALTH in its monograph series reported favorably on the use of diversion programs.<sup>2</sup> The monograph expresses the idea that many arrests involve violations of moral norms or instances of annoying behavior which are better solved by the use of social services in the community than by the courts.

The AMERICAN TRIAL LAWYERS ASSOCIATION also approves diversion programs. Their "Program for Penal Reform" (specifically recommendations 5, 6, and 7), cover this topic. They do express one caveat, however, that the therapeutic social programs not become a different form of incarceration or be imposed solely as a condition for avoidance of imprisonment.<sup>3</sup>

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Courts endorses the use of diversion, giving examples of the kind of crimes for which diversion would be a suitable disposition for the offender.<sup>4</sup>

The NATIONAL DISTRICT ATTORNEYS ASSOCIATION (NDAA) has a publication detailing the use of screening. While the NDAA does not address diversion specifically, diversion is inseparable from screening. The overall purpose of screening is to eliminate (divert) all those cases in which prosecution is unwarranted. Therefore, the NDAA's support of screening can also be seen as endorsement of diversion.<sup>5</sup> In addition, the NDAA has published a series of successful case histories of diversion programs, thus giving further weight to their support of such efforts.<sup>6</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) endorses the concept of this Standard. NCCD recommends that alcoholics and problem drinkers not committing other crimes should be diverted. Legal sanctions do not solve these problems. Benefits to the alcoholic will be enhanced by treatment and rehabilitation and benefits to the criminal justice system will accrue as the burden of this kind of case is removed from an already overburdened system.<sup>7</sup>

In regard to narcotic offenders the NCCD recommends a more flexible law to permit cooperation between prosecutors and defense to effect diversion. Again legal sanctions often do not solve the problems. An added problem here in regard to youthful first offenders is that legal sanctions do not apply because the severity of the penalty is such that juries are reluctant to convict.<sup>8</sup> Again more efficient use of resources is effected by diversion.

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 134.

<sup>2</sup>National Institute of Mental Health, Diversion From the Criminal Justice System (Washington, DC: Government Printing Office, 1971).

<sup>3</sup>American Trial Lawyers Association, "A Program for Penal Reform," Trial Magazine, November - December, 1972, p. 46.

<sup>4</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Courts (Washington, DC: Government Printing Office, 1967), p. 5.

<sup>5</sup>National District Attorneys Association and National Center for Prosecution Management, The Prosecutor's Screening Function-Case Evaluation and Control (Chicago, IL: National District Attorneys Association, 1973).

<sup>6</sup>National District Attorneys Association, A Prosecutor's Manual on Screening and Diversionary Programs (Chicago, IL: National District Attorneys Association, 1973).

<sup>7</sup>National Council on Crime and Delinquency, Goals and Recommendations (New York, NY: National Council on Crime and Delinquency, 1967), pp. 6-7.

<sup>8</sup>Ibid., p. 29.

\* \* \* \* \*

#### Standard 2.2 PROCEDURE FOR DIVERSION PROGRAMS

The appropriate authority should make the decision to divert as soon as adequate information can be obtained.

Guidelines for making diversion decisions should be established and made public. Where it is contemplated that the diversion decision will be made by police officers or similar individuals, the guidelines should be promulgated by the police or other agency concerned after consultation with the prosecutor and after giving all suggestions due consideration. Where the diversion decision is to be made by the prosecutor's office, the guidelines should be promulgated by that office.

When a defendant is diverted in a manner not involving a diversion agreement between the defendant and the prosecution, a written statement of the fact of, and reason for, the diversion should be made and retained. When a defendant who comes under a category of offenders for whom diversion regularly is considered is not diverted, a written statement of the reasons should be retained.

Where the diversion program involves significant deprivation of an offender's liberty, diversion should be permitted only under a court-approved diversion agreement providing for suspension of criminal proceedings on the condition that the defendant participate in the diversion program. Procedures should be developed for the formulation of such agreements and their approval by the court. These procedures should contain the following features:

1. Emphasis should be placed on the offender's right to be represented by counsel during negotiations for diversion and entry and approval of the agreement.

2. Suspension of criminal prosecution for longer than one year should not be permitted.

3. An agreement that provides for a substantial period of institutionalization should not be approved unless the court specifically finds that the defendant is subject to nonvoluntary detention in the institution under noncriminal statutory authorizations for such institutionalization.

4. The agreement submitted to the court should contain a full statement of those things expected of the defendant and the reason for diverting the defendant.

5. The court should approve an offered agreement only if it would be approved under the applicable criteria if it were a negotiated plea of guilty.

6. Upon expiration of the agreement, the court should dismiss the prosecution and no future prosecution based on the conduct underlying the initial charge should be permitted.

7. For the duration of the agreement, the prosecutor should have the discretionary authority to determine whether the offender is performing his duties adequately under the agreement and, if he determines that the offender is not, to reinstate the prosecution.

Whenever a diversion decision is made by the prosecutor's office, the staff member making it should specify in writing the basis for the decision, whether or not the defendant is diverted. These statements, as well as those made in cases not requiring a formal agreement for diversion, should be collected and subjected to periodic review by the prosecutor's office to insure that diversion programs are operating as intended.

The decision by the prosecutor not to divert a particular defendant should not be subject to judicial review.

#### I. Officially Known Endorsements and Objections

Even though several organizations do comment pro or con regarding diversion programs, there is no organization which specially advocates procedures.

The NATIONAL DISTRICT ATTORNEYS ASSOCIATION (NDAA) is in agreement with this Standard. Their manual on screening and diversionary programs<sup>1</sup> details the procedures used in their diversion programs. The procedures parallel those of this Standard.

The AMERICAN BAR ASSOCIATION (ABA) is also in accord with this Standard. Their Standard 3.8,

relating to the prosecution function,<sup>2</sup> states that it is part of the prosecutor's job to be familiar with the resources of the various social agencies to which the accused can be referred. The ABA standard does not detail all the procedures which might be involved in diversion programs but rather leaves this to local custom or rule.

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) has endorsed the basic standard arguing that diversion programs are beneficial to both the individual concerned and the criminal justice system. However, in regard to this specific Standard, NCCD is silent as to exact procedure for diversion programs, preferring to leave this as a local responsibility.<sup>3</sup>

<sup>1</sup>National District Attorneys Association, A Prosecutor's Manual on Screening and Diversionary Programs (Chicago, IL: National District Attorneys Association, 1973), p. 198.

<sup>2</sup>American Bar Association, Standards Relating to the Prosecution Function and the Defense Function, Approved Draft 1970 (Chicago, IL: American Bar Association, 1970).

<sup>3</sup>National Council on Crime and Delinquency, Goals and Recommendations (New York, NY: National Council on Crime and Delinquency, 1967), pp. 27-29.

\* \* \* \* \*

## Standard 14.1 COURT JURISDICTION OVER JUVENILES

Jurisdiction over juveniles of the sort presently vested in juvenile courts should be placed in a family court. The family court should be a division of the trial court of general jurisdiction, and should have jurisdiction over all legal matters related to family life. This jurisdiction should include delinquency, neglect, support, adoption, child custody, paternity actions, divorce and annulment, and assault offenses in which both the victim and the alleged offender are members of the same family. The family court should have adequate resources to enable it to deal effectively with family problems that may underlie the legal matters coming before it.

The family court should be authorized to order the institutionalization of a juvenile only upon a determination of delinquency and a finding that no alternative disposition would accomplish the desired result. A determination of delinquency should require a finding that the State has proven that the juvenile has committed an act that, if committed by an adult, would constitute a criminal offense.

The family court's jurisdiction should not include so-called dependent children, that is, juveniles in need of care or treatment through no fault of their parents or other persons responsible for their welfare. Situations involving those juveniles should be handled without official court intervention. The definition of neglected children or its equivalent, however, should be broad enough to include those children whose parents or guardians are incarcerated, hospitalized, or otherwise incapacitated for protracted periods of time.

Specialized training should be provided for all persons participating in the processing of cases through the family court, including prosecutors, defense and other attorneys, and the family court judge. Law schools should recognize the need to train attorneys to handle legal matters related to family problems, and should develop programs for that training. These programs should have a heavy clinical component.

## I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE urges that careful consideration be given

"proposals to create family courts that, by dealing with all intra family matters including those now generally handled by juvenile courts, would provide one means of achieving the consistency and continuity of treatment now too often undercut by fragmented jurisdiction."<sup>1</sup>

The Commission also recommends a general narrowing of the jurisdiction of present juvenile courts (and thus of the proposed family courts). This would abolish dependency jurisdiction:

"... since such cases involve inability rather than willful failure to provide properly for children and can adequately and more appropriately be dealt with by social, nonjudicial agencies."<sup>2</sup>

Neglect cases jurisdiction would be retained, since neglect involves parental custody disputes as well as the physical and mental well-being of children. The juvenile court's jurisdiction would continue over children charged with acts which, if committed by an adult, would be considered crimes.

In cases involving the noncriminal conduct of a child, the Commission urges serious consideration be given to complete elimination of court jurisdiction. At the very least, the Commission favors a decrease in the number of noncriminal acts (i.e., acts which are illegal only for children) which lie in a juvenile court's jurisdiction so that only acts which entail a real risk of long-range harm to the child would be handled. It urges an increased use of community agencies and other non-judicial means for dealing with noncriminal behavior of juveniles. The Commission would exclude jurisdiction over minor traffic violations by juveniles, preferring that the Traffic Court deal with such cases.<sup>3</sup>

The Commission endorses the use of the consent decree (which sets forth a description of a treatment plan) whenever the situation calls for measures less than commitment of the child to an institution.<sup>4</sup>

The Commission also encourages the formulation of written guides and standards and in-service training, especially for the intake staff of the juvenile court.<sup>5</sup>

The Commission's Task Force Report: Juvenile Delinquency further emphasizes the importance of limiting the role of the juvenile court.

"It is properly an agency of last resort for children, holding to a doctrine analogous to that of appeal courts which require that all other remedies be exhausted before a case will be considered."<sup>6</sup>

The Center for Studies of Crime and Delinquency in the NATIONAL INSTITUTE OF MENTAL HEALTH, argues that many of the actions of children and parents which are presently defined as delinquency or unfitness are merely inevitable, everyday problems of living and growing up. It urges the juvenile court adopt a stance of non-intervention, and require high standards of proof from those who would have the court intervene into families' lives. The Center also feels that many problems

presently considered to be delinquency or pre-delinquency should more accurately be deemed as family, educational or welfare problems; such problems should be diverted away from juvenile courts and into other community agencies.<sup>7</sup>

"Ideally the diversion of minors from juvenile court will become a state of mind, an unquestioned moral position held by all child and youth welfare organizations, considered as a good in itself rather than a means to an end. Problems will be absorbed informally into the community, or if they are deemed sufficiently serious they will be funneled into some type of diversion institution,...."<sup>8</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) also urges the creation of a family court, which would incorporate the present juvenile court. The family court would be a division of the highest court of general trial jurisdiction.<sup>9</sup> It is felt that

"all jurisdictions will ultimately find that a family court will best serve the legal-social problems of children and families, and that for many jurisdictions the immediate creation of such a court is desirable and sound."<sup>10</sup>

The NCCD, in Guides for Juvenile Court Judges, states that cases without an element of neglect or where no custody dispute exists, should be dealt with by administrative agencies.<sup>11</sup>

In the Standard Juvenile Court Act, also by the NCCD, Section 8 at p. 24 sets forth the recommended jurisdiction for juvenile courts. The juvenile court should have exclusive original jurisdiction in all of the following cases:

1. Cases concerning minors (ages 18-20) and children (under 18 years) who are alleged to have violated any federal, state or local law or municipal ordinance, provided such are under 18 years of age; if a minor 18 years or older is already under the jurisdiction of the juvenile court, then the juvenile court should have concurrent jurisdiction with the criminal court.
2. Cases concerning children who are neglected or incorrigible.
3. Cases determining the custody of a child.
4. Cases involving the adoption of a child of any age.
5. Cases terminating the legal parent-child relationship.
6. Cases requiring judicial consent to marriage, employment, or enlistment of a child.
7. Cases involving the treatment or commitment of a mentally defective or mentally ill minor.

The Standard Juvenile Court Act does not favor complete juvenile court jurisdiction over all traffic violations committed by children, for both practical and theoretical reasons. From a practical viewpoint, in areas where the juvenile court covers one or more counties, the expense in time and travel to the juvenile court might prove to be a hardship on families involved. Theoretically, since the juvenile court is the highest court of general jurisdiction, it is felt that ordinary traffic violations would not be of appropriate concern for the juvenile court.<sup>12</sup>

The NCCD, in a policy statement entitled Juvenile Traffic Offenders, would have adult traffic courts handle minor offenses, such as parking violations.<sup>13</sup> All other offenses would be handled by the juvenile court, using several alternative procedures. By employing a screening process, an intake officer of the court could dispose of minor offenses without formal appearance in court. Disputed minor offenses and more serious offenses would be settled in court.<sup>14</sup>

The Public Officials' Traffic Safety Conference of the PRESIDENT'S COMMITTEE FOR TRAFFIC SAFETY, the AMERICAN BAR ASSOCIATION and the CONFERENCE OF CHIEF JUSTICES OF STATE SUPREME COURTS all take the stance that juveniles who are licensed to drive should be handled originally by traffic courts, since such teenagers are exercising an adult privilege.<sup>15</sup>

In Section 24 Standard Juvenile Court Act, the court would be granted authority to institutionalize any minor who is adjudicated to have violated a law (no differentiation being made between acts illegal only for children and acts which would be a crime if committed by an adult), as well as any minor or child found to be neglected, uncontrollable, etc. The Acts recognize alternatives to institutionalization and other alternative dispositions.<sup>16</sup>

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 85.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid., p. 84.

<sup>5</sup>Ibid.

<sup>6</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 96.

<sup>7</sup>National Institute of Mental Health, Center for Studies of Crime and Delinquency, Instead of Court: Diversion in Juvenile Justice (Washington, DC: Government Printing Office, 1971), pp. 14-15.

<sup>8</sup>Ibid., p. 92.

<sup>9</sup>National Council on Crime and Delinquency, Standard Family Court Act (New York, NY: National Council on Crime and Delinquency, 1959), p. 13.

<sup>10</sup>Ibid., p. 3.

<sup>11</sup>National Council on Crime and Delinquency, Guides for Juvenile Court Judges (New York, NY: National Council on Crime and Delinquency, 1963), p. 7.

<sup>12</sup>National Council on Crime and Delinquency, Standard Juvenile Court Act (New York, NY: National Council on Crime and Delinquency, 1959), pp. 25-26.

<sup>13</sup>National Council on Crime and Delinquency, Juvenile Traffic Offenders: A Policy Statement (New York, NY: National Council on Crime and Delinquency, 1969), p. 10.

<sup>14</sup>Ibid., p. 3.

<sup>15</sup>Public Officials' Traffic Safety Conference of the President's Committee for Traffic Safety, "Immediate and Long Range Needs for Traffic Court Improvement," Recommendation 19, reproduced in American Bar Association, The Traffic Court Program of the American Bar Association (Chicago, IL: American Bar Association, 1967), p. 25.

<sup>16</sup>National Council on Crime and Delinquency, Standard Juvenile Court Act, pp. 54-55.

\* \* \* \* \*

#### Standard 14.2 INTAKE, DETENTION, AND SHELTER CARE IN DELINQUENCY CASES

An intake unit of the family court should be created and should:

1. Make the initial decision whether to place a juvenile referred to the family court in detention or shelter care;
2. Make the decision whether to offer a juvenile referred to the family court the opportunity to participate in diversion programs; and
3. Make, in consultation with the prosecutor, the decision whether to file a formal petition in the family court alleging that the juvenile is delinquent and ask that the family court assume jurisdiction over him.

A juvenile placed in detention or shelter care should be released if no petition alleging delinquency (or, in the case of a juvenile placed in shelter care, no petition alleging neglect) is filed in the family court within 24 hours of the placement. A juvenile placed in detention or shelter care should have the opportunity for a judicial determination of the propriety of continued placement in the facility at the earliest possible time, but no later than 48 hours after placement.

Criteria should be formulated for the placement of juveniles in detention and shelter care. These criteria must be applied in practice.

#### I. Officially Known Endorsements and Objections

The NATIONAL CONFERENCE OF LAWYERS AND SOCIAL WORKERS encourages the intake unit of the juvenile court to attempt to adjust cases, where appropriate, through diversion programs.<sup>1</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY views the role of the intake unit as one of authorizing detention where needed, expediting court action and screening out those cases which do not require judicial attention, referring such cases to other appropriate agencies. If the intake worker decides judicial handling is necessary, he should file a petition immediately.<sup>2</sup>

The U.S. CHILDREN'S BUREAU urges juvenile courts to create intake units. The role of the intake unit is that of ferreting out those cases which could be better handled by other agencies.<sup>3</sup> In those cases in which it is deemed a petition should be filed, if the complainant is unwilling to file a petition, usually the police do so. The intake worker should not be the one to file the petition, since the worker is a representative of the court and the effect would be that of having the court sit in judgment of its own petition.<sup>4</sup> It is the intake worker who should decide whether or not to place a child in detention. His decision should be based on court detention policies.<sup>5</sup>

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that the intake of the juvenile court use preliminary conferences as much as possible in order to dispose of those cases which do not require adjudication. The commission encourages the use of consent decrees as one method of avoiding adjudication.<sup>6</sup>

The NATIONAL COUNCIL OF JUVENILE COURT JUDGES recommends that the intake worker determine when detention is necessary, and that the judge make the final decision regarding continued detention.<sup>7</sup>

The PRESIDENT'S TASK FORCE ON JUVENILE DELINQUENCY urges improvement in the intake screening process so that only serious and untractable offenders receive official court handling, while less serious cases are diverted away from formal adjudication.<sup>8</sup>

The U.S. CHILDREN'S BUREAU takes a firm stand on the issue of detention, saying a child should not be detained for more than twenty-four hours, unless a petition has been filed. After a petition is filed, the decision as to whether a child should be retained in detention or be released should be made by the intake unit, not the judge. A detention hearing should be held only if requested by the parent. Routinely scheduled detention hearings with the judge should be avoided, because they place an unnecessary burden on the judge, encourage unjustified initial detention by

intake workers, and are financially burdensome on the court.<sup>9</sup>

The National Council on Crime and Delinquency requires that no child be held in detention longer than twenty-four hours, unless a petition has been filed; after the petition is filed, no child can be held beyond twenty-four hours, unless the judge referee has signed an order for such continued detention.<sup>10</sup>

The National Council of Juvenile Court Judges urges that, where possible a detention hearing should be held within twenty-four hours of initial detention, and never later than forty-eight hours.<sup>11</sup>

The President's Commission on Law Enforcement and Administration of Justice recommends that a detention hearing be held within forty-eight hours of initial detention.<sup>12</sup>

In Guides for Juvenile Court Judges the National Council on Crime and Delinquency urges each juvenile court to set forth in writing the basic principles to be used in deciding on detention and shelter care.<sup>13</sup> Periodically, the judge should consult with the detention administrator, the probation director, and the police for the review of these principles.<sup>14</sup>

<sup>1</sup>National Conference of Lawyers and Social Workers, Statement on Lawyer-Social Worker Relationships in the Family Court Intake Process (New York, NY: National Conference on Lawyers and Social Workers, 1967), p. 6.

<sup>2</sup>National Council on Crime and Delinquency, Guides for Juvenile Court Judges (New York, NY: National Council on Crime and Delinquency, 1957), pp. 36-37.

<sup>3</sup>U.S. Children's Bureau, Standards for Juvenile and Family Courts (Washington, DC: Government Printing Office, 1966), p. 53.

<sup>4</sup>Ibid., pp. 54-55.

<sup>5</sup>Ibid., pp. 61-62.

<sup>6</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 84.

<sup>7</sup>National Council of Juvenile Court Judges, "Handbook for New Juvenile Court Judges," Juvenile Court Judges Journal 23 (Winter 1972): pp. 21-22.

<sup>8</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), pp. 21-22.

<sup>9</sup>U.S. Children's Bureau, Standards for Juvenile and Family Courts, pp. 61-62.

<sup>10</sup>National Council on Crime and Delinquency, Standard Juvenile Court Act (New York, NY: National Council on Crime and Delinquency, 1959), p. 39.

<sup>11</sup>National Council of Juvenile Court Judges, Handbook for New Juvenile Court Judges, pp. 21-22.

<sup>12</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 87.

<sup>13</sup>National Council on Crime and Delinquency, Guides for Juvenile Court Judges, p. 45.

<sup>14</sup>Ibid.

\* \* \* \* \*

#### Standard 14.3 PROCESSING CERTAIN DELINQUENCY CASES AS ADULT CRIMINAL PROSECUTORS

The family court should have the authority to order certain delinquency cases to be processed as if the alleged delinquent was above the maximum age for family court delinquency jurisdiction. After such action, the juvenile should be subject to being charged, tried, and (if convicted) sentenced as an adult.

An order directing that a specific case be processed as an adult criminal prosecution should be entered only under the following circumstances:

1. The juvenile involved is above a designated age;
2. A full and fair hearing has been held on the propriety of the entry of such an order; and
3. The judge of the family court has found that such action is in the best interests of the public.

In each jurisdiction, more specific criteria should be developed, either through statute or rules of court, for determining when juveniles should be processed as criminal defendants.

If an order is entered directing the processing of a case as an adult criminal prosecution and the juvenile is convicted of a criminal offense, he should be permitted to assert the impropriety of the order or the procedure by which the decision to enter the order was made on review of his conviction. When the conviction becomes final, however, the validity of the order and the procedure by which the underlying decision was made should not be subject to any future litigation.

#### I. Officially Known Endorsements and Objections

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY would authorize a juvenile court to transfer certain delinquency cases to the criminal court having jurisdiction over such felonies committed by adults. Such transfer is permitted if it is in the best interest of the child or the public, if the child is sixteen years of age or older, and if a full investigation and hearing

have been held.<sup>1</sup>

The NATIONAL COUNCIL OF JUVENILE COURT JUDGES would set the floor at age fourteen since juvenile courts have exclusive jurisdiction over juveniles up to age eighteen. "Judges realize this transfer privilege is rarely exercised, but highly important in unusual cases."<sup>2</sup>

The U.S. CHILDREN'S BUREAU recommends that a juvenile court be empowered to transfer a case to the criminal court provided:

1. the child is sixteen years of age or older;
2. the act committed would be a felony if committed by an adult;
3. a social study of the child has been made;
4. a hearing on the matter is held;
5. the child is found not to be treatable by any State facility, or the interests of the community requires that the child continue under restraint for a period extending beyond his minority.<sup>3</sup>

The Children's Bureau would also permit transfer to a criminal court of cases in which a juvenile who is already under commitment to a state institution commits certain types of misdemeanors, if he is also found to be generally disruptive of and non-cooperative with the institution.<sup>4</sup> The effect of this position would be to allow a juvenile to be sentenced to a penal institution, even though he had only committed a misdemeanor.

<sup>1</sup>National Council on Crime and Delinquency, Standard Juvenile Court Act (New York, NY: National Council on Crime and Delinquency, 1959), p. 33.

<sup>2</sup>National Council of Juvenile Court Judges, Statement, quoted in National Council on Crime and Delinquency, Standard Juvenile Court Act, p. 34.

<sup>3</sup>U.S. Children's Bureau, Standards for Juvenile and Family Courts (Washington, DC: Government Printing Office, 1966), pp. 34-35.

<sup>4</sup>Ibid., p. 35.

\* \* \* \* \*

#### Standard 14.4 ADJUDICATORY HEARING IN DELINQUENCY CASES

The hearing to determine whether the State can produce sufficient evidence to establish that a juvenile who is allegedly delinquent is in fact delinquent (the adjudicatory hearing) should be distinct and separate from the proceeding at which—assuming a finding of delinquency—a decision is made as to what disposition should be made concerning the juvenile. At the adjudicatory hearing, the juvenile alleged to be delinquent should be afforded all of the rights given a defendant in an adult criminal prosecution, except that trial by jury

should not be available in delinquency cases.

In all delinquency cases, a legal officer representing the State should be present in court to present evidence supporting the allegation of delinquency.

If requested by the juvenile, defense counsel should use all methods permissible in a criminal prosecution to prevent a determination that the juvenile is delinquent. He should function as the advocate for the juvenile, and his performance should be unaffected by any belief he might have that a finding of delinquency might be in the best interests of the juvenile. As advocate for the juvenile alleged to be delinquent, counsel's actions should not be affected by the wishes of the juvenile's parents or guardian if those differ from the wishes of the juvenile.

#### I. Officially Known Endorsements and Objections

##### A. Separation of Adjudication and Disposition

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE recommends that the dispositional and adjudicatory hearings be divided. At the adjudication the admission of evidence should be strictly controlled so as to exclude inappropriate information, such as the child's social history.<sup>1</sup>

The U.S. CHILDREN'S BUREAU considers separate adjudicatory and dispositional hearings to be necessary only in cases in which the child denies commission of the acts alleged. Where the child admits to the act (as in most juvenile cases), the adjudicatory hearing can be made to serve a dual purpose by broadening the hearing to cover the disposition. The advantage of this approach lies in the savings which the court will make through the greater efficiency in the handling of cases.<sup>2</sup> The court should not consider the social study; however, until the adjudication has been made.<sup>3</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) does not absolutely favor the separation of the two hearings. In cases where the child admits to the act, it is best that the court move right on to the disposition. "As many working parents are paid by the hour, they suffer financially when they must attend two hearings, and this in turn may affect their attitude toward the child or the court."<sup>4</sup> The NCCD does, however, impose strict rules with regard to the admission of evidence at the adjudicatory portion of the hearing. The social study shall not be submitted to the judge before the adjudication. If the social study has not yet been made when the adjudication is reached, the dispositional hearing may be postponed till a reasonable time.<sup>5</sup>

##### B. Procedural Due Process at Adjudicatory Hearing

The PRESIDENT'S TASK FORCE ON JUVENILE



DELINQUENCY takes the position that juvenile court procedures must be brought into closer harmony with the fundamental concepts of due process of law. To this end, the juvenile should have all the procedural safeguards that are given to adult criminal defendants, with the exception of jury trial. The Task Force believes that the goal of procedural justice should not eliminate the advantages of the juvenile court system. The informality which is now present in juvenile courts is a positive factor, and it is feared that the injection of a jury into the court process would end this informality.<sup>6</sup>

The U.S. CHILDREN'S BUREAU views delinquency proceedings as non-criminal in nature. Thus, it would support rules of evidence which are the same as those followed in a civil case. It would require only "clear and convincing" proof, rather than proof beyond reasonable doubt, the criminal standard. Legal counsel would be permitted; jury trials would not be afforded because to do so would be incompatible with the informal setting of the juvenile court.<sup>7</sup>

The NATIONAL COUNCIL OF JUVENILE COURT JUDGES also notes the need to implement into the adjudicatory hearings the procedural requirements outlined in In Re Gault and other recent Supreme Court decisions.<sup>8</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY would guarantee the child the following rights and privileges: (1) right to have counsel; (2) the privilege against compelled self-incrimination; (3) the right to confront and cross-examine witnesses against him; (4) the right to call his own witnesses. The NCCD advocates that the rules of equity procedure and evidence be followed. Hearsay testimony would not be permitted.<sup>9</sup> Only "clear and convincing" proof would be required.<sup>10</sup>

#### C. Representation in Court by the State

The CHILDREN'S BUREAU recommends that the State's case against the child be presented by an attorney, and not by a staff member of the court. Otherwise, the judge is, in essence, a party to the proceedings.<sup>11</sup>

The NCCD would require a prosecutor (or other State legal officer) only when the court anticipates complex questions about the introduction of evidence. It would avoid the prosecutorial atmosphere of criminal trials in a juvenile hearing. Thus, the NCCD recommends that the judge elicit testimony.<sup>12</sup>

#### D. Role of Defense Counsel

The NATIONAL COUNCIL OF JUVENILE COURT JUDGES states that the function of defense counsel in a juvenile court is the same as the function of counsel in a criminal court: "that is, it is his function to interpose every legitimate defense, to cross-examine vigorously, and to object to the introduction of improper testimony."<sup>13</sup>

The CHILDREN'S BUREAU views the role of defense counsel at the adjudicatory hearing as that of insuring that the child's position is fully presented.<sup>14</sup> Where parents and child are in conflict, the child may be entitled to representation by his own counsel.<sup>15</sup>

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE argues that provision of counsel is one of the major ways that juveniles will achieve procedural justice. The lawyer should function as an adversary for the child in the adjudicatory hearing.<sup>16</sup>

The NCCD also views the role of defense counsel as that of advocate for the child. If the interests of the child and those of his parents conflict, the court shall appoint counsel for the child.<sup>17</sup>

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 87.

<sup>2</sup>U.S. Children's Bureau, Standards for Juvenile and Family Courts (Washington, DC: Government Printing Office, 1966), p. 69.

<sup>3</sup>Ibid., p. 73.

<sup>4</sup>National Council on Crime and Delinquency, Guides for Juvenile Court Judges (New York, NY: National Council on Crime and Delinquency, 1957), p. 60.

<sup>5</sup>National Council on Crime and Delinquency, Model Rules for Juvenile Courts (New York, NY: National Council on Crime and Delinquency, 1969), p. 61.

<sup>6</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), pp. 28-40.

<sup>7</sup>U.S. Children's Bureau, Standards for Juvenile and Family Courts, pp. 72-73.

<sup>8</sup>National Council of Juvenile Court Judges, "Handbook for New Juvenile Court Judges," Juvenile Court Judges Journal 23 (Winter 1972): 15-16.

<sup>9</sup>National Council on Crime and Delinquency, Guides for Juvenile Court Judges, pp. 60-61.

<sup>10</sup>National Council on Crime and Delinquency, Model Rules for Juvenile Courts, p. 57.

<sup>11</sup>U.S. Children's Bureau, Standards for Juvenile and Family Courts, p. 73.

<sup>12</sup>National Council on Crime and Delinquency, Model Rules for Juvenile Courts, p. 51.

<sup>13</sup>National Council of Juvenile Courts Judges "Handbook for New Juvenile Court Judges," p. 25.

<sup>14</sup>U.S. Children's Bureau, Standards for Juvenile and Family Courts, p. 113.

<sup>15</sup>Ibid., p. 72.

<sup>16</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 86.

<sup>17</sup>National Council on Crime and Delinquency, Model Rules for Juvenile Courts, p. 82.

\* \* \* \* \*

#### Standard 14.5 DISPOSITIONAL HEARINGS IN DELINQUENCY CASES

The dispositional hearing in delinquency cases should be separate and distinct from the adjudicatory hearing. The procedures followed at the dispositional hearing should be identical to those followed in the sentencing procedure for adult offenders.

#### I. Officially Known Endorsements and Objections

In Model Rules for Juvenile Courts the NATIONAL COUNCIL ON CRIME AND DELINQUENCY recommends that the dispositional hearing be conducted so that all evidence or testimony relevant to arriving at a disposition is admitted. Counsel for the parties should be allowed to examine in court the persons who prepared the social study on the defendant. Counsel should have compulsory process for the appearance of any persons to testify at the hearing. The social study may be withheld from the parties in certain cases, but in all cases the information upon which the court bases its disposition must be made known.<sup>1</sup>

The U.S. CHILDREN'S BUREAU would require that the facts upon which the court relies be open to rebuttal by the child's counsel. The entire social study need not be made available to the child or his parents, because it often contains confidential data not relevant to the disposition. "No judicial decision should be based upon an undisclosed fact."<sup>2</sup> The Children's Bureau would permit the admission as evidence of certain facts contained in the social study, even though the person responsible for that portion of the study is unavailable for examination. "Under the circumstances, however, probative value of the information, when challenged, is considerably lessened."<sup>3</sup>

The NATIONAL COUNCIL OF JUVENILE COURT JUDGES would give a copy of the social study to counsel for all parties on request, and to all adult parties not represented by counsel.<sup>4</sup>

The Council views the lawyer's function at the disposition as liaison between the court and the child and family. The lawyer presents the family's proposed treatment plan to the court, and interprets to the family the court's treatment plan.<sup>5</sup>

The Council notes that In Re Gault only outlines required procedures for adjudication. The Council urges only that the concept of fundamental fairness expressed in Gault be followed in the non-adjudicatory juvenile court proceedings, and that advantage be taken of the fact that the court is more free to consider the specific needs of the child, and less bound by procedural requirements.<sup>6</sup>

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE believes that the defense counsel, at the disposition, should assist the court in developing an appropriate treatment plan and in implementing the plan.<sup>7</sup>

<sup>1</sup>National Council on Crime and Delinquency, Model Rules for Juvenile Courts (New York, NY: National Council on Crime and Delinquency, 1969), pp. 64-65.

<sup>2</sup>U.S. Children's Bureau, Standards for Juvenile and Family Courts (Washington, DC: Government Printing Office, 1966), p. 74.

<sup>3</sup>U.S. Children's Bureau, Standards for Specialized Courts Dealing with Children (Washington, DC: Government Printing Office, 1954), cited in National Council on Crime and Delinquency, Standard Juvenile Court Act (New York, NY: National Council on Crime and Delinquency, 1959), p. 50.

<sup>4</sup>National Council of Juvenile Court Judges, Proposed Addition to Rule 30 of Model Rules for Juvenile Courts, cited by National Council on Crime and Delinquency, Model Rules for Juvenile Courts, p. 67.

<sup>5</sup>National Council of Juvenile Court Judges, "Handbook for New Juvenile Court Judges," Juvenile Court Judges Journal 23 (Winter 1972): 20.

<sup>6</sup>Ibid., p. 21.

<sup>7</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 86.

\* \* \* \* \*

CORRECTIONS

Including all Standards from:

- Chapter 3 - Diversion from the Criminal Justice Process
- Chapter 8 - Juvenile Intake and Detention

and selected Standards from:

- Chapter 16 - The Statutory Framework of Corrections

CHAPTER 3 - DIVERSION FROM THE  
CRIMINAL JUSTICE PROCESS

Standard 3.1 USE OF DIVERSION

Each local jurisdiction, in cooperation with related State agencies, should develop and implement by 1975 formally organized programs of diversion that can be applied in the criminal justice process from the time an illegal act occurs to adjudication.

1. The planning process and the identification of diversion services to be provided should follow generally and be associated with "total system planning" as outlined in Standard 9.1.

a. With planning data available, the responsible authorities at each step in the criminal justice process where diversion may occur should develop priorities, lines of responsibility, courses of procedure, and other policies to serve as guidelines to its use.

b. Mechanisms for review and evaluation of policies and practices should be established.

c. Criminal justice agencies should seek the cooperation and resources of other community agencies to which persons can be diverted for services relating to their problems and needs.

2. Each diversion program should operate under a set of written guidelines that insure periodic review of policies and decisions. The guidelines should specify:

a. The objectives of the program and the types of cases to which it is to apply.

b. The means to be used to evaluate the outcome of diversion decisions.

c. A requirement that the official making the diversion decision state in writing the basis for his determination denying or approving diversion in the case of each offender.

d. A requirement that the agency operating diversion programs maintain a current and complete listing of various resource dispositions available to diversion decisionmakers.

3. The factors to be used in determining whether an offender, following arrest but prior to adjudication, should be selected for diversion to a noncriminal program, should include the following:

a. Prosecution toward conviction may cause undue harm to the defendant or exacerbate the social problems that led to his criminal acts.

b. Services to meet the offender's needs and problems are unavailable within the criminal justice system or may be provided more effectively outside the system.

c. The arrest has already served as a desired deterrent.

d. The needs and interests of the victim and society are served better by diversion than by official processing.

e. The offender does not present a substantial danger to others

f. The offender voluntarily accepts the offered alternative to further justice system processing.

g. The facts of the case sufficiently establish that the defendant committed the alleged act.

I. Officially Known Endorsements and Objections

The term "diversion" is one with no very precise meaning and is of recent origin. It first seems to have been used in 1967 in the report of the PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE which recommended: "procedures are needed to identify and divert from the criminal process mentally disordered and deficient persons,"<sup>1</sup> but the Commission did not limit its recommendation to "mentally disordered or deficient persons". It spoke of "certain marginal offenders" and those "in need of treatment for whom full criminal disposition does not appear required."<sup>2</sup>

The AMERICAN BAR FOUNDATION has defined diversion as:

... moving a person from the criminal process to some non-criminal process, whether it be a medical or social agency or simply sending the person home. While diversion denotes a complete change of process from criminal to civil "diversionary practices" do not by-pass the criminal process but are less punitive than tradition might warrant (such as probation following a guilty plea on a condition of psychiatric treatment as opposed to a jail term) or are alternative to invocation of the criminal process (as when a policeman takes an alcoholic to a detoxification center or a mentally ill person to a mental health clinic).<sup>3</sup>

Continuing, the Foundation points out:

Diversion thus is an elastic term. Prosecution of "full criminal disposition" is thought to be "inappropriate" for some citizens who are then "diverted" from the criminal process to the presumably more hospitable climes of the mental hospitals, outpatient clinics, and work release programs, or are released to the custody of neighborhood workers, big brothers, probation officers, or religious and social agencies, or are simply sent home.<sup>4</sup>

Besides being one of the first groups to have recognized the existence of diversion (as noted above), the President's Crime Commission

went on to make the following recommendation:

Prosecutors should endeavor to make discriminating charge decisions, assuring that offenders who merit criminal sanctions are not released and that other offenders are either released or diverted to noncriminal methods of treatment and control by:

Establishment of explicit policies for the dismissal or informal disposition of the cases of certain marginal offenders.

Early identification and diversion to other community resources of those offenders in need of treatment, for whom full criminal disposition does not appear required.<sup>5</sup>

Regarding diversion in the juvenile area, the Task Force Report: Juvenile Delinquency and Youth Crime recommended establishment of alternatives to the system of juvenile justice. Certain categories of juveniles who routinely come into contact with agents of the juvenile justice system should be diverted to appropriate service agencies.

The formal sanctioning system and pronouncement of delinquency should be used only as a last resort.

In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles, including agencies to provide and coordinate services and procedures to achieve necessary control without unnecessary stigma. Alternatives already available, such as those related to court intake, should be more fully exploited.

The range of conduct for which court intervention is authorized should be narrowed, with greater emphasis upon consensual and informal means of meeting the problems of difficult children.<sup>6</sup>

## II. Special Considerations

It should be noted that closely associated with diversion is the issue of screening, i.e., stopping formal action against some individuals who are about to enter the criminal justice system. The National Institute of Law Enforcement and Administration of Justice points out that:

[t]he inappropriateness of subjecting all offenders arrested by the police to full criminal proceedings presupposes . . . discretion to institute formal criminal charges. . . .<sup>7</sup>

Although screening is not recognized as diversion per se, the two are closely related.

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge

of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 133.

<sup>2</sup>Ibid., p. 134.

<sup>3</sup>American Bar Foundation, Diversion From the Criminal Process in the Rural Community (Chicago, IL: Foundation Publications, 1969), p. 124.

<sup>4</sup>Ibid., p. 124.

<sup>5</sup>The Challenge of Crime, p. 134.

<sup>6</sup>Presidents' Commission, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 2.

<sup>7</sup>W. Jay Merrill, Marie M. Milks, and Mark Sendrow, Case Screening and Selected Case Processing in Prosecutor's Offices (Washington, DC: National Institute of Law Enforcement and Criminal Justice, 1973), p. 5.

\* \* \* \* \*

## CHAPTER 8 - JUVENILE INTAKE AND DETENTION

### Standard 8.1 ROLE OF POLICE IN INTAKE AND DETENTION

Each juvenile court jurisdiction immediately should take the leadership in working out with local police agencies policies and procedures governing the discretionary diversion authority of police officers and separating police officers from the detention decision in dealing with juveniles.

1. Police agencies should establish written policies and guidelines to support police discretionary authority, at the point of first contact as well as at the police station, to divert juveniles to alternative community-based programs and human resource agencies outside the juvenile justice system, when the safety of the community is not jeopardized. Disposition may include:

- Release on the basis of unfounded charges.
- Referral to parents (warning and release).
- Referral to social agencies.
- Referral to juvenile court intake services.

2. Police should not have discretionary authority to make detention decisions. This responsibility rests with the court, which should assume control over admissions on a 24-hour basis.

When police have taken custody of a minor, and prior to disposition under Paragraph 2 above, the following guidelines should be observed.

- Under the provisions of Gault and Miranda, police should first warn juveniles of their right to counsel and the right to remain silent while under custodial questioning.
- The second act after apprehending a minor should be the notification of his parents.

3. Extrajudicial statements to police or court officers not made in the presence of parents or counsel should be inadmissible in court.

4. Juveniles should not be fingerprinted or photographed or otherwise routed through the usual adult booking process.

5. Juvenile records should be maintained physically separate from adult case records.

#### I. Officially Known Endorsements and Objections

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE Task Force Report: Juvenile Delinquency states that:

"The police as the first point of contact between juveniles and legal authorities, occupy a critically important point in delinquency control. Greater efforts must be

made to examine the consequences of different modes of police handling of juveniles and to provide the referral resources in the neighborhood and communities that might enable the police to make less frequent use of court referrals."<sup>1</sup>

The following recommendations were made by the Task Force:

To improve our system of planned nonjudicial handling for delinquents:

a. First if the further limitation of referrals into the juvenile court system and the ability of that system to accept such referrals.

b. Second is the creation and strengthening of alternative agencies and organizations to deal with delinquents.

c. Third is the development of an improved capacity on the part of the police and juvenile court system, to make appropriate dispositions and refer delinquents to alternative agencies and organizations.<sup>2</sup>

Furthermore:

1. Formal guidelines need to be drawn for use by police in the exercise of their discretion. These guidelines would encourage police to make greater use of non-judicial means of handling, and where appropriate to avoid the call for any intervention at all.

2. Use of external hearing practices.

3. Training should be instituted to provide police with an insight into the problems and needs of young people.

4. Alternatives to detention should be explored.<sup>3</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY in a 1961 report entitled Standards and Guides for the Detention of Children and Youth, generally agreed with this standard.<sup>4</sup> Specifically, they said:

Law enforcement agencies have the right to release a child in the custody of his parents or to take him to the court or to the place of detention designated by the court, either directly or through delegated authority, to determine whether the child shall be released to his parents or continued in detention. The child should not be detained through default, as may happen when the court or its intake unit fails to make an effort to secure the parents for an intake interview.

Cooperation between court and law enforcement agencies in a sound policy of detention intake is crucial. It can be most effective when special police officers are selected and trained for work with juveniles. In the larger law enforcement agencies, juvenile divisions or bureaus can provide consistent

police work with children and youth and are best able to carry out consistent detention policies. In small jurisdictions, specially designated and qualified police officers may be appointed.<sup>5</sup>

Their recommendations include the following:

1. When a child is taken into custody, the police should immediately notify his parents or guardian. He should be released to the parent, if this is possible, on the parent's promise to bring him to court at a specified time.

2. Law enforcement officers should telephone the intake division of the court (or the detention home after office hours) prior to bringing the child into detention or court custody.<sup>7</sup>

3. In cases where the police, after diligent effort, have been unable to reach the child's parents, and application of the criteria would not call for his detention, he should not be placed in the detention facility. The child's age, type of offense, and family situation, if known, should determine whether he should be released under supervision, taken to relatives or persons known to the child who would accept responsibility for him, or placed in a shelter facility.<sup>8</sup>

The AMERICAN BAR ASSOCIATION is less specific in its statement on juvenile disposition. The ABA states that there should be cooperation between the police and juvenile justice systems. It may be inferred that diversion of juvenile cases would be included in such cooperative efforts.<sup>9</sup>

Other organizations direct their attention to intake and diversion functions of detention center personnel rather than to the possibility of diversion by police on the streets.

## II. Special Considerations

The MARYLAND GOVERNORS COMMISSION ON LAW ENFORCEMENT and the ADMINISTRATION OF JUSTICE in the Comprehensive Plan for 1973 states that in their search for a better solution to the problem new procedures to deal with juvenile delinquents were introduced in Article 26, Section 70 of the Annotated Code of Maryland. In this article, it is stated that "An intake consultant or other person authorized by the court is required to make a preliminary inquiry in cases of a child alleged to be delinquent, in need of supervision, neglected..., before a petition is filed in order to approve or disapprove the filing of the petition."<sup>10</sup>

Shafer and Knudten in their book, Juvenile Delinquency: An Introduction, state:

"Most states permit a child to be taken

into custody only if the juvenile court issues an order or if danger to the child's welfare or his violation of law creates an emergency situation that demands immediate action. The place of detention is entirely subject to the approval and supervision of the court. If the child or juvenile is taken into custody, his parents, guardian or legal custodian is usually notified as soon as possible. Detention should last no longer than two days, excluding Sundays and official legal holidays, unless it is extended by court order."<sup>11</sup>

"The prevention of juvenile delinquency and the rehabilitation of delinquents require the flexible application of social rules and appropriate use of police authority. The police officer has a wide variety of choices at his disposal, including simply warning a delinquent, visiting his home, offering to aid the child and his family, referral to an agency other than the juvenile court, and petitioning the juvenile court for judicial procedures. The right choice cannot be made by following rigid rules. If, however, the police officer adequately understands his preventive, protective, and helping role and is well integrated into the community he serves, his choice can be a positive contribution to the struggle against juvenile delinquency. In this context the appropriate use of police authority extends the functions of detection, investigation, and suppression to social participation. Although social participation will not replace social control as a function of the police and detection of delinquency or crime will not be neglected, different attitudes toward the use of authority in questions of delinquency and crime and of the delinquent and the criminal are likely."<sup>12</sup>

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime (Washington, DC: Government Printing Office, 1967), p. 428.

<sup>2</sup>Ibid., p. 396.

<sup>3</sup>Ibid., p. 399.

<sup>4</sup>National Council on Crime and Delinquency, Standards and Guides for the Detention of Children and Youth (New York, NY: National Council on Crime and Delinquency, 1961), pp. 23-25.

<sup>5</sup>Ibid., p. 23.

<sup>6</sup>Ibid., p. 23.

<sup>7</sup>Ibid., p. 24.

<sup>8</sup>Ibid., p. 25.

<sup>9</sup>American Bar Association, Standards Relating to the Urban Police Function (New York, NY: American Bar Association, 1972), pp. 251-252.

<sup>10</sup>Maryland Governor's Commission on Law Enforcement and the Administration of Justice, Comprehensive Plan 1973 (Cokeysville, MD: Executive Department, Governor's Commission on Law Enforcement and the Administration of Justice, 1972), p. 330.

<sup>11</sup>S. Shafer and R. Knudten, Juvenile Delinquency, An Introduction (New York, NY: Random House, 1970), p. 303.

<sup>12</sup>Ibid., p. 272.

\* \* \* \* \*

## Standard 8.2 JUVENILE INTAKE SERVICES

Each juvenile court jurisdiction immediately should take action, including the pursuit of enabling legislation where necessary, to establish within the court organized intake services operating as a part of or in conjunction with the detention center. Intake services should be geared to the provision of screening and referral intended to divert as many youngsters as possible from the juvenile system and to reduce the detention of youngsters to an absolute minimum.

1. Intake personnel should have authority and responsibility to:

a. Dismiss the complaint when the matter does not fall within the delinquency jurisdiction of the court or is so minor or the circumstances such that no intervention is required.

b. Dismiss complaints which seem arbitrary, vindictive, or against the best interests of the child.

c. Divert as many youngsters as possible to another appropriate section of the court or to alternative programs such as mental health and family services, public welfare agencies, youth service bureaus, and similar public and private agencies.

2. Intake personnel should seek informal service dispositions for as many cases as possible, provided the safety of the child and of the community is not endangered. Informal service denotes any provision for continuing efforts on the part of the court at disposition without the filing of a petition, including:

- Informal adjustments.
- Informal probation.
- Consent decrees.

3. Informal service dispositions should have the following characteristics:

- The juvenile and his parents should be advised of their right to counsel.

b. Participation by all concerned should be voluntary.

c. The major facts of the case should be undisputed.

d. Participants should be advised of their right to formal adjudication.

e. Any statements made during the informal process should be excluded from any subsequent formal proceeding on the original complaint.

f. A reasonable time limit (1 to 2 months) should be adhered to between date of complaint and date of agreement.

g. Restraint placed on the freedom of juveniles in connection with informal dispositions should be minimal.

h. When the juvenile and his parents agree to informal proceedings, they should be informed that they can terminate such dispositions at any time and request formal adjudication.

4. Informal probation is the informal supervision of a youngster by a probation officer who wishes to reserve judgment on the need for filing a petition until after he has had the opportunity to determine whether informal treatment is sufficient to meet the needs of the case.

5. A consent decree denotes a more formalized order for casework supervision and is neither a formal determination of jurisdictional fact nor a formal disposition. In addition to the characteristics listed in paragraph 3, consent decrees should be governed by the following considerations:

a. Compliance with the decree should bar further proceedings based on the events out of which the proceedings arose.

b. Consummation of the decree should not result in subsequent removal of the child from his family.

c. The decree should not be in force more than 3 to 6 months.

d. The decree should state that it does not constitute a formal application.

e. No consent decree should be issued without a hearing at which sufficient evidence appears to provide a proper foundation for the decree. A record of such hearing should be kept, and the court in issuing the decree should state in writing the reasons for the decree and the factual information on which it is based.

6. Cases requiring judicial action should be referred to the court.

a. Court action is indicated when:

(1) Either the juvenile or his parents request a formal hearing.

(2) There are substantial discrepancies about the allegations, or denial, of a serious offense.

(3) Protection of the community is an issue.

(4) Needs of the juvenile or the gravity of the offense makes court attention appropriate.

b. In all other instances, court action should not be indicated and the juvenile should be diverted from the court process. Under no circumstances should children be referred to court for behavior that would not bring them before the law if they were adults.

Under the supervision of the court, review and monitoring procedures should evaluate the effectiveness of intake services in accomplishing the diversion of children from the juvenile justice system and reducing the use of detention as well as appropriateness and results of informal disposition.

7. Predetention screening of children and youths referred for court action should place into their parental home, a shelter, or nonsecure residential care as many youngsters as may be consistent with their needs and the safety of the community. Detention prior to adjudication of delinquency should be based on these criteria:

a. Detention should be considered a last resort where no other reasonable alternative is available.

b. Detention should be used only where the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for him and able to assure his presence at subsequent judicial hearings.

c. Detention decisions should be made only by court or intake personnel, not by police officers.

d. Prior to first judicial hearing, the juvenile ordinarily should not be detained longer than overnight.

e. Juveniles should not be detained in jails, lockups, or other facilities used for adults.

#### I. Officially Known Endorsements and Objections

Generally, national goal-setting agencies favor new forms of intake services that will achieve a high degree of diversion of youthful offenders from the criminal justice system.

The U.S. CHILDREN'S BUREAU of the Department of Health, Education, and Welfare has said: "It is generally agreed that a separate intake unit is essential, especially in larger courts, and there should be the right of appeal to the judge from an action or detention of the intake unit."<sup>1</sup>

As to who should be and who should not be detained, the NATIONAL COUNCIL ON CRIME AND DELINQUENCY has said:

Children apprehended for delinquency should be detained for the juvenile court when, after proper intake interviews, it appears that casework by a probation officer would not enable the parents to maintain custody and control, or would not enable the child to control his own behavior.

Children should not be detained for the juvenile court when, after proper intake interviews, it appears that casework by a probation officer would be likely to help parents maintain custody and control or would enable the child to control his own behavior. Such children and others who should not be detained fall into the following groups:

(a) Children who are not almost certain to run away or commit other offenses before court disposition or between disposition and transfer to an institution or another jurisdiction.

(b) Neglected, and nondelinquent emotionally disturbed children, and delinquent children who do not require secure custody but must be removed from their homes because of physical or moral danger or because the relationship between child and parents is strained to the point of damage to the child.<sup>2</sup>

Clearly, the emphasis is on diverting as many children as possible out of the formal judicial aspects of the system.

Commenting on present methods, not including intake services as envisioned by this goal, the U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, in its report to Congress, has said:

"Present methods of treating delinquents and of rehabilitating them are for a variety of reasons only partially successful. What is now being done for juvenile delinquents is highly necessary and very important, and more of these services are vitally needed. What is needed even more are new approaches, techniques, and methods for dealing with delinquency."<sup>3</sup>

The report went on to mention such intake services as are being considered here as the type of new approaches, techniques, and methods called for.

#### II. Special Considerations

The JUVENILE COURT JOURNAL, in a special issue aimed at new juvenile court judges, says that "one of the most critical experiences a child can have after involvement in the juvenile court 'process' is detention or shelter care."<sup>4</sup> The report goes on to say: "The placement of a child in detention or shelter is drastic action. A child must be detained only when a failure to do so would place the child or the community in danger."<sup>5</sup> The message is, again, diversion away from the court system.

U.S. Department of Health, Education and Welfare, Children's Bureau Publication No. 437-1966, Standards for Juvenile and Family Courts, (Washington, DC: Government Printing Office, 1966), pp. 53-54.

<sup>2</sup>National Council on Crime and Delinquency, Standards and Guides for the Detention of Children and Youth (New York, NY: 1961), pp. 15-17.

<sup>3</sup>U.S. Department of Health, Education, and Welfare, Report to Congress on Juvenile Delinquency (Washington, DC: Government Printing Office, 1960), pp. 13-14.

<sup>4</sup>Handbook for New Juvenile Court Judges, Juvenile Court Journal Special Issue, Vol. 23, No. 1 (Winter 1972), p. 21.

<sup>5</sup>*Ibid.*, p. 21.

\* \* \* \* \*

#### Standard 8.3 JUVENILE DETENTION CENTER PLANNING

When total system planning conducted as outlined in Standard 9.1 indicates need for renovation of existing detention facilities to accommodate an expanded function involving intake services or shows need for construction of a new juvenile detention facility, each jurisdiction should take the following principles into consideration in planning the indicated renovations or new construction.

1. The detention facility should be located in a residential area in the community and near court and community services.

2. Population of detention centers should not exceed 30 residents. When population requirements significantly exceed this number, development of separate components under the network system concept outlined in Standard 9.1 should be pursued.

3. Living area capacities within the center should not exceed 10 or 12 youngsters each. Only individual occupancy should be provided, with single rooms and programming regarded as essential. Individual rooms should be pleasant, adequately furnished, and homelike rather than punitive and hostile in atmosphere.

4. Security should not be viewed as an indispensable quality of the physical environment but should be based on a combination of staffing patterns, technological devices, and physical design.

5. Existing residential facilities within the community should be used in preference to new construction.

6. Facility programming should be based on investigation of community resources, with the contemplation of full use of these resources, prior to determination of the facility's in-house program requirements.

7. New construction and renovation of existing facilities should be based on consideration of the functional interrelationships between program activities and program participants.

8. Detention facilities should be coeducational and should have access to a full range of supportive programs, including education, library, recreation, arts and crafts, music, drama, writing, and entertainment. Outdoor recreational areas are essential.

9. Citizen advisory boards should be established to pursue development of in-house and community-based programs and alternatives to detention.

10. Planning should comply with pertinent State and Federal regulations and the Environmental Police Act of 1969.

#### I. Officially Known Endorsements and Objections

The LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA), in Planning and Designing for Juvenile Justice has recommendations paralleling some of the facets of Standard 8.3.<sup>1</sup>

While the LEAA recommends locating facilities in residential areas, near courts, and community resources, it says: "Centers are often located away from politically powerful districts because of beliefs that they adversely affect land values or there is community hostility to such centers."<sup>2</sup> The LEAA gives no exact figures as to size of centers, but finds smallness of the center as a whole not as important as small individual groupings within the center.<sup>3</sup>

As to recreation, the LEAA says: "Recreation is an essential part of a detention program to reduce tensions and compensate for loss of free movement." However, the LEAA says, many hopes for recreation facilities for juvenile detention centers are unfulfilled due to citizen objections, based on the non-existence of such facilities for non-delinquent juveniles.<sup>4</sup>

As to the question of whether to build a facility, the NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) argues: "Only the most populous states have more than two or three counties where the number of children to be detained is large enough to justify building a facility."<sup>5</sup> With maximum diversion as envisioned in Standard 8.2, the need for detention centers may disappear in all but large areas such as Cleveland, Columbus, Dayton, and Toledo, with the latter two cities possibly not needing such centers at all. The National Council on Crime and Delinquency prefers regional centers, planned and run on a statewide basis, rather than smaller local centers.<sup>6</sup>

As to the feasibility of using existing residential facilities for detention centers, the NCCD says safety of older buildings may not be what is needed for detention centers, and added:

The disadvantage of utilizing old buildings for detention purposes is demonstrated in the many makeshift facilities in

use today. The cost of maintenance and repair and the many unsatisfactory compromises in design are constant proof of the need for specially designed and constructed detention homes.<sup>7</sup>

The CHILDREN'S BUREAU of the U.S. Department of Health, Education, and Welfare, in a 1966 publication, said that there should be available "shelter care" for temporary care of a child in a non-secure facility, pending the disposition of the child's case. Such care "should provide living arrangements as similar as possible to those of the child's own home."<sup>8</sup>

## II. Special Considerations

The last reference points up some consideration lacking in the Standard. There are two types of detention of juveniles for which planning is needed. One is the secure custody of certain children for their protection and that of the community which the Standard implicitly concerns itself with, and to which the above comments refer. The other is the above-mentioned "shelter care" which is used for a child who for one reason or another cannot be sent back to his regular environment, be it his home or the streets. Plans for detention centers should take both these types of detention into consideration, perhaps with small renovated residential homes serving the shelter function.

<sup>1</sup>U.S. Department of Justice, Law Enforcement Assistance Administration, Planning and Designing for Juvenile Justice (Washington, DC: Government Printing Office, 1972), pp. 83-86.

<sup>2</sup>Ibid., p. 86.

<sup>3</sup>Ibid., pp. 88-90.

<sup>4</sup>Ibid., p. 92.

<sup>5</sup>National Council on Crime and Delinquency, Standards and Guides for the Detention of Children and Youth (New York, NY: 1961), p. 107.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid., p. 108.

<sup>8</sup>U.S. Department of Health, Education and Welfare, Children's Bureau Publication No. 437-1966, Standards for Juvenile and Family Courts (Washington DC: Government Printing Office, 1966), p. 114.

\*\*\*\*\*

### Standard 8.4 JUVENILE INTAKE AND DETENTION PERSONNEL PLANNING

Each jurisdiction immediately should reexamine its personnel policies and procedures for juvenile intake and detention personnel and make such adjustments as may be indicated to insure that

they are compatible with and contribute toward the goal of reintegrating juvenile offenders into the community without unnecessary involvement with the juvenile police system.

Personnel policies and procedures should reflect the following considerations.

1. While intake services and detention may have separate directors, they should be under a single administrative head to assure coordination and the pursuit of common goals.

2. There should be no discriminatory employment practice on the basis of race or sex.

3. All personnel should be removed from political influence and promoted on the basis of a merit system.

4. Job specifications should call for experienced, specialized professions, who should receive salaries commensurate with their education, training, and experience and comparable to the salaries of administrative and governmental positions requiring similar qualifications.

5. Job functions and spheres of competency and authority should be clearly outlined, with stress on teamwork.

6. Staffing patterns should provide for the use of professional personnel, administrative staff, indigenous community workers, and counselors.

7. Particular care should be taken in the selection of line personnel, whose primary function is the delivery of programs and services. Personnel should be selected on the basis of their capacity to relate to youth and to other agencies and their willingness to cooperate with them.

8. The employment of rehabilitated ex-offenders, new careerists, paraprofessionals, and volunteers should be pursued actively.

9. Staff development and training programs should be regularly scheduled.

10. The standards set forth in Chapter 14, Manpower, should be observed.

#### I. Officially Known Endorsements and Objections

The most extensive treatment of the policies of this Standard is by the NATIONAL COUNCIL ON CRIME AND DELINQUENCY.<sup>1</sup> The following are excerpts from their Standards and Guides for the Detention of Children and Youth.

Sufficient qualified staff is the key to successful operation of any children's institution; it is especially important in detention where the children are disturbed and the stay is short and crucial.<sup>2</sup>

Under no circumstances should political influence be exerted in the selection, retention, or dismissal of personnel.<sup>3</sup>

Staff should be selected on a merit basis with a six months' probationary period for all child-care and professional staff and a three months' probationary period for all other personnel.<sup>4</sup>

Carefully selected volunteers, working under close staff supervision, should be recruited to demonstrate the need for an enriched program, not to substitute for essential operating staff.<sup>5</sup>

Salaries of all staff in direct contact with children in detention should be considerably higher than salaries for comparable positions in other children's institutions. A salary schedule should be established to provide for periodic increases as an incentive to performance and in recognition of skill gained by experience.<sup>6</sup>

All personnel in direct contact with children, regardless of the nature of their jobs, should be carefully selected with regard to their emotional maturity, personal qualifications suitable for working with disturbed children and youth, and special training and skills required for the position.<sup>7</sup>

Provision should be made in the budget to enable administrative, social work, and group worker staff to participate in institutes and conferences away from the detention home. Leave of absence for special study should be arranged where appropriate.<sup>8</sup>

The CHILDREN'S BUREAU OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE has stated that "the intake worker should have access to legal advice."<sup>9</sup> This may require, in larger cities or districts, a lawyer, or possibly law student on duty or on immediate call around the clock.

As to a possible division of roles between custodial personnel and treatment personnel, the LAW ENFORCEMENT ASSISTANCE ADMINISTRATION says:

Where possible, there should be no separation of custodial and treatment roles. The offender has to learn how to internalize conflicts concerning prohibiting and helping figures. Such learning is hindered when there is a split role. Such a division is likely to breed bad relations which affect the offender directly or indirectly and encourage him to maintain and externalize his own tendencies to split.<sup>10</sup>

The AMERICAN BAR ASSOCIATION has not addressed

itself to the particular personnel needs of detention and intake centers.

## II. Special Considerations

It must be remembered that staffing of such centers as these Standards envision is basically a county function at present in Ohio. Although Ohio's youth detention centers can apply many of the same guidelines, the Standards in Chapter 8 are concerned with local centers where a juvenile offender stays in his community rather than being shipped to another part of the state.

<sup>1</sup>National Council on Crime and Delinquency, Standards and Guides for the Detention of Children and Youth (New York, NY: 1961), pp. 41-57.

<sup>2</sup>Ibid., p. 41.

<sup>3</sup>Ibid., p. 42.

<sup>4</sup>Ibid., p. 43.

<sup>5</sup>Ibid., p. 51.

<sup>6</sup>Ibid., p. 54.

<sup>7</sup>Ibid., p. 43.

<sup>8</sup>Ibid., p. 50.

<sup>9</sup>U.S. Department of Health, Education, and Welfare, Children's Bureau Publication No. 437-1966, Standards for Juvenile and Family Courts (Washington, DC: Government Printing Office, 1966), p. 54.

<sup>10</sup>U.S. Department of Justice, Law Enforcement Assistance Administration, Planning and Designing for Juvenile Justice (Washington, DC: Government Printing Office, 1972), pp. 35-36.

\*\*\*\*\*

Standard 16.9 DETENTION AND DISPOSITION OF JUVENILES

Each State should enact legislation by 1975 limiting the delinquency jurisdiction of the courts to those juveniles who commit acts that if committed by an adult would be crimes.

The legislation should also include provisions governing the detention of juveniles accused of delinquent conduct, as follows:

1. A prohibition against detention of juveniles in jails, lockups, or other facilities used for housing adults accused or convicted of crime.

2. Criteria for detention prior to adjudication of delinquency matters which should include the following:

a. Detention should be considered as a last resort where no other reasonable alternative is available.

b. Detention should be used only where the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for him and able to assure his presence at subsequent judicial hearings.

3. Prior to first judicial hearing, juveniles should not be detained longer than overnight.

4. Law enforcement officers should be prohibited from making the decision as to whether a juvenile should be detained. Detention decisions should be made by intake personnel and the court.

The legislation should authorize a wide variety of diversion programs as an alternative to formal adjudication. Such legislation should protect the interests of the juvenile by assuring that:

1. Diversion programs are limited to reasonable periods.

2. The juvenile or his representative has the right to demand formal adjudication at any time as an alternative to participation in the diversion program.

3. Incriminating statements made during participation in diversion programs are not used against the juvenile if a formal adjudication follows.

Legislation, consistent with Standard 16.8 but with the following modifications, should be enacted for the disposition of juveniles:

1. The court should be able to permit the child to remain with his parents, guardian, or other custodian, subject to such conditions and limitation as the court may prescribe.

2. Detention, if imposed, should not be in a facility used for housing adults accused or convicted of crime.

3. Detention, if imposed, should be in a facility used only for housing juveniles who have committed acts that would be criminal if committed by an adult.

4. The maximum terms, which should not include extended terms, established for criminal offenses should be applicable to juveniles or youth offenders who engage in activity prohibited by the criminal code even though the juvenile or youth offender is processed through separate procedures not resulting in a criminal conviction.

I. Officially Known Endorsements and Objections.

The PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE has suggested several courses of action encompassed in the legislation proposed by this Standard. These recommendations include: "Legislation should be enacted restricting both authority to detain and the circumstances under which detention is permitted [and] adequate and appropriate separate detention facilities for juveniles should be provided."<sup>1</sup>

The NATIONAL COUNCIL ON CRIME AND DELINQUENCY (NCCD) has published Standards and Guides for the Detention of Children and Youth. This supplies a series of standards to aid legislators in the field of juvenile detention and disposition. Among their suggestions is: "Detention, even if it is only for overnight, may contribute to delinquency by confining some children unnecessarily. These youngsters, when placed with more sophisticated law violators are given additional delinquency status."<sup>2</sup> NCCD also suggests that while the police may take a child into custody, question him, and bring him to the court or the designated place of detention, his ultimate admission to the detention facility is the responsibility of the court.<sup>3</sup>

NCCD further suggests that the state develop standards for detention facilities.

Four groups of state standards should be established and reviewed periodically whether or not the state operates regional detention homes: (1) Intake control standards, including general criteria for detaining, length of stay, and special procedures to assure coordination of law enforcement, probation, detention, and court services. (2) Building standards, for regional homes and standby homes for overnight care, including location, design, construction, and maintenance. (3) Operational standards, based on the four objectives of detention care (see p. 36) and including standards of staffing, program, casework, and clinical services. (4) Statistical reporting.

State subsidies or reimbursements should be made conditional upon meeting



the established standards.<sup>4</sup>

The COUNCIL OF STATE GOVERNMENTS has also suggested the need for state responsibility. Article IX of the Interstate Compact on Juveniles states:

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.<sup>5</sup>

The problem has been viewed and defined by the CHAMBER OF COMMERCE.

One of the problems of the juvenile court is that there is not a screening process to filter out those whose conduct--particularly noncriminal conduct--is more appropriately controlled and corrected by means other than court action, which so often only serves to perpetuate delinquency through a process by which a child acts as he is perceived and as he perceives himself--namely, as a delinquent. Unfortunately the necessary community resources to serve as effective alternatives to formal court action are frequently unavailable.

Those cases that would pass through the screening process and fall within the narrowed jurisdiction of the court would pertain to offenders whose adjudication "should no longer be viewed solely as a diagnosis and prescription for cure, but should be frankly recognized as an authoritative court judgment expressing society's claim to protection." asserts the President's Commission. Such adjudicatory hearings should be consistent with the basic principles of due process, which has often been absent in the past.<sup>6</sup>

<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, DC: Government Printing Office, 1967), p. 87.

<sup>2</sup>National Council on Crime and Delinquency, Standards and Guides for the Detention of Children and Youth (New York, NY: National Probation and Parole Association, 1961), p. 11.

<sup>3</sup>Ibid., p. 12.

<sup>4</sup>Ibid., p. 152.

<sup>5</sup>Council of State Governments, Interstate Compact on Juveniles, Article IX (n.p., 1955).

<sup>6</sup>Chamber of Commerce of the United States, Marshaling Citizen Power Against Crime (Washington, DC: Chamber of Commerce, 1970), p. 59.

\*\*\*\*\*

## JUVENILE DELINQUENCY

### BIBLIOGRAPHY

- Administration of Justice Division. Toward a Safer, More Just Society: Ohio's 1973 Comprehensive Criminal Justice Plan. Columbus, OH: Department of Economic and Community Development, 1972.
- Advisory Commission on Intergovernmental Relations. State-Local Relations in the Criminal Justice System. Washington, DC: Government Printing Office, 1971.
- American Bar Association. Standards Relating to the Urban Police Function. New York, NY: American Bar Association, 1972.
- American Bar Foundation. Diversions from the Criminal Process in the Rural Community. Chicago, IL: Foundation Publications, 1969.
- American Federation of Labor and Congress of Industrial Organization. Proceedings of the Ninth Constitutional Convention. Bal Harbour, FL: November 18-22, 1971.
- \_\_\_\_\_. The Urban Crisis: A Ten Point Program. The American Federationist, October 1970.
- American Trial Lawyers Association. "A Program for Penal Reform, The Recommendations." Trial Magazine, November/December 1972.
- Chamber of Commerce of the United States. Marshaling Citizen Power Against Crime. Washington, DC: Chamber of Commerce of the U.S., 1970.
- Committee for Economic Development. Education for the Urban Disadvantaged: From Preschool to Employment. New York, NY: Committee for Economic Development, March 1971.
- Council of State Governments. Interstate Compact on Juveniles, Article IX. n.p., 1955.
- Council of State Governments, President's Committee on Juvenile Delinquency and Youth Crime, and the National Council on Crime and Delinquency. Juvenile Delinquency, A Report on State Action and Responsibilities: Prepared for the Governor's Conference Committee on Juvenile Delinquency. n.p., 1965.
- Department of the California Youth Authority. Youth Services Bureau: A National Study. Washington, DC: U.S. Department of HEW, and Youth Development and Delinquency Prevention Administration, 1972.
- "Handbook for New Juvenile Court Judges." Juvenile Court Journal Special Issue Vol. 23 No. 1 (Winter 1972).
- Klemstra, Roger. The Educative Community. Lincoln, NE: Professional Educators Publications, Inc., 1972.
- International City Management Association. Municipal Police Administration. Washington, DC: International City Management Association, 1969.
- Lemert, Edward M. Instead of Court, Diversion in Juvenile Justice. Chevy Chase, MD: National Institute of Mental Health, 1971.
- Maryland Governor's Commission on Law Enforcement and the Administration of Justice. Comprehensive Plan 1973. Cokeysville, MD: Governor's Commission on Law Enforcement and the Administration of Justice, n.d.
- Merrill, Miles, Sendrow. Case Screening and Selected Case Processing in Prosecutors Offices. Washington, DC: National Institute of Law Enforcement and Criminal Justice, 1973.
- National Advisory Commission on Civil Disorders. Report of the National Advisory Commission on Civil Disorders. Washington, DC: Government Printing Office, 1968.
- National Center for Prosecution Management. The Prosecutor's Screening Function. Washington, DC: n.p., 1973.
- National Committee for the Support of the Public Schools. Education and the Real World of Jobs. Washington, DC: Department of HEW, 1968.

National Committee on Employment of Youth of the National Labor Committee. Youth Employment Programs in Perspective. Washington, DC: Government Printing Office, 1966.

National Conference of Lawyers and Social Workers. Statement on Lawyer-Social Worker Relationships in the Family Court Intake Process. New York, NY: National Conference on Lawyers and Social Workers, 1967.

National Conference on Social Welfare. Summer '72 Conference Bulletin. New York, NY: National Conference on Social Welfare, 1972.

National Council of Juvenile Court Judges. Model Rules for Juvenile Courts. n.p.: National Council on Crime and Delinquency, n.d.

\_\_\_\_\_. Statement. Standard Juvenile Court Act, n.p.: National Council on Crime and Delinquency, n.d.

National Council on Crime and Delinquency. Goals and Recommendations. New York, NY: National Council on Crime and Delinquency, 1967.

\_\_\_\_\_. Guides for Juvenile Court Judges. New York, NY: National Council on Crime and Delinquency, 1957.

\_\_\_\_\_. Juvenile Traffic Offenders: A Policy Statement. New York, NY: National Council on Crime and Delinquency, 1969.

\_\_\_\_\_. Model Rules for Juvenile Courts. New York, NY: National Council on Crime and Delinquency, 1969.

\_\_\_\_\_. Model Rules of Court on Police Action from Arrest to Arraignment. New York, NY: National Council on Crime and Delinquency, 1969.

\_\_\_\_\_. Standard Family Court Act. New York, NY: National Council on Crime and Delinquency, 1959.

\_\_\_\_\_. Standard Juvenile Court Act. New York, NY: National Council on Crime and Delinquency, 1959.

\_\_\_\_\_. Standards and Guides for the Detention of Children and Youth. New York, NY: National Council on Crime and Delinquency, 1961.

National Council on Teaching Education and Professional Standards. A Position Paper on Teacher Education and Professional Standards. Washington, DC: National Education Association, 1963.

National District Attorneys Association. A Prosecutor's Manual on Screening and Diversionary Programs. Chicago, IL: National District Attorneys Association, 1973.

\_\_\_\_\_. Screening of Criminal Cases. Chicago, IL: National District Attorneys Association, n.d.

National District Attorneys Association and National Center for Prosecution Management. The Prosecutor's Screening Function-Case Evaluation and Control. Chicago, IL: National District Attorneys Association, 1973.

National Education Association - Tuscon Survey on the Teaching of Spanish to the Spanish Speaking. The Invisible Minority, Pero No Vencibles. Washington, DC: Department of Rural Education, NEA, 1966.

National Institute of Mental Health, Center for Studies of Crime and Delinquency. Instead of Court: Diversion in Juvenile Justice. Washington, DC: Government Printing Office, 1971.

New York Civil Liberties Union Student Rights Project. NYCLU Student Rights Project Report on the First Two Years 1970-1972. New York, NY: New York Civil Liberties Union, 1972.

Norman, Sherman. The Youth Service Bureau, A Key to Delinquency Prevention. Paramus, NJ: National Council on Crime and Delinquency, 1972.

Office of Education. The Challenge of Vocational Education for Schools, State and the Nation. Washington, DC: Department of HEW, 1967.

President's Commission on Law Enforcement and Administration of Justice. Task Force Report: Juvenile Delinquency and Youth Crime. Washington, DC: Government Printing Office, 1967.

\_\_\_\_\_. Task Force Report: The Courts. Washington, DC: Government Printing Office, 1967.

\_\_\_\_\_. The Challenge of Crime in a Free Society. Washington, DC: Government Printing Office, 1967.

Public Officials' Traffic Safety Conference of the President's Committee for Traffic Safety. "Immediate and Long Range Needs for Traffic Court Improvement." Recommendation 19. The Traffic Court Program of the American Bar Association. Chicago, IL: American Bar Association, 1967.

Reutter, Edmund E. Jr. Legal Aspects of Control of Student Activities by Public School Officials. Topeka, KS: National Organization on Legal Problems of Education, 1970.

Schaffer and Knudten. Juvenile Delinquency, An Introduction. New York, NY: Random House, 1970.

Southwestern Educational Development Lab. Bilingual Schooling in the U.S. TX: Southwestern Educational Development Lab, 1970.

Task Force on Economic Growth and Opportunity of the Chamber of Commerce of the U.S. The Disadvantaged Poor: Education and Employment. Washington, DC: n.p., 1966.

Task Force on Urban Education. The Urban Education Task Force Report. New York, NY: Praeger Publishers, 1970.

UNESCO. Practical Guide to Functional Literacy, A Method of Training for Development. Paris, France: UNESCO, 1973.

U.S. Children's Bureau. Standards for Juvenile and Family Courts. Washington, DC: Government Printing Office, 1966.

\_\_\_\_\_. Standards for Specialized Courts Dealing with Children. Washington, DC: Government Printing Office, 1954, as cited in Standard Juvenile Court Act, New York, NY: National Council on Crime and Delinquency, 1959.

U.S. Department of Health, Education, and Welfare. Report to Congress on Juvenile Delinquency. Washington, DC: Government Printing Office, 1960.

\_\_\_\_\_. Standards for Juvenile and Family Courts. Children's Bureau Publication No. 437-1966. Washington, DC: Government Printing Office, 1966.

\_\_\_\_\_. The Challenge of Youth Service Bureau. Washington, DC: Youth Development and Delinquency Prevention Administration, 1973.

\_\_\_\_\_. Urban School Crises: The Problems and Solutions. Proposed by the HEW Urban Education Task Force. Washington, DC: Washington, Monitoring Service, 1970.

U.S. Department of Justice, Law Enforcement Assistance Administration. Planning and Designing for Juvenile Justice. Washington, DC: Government Printing Office, 1972.

U.S. Department of State. Recommendations of the Work Conference on Literacy. Washington, DC: Center for Applied Linguistics, 1965.

White House Conference on Youth. Report of the White House Conference on Youth. Estes Park, CO: April 18-22, 1971.

Wolfgang, Marvin E. Youth and Violence. Washington, DC: Government Printing Office, 1970.

Ziegler, Carol L. Struggle in the Schools: Constitutional Protection for Public High School Students. Princeton, NJ: Princeton University Press, 1970.

**END**