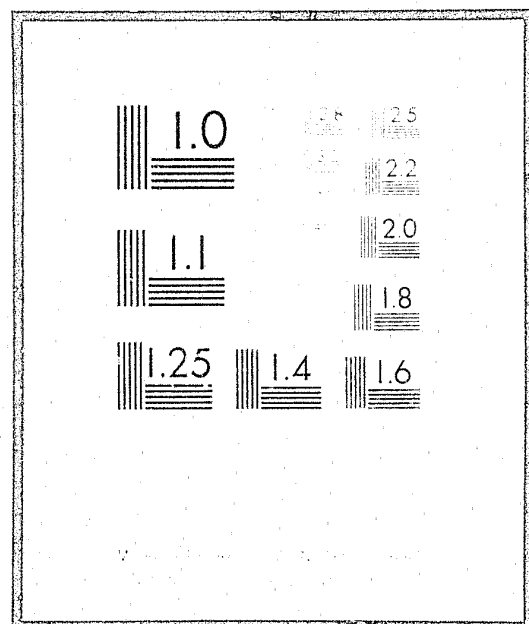


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Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice September 6, 1975

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U.S. Department of Justice
Law Enforcement Assistance Administration
National Institute for Juvenile
Justice and Delinquency Prevention

Report of the
Advisory Committee
to the Administrator
on Standards for
the Administration
of Juvenile Justice

September 6, 1975

Submitted pursuant to
Section 247 of the
Juvenile Justice and
Delinquency Prevention Act
of 1974 (Public Law 93-415)

NCJRS

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ACQUISITIONS

Advisory Committee to
the Administrator on
Standards for the
Administration of
Juvenile Justice

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Separate Juvenile Court of Lancaster
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U.S. Department of Justice
Law Enforcement Assistance Administration
National Institute for Juvenile
Justice and Delinquency Prevention

To the President and to the Congress of the United States

I have the honor of transmitting herewith the Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice.

This report was prepared pursuant to the provisions of Section 247 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415)(JJDP Act).

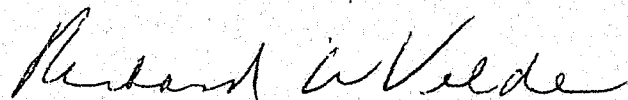
The JJDP Act created a Federal program to combat delinquency and to improve juvenile justice. It delegated responsibility for administering the program to the Law Enforcement Assistance Administration (LEAA). The Act also created the National Advisory Committee on Juvenile Justice and Delinquency Prevention and the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (Standards Committee).

This report describes the activities of the Standards Committee to date. It presents the Committee's initial recommendations, discusses the Committee's determinations regarding the purpose and scope of the standards to be recommended, and the relationship of these standards to other sets of juvenile justice standards. It also discusses the range of possible implementation strategies, the process to be used in developing the standards and strategies to be recommended, and the schedule of further Standards Committee reports.

The work of the Standards Committee coincides with the growing interest throughout the country in formulating appropriate standards and guidelines for all aspects of the juvenile and criminal justice system. LEAA has been able to play a significant role in encouraging this interest by providing support for the National Advisory Commission on Criminal Justice Standards and Goals which in 1973 produced a series of six reports that have been disseminated widely, by establishing the National Advisory Committee on Criminal Justice Standards and Goals to carry on the Commission's work in areas not covered in the original set of reports, and by supporting with discretionary grants the 48 States that are in the process of developing standards and goals designed to meet the needs of their own criminal justice systems.

The new perspectives and ideas which result from these efforts can provide a substantial contribution toward strengthening and improving law enforcement and the juvenile and criminal justice systems.

Respectfully submitted,



RICHARD W. VELDE
Administrator
Law Enforcement Assistance Administration

September 6, 1975

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NOTE TO READER

The opinions, recommendations, and determinations contained herein are those of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice and do not necessarily represent the official position or policies of the U.S. Department of Justice.

REPORT OF THE
ADVISORY COMMITTEE
TO THE ADMINISTRATOR
ON STANDARDS FOR
THE ADMINISTRATION
OF JUVENILE JUSTICE

The Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law No. 93-415)(JJDP Act) established a major new Federal initiative to combat juvenile delinquency and to improve juvenile justice, including coordination, training, technical assistance, and action and research grant programs. The Law Enforcement Assistance Administration (LEAA) was given responsibility for administering these programs, and a new Office of Juvenile Justice and Delinquency Prevention and National Institute for Juvenile Justice and Delinquency Prevention (Juvenile Institute) were created within LEAA. The JJDP Act also established a National Advisory Committee on Juvenile Justice and Delinquency Prevention and directed the Chairman of that Committee to designate five members to serve as the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (Standards Committee).

Under Section 247 of the JJDP Act, the Standards Committee is required to supervise the review of "existing reports, data, and standards relating to the juvenile justice system" by the Juvenile Institute

and to submit to the President and the Congress by September 6, 1975 --
one year after the signing of the JJDP Act:

[A] report which based on recommended standards for the administration of juvenile justice at the Federal, State and local level --

1. recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and
2. recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

Accordingly, this report:

- A. Describes the Standards Committee's activities to date.
- B. Discusses the actions which the Standards Committee has concluded are necessary for the development and implementation process.
- C. Presents the Standards Committee's determinations regarding:
 - The purpose of the standards.
 - The scope of the standards.
 - Their relationship to other sets of standards.
 - The range of possible implementation strategies.

- The process of developing the standards and recommendations.
- The schedule of Standards Committee reports.

Appended to the Report are three attachments: the tentative outline of topics which the standards will address, the approximate date and projected focus of Standards Committee meetings during the standards development process, and a brief summary of existing juvenile standards and the status of other standards-setting efforts.

Activities:

The National Advisory Committee on Juvenile Justice and Delinquency Prevention from which the Standards Committee is drawn, was appointed on March 19, 1975. The Standards Committee met for the first time as a body on July 18, 1975, soon after the formal organization of the Juvenile Institute and the formation of a small standards development staff. At that meeting and at a subsequent session on August 25, 1975, the Standards Committee discussed the purpose and scope of the standards and implementation strategies to be recommended; their relation to the standards, guides and policy recommendations which had been and are being promulgated by other groups; the progress of current juvenile justice standards efforts,

especially that by the National Advisory Committee on Criminal Justice Standards and Goals Task Force on Juvenile Justice and Delinquency Prevention and that by the Institute for Judicial Administration-American Bar Association (IJA-ABA) Joint Commission on Standards; the procedures to be followed in developing the standards and recommendations; and the available mechanisms for assuring opportunities for public comment on draft standards and recommendations.

Recommendations:

On the basis of these discussions and pursuant to its duty under Section 247(b)(1) of the JJDP Act, the Standards Committee recommends that the standards review and recommendation process not terminate on September 6, 1975, but become an on-going function of the National Institute for Juvenile Justice and Delinquency Prevention and the Standards Committee, including not only the development of standards and recommended implementation strategies, but also the monitoring of the implementation effort, the assessment of the effects and costs of the standards, and modification of the standards and recommendations where necessary in light of this assessment and additional research findings.

Authority for this on-going role is implied in §204(b)(5) which requires the Administrator to include recommendations for standards and their implementation in his annual report to the President and Congress, and §208(e) which does not place a time limit on the existence of the Standards Committee.* See also §204(d)(2) which specifies that the second annual report shall contain the information required by §204(b)(5) plus additional materials.

Determinations:

Purpose of the standards. By delineating the functions which juvenile justice and delinquency prevention systems should perform and the resources, programs, and procedures required to fulfill those functions, the Standards Committee seeks to improve the quality and fairness of juvenile justice and the effectiveness of delinquency prevention throughout the United States.

Scope of the Standards. The standards will cover the full range of interrelated criminal justice, treatment, educational, health and

*Even if the term of the Standards Committee were limited under §208(e), paragraph (c) of that section empowers the Chairman of the full NACJJDP to "designate a subcommittee to advise the Administrator on particular functions or aspects of the work of the Administration."

social service activities affecting youth. To the extent practicable, these will be organized so that groups and agencies performing similar functions will be governed by the same set of principles. See Attachment I.

Relationship to other standards. As demonstrated in Attachment III, there are a myriad of existing reports and standards concerning juvenile justice. These materials are being compiled, divided according to subject matter, and examined in conjunction with the work of the Task Force on Standards and Goals for Juvenile Justice and Delinquency Prevention. The resulting comparative analysis will serve as the basis for the standards which the Task Force is scheduled to recommend by mid-1976, and will be distributed by the Juvenile Institute upon its completion.

In addition to the existing standards and those being developed by the Task Force, more than 30 reporters, including many of this country's leading academic experts in juvenile justice and delinquency prevention, are preparing standards and reports for consideration by the IJA-ABA Joint Commission. Those standards that are approved by the Joint Commission will be published over the next 10 months and considered by the American Bar Association House of Delegates in August, 1976.

Also, forty-eight states are developing their own criminal justice standards and goals. At least 24 of these states (e.g., Connecticut, Illinois, Kentucky, Michigan, Pennsylvania, Washington and Wisconsin) have selected juvenile justice as an area of special concern, and more than a dozen have already begun to establish specific juvenile justice goals.

Whenever possible the Standards Committee will take advantage of the creative thinking of the IJA-ABA Joint Commission, the Task Force on Standards and Goals for Juvenile Justice and Delinquency Prevention and the other standards-setting projects, by endorsing selected standards developed by those efforts, rather than formulating a wholly new set of prescriptions.

Implementation Strategies. A broad range of techniques for facilitating adoption of the recommended standards will also be examined, including the use of:

- A. Block grant funds to develop state juvenile justice and delinquency prevention standards.
- B. Discretionary and research grant programs to provide the funds and knowledge necessary to implement the recommended standards and to evaluate their impact and costs.
- C. Regulations and guidelines requiring compliance with certain recommended standards in order to be eligible to receive federal funds.

- D. Federal and state statutes, executive orders and regulations for implementing the recommended standards for the federal and state and local juvenile justice and delinquency prevention systems respectively, and for improving coordination and cooperation at all levels of government.
- E. Public education programs concerning juvenile justice and delinquency prevention issues.

Schedule of meetings and hearings. The Standards Committee will meet at six week intervals until the standards development process has been completed. See Attachment II for the approximate date of each meeting. To further ensure that the full spectrum of ideas has been examined and that the ramifications of the recommendations are known, proposed standards will be announced in the Federal Register and time will be set aside at several of these meetings for hearings at which representatives of concerned programs, organizations and agencies, as well as members of the public, can comment and discuss their concerns and suggestions with the Standards Committee.

Schedule of reports. An interim report will be submitted by March, 1976, describing the additional progress which the Standards Committee has made toward meeting its objectives. The first set of

standards and recommendations will be delivered by September 30, 1976. The remainder will be submitted by March 31, 1977. Further reports will be submitted annually on or about September 30, and will discuss the progress of the standards implementation effort, the impact of the standards, and when needed, recommendations for additional or modified standards and actions to facilitate their adoption.

Conclusion:

The Standards Committee understands the importance and enormity of the tasks assigned to it by the JJDP Act and concurs with the findings of the Congress regarding the seriousness of the problems facing the juvenile justice and delinquency prevention systems. It believes that by following the above-recommended procedures and by working closely with the other groups and organizations developing standards, it can accomplish those tasks, and that with continued strong support from the Congress, the President and LEAA, the seriousness of the problems can be lessened.

Respectfully submitted,

Allen F. Breed

Richard C. Clement

Alyce C. Gullattee

A. V. Eric McFadden

Wilfred W. Nuernberger

ATTACHMENT I

Tentative Outline of JJDP Act Standards

I. Prevention Function

A. Strategies to reduce the incidence of crime

1. Identification of high-delinquency areas
2. Measures for deflecting and/or preventing crime
 - a. For the individual
 - b. For business
 - c. For government

B. Strategies to encourage law-abiding conduct

1. Educational
2. Employment
3. Social
4. Health
5. Community
6. Recreation

C. Coordination of prevention efforts

II. The Intercession Function

A. The circumstances in which the JJDP system should intercede in the life of a juvenile

1. Commission of criminal act

2. Non-criminal misbehavior
 - a. At home
 - b. At school
 - c. Elsewhere
3. Dependency, neglect, and abuse situations
4. At the request of the child
- B. The role of the police
 1. With regard to criminal acts by juveniles
 2. With regard to non-criminal misbehavior by juveniles
 3. With regard to juveniles
 - a. Who have been the victim of a criminal act
 - b. Who have been neglected or abused
- C. Organization of police relating to juveniles
 1. Separate juvenile bureau
 2. Personnel
 - a. Duties
 - b. Qualifications
 - c. Staffing patterns
- D. Non-custodial procedures after intercession
 1. On the spot counseling
 2. Voluntary transportation to residence

- E. Custodial procedures after intercession
 1. Referral to the courts
 - a. Citation
 - b. Arrest
 - c. Intake procedures
 - d. Detention
 - e. Diversion
 2. Referral to service agencies
 3. Return to School
 4. Involuntary return home
 - F. Rights of juveniles upon intercession
- ### III. Adjudicative Function
- A. The courts
 1. Jurisdiction
 - a. Delinquency
 - b. Non-criminal Behavior
 - c. Traffic offenses
 - d. Dependency, neglect, and abuse
 - e. Domestic relations
 - f. Adoption
 - g. Maximum and minimum age
 - h. Length of jurisdiction
 - i. Waiver

2. Organization
 - a. Relationship to other local courts
 - b. Tenure of juvenile or family court judge
 - c. Judicial oversight or probation and intake personnel
 - d. Judicial qualifications and selection
3. Pre-hearing procedures
 - a. Petition
 - b. Plea motions
 - c. Discovery
 - d. Plea bargaining
4. Hearing procedures
 - a. Closed hearing
 - b. Finder of fact
 - c. Standard of proof
5. Role of counsel
 - a. For the state
 - b. For the child
 - c. For the parent
6. Disposition procedures
 - a. Decision-maker
 - b. Information base
 - c. Modification of disposition

7. Dispositional alternatives
 - a. Total confinement
 - b. Partial confinement
 - c. Probation
 - d. Referral to service agency
 8. Review procedures
 - a. Appeals
 - b. Other post-conviction remedies
 9. Rights accorded to juveniles
- B. Other adjudicative bodies
1. Definition
 - a. In correctional programs
 - b. In the schools
 - c. In social service agencies
 2. Powers
 3. Procedures
- IV. Supervisory Function
- A. Custodial programs
1. Definitions
 - a. Training school
 - b. Group home
 - c. Halfway house
 - d. Foster home

2. Personnel
 - a. Duties
 - b. Qualifications
 - c. Staffing patterns
 3. Physical conditions and facilities
 4. Services available
 - a. Educational
 - b. Social services
 - c. Health services
 - d. Vocational
 - e. Recreational
 5. Disciplinary alternatives
 - a. Corporal punishment
 - b. Loss of privileges
 - c. Transfer to more secure facility
 - d. Referral to court
 6. Transfer to non-custodial or termination of supervision
- B. Non-custodial programs
1. Definitions
 - a. Probation
 - b. Parole
 - c. Diversion

2. Personnel
 - a. Duties
 - b. Qualification
 - c. Staffing pattern
 3. Services available
 - a. Educational
 - b. Social services
 - c. Health services
 - d. Vocational
 4. Disciplinary measures available
 - a. Reduction of privileges
 - b. Transfer to custodial supervision
 - C. Rights of juveniles under supervision
 - D. Coordination of supervisory programs
- V. Services Function
- A. Ability of child to obtain services
 - B. Health/mental health
 1. Availability of preventative and diagnostic facilities
 - a. In the community
 - b. In the schools
 - c. In custodial facilities
 2. Availability of drug/alcohol treatment and education facilities

- a. In the community
 - b. In the schools
 - c. In custodial facilities
 - 3. Availability of child abuse treatment and corrective facilities
 - 4. Availability of birth control information centers
 - C. Social
 - 1. Availability of individual and family counseling facilities
 - 2. Responsibility
 - a. To the child
 - b. To the family
 - c. To the court
 - 3. Availability of employment counseling and training facilities
 - D. Personnel
 - 1. Qualifications
 - 2. Staff level
 - E. Availability of facilities for children with special mental, emotional and physical needs
- VI. Educational Function
- A. Responsibility of the schools
 - 1. Toward children with special needs
 - 2. Toward children involved with the juvenile justice system

- 3. Toward preparing children for work
 - 4. Toward preparing children for family life
 - B. Education in training schools
 - 1. Emphasis
 - 2. Special problems
 - 3. Level of compulsion
 - C. Community education programs
 - D. Regulation of student conduct by school authorities
 - E. Truancy related problems
- VII. Administrative Function
- A. Responsibility
 - 1. Of federal government
 - 2. Of state government
 - 3. Of local government
 - B. Coordination of programs and agencies
 - C. Planning
 - D. Research and evaluation
 - E. Training
 - 1. Of police
 - 2. Of judges
 - 3. Of supervisory personnel
 - 4. Of services personnel
 - 5. Of educational personnel

6. Initial and continuing
- F. Records pertaining to juveniles
 1. Records required
 2. Access and transfer
 3. Coding, retention, and expungement

ATTACHMENT II

Schedule of Meetings
of the Advisory Committee to the
Administrator on Standards for the
Administration of Juvenile Justice

<u>Date</u>	<u>Projected Agenda</u>
October 29-30, 1975	Intercession Function §A Administrative Function §A (3) Adjudication Function §§A(1) and (2)
December 11-12, 1975	Adjudication Function §§A (3) - (9) and §B
January 29-30, 1976*†	Prevention Function §§A and B
March 11-12, 1976 ⁺	Prevention Function §§B and C Education Function
April 29-30, 1976*†	Supervisory Function §§A and B
June 10-11, 1976 ⁺	Supervisory Function §§C-D Intercession Function §§B-F
July 29-30, 1976*†	Discussion Meeting with NACJJDP
September 16-17, 1976 ⁺	Intercession Function §§E-F Services Function §§A-C
October 28-29, 1976*†	Services Function §§D-E Administrative Function §§A-E
December 9-10, 1976 ⁺	Administrative Function §F Editing Monitoring Plan
January 28-29, 1977*†	Discussion Meeting with NACJJDP

* Meetings held in conjunction with meetings of the National
Advisory Committee on Juvenile Justice and Delinquency
Prevention

+ Approximate meeting date

ATTACHMENT III

Summary of Existing Standards and the Status
of Other Standards Efforts

During the past 10 years a substantial number of juvenile justice standards, models and guidelines have been published. The purpose of this summary is to identify some of the materials which the National Institute for Juvenile Justice and Delinquency Prevention will review pursuant to §247(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, and to provide a brief description of the status of other juvenile justice standards-setting efforts currently underway at both the state and national level. The summary is not intended to be an exhaustive bibliography of standards materials and failure to list any set of standards does not indicate a determination to ignore the views expressed therein.

I. Existing National Standards

A. National Commissions and Conferences

Both the President's Commission on Law Enforcement and Administration of Justice and the National Advisory Commission on Criminal Justice Standards and Goals recommended standards relating to juvenile justice and delinquency prevention. Chapter 3 of the Challenge of Crime in a Free Society, the

President's Commission's general report issued in 1967, and a Task Force Report issued by the Commission later that year, focus directly on juvenile justice and delinquency prevention issues. The Standards and Goals Commission did not devote a separate volume to the juvenile area, but included standards concerning juvenile justice procedures and problems throughout its reports. These have been compiled by the Interdepartmental Council to Coordinate All Federal Delinquency Programs.

In addition to the reports of these two commissions, the White House Conference on Children and Youth issued specific recommendations concerning juvenile justice and delinquency prevention.

B. National Organizations

Several national organizations have developed extensive sets of standards. Some like the American Bar Association have focused up to now on the criminal justice system in general. See ABA, The Administration of Criminal Justice (1974);

American Correctional Association, Manual of Correctional Standards (1966). Others, such as the International Association of Chiefs of Police, the National Council of Juvenile Court Judges, the National Council on Crime and Delinquency, the National Council of Jewish Women, and the Child Welfare League have promulgated standards and recommendations on specific youth related problems. See e.g., Kobetz, R. and Bossarge, B., Juvenile Justice Administration (I.A.C.P. 1973); Children's Rights (N.C.J.W., 1973); and Standards for Child Protective Service (C.W.L., Rev. 1973).

C. Federal Legislation and Model Provisions

Portions of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415) set standards for the treatment of status offenders and for juveniles subject to prosecution in the Federal courts. See §§223(a)(12)-(15) and 5031 et seq. The regulations and guidelines promulgated under §§225 and 401 also require attention.

In addition, there are several model statutes including the Model Act for Family Courts and State-Local

Children's Programs (Department of Health, Education, and Welfare, 1975), the Standard Juvenile Court Act (National Council on Crime and Delinquency and National Council of Juvenile Court Judges, 1959) which is now being revised, and the Uniform Juvenile Court Act and Uniform Child Custody Jurisdiction Act (National Conference of Commissioners on Uniform State Laws, 1968). See also Model Rules for Juvenile Courts (N.C.C.D. and N.C.J.C.J., 1969).

II. Existing State Standards

A. State Agencies, Commissions and Organizations

A few states such as Illinois, Texas and Oklahoma began developing juvenile justice standards prior to the beginning of LEAA's formal standards and goals program in late 1973. See e.g., Oklahoma Council on Juvenile Delinquency Planning, Summary of Recommendations (1971). Standards and policy recommendations have also been issued by such state organizations and agencies as the New York Conference of Family Court Judges and the Department of the California Youth Authority.

See e.g., Dept. of the California Youth Authority, Standards for Juvenile Homes, Ranches, and Camps (1965).

B. State Legislation

A number of states including Kentucky and Pennsylvania have recently completed or are in the process of enacting extensive revisions of their statutory provisions governing the conduct and treatment of juveniles. See 9 Ky. Rev. Stats. Ann. §§208.010 et seq. (Supp. 1974); 11 Purdon's Pa. Stats. Ann. §§50-101 et seq. (Supp. 1975); Pennsylvania Joint Council on the Criminal Justice System and Pennsylvania Committee on Criminal Justice Standards and Goals, Summary and Analysis of National Standards and Goals in Relation to Pennsylvania's Juvenile Justice System (1975).

III. Standards-Setting Efforts Currently Underway

A. National Organizations

There are two national juvenile justice standards projects extant: the Institute for Judicial Administration-American Bar Association (IJA-ABA)

Juvenile Justice Standards Project, and the National Advisory Committee on Criminal Justice Standards and Goals Task Force on Juvenile Justice and Delinquency Prevention. The IJA-ABA Joint Commission, which consists of outstanding members of the legal academic, law enforcement and corrections communities, began work on a comprehensive set of standards in 1971. Utilizing the creative thinking of thirty reporters who include many nationally recognized juvenile justice experts, the Joint Commission has been seeking to develop new and imaginative approaches to juvenile justice and delinquency prevention problems. At the present time, only a handful of the projected twenty-six volumes of standards are in final form. The full set of IJA-ABA standards is slated for consideration by the American Bar Association House of Delegates at its August, 1976 meeting.

The Task Force on Standards and Goals for Juvenile Justice and Delinquency Prevention was formed in April, 1975. It consists of judges, prosecutors, police and correctional officials, social service personnel, youth, and representatives from volunteer

and other organizations engaged in juvenile justice and delinquency prevention activities. The Task Force is part of the second phase of work begun by the National Advisory Commission on Criminal Justice Standards and Goals and is charged with developing a concise set of guidelines and models which can be employed by the states in setting their own standards and goals. It will base its work, in large part, upon a comparative analysis of existing standards, theories and models. The Task Force is scheduled to complete its volume of standards by the middle of 1976.

B. State Standards and Goals

Forty-eight states have operational standards and goals programs. Half follow the format used by the National Advisory Commission on Criminal Justice Standards and Goals incorporating standards relating to juvenile justice into the volumes concerning police, courts, corrections and community crime prevention. The other twenty-four treat juvenile justice and delinquency prevention as a specialized area, and have created separate JJDP task forces or committees.

Two states, Connecticut and Wisconsin, have divided their standards and goals efforts into two areas of concern, Juvenile Justice System and Adult Justice System, and are planning a comprehensive treatment of each. Many states are concentrating their juvenile justice standards and goals program on particular problems. For example, Illinois is focusing on juvenile detention and treatment issues, Maryland is placing special emphasis on the development of more effective and complete information systems, and New Mexico and Washington have identified modification of juvenile court structure and procedures as a priority area.

In as many as twenty-two states, the standards and goals effort is likely to result in the enactment of new juvenile justice legislation. In many others, it has sparked a re-examination of current juvenile justice and delinquency prevention policies, practices, and programs.

IV. Compilation and Comparison of Standards

As noted in paragraph III(A), the Task Force on Standards and Goals for Juvenile Justice and Delinquency Prevention will

base its work upon a comparative analysis of juvenile justice standards, theories and models. After compiling these materials and dividing them according to subject matter, the Task Force staff, aided by expert consultants, will compare the positions taken by major groups and theorists, and examine the bases for and implications of each position. Upon completion, this comparative analysis will be distributed by the National Institute for Juvenile Justice and Delinquency Prevention.

END

7/11/75